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## Safety & Emergency

### EMERGENCY

**Middlebury College Department of Public Safety**ext. **5911 for emergencies** (24 hour coverage)**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.

Emergency phones (push the red button to call Public Safety directly) are located in the main student parking lots:

C Lot (FC),  
 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. There is an emergency phone on the walkway between FIC and McCardell Bicentennial Hall and near the crosswalk at College Street and Twilight Hall.

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. The changes will be announced upon completion. All students and College employees need to provide and maintain current contact information and evacuation plans in Banner Web for use in the event of an emergency, crisis, or significant disruption.

### THE DEPARTMENT OF PUBLIC SAFETY

**125 South Main Street****Extension 5911** for campus emergencies (24 hours)

**Extension 5133** non-emergency / business line

The [Department of Public Safety](#) (DPS) is responsible for safety and security on campus.

To address the security/emergency 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 vehicles, 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 or fire response.

Residential buildings are locked and not open to the public. Additional information about the College's Enhanced Access System is located at [the Public Safety Website under MiddCard information](#)

Complete information on safety and security at Middlebury College is available at [Public Safety](#) website 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 will 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 and/or fees.

**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.

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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 contests may be scheduled before the Tuesday after Labor Day.

*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.

<b>Fall</b>	<b>Varsity</b>	<b>Scrimmage Dates</b>	<b>JV</b>
Cross-Country	9 dates	1	-
Field Hockey	14 games	2	7
Football	8 games	1	6
Soccer	14 games	2	7
Volleyball	20 dates	1	-
Tennis#	14 dates	0	-
Golf#	16 dates	0	-

# Fall and/or spring combined total not to exceed one season limit

<b>Winter</b>	<b>Varsity</b>	<b>Scrimmage Dates</b>	<b>JV</b>
Basketball	24 games*		
Hockey	24 games*	0	12
Indoor Track	10 dates	0	-
Squash	15 dates	0	-
Swimming	11 dates	1	-
Skiing	16 dates		

\* Including preseason scrimmages and vacation games

<b>Spring</b> (while College is in session)	<b>Varsity</b>	<b>Scrimmage Dates</b>	<b>JV</b>
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 dates	0	-

Golf#

12 dates

0

-

# Fall and/or spring combined total not to exceed one season limit

### Notes

- a. No home athletic contests shall be played before 3:00 p.m. except on Saturdays, Sundays, and holidays or by special permission of the Athletic Policy Committee and the dean of the College. No intercollegiate athletic contests 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, normally an NCAA Division III event.

**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.

MiddTags: [athletics](#) [handbook](#) [policy](#)

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## 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 for current students as well as graduates. 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 (\$55,570 for 2012/13):** 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.

### U.S. and Canadian Applicants

#### Prospective Students

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 Free Application for Federal Student Aid (FAFSA), available online at [www.fafsa.ed.gov](http://www.fafsa.ed.gov) . Middlebury's FAFSA code is 003691 .

Complete, signed copies of biological parent(s) and stepparent(s) 2011 federal income tax returns, including all pages, schedules, and W2s or T4s.

A complete, signed copy of student 2011 federal income tax return, including all pages, schedules, and W2s or T4s.

If either parent or student did not file a tax return for 2011, 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 2011 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 2011 K1.

### **Current Students**

CSS PROFILE Form, available online at <http://profileonline.collegeboard.com/index.jsp> . Middlebury's PROFILE code is 3526.

US citizens must also submit the Free Application for Federal Student Aid (FAFSA), available online at [www.fafsa.ed.gov](http://www.fafsa.ed.gov) . Middlebury's FAFSA code is 003691 .

A complete, signed copy of custodial parent(s)/stepparent 2010 federal income tax return, including all pages, schedules, and W2s or T4s.

A complete, signed copy of student 2011 federal income tax return, including all pages, schedules, and W2s or T4s.

If either parent or student did not file a tax return for 2011, 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 2011 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 2011 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 2011 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 2011 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 2011 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**

International Student Financial Aid Application.

Statements in English from each parent's employer, listing gross income and benefits received January – December 2011.

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/offices/support/sfs/loans/stafford Ug) (for returning student borrowers; new borrowers must visit <http://www.middlebury.edu/offices/support/sfs/loans/stafford Ug>)

Free Application for Federal Student Aid (FAFSA), available online at [www.fafsa.ed.gov](http://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:

The Federal Direct PLUS loan (parent loan for undergraduate students) is specifically designed to enable families to increase their federal financial aid at an affordable interest rate. Direct PLUS loan repayment differs from the Direct Stafford loan - repayment begins 60 days after the second disbursement of the loan. Repayment of the loan is over a ten-year period of time. To apply for a Direct PLUS loan go to [PLUS Loan Request Form](#). 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, 2012
Early Decision II	January 1, 2013
Regular Decision	February 1, 2013
Current Undergraduates	May 1, 2013

## 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 Student Financial Services 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 Direct Stafford Loan, and Federal Direct PLUS Loan.

## Student Accounts

The annual comprehensive fee at Middlebury for 2012-2013 is \$55,570. 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 2012-2013, 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 2012-2013: \$27,975), is electronically forwarded on July 5 and is due August 15. The second bill is electronically forwarded on November 5 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 \$2,840 per semester and board credits of \$855 per semester.

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 Financial Services (802.443.5158) 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 Gallagher-Koster Insurance Agency. The annual premium for this coverage for 2012-2013 is \$1,874. 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.

## Ninth Semester of Aid

Students are expected to complete their bachelor degree program requirements within eight academic terms, and institutional and federal financial assistance is provided with this expectation. However, extenuating circumstances may dictate the need for a full ninth semester. Financial aid for a ninth semester may be approved if the circumstances requiring it were both extreme, and were beyond the student's control. Students in these circumstances must contact the Office of the Dean of Students for approval. It is normally not possible for students to receive financial aid for more than nine semesters. Students who need less than a full ninth semester may apply for Special Student status; please see below.

## 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 \$5,400 for 2012-2013. This same per course rate applies to graduate students in the sciences. Students participating in the ninth semester teacher education program are charged \$5,190 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 and Amman,

Jordan; Chinese in Hangzhou, Kunming, and Beijing; French in Paris and Poitiers; German in Berlin and Mainz; Hebrew in Beer Sheva, Israel; Italian in Florence and Ferrara; Japanese in Tokyo; 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, Hebrew, Italian, Portuguese, and Spanish programs for tuition only. For 2012-2013, tuition for these programs is \$10,800 to \$13,400 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 2012-13, tuition for Moscow, Yaroslavl and Irkutsk is \$12,400 per semester. For the program in China, the fee varies from \$16,150 to 21,300 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 5 (due August 15) and the spring term bill on November 5 (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 2012-2013, this fee is \$1,325 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 University of Nottingham or University of East Anglia exchange programs in England are billed the standard Middlebury comprehensive fee applicable to the terms they are enrolled in at Nottingham, or East Anglia.

Sickness and accident insurance coverage is offered to students studying abroad with the C.V. Starr-Middlebury Schools Abroad.

## Other Academic Fees and Expenses

An administrative fee of \$100 is billed to students for each 0555 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 2011-2012, 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 \$300 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/ls/dates\\_fees/](http://www.middlebury.edu/academics/ls/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 1.

The application can be found at <http://www.middlebury.edu/offices/support/sfs/forms>.

Financial aid credits are applied toward summer program bills, in a manner similar to that described previously under

"Comprehensive Fee." The College electronically forwards 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. 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.

**Direct Stafford Loan - Subsidized:** This Federal loan has a fixed interest rate of 3.4%. 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. Since July 1, 2010, Middlebury participates exclusively in the William D. Ford Federal Direct Loan program, in which borrowers obtain loan funds directly from the U.S. Government.

**Direct 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.

**Direct Parent Loan for Undergraduate Students (PLUS):** Federal PLUS loans have an interest rate of 7.9% and are repaid over a ten year period. Since July 1, 2010, Middlebury participates in the William D. Ford Federal Direct Loan program, in which borrowers obtain loan funds directly from the U.S. Government.

## 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.

## Tax Reporting Information (Form 1098-T) for U.S. Citizens and Green Card Holders

Most funds you receive from the College for financial aid to cover tuition, living and school expenses are reportable by Middlebury College on an IRS form called Form 1098-T, Tuition Statement. This includes, but is not limited to additional financial aid you receive from outside sources and most funds you receive from departments at the College for travel, stipends, internships, fellowships, grants or awards. This tax form is mailed each January for the previous calendar year. The form will show tuition billed to you (Box 2) and any additional aid applied to your account (Box 5). Any financial aid that is greater than tuition is taxable income and must be reported as taxable income on your or your parent's tax return. If you received no aid or aid less than tuition, you may be able to claim an education tax credit. See this website for more information <http://cms.middlebury.edu/administration/tax>.

Although some types of financial aid are not reportable to the IRS on your 1098-T such as financial aid for non-degree programs, aid personally received from outside sources and various departmental aid, they are considered as taxable

income and will have to be reported on your tax return. You can find more information on what is or is not taxable under this link. <http://cms.middlebury.edu/administration/tax>

## Tax Reporting Information (Form 1042-S) for Foreign Nationals

All foreign nationals are required to provide information such as visa, passport, address, etc. for tax filing purposes by filling out a form on a secure website. You will receive an email with a link, username, and password for use on the secure website called FNIS (Foreign National Information System) in advance of your program start date. It is your obligation to respond in a timely matter to this request. Based on the information provided, we will determine whether you are a non-resident alien or a resident alien for tax purposes. We do not share this information with immigration officials. We use this information to determine whether any financial aid received by you or tuition billed to you is reportable to the IRS. Once your tax status is determined, you will be asked to provide signed tax documents (usually a summary of the data you submitted and Form W-8BEN or Form W-9, and in some instances Form 8233). In addition, we generally need copies of the picture page of your passport, visa page of passport, both sides of I-94 and I-20 or DS-2019, etc. depending on your actual visa status. Resident aliens for tax purposes are treated like U.S. citizens and will receive Form 1098-T (see U.S. Citizens and Green Card Holders above). Most funds you receive from the College for financial aid to cover living and school expenses (basically aid greater than tuition), are reportable by Middlebury College on an IRS form Form 1042-S, Foreign Person's U.S. Source Income Subject to Withholding. This includes, but is not limited to additional financial aid you receive from outside sources, most funds you receive from departments at the College for travel, stipends, internships, fellowships, grants or awards. This tax form is mailed each February for the previous calendar year. In addition, the College is required to withhold taxes. The tax for most visa types is 14% on the amount greater than tuition and on all other types of funding unless a tax treaty applies. The applicable tax is withheld directly from the aid received and forwarded to the IRS. The tax withholding is reported on your Form 1042-S. For more information on which countries have tax treaties and similar questions see the [Tax Office web site](#).

If you continue to have questions, please contact the Tax Office, Corinna Noelke at [taxmanager@middlebury.edu](mailto:taxmanager@middlebury.edu) or 802.443.5742.

MidTags: [billing](#) [fees](#) [handbook](#) [loans](#) [study abroad fees](#) [tuition](#)

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- [2.2 Americans with Disabilities Act \(ADA\)](#)
- [2.3 Basic Information about Employment at Middlebury College](#)
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  - o Demonstrations and Protests
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| <a href="#">Americans with Disabilities Act Policy</a>                  | <a href="#">PCI Policy for Accepting Credit Cards</a> |
| <a href="#">Anti-Harassment/Discrimination Policy</a>                   | <a href="#">Pets and Animals</a>                      |
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College Handbook 2008-2009, as presented on the Middlebury College Web site

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 [College Handbook 2007-2008 \(as of June 2008\)](#)

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## General Introduction

This 2012-13 *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 2012-2013 *Handbook* was posted August 2012. 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 Monterey Institute of International Studies, Study Abroad, Language Schools and Bread Loaf programs), and/or direct inquiries to the administrators of such programs.

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## 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.)*

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## Nondiscrimination Statement

Middlebury College ("Middlebury") complies with applicable provisions of state and federal law which prohibit discrimination in employment, or in admission or access to its educational or extracurricular programs, activities, or facilities, on the basis of race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, marital status, service in the armed forces of the United States, positive HIV-related blood test results, genetic information, or against qualified individuals with disabilities on the basis of disability and/or any other status or characteristic as defined and to the extent protected by applicable law. Middlebury also complies with all other anti-discrimination protections that might be provided by particular states in which it operates educational programs; questions about the scope of any such protections should be addressed to the [dean of the College](#) and/or the on-site administrative representative for the particular program at issue. The dean of the College coordinates Middlebury's efforts to comply with any and all federal and state laws that prohibit discrimination on the basis of one or more of the protected characteristics listed above. Discrimination complaints are processed in accordance with the procedures set forth in Middlebury's [Anti-Harassment/Discrimination Policy](#).

Middlebury also 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 ("Title IX"). In general, Title IX prohibits discrimination in educational programs on the basis of sex. Prohibited sex discrimination includes sexual harassment and sexual misconduct (including sexual assault) as defined by Middlebury's policies (see policy information below).

The Title IX coordinator's responsibilities include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

The College's [Judicial Affairs Officer](#) serves as the Title IX coordinator's designee for the purposes of overseeing sexual misconduct complaints and charges under the College's [Sexual Misconduct Policy](#).

Middlebury's [Human Relations Officer](#) serves as the Title IX coordinator's designee for the purposes of coordinating sexual harassment training and education, conducting and/or supervising sexual harassment investigations, and adjudicating sexual harassment complaints on behalf of Middlebury College. Middlebury's [Alternate Human Relations Officers](#) serve in a similar capacity as the Title IX coordinator's designee(s) when the Human Relations Officer is unavailable or has a conflict of interest.

Inquiries concerning the application of Title IX may be referred to [Middlebury Title IX coordinator](#) or to the [United States Department of Education Office for Civil Rights](#) (contact information is also listed in Appendix 1 below).

Middlebury hereby designates the dean of the College to coordinate its efforts to comply with and carry out its responsibilities under Section 504 of the Rehabilitation Act of 1973. Section 504, where applicable, generally prohibits discrimination in educational programs and employment, against qualified individuals with disabilities, on the basis of disability.

The Monterey Institute of International Studies, as a Graduate School of Middlebury College ("the Institute"), falls under the jurisdiction of the dean of the College with respect to compliance with federal and state anti-discrimination laws (as referenced above), but the Institute's provost appoints administrative liaisons who provide local oversight for compliance with federal and state laws at the Institute. The dean of Advising, Career and Student Services and the director of Student Services (students only) currently serve in that role.

Contact information for the [dean of the College](#), [Human Relations Officers](#), the [Judicial Affairs Officer](#), the Institute's [dean of Advising, Career and Student Services](#), the Institute's [director of Student Services](#), the [Department of Education Office for Civil Rights](#) and other federal and state agencies is listed in Appendix 1, below.

**Related Policy Links:**

[Anti-Harassment/Discrimination Policy](#)

[Equal Employment Opportunity Policy](#)

[Recruitment Policy for Employers](#)

[Sexual Misconduct Policy](#)

[Middlebury College Americans with Disabilities Act \(ADA\) Policy \(students\)](#)

[Middlebury College Americans with Disabilities Act \(ADA\) Policy \(employees\)](#)

[Monterey Institute of International Studies Accommodation of Individuals with Disabilities Policy \(students\)](#)

[Monterey Institute of International Studies Americans with Disabilities Act \(ADA\) Policy \(employees\)](#)

## **APPENDIX 1**

### **Administrative, Local, State, and Federal Contacts**

#### **Title IX Coordinator**

Shirley M. Collado  
Dean of the College  
Middlebury College  
Old Chapel  
Middlebury, VT 05753  
802.443.5382  
[scollado@middlebury.edu](mailto:scollado@middlebury.edu)

#### **Judicial Affairs Officer**

Karen S. Guttentag  
Associate Dean for Judicial Affairs and Student Life  
Middlebury College  
McCullough 137  
802.443.5124  
[kguttent@middlebury.edu](mailto:kguttent@middlebury.edu)

#### **Human Relations Officers**

##### **Middlebury College (All Middlebury Programs)**

Susan P. Ritter  
Middlebury College  
Forest 134  
Middlebury, VT 05753  
802.443.3289  
[sritter@middlebury.edu](mailto:sritter@middlebury.edu)

##### **Alternate Human Relations Officer (All Middlebury Programs)**

Laura Carotenuto  
Middlebury College  
Human Resources  
Service Building  
Middlebury, VT 05753  
802.443.2012  
[lcaroten@middlebury.edu](mailto:lcaroten@middlebury.edu)

##### **Alternate Human Relations Officer (Middlebury Language Schools; Schools Abroad; Graduate Programs)**

Elizabeth Kames Keefe, Assistant Dean  
Middlebury College  
Sunderland Language Center 210  
Middlebury, VT 05753  
802.443.5685  
[kames@middlebury.edu](mailto:kames@middlebury.edu)

##### **Monterey Institute of International Studies Contacts**

Tate Miller  
Dean of Advising, Career, and Student Services



McCone, Center for Advising and Career Services  
460 Pierce Street  
Monterey, CA 93940  
831.647.4127  
[tate.miller@mis.edu](mailto:tate.miller@mis.edu)

Ashley Fera Arrocha  
Director of Student Services  
Office of Student Services  
440 Van Buren Street  
Monterey, CA 93940  
831.647.4654  
[aarrocha@mis.edu](mailto:aarrocha@mis.edu)

Michael Ullbarri  
Human Resources Manager  
Human Resources Department  
460 Pierce Street  
Monterey, CA 93940  
831.647.6404  
[mullbarri@mis.edu](mailto:mullbarri@mis.edu)

#### **Middlebury at Mills Contact**

Sasha Miyamoto  
Language Schools Administration  
PMB 9972, 5000 MacArthur Blvd.  
Oakland, CA 94613  
510.430.2285  
[smiyamoto@middlebury.edu](mailto:smiyamoto@middlebury.edu)

#### **Federal/State Agencies**

##### **VERMONT**

##### **U.S. Department of Education**

##### **Office for Civil Rights**

8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109-3921  
Telephone: 617.289.0111  
Facsimile: 617.289.0150  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

##### **Equal Employment Opportunity Commission**

33 Whitehall Street, 5th Floor  
New York, NY 10004  
Phone: 1-800-669-4000  
Fax: 212-336-3790  
TTY: 1-800-669-6820

##### **Vermont Attorney General's Office, Civil Rights Unit**

109 State Street  
Montpelier, VT 05609-1001  
802.828.3171  
802.828.3665 (TTY)  
[civilrights@atg.state.vt.us](mailto:civilrights@atg.state.vt.us)

##### **Vermont Human Rights Commission**

14-16 Baldwin Street  
Montpelier, VT 05633-6301  
800.416.2010, x25 (voice)  
802.828.2481 (fax)  
877.294.9200 (TTY)  
[human.rights@state.vt.us](mailto:human.rights@state.vt.us)

## **CALIFORNIA**

### **Office for Civil Rights**

U.S. Department of Education  
50 Beale Street, Suite 7200  
San Francisco, CA 94105-1813  
Telephone: 415.486.5555  
Facsimile: 415.486.5570  
Email: [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)

### **Equal Employment Opportunity Commission**

350 The Embarcadero  
Suite 500  
San Francisco, CA 94105-1260  
Fax: 415.625.5609  
TTY: 1.800.669.6820

### **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

## **NORTH CAROLINA**

### **Office for Civil Rights**

U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-1475  
Telephone: 202.453.6020  
Facsimile: 202.453.6021  
Email: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

### **Equal Employment Opportunity Commission**

Charlotte District Office  
129 West Trade Street  
Suite 400  
Charlotte, NC 28202  
Phone: 1.800.669.4000  
Fax: 704.954.6410 and 704.344.6734  
TTY: 1.800.669.6820

## **NEW MEXICO**

### **Office for Civil Rights**

U.S. Department of Education  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 310  
Denver, CO 80204-3582  
Telephone: 303.844.5695  
Facsimile: 303.844.4303  
Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

### **Equal Employment Opportunity Commission**

3300 North Central Avenue  
Suite 690  
Phoenix, AZ 85012-2504  
Phone: 1-800-669-4000  
Fax: 602.640.5071  
TTY: 1.800.669.6820

505 Marquette Avenue, NW  
Suite 900 - 9th Floor  
Albuquerque, NM 87102  
Phone: 1.800.669.4000

Fax: 505.248.5192  
TTY: 1.800.669.6820

**Human Rights Division**

New Mexico Department of Labor  
1596 Pacheco Street, Suite 105  
Santa Fe, NM 87505  
505.827.6838

Amended and approved on August 2, 2011; updated on August 30, 2012.

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## Affirmative Action Policy

Middlebury College strives to create a diverse and inclusive community that fosters respect and engagement of difference, recognizing that such a community is better able to provide a rich, varied educational environment.

It is the policy of Middlebury College to 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.

Middlebury College maintains an Affirmative Action Plan, and commits to good faith and lawful efforts to correct any under-representation or under-utilization that has been identified by the College as warranting such action. The Chief Diversity Officer has been designated the Affirmative Action Officer for the College. Inquiries concerning the application of federal and state laws and regulations should be referred to the Human Resources Office.

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## Faculty Rules and Procedures

### 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 vice president for academic affairs, associate vice president for academic affairs, the dean of the faculty, the dean of curriculum and faculty development, the dean of the College, and the vice president for Language Schools, Schools Abroad and Graduate Programs, and associate vice president for Language Schools.
- 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 vice president for academic affairs, or, if he or she too is absent, then an officer of the College designated by the president, will preside. [suspended for academic year 2012-13]

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 dean of the faculty 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.

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 one-third of the voting members of the faculty who are not on leave. The secretary will inform the moderator of the presence of a quorum. (*amended 11/12/12*)

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. President's Announcements

ix. Information Reports of Committees and Officers

x. Adjournment

(order changed for academic year 12-13)

#### **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.

*updated 7/30/12*

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## Faculty Councils and Committees

### Faculty Councils and Committees

There are five 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](#)
- (5) The [Physical Education and Athletics Committee on Reappointment](#)

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

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

No member of the faculty may serve simultaneously on more than one of the following committees: the Council on Reviews, the 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.

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.A. The Promotions Committee of the Council on Reviews**

#### **a. Function**

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

The vice president for academic affairs 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 up to five candidates.

Following the preliminary ballot, a second ballot will be distributed, listing the five candidates who received the greatest number of votes on the preliminary ballot. Faculty members may vote for up to two candidates on this ballot. After the second round of voting, a final ballot will be distributed, listing the two candidates who received the greatest number of votes on the second ballot. Faculty members may vote for one candidate on this ballot. The candidate with the greatest number of votes will be declared elected.

For any second or third vacancy on the Promotions Committee, the election procedure as described above will be repeated, using the same preliminary ballot. The second ballot in each case will list the names of five candidates who remain eligible for election to the Promotions Committee. If the vacancies are of different lengths, the longest vacancy will be decided by the first round of election, and shorter vacancies by subsequent rounds of election.

In the event of a tie vote on the preliminary ballot of any election, the names of candidates who received the five highest vote totals will be included on the second ballot. On the second ballot of any election, in the event of a tie among three or more candidates for first place, a run-off ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the run-off ballot. The names of the two candidates who received the greatest number of votes on the run-off ballot will appear on the final ballot. On the second ballot of any election, in the event of a tie among two or more candidates for second place, a run-off ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the run-off ballot. The name of the candidate who received the greatest number of votes on the run-off ballot will appear on the final ballot, along with the name of the candidate who received the greatest number of votes on the second ballot.

### **1.B. The Reappointments Committee of the Council on Reviews (COR)**

#### **a. Function**

The Reappointments Committee advises the president in all reappointment decisions. This committee also conducts ten-year reviews. The vice president for academic affairs 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 up to five candidates.

Following the preliminary ballot, a second ballot will be distributed, listing the five candidates who received the greatest number of votes on the preliminary ballot. Faculty members may vote for up to two candidates on this ballot. After the second round of voting, a final ballot will be distributed, listing the two candidates who received the greatest number of votes on the second ballot. Faculty members may vote for one candidate on this ballot. The candidate with the greatest number of votes will be declared elected.

For any second or third vacancy on the Reappointments Committee, the election procedure as described above will be repeated, using the same preliminary ballot. The second ballot in each case will list the names of five candidates who remain eligible for election to the Reappointments Committee. If the vacancies are of different lengths, the longest vacancy will be decided by the first round of election, and shorter vacancies by subsequent rounds of election.

In the event of a tie vote on the preliminary ballot of any election, the names of candidates who received the five highest vote totals will be included on the second ballot. On the second ballot of any election, in the event of a tie among three or more candidates for first place, a run-off ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the run-off ballot. The names of the two candidates who received the greatest number of votes on the run-off ballot will appear on the final ballot. On the second ballot of any election, in the event of a tie among two or more candidates for second place, a run-off ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the run-off ballot. The name of the candidate who received the greatest number of votes on the run-off ballot will appear on the final ballot, along with the name of the candidate who received the greatest number of votes on the second ballot.

### **2. 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. EAC members are offered the option of a course release if they are also serving as department chair, or at the discretion of the dean of the faculty.

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 up to five candidates.

Following the preliminary ballot, a second ballot will be distributed listing the five candidates who received the greatest number of votes on the preliminary ballot. Faculty members may vote for up to two candidates on this ballot. After the second round of voting, a final ballot will be distributed listing the two candidates who received the greatest number of votes on the second ballot. Faculty members may vote for one candidate on this ballot. The candidate with the greatest number of votes will be declared elected.

For any second or third vacancy on the EAC, the election procedure as described above will be repeated, using the same preliminary ballot. The second ballot in each case will list the names of five candidates who remain eligible for election to the EAC. If the vacancies are of different lengths, the longest vacancy will be decided by the first round of election, and shorter vacancies by subsequent rounds of election.

For any fourth or fifth vacancy on the EAC, a new preliminary ballot will be issued, and the election procedures as described above will be followed.

In the event of a tie vote on the preliminary ballot of any election, the names of candidates who received the five highest vote totals will be included on the second ballot. On the second ballot of any election, in the event of a tie among three or more candidates for first place, a run-off ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the run-off ballot. The names of the two candidates who received the greatest number of votes on the run-off ballot will appear on the final ballot. On the second ballot of any election, in the event of a tie among two or more candidates for second place, a run-off ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the run-off ballot. The name of the candidate who

received the greatest number of votes on the run-off ballot will appear on the final ballot, along with the name of the candidate who received the greatest number of votes on the second ballot.

#### **d. Procedures**

##### *i. Educational Policy*

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

(b) The 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*

This committee is responsible for reviewing petitions from students, and from faculty members on behalf of students as policy dictates, for exceptions to certain academic policies. Policies overseen by the Administration Committee include the following:

- course additions and drops after the deadline;
- Special Student status petitions;
- requests for reduced course load for personal or medical reasons;
- readmission after academic failure or conduct-related suspension;
- reinstatement;
- retaking of courses;
- waivers of first-year Winter Term or senior year in residence requirements;
- acceptance of AP credits after the deadline;
- acceleration of graduation date;
- and grade change requests.

Procedures for submitting a petition may be found on the [Administration Committee Web site](#).

The Administration Committee is composed of two co-chairs, generally a dean from the Dean of Students staff and a returning faculty member; three faculty members from across the academic divisions; and the registrar and associate registrar. Only the members of the faculty and dean serve as voting members.

The Committee works with petitioners to identify and gather all information required to allow them to assess the petition thoroughly and thoughtfully. When evaluating petitions, Committee members consider the goals of the salient policies; the responsibilities of students and of the institution; the principles of fairness to the petitioner and fairness to all other affected parties; and the individual circumstances of the petitioner. Underlying these considerations is the expectation that students are enrolled at Middlebury to pursue their academic degree; that they must adhere responsibly to the policies that support this goal; and that they must address any factors that interfere with this goal, and seek help from the institution if they are unable to do so independently, in a timely fashion.

Petitions may be approved, tabled, or denied. Petitions are tabled when the Committee identifies additional information needed for the evaluation; upon its receipt, the Committee resumes consideration. In cases of denial, petitioners who wish to provide relevant new or clarifying information may resubmit their petition to the Administration Committee for reconsideration.

#### *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. Education Studies Committee*

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

vi. *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. *Center for Education in Action Advisory Committee*

To work with the director of the Center for Education in Action in an advisory capacity. The committee consists of the director, two faculty members., and students.

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 dean of the faculty 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 dean of the faculty, 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 dean of the faculty, 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 informational meetings and discussion sessions for the faculty, held at least once a year to consider faculty salaries, benefits, general financial planning, and long-range priorities.
  - (d) Within two months of each meeting, follow up with recommendations to the administration.



(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 dean of the faculty 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. For elections to tenured positions on the Faculty Council, a preliminary ballot will list all eligible tenured members of the faculty, except members of the Council on Reviews and the Educational Affairs Committee. For elections to untenured positions, a preliminary ballot will list all eligible untenured members of the faculty. If both tenured and untenured positions are to be filled, a preliminary ballot will include two separate lists of all eligible 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.

On the preliminary ballot, faculty members may vote for up to five tenured candidates and up to five untenured candidates. Following the preliminary ballot, a second ballot will be distributed, listing separately the names of the five tenured candidates and the five untenured candidates who received the greatest number of votes on the preliminary ballot. Faculty members may vote for up to two candidates in each category. After the second round of voting, a final ballot will be distributed, separately listing the two candidates in each category who received the greatest number of votes on the second ballot. Faculty members may vote for one candidate in each category. The candidate with the greatest number of votes will be declared elected.

For any second, third or fourth tenured vacancy and/or any second untenured vacancy on the Faculty Council, the election procedure as described above will be repeated, using the same preliminary ballot and separate lists of tenured and untenured faculty. The second ballot in each case will list the names of five candidates who remain eligible for election to the Faculty Council. If the vacancies are of different lengths, the longest vacancy will be decided by the first round of election, and shorter vacancies by subsequent rounds of election.

In the event of a tie vote on the preliminary ballot of any election, the names of candidates who received the five highest vote totals will be included on the second ballot. On the second ballot of any election, in the event of a tie among three or more candidates for first place, a run-off ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the run-off ballot. The names of the two candidates who received the greatest number of votes on the run-off ballot will appear on the final ballot. On the second ballot of any election, in the event of a tie among two or more candidates for second place, a run-off ballot will be issued, listing the names of the tied candidates. Faculty members may vote for one candidate on the run-off ballot. The name of the candidate who received the greatest number of votes on the run-off ballot will appear on the final ballot, along with the name of the candidate who received the greatest number of votes on the second ballot.

## **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 as many candidates as they like.

The candidate who receives the greatest number of votes on the preliminary ballot will be declared elected, provided that he or she obtains the support of 50% or more of the voters who cast ballots. For any further vacancy, the eligible candidate who receives the next greatest number of votes on the preliminary ballot will be declared elected, provided that he or she obtains the support of 50% or more of the voters who cast ballots. If the vacancies are of different lengths, the longest vacancy will be filled by the candidate who receives the greatest number of votes, and shorter vacancies by eligible candidates who receive the next greatest number of votes.

For any vacancy, if no eligible candidate obtains support from 50% or more of the voters who participated in the preliminary ballot, a second ballot will be distributed listing the two eligible candidates who received the greatest number of votes on the preliminary ballot. Faculty members may vote for one candidate on this ballot. The candidate with the greatest number of votes will be declared elected.

In the event of a tie vote on the preliminary ballot of any election, the names of candidates who received the two highest vote totals will be included on the second ballot. If no candidate on the second ballot receives more than 50% of the votes cast, the names of the two candidates who received the greatest number of votes will appear on a final ballot.

### **c. Formation of an Appeal Committee**

When an appeal is to be heard, the Appeals Council will form an Appeal Committee, choosing its chair and two other members by rotation from the Appeals Council. In no case will a member of an Appeal Committee be a member of the appellant's department. In the event of an appeal resulting from a negative 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.

*updated 7/30/12*

MidTags: [Appeals Council](#) [Committee on Conference with the Trustees](#) [Committee on Finance and Planning](#) [COR](#)  
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## 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. The Community Judicial Board, the Academic Judicial Board, and the Judicial Appeals Board are accountable to the Community Council.
- ii. *Oversight of residential issues:* Charged with oversight of the all residential programs, 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 (IHC) early in the year concerning the role of each house in the residential system of Middlebury and biannually a report from each social and academic interest house's about their engagement with the College community and compliance with the College policy. (see Residential Life Committee below.)

#### b. Delegated Responsibilities:

##### i. Residential Life Committee

The mission of the committee:

- 1. Serve as a broad forum and advisory group for discussions of residential policy including but not limited to residential housing, off-campus housing, all gender housing policy, room draw, residential life staff and training, and social, special interest and academic interest houses including the super block system.
- 2. Bi-annually review, in alternating years, at the beginning of the year, the goals and purposes of each of the social houses and the academic interest houses and to ensure that the houses have realized their goals and purposes for the academic year and are in houses are in compliance with College policy.
  - a. Based on this review, the Residential Life Committee can recommend to Community Council that houses be continued; be continued with conditions (provisional status); or be discontinued.
- 3. In addition to overseeing compliance with College policy, this subcommittee will take on special projects as requested

by Community Council.

The Residential Life Committee may also make recommendations to the Community Council for updating guidelines and regulations for residential students, consider social and interest house grievances, and make appropriate recommendations to the Community Council. In addition to the fall and January reviews, the subcommittee will meet as needed. The committee will normally meet twice each month during the academic year (October – May).

The Community Council will meet with the Residential Life Committee as needed to consider recommendations. When a recommendation has been made to discontinue a house, house members will be invited to the Community Council meeting for a full discussion. This does not preclude Community Council from taking independent action.

The membership of the Residential Life Committee will be: one faculty member from the Community Council, one staff member from the Community Council, two student members of the Community Council. The Residential Systems Coordinator will also serve on this committee. The committee will be chaired by a designee from the Office of the Dean of Students. In addition, the committee may have representation from the following areas: student residential life staff; Commons administrative team; Custodial / Facilities Services; Dining Services; Department of Public Safety; Inter-House Council; and SGA First Year Senator.

### **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. Residential Life:

(a) Approves changes in guidelines and regulations for students in social houses, academic and special interest houses and super blocks proposed by the deans *and* the houses

(b) Considers house grievances

These responsibilities may be delegated to the Residential Life Committee.

### **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), three members of the administration appointed by the president, three members of the faculty appointed by the Faculty Council, the vice president of the Staff Council, two members 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 eight other students. The dean of the College and the elected student co-chair serve as co-chairs of the Council.

##### b. *Appointment of Members*

i. The three administration members are appointed by the president of the College.

ii. The three 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 other two staff members are appointed by the president on the recommendation of the Staff Council.

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

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## 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.** Dean of Environmental Affairs shall appoint a chair person or 2 co-chairs.

**b.** Director of Sustainability Integration Office shall automatically be vice chair and project coordinator.

**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.

*<update 17-Mar-2010; wording modified to reflect revised policy approved by Environmental Council>*

Midatags: [committee membership](#) [environment](#) [Environmental Council](#) [handbook](#) [sustainability](#)

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## 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.

MidTags: [art](#) [CAPP](#) [Committee on Art in Public Places](#) [committee membership](#) [handbook](#) [sculpture](#)

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## 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.

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## 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.

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## Middlebury College Staff Council (MCSC) 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.

MiddTags: [constitution](#) [elections](#) [handbook](#) [MCSC](#) [staff](#) [staff council](#)

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As an institution dedicated to the pursuit of knowledge, a commitment to complete intellectual honesty in all academic endeavors is at the core of Middlebury College's community values. Please see [Honor Code and Academic Honesty Policy](#) for information about Middlebury's Honor Code, our definitions of academic honesty, and the roles and responsibilities of students and faculty members in maintaining a community of integrity.



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## 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

For fall and spring semester, the final examination period normally begins two to three days following the end of classes. Exams are scheduled for five days, as listed on the College calendar. The spring semester examination period may be shortened to avoid having Commencement occur later than May 30.

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

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## 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. Students may also choose to complete a voluntary minor. 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 successfully complete a second writing-intensive course during the second, third, or fourth semester at Middlebury. **A college writing course can not be taken at the same time as a first-year seminar since it will not satisfy this second college writing requirement; therefore college writing courses should not be taken concurrently with a first-year seminar.** Writing-intensive classes devote special attention to the process of writing and revision and are designated in the *Middlebury College Course Catalog* as CW.
4. Each student must successfully 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 C of the "Degree Programs and Projects" section of this chapter. 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. Students are normally graduated upon completion of all degree requirements.
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 the proposed program of study and when the proposed adjustments maintain the integrity of existing curricular requirements.

**9.** Students may count toward graduation no more than a total of five courses with non-standard grading. The category of "non-standard grading" includes courses elected under the Pass/D/Fail option; AP, IB, A-level, and other pre-college testing credits; and credit-bearing internships. Of these five credits, only two may be taken under the Pass/D/Fail option.

Students who entered the College prior to September 1, 2012 are only subject to the restriction on the total number of credits with non-standard grading if they elect the Pass/D/Fail option for a given course.

### **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 with at least 27 earned credits 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.



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## Degree Programs and Projects

### Degree Programs and Projects

#### A. First-year Student Seminars and College Writing Courses

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. They may, however, satisfy distribution requirements. Exceptions to this pattern are published in the catalog of first-year seminars.

After successfully completing a first-year seminar, every student must complete by the end of the fourth semester at least one course designated as a College writing course (CW). A College writing course cannot be taken concurrently with a first-year seminar as it will not satisfy this requirement.

#### 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 (0500 and above) do not qualify for distribution requirements.

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

#### 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 successfully complete four distinct courses to fulfill the cultures and civilizations requirement by taking a 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, the Middle East, 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 either AAL, EUR, or NOR (as recommended by the course instructor and determined by the Curriculum Committee). Courses that satisfy CMP may also carry one of the regional area designations, however a student may not count one of these courses toward both the CMP and AAL/EUR/NOR requirements. A student may also count the same course toward both an academic category requirement, and one of the cultures and civilizations requirements. Courses that count toward the major and the minor, winter term courses, 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 Education Studies minor).

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

\*\*Majors considered interdisciplinary include: American Studies, Classical Studies, Comparative Literature, Environmental Studies, International Politics and Economics, International Studies, Neuroscience, and Women's and Gender Studies.

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 (one of which may be senior work).

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

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

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

In addition to specific courses required for a major, cognate courses may be recommended to further the student's particular academic interests or intentions. Departments offer different programs of senior work, adjusted both to the nature of the field and to the student's needs. A department may offer the equivalent of as many as three units of senior work outside the regular course pattern. This senior work may consist of independent study and/or general examination, a senior seminar, or a senior course. Students should consult the descriptions of senior work under each department or program for details. The senior work courses may be distributed over fall, winter, and spring terms.

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 departments' course listings, as specifically required for both majors. Up to two courses implicitly or explicitly listed as generic or categorical requirements of both majors will also meet the requirements of more than one major for the same student. No other courses will be counted as satisfying the requirements of more than one major for the same student except by specific action of the Curriculum Committee and faculty.
3. A student declaring two majors may not declare any minors, with the Education Studies 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 Education Studies 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 7<sup>th</sup> semester of study.

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 Scholars plan their own curricular programs with the assistance of a faculty advisor. Independent Scholars cannot propose two majors, but can pursue an independent scholar major and one minor. For the 2012-13 academic year, application materials are due to the Curriculum Committee by Monday, October 1, 2012, for fall review, and Monday, March 4, 2013, 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, have a GPA of 3.5 or higher, 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 comprise the major. The proposal must be accompanied by a written endorsement of a faculty member who is willing and qualified to supervise the student, as well as a statement of support from an alternate faculty member. 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. An applicant whose proposal is denied is entitled to meet with the Dean of Curriculum or the Curriculum Committee.

**Oversight:** The Curriculum Committee will solicit updates from each Independent Scholar twice a year. Changes to the

program must also be submitted to the Curriculum Committee, and the faculty supervisor will cosign all registration materials. The Major Declaration form and Degree Audit forms will be signed by both the faculty 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 culminating experience for this program of study. This project brings together the course work the student has completed and incorporates all aspects of the study into one final project. Students applying to be independent scholars are asked to provide an indication of possible INDE 0800 projects at the time that they submit their proposals. Students are able, however, to change the topic of their INDE 0800 project in order to respond to new interests and information acquired during the course of their study.

The INDE 0800 project is undertaken for one or two terms. Students who wish to be considered for honors must work with a thesis committee. Thesis work most typically follows the procedures for the department most closely related to the project. Others may choose to work with an individual faculty member, usually the student's 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 will be considered by submitting a request to the Curriculum Committee. The 0500 projects in a student's major or minor department must be approved by the department. All 0500 projects proposed outside of the major or minor department must be approved by the chair of the department in which the work is to be done. Students who have earned 17 or fewer credits, not including AP credits, are normally not permitted to undertake independent work during the Fall and Spring semesters. Exceptions may be considered upon written request to the Curriculum Committee. Students with 8 or more credits may pursue independent work during winter term. A student is limited to four 0500 projects in any discipline, not including winter term independent projects.

### J. Senior Program

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 curriculum or designee upon the recommendation of the chair of the Department of Biology.

*revised 7/30/12*

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## 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 students, by e-mail, prior to the registration period, which consists of an advising period, a practice round, and a real-time registration round.

### 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 an academic course. Full-time students must take at least three courses per semester.

Sophomores and juniors may register for a fifth course during the fall or spring semester only with specific approval of their advisors and the dean of their commons during the add/drop 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. Seniors may register for five courses during the add period without their dean's or advisor's approval. The comprehensive fee remains unchanged for a three-, four-, and five-course program. Students may not take more than five courses per semester.

All entering first-year students register for a first-year seminar in their first semester at Middlebury. Students are encouraged to explore a range of subjects and select the remainder of their first-semester program in consultation with their advisors. Final registration for courses occurs after students have attended informational sessions on the various departmental offerings and have taken appropriate placement tests. In their first semester students may not take two courses in the same subject, may not register for more than one first-year seminar, may not receive college-writing (CW) credit for a CW course taken concurrently with the first-year seminar, and may register for only one beginning language in the fall term. In their second semester, first-year students may register for two courses in one subject with their advisor's approval.

### C. Pass/D/Fail Grading Option

Effective in the spring 2013 semester, students may opt to take a course on a Pass/D/Fail basis under the following conditions:

1. Students may count toward graduation no more than a total of five courses with non-standard grading. The category of "non-standard grading" includes courses elected under the Pass/D/Fail option; AP, IB, A-Level, and other pre-college testing credits; and credit-bearing internships. Of these five credits, only *two* may be taken under the Pass/D/Fail option.
2. Students may elect only one Pass/D/Fail course per semester, and they must be enrolled in at least three other courses with standard grading to take an additional course Pass/D/Fail.
3. Courses taken under the Pass/D/Fail option may not be used to satisfy distribution, College Writing, First-Year Seminar, or cultures and civilizations requirements.
4. Courses taken under the Pass/D/Fail option may not be used to satisfy major or minor requirements, with one exception: a first course taken under the Pass/D/Fail option in a department or program in which a student subsequently declares a major or minor may, *with the approval of the department chair or program director*, be counted toward major or minor requirements.
5. Students may elect the Pass/D/Fail option, for a course in which they are already registered, during the add period (i.e., within the first two weeks of the semester). The deadline for changing a course from Pass/D/Fail to standard

grading is the drop deadline (i.e., the end of the fifth week of the semester).

6. Winter Term: Students may not elect the Pass/D/Fail option for winter term courses which are otherwise offered with standard grading. Occasionally the Curriculum Committee gives an instructor permission to offer an entire course as pass/fail or honors/pass/fail; if a student takes one of these courses, it will not count as one of his or her two Pass/D/Fail courses, but it will count toward the total of five courses with non-standard grading a student may count toward graduation.

7. Monterey Institute and Study Abroad: Students may not elect the Pass/D/Fail option for courses taken abroad or at the Monterey Institute. However, courses taken at Monterey Institute or within an approved study abroad program that are offered in their entirety as pass/fail-- including study abroad internships— will not count as one of the two Pass/D/Fail courses, but will count toward the total of five courses with non-standard grading a student may count toward graduation.

8. A grade of Pass will not be calculated in the student's GPA. The grades of D and F will be calculated in the GPA.

Note: The Pass/D/Fail option will expire on December 31, 2015 unless the faculty votes to continue it prior to that date.

#### **D. 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 add/drop 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.

Community members living in the Middlebury area may audit courses only with the permission of the instructor and the dean of curriculum or designee. Community members interested in auditing a course at the College, must complete the [Community Member Audit Request](#) form and obtain the requisite signatures indicating approval. Current high school students may not audit courses at Middlebury College.

#### **E. 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 advisor 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 \$50 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 \$50 per dropped course will be assessed. A student who fails to complete the work of a course will receive a failing grade in that course.

During winter term, course changes are made by the same procedures, but the add/drop period ends at the end of the third day of classes during the winter term. Requests to add a winter term course after this deadline are automatically charged the late fee of \$50.

Students who add a class late do so at their own risk. They will not be permitted to use a late start as the reason for dropping a course after the deadline.

#### **F. 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.)

### **G. 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 must be approved by the department chair and dean of curriculum before such changes take place. Other requests for use of classrooms must be approved by the course scheduler.

Most 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.

### **H. 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.

### **I. 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.

### **J. 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.

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## 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 course sequences. A fall semester course may be a prerequisite for a winter term course, or a winter term course may be a prerequisite for a spring semester course.

4. All courses must be approved by the Curriculum Committee.

5. Most commonly, faculty will teach a winter term course every other year, and all departments and programs are expected to contribute to the winter term curriculum. 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 or independent winter projects will be placed on probation and required to make up a course credit.

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

### 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 on the Middlebury campus. This includes both September and February matriculates. The second credit may be earned by enrolling in a winter term course, a credit-bearing independent project, a credit-bearing internship, or by studying abroad and earning winter term equivalent credit. (A minimum of two and a maximum of four winter term courses will count toward the graduation requirement of 36 course credits.)

#### *Independent Projects (0500 Work)*

Students with 8 or more credits may submit a proposal to their faculty sponsor for on or off-campus winter term independent work either as a continuation of their major or minor or as work outside of their major or minor as long as:

- You have not completed more than two units of winter term independent work; and
- You have received the approval of the chair or director of that department or program in which the work will be completed

**Students are not allowed to pursue independent projects during their first winter term.**

**How to Apply:** Contact the department chair/director of the department or program in which the work will be done to request their guidelines.

**Deadline: October 26, 2012 – submit proposals to faculty sponsor.**

**Winter Term Internships**

Winter Term internships involve significant, high-level exposure to the fundamental work of an organization, with ties to a student's academic and/or professional pursuits. Internships can be pursued for credit during winter term with approval from a faculty sponsor and the Center for Education in Action (EIA). EIA works in conjunction with the Curriculum Committee on winter term internships, and with faculty to determine whether a proposed internship is worthy of credit. Students in approved winter term internships spend a minimum of 25 hours per week (or 100 hours total) at their internship site. At the end of the internship, the student, the on-campus academic sponsor, and the on-site work supervisor must submit evaluation reports. Internships are graded Credit/No Credit. Students with fewer than 8 credits may not undertake a winter term internship for credit, and students who take more than one internship in four years should pursue them in substantially different fields. A student may not repeat the same winter term internship for credit. A relative may not function as an internship supervisor. If the internship is to be taken in a foreign country, the committee will expect competence in the language of the country. Students can also pursue internships during winter term without receiving academic credit. More information about internships and the process for winter term internship credit is available from EIA in Adirondack House (contact Tim Mosehauer, ext. 5105). **Deadline: October 26, 2012**

**Study Abroad**

Proposals/applications for study abroad in an accredited program for winter term credit must be submitted to International Programs. These proposals do NOT need to be submitted to the Curriculum Committee. Students must apply to International Programs and Off-Campus Study by **October 15** for pre-approval of winter-term off-campus courses. No courses/programs will be approved after the fact. Programs must be at least four complete weeks long (regardless of the total number of contact hours) to earn a maximum of one unit of Middlebury credit. The program/course must meet for at least the same number of hours, over the four weeks, as an equivalent Middlebury course. A program that meets more than 36 hours will NOT receive additional credit. Only a program/course that meets the definition of "liberal arts" (in other words, students should not take courses that are of a pre-professional nature such as business, journalism, etc.), and receives a letter grade of C- or better, may be applied to the Middlebury College degree. Programs/courses graded on a pass/fail basis or audited are NOT transferable. The transcript reflecting work completed must be issued by an accredited institution of higher education. Students will be notified if credit is pre-approved after International Programs and Off-Campus Study reviews their applications. For more information and the application, please see [http://www.middlebury.edu/international/73780/programs/winter\\_term](http://www.middlebury.edu/international/73780/programs/winter_term). **Deadline: October 15, 2012**

**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 2011. 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 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 28, 2012.**

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 \$50.
  - 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.

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## 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 academic and cultures/civilizations distribution requirements if the transfer credit is considered by the appropriate Middlebury department to be the equivalent of a Middlebury course that would satisfy one or more of those requirements. After students matriculate at Middlebury College, they normally may not take two-year or community college courses for credit towards a Middlebury degree. College courses taken in high school and applied toward a high school diploma or in a college/high school cooperative program are not transferable. Only courses taken on college campuses, taught by college professors, for college students, and for which there are official transcripts may be considered for transfer.

Transfer work from 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 Curriculum 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 Cameroon, China, France, Germany, Italy, Japan, Latin America, the Middle East, Russia, or Spain should consult with their academic adviser, 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. See the College Handbook Student Finances section for the fee for the current year. The purpose of the fee is to help offset administrative costs associated with 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 Web site](#), 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 in the Office of Student Financial Services.

#### **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. Further information is available at [Pre-professional Programs Web site](#).

#### **E. Washington Semester Program**

Selected students each year spend one semester in the Washington Semester Program administered by American University. Interested students should contact International Programs and Off-Campus Study. Middlebury financial aid is not available for this program.

#### **F. Maritime Studies Program**

Middlebury students may spend a semester studying at the Williams-Mystic Maritime Studies Program or the Woods Hole SEA Semester: Field Studies in Marine and Environmental Studies Program. Interested students should contact International Programs and Off-Campus Study. Middlebury financial aid is not available for these programs.

### **G. Exchange Programs**

Middlebury maintains exchange programs with Spelman College and Swarthmore College during fall and spring semesters. 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.

### **I. Reserve Officers' Training Corps (ROTC)**

Middlebury students who complete all eight of the ROTC courses at the University of Vermont are eligible to receive two credits towards their Middlebury College degree. No credits will be awarded if the student does not complete the full sequence of ROTC courses. The two credits awarded will be general credits and will not satisfy any distribution requirements. Completion of the ROTC program will satisfy one of the two physical education units required for graduation.

### **J. Association of Vermont Independent Colleges**

Through the Association of Vermont Independent Colleges, Middlebury has exchange opportunities with Bennington College, Burlington College, Champlain College, Goddard College, Green Mountain College, Marlboro College, Norwich University, Saint Michael's College, Southern Vermont College, and Sterling College. Interested students should contact International Programs and Off-Campus Study.

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## 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 provost.

**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 add period each semester. 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., during the examination period. 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**

For fall and spring semesters, the final examination period normally begins two to three days following the end of classes. Exams are scheduled for five days, as listed on the College calendar. The spring semester examination period may be shortened to avoid having Commencement occur later than May 30.

No activities, athletic events (games or practices), course registration, additional or makeup classes will be scheduled for this period of time. All class activities must be concluded on the last day of classes. A thesis defense may be scheduled during the final examination period.

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## Grades and Transcripts

### 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, and student-led 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
6. Effective spring 2013: P (pass), does not count in the grade point average

### 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 or failure  
 1 F and 1 D, or 2 Ds for students completing only three courses  
 A second successive term on probation

**Failure while on Probation:**

2 Ds

1 F

D or F in winter term

Three times on probation

A second successive term on probation

**C. Grade Reports**

Final grades are reported to the Registrar's Office at the end of each semester or term. All grades must be submitted online by the time specified by the registrar. A faculty member who fails to meet this deadline is reported within 24 hours to the department chair. If there is no response within another 24 hours, the provost 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. Satisfactory or Unsatisfactory grades may be submitted only for multiple-semester or term projects carrying more than one course credit (500-honors projects for seniors, 700-level senior work). At the conclusion of the project, the student receives alphabetical grades for all course units.

**F. 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 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.

**G. 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 entire faculty.

Students wishing to protest a grade may do so by speaking first to the instructor of the course, and then to the department chair. If the student is still not satisfied, the student may appeal in writing to the VPAA. The VPAA or designate will consult with the instructor of the course and the department chair and will make a final decision on the matter. If the VPAA recommends a change in the student's grade, that recommendation will be submitted to the Administration Committee, which will include it on the recommendations for grade changes submitted to the faculty. No change in a final grade on the transcript is effective until it is approved by the entire faculty.

## H. 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.

## I. 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 0500, 0600, 0700, or equivalent independent study course work, if given).
- 2.** There must be significant independent research (0500 project) or an honors thesis (0700 course) in a student's program and the grade must be a B or higher.
- 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.

## J. Transcripts

Currently enrolled 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 official transcript contains information on courses taken, grades received, majors and minors, degrees earned and honors awarded. The transcript also includes a student's semester and cumulative grade point average, calculated using the numerical equivalents in Section A above. The grades used in calculating the grade point average are those earned in the Middlebury undergraduate, summer, and overseas schools, all other approved programs abroad, and approved programs of domestic off-campus study.

The transcript and information in the student file may be released to persons or organizations outside of the College only with specific written authorization from the student or as permitted by the federal Family Educational Rights and Privacy Act (FERPA), as noted in the [Student Records Access & Confidentiality \(FERPA\)](#) section of the Handbook.

A fee of \$5 is charged for each official transcript requested. A request form is available 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. 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.

## **K. Registrar**

### **Registrar's Office**

E-mail: [registrar@middlebury.edu](mailto: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.

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## Student Status

### 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](#)), 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 Transcripts](#). A student who receives two D grades or one failing grade and a D grade in a single semester will be placed on probation until the end of the following fall or spring semester. A student completing a semester with three units of credit who receives one D or one F will be placed on probation. A student who receives a D or an F in the winter term will be placed on probation for the spring semester. 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 (Non-Medical)

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. Non-Medical Withdrawal

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](#).)

### 2. Medical Withdrawal

#### i. Student Requests for Medical Withdrawal

Voluntary medical withdrawals are appropriate when a student's medical, psychological, or substance-related condition prevents the student from effectively and/or safely participating in the College's academic programs and/or the residential life of the College. Students who wish to withdraw from the College for medical reasons must notify their Commons dean. The dean shall determine their status at the point of withdrawal.

#### ii. Medical Withdrawal Initiated by the College

The College may require withdrawal of a student for medical reasons when:

(a) There is a reasonable basis to believe, based on a case-by-case, objective assessment of the student's behavior and other relevant information, that the student's medical, psychological, or substance-related condition prevents him/her from safely and/or effectively participating in the College's academic programs and/or the residential life of the College, such that the student is not otherwise qualified to attend Middlebury; or

(b) There is a reasonable basis to believe, based on a case-by-case, objective assessment of the student's behavior and other relevant information, that as a result of the student's medical, psychological, or substance-related condition, the student has threatened, or poses a significant risk of threatening, the health or safety of others; or causes or threatens to cause property damage; or engages in behavior that is unduly disruptive of others in the Middlebury community. (Behavior that is "unduly disruptive" includes but is not limited to conduct that interferes with, or poses a significant risk of interference with, the emotional or physical well-being of others and/or the academic, extracurricular, or social activities of others.)

Prior to the withdrawal, the student may be required to sign a release authorizing disclosure of the student's medical or other information by and between the student's physician(s), psychologist(s), or licensed counselor(s), or others who are asked to provide information regarding the student and the appropriate College official(s). A medical evaluation by a competent specialist may also be required. The outcome of the medical evaluation will be shared with a designated staff member of the Parton Center for Health and Wellness ("Parton") and the student's Commons dean or designee ("Commons dean").

Student(s) will be given notice and an opportunity to speak with their Commons dean prior to or within five business days of the withdrawal. The student's Commons dean may also consult with others as appropriate (e.g., medical professionals, members of the College's Threat Assessment and Management Team ["TAM team"], other College officials, law enforcement, and/or the student's family members).

The Commons dean may also consider other information such as the recommendation, if any, made by the TAM team; or whether there are reasonable accommodations that would effectively mitigate the risk of harm to others or property and would allow the student to safely and effectively participate in the College's academic programs and the residential life of the College, as applicable.

The student will be notified of the withdrawal decision in writing. The decision may be appealed, following the procedures set forth in Section 3, below.

Students withdrawn under this section may also be subject to the normal disciplinary processes if their conduct has violated College policy. If disciplinary action is appropriate, the matter must be resolved either before or immediately upon the student's return.

### iii. Temporary Medical Leave of Absence

A student may request a temporary medical leave of absence for up to ten days, in accordance with Section 2 (i), above.

The College may place the student on a temporary medical leave of absence for up to ten days in accordance with Section 2 (ii), above, in order to allow the student to seek appropriate medical care.

Whenever possible, the student will be given notice and an opportunity to speak with their Commons dean prior to or within three business days of the temporary leave.

The student's Commons dean, in consultation with others as appropriate, will make a determination as to the student's request after reviewing the information submitted. There is no right of appeal.

Students may return from their temporary medical leave after providing documentation and information in accordance with Section 4 (ii), below. If the student does not return, the student's status will be converted to a medical withdrawal.

A temporary leave beyond ten days will only be granted in extraordinary circumstances. Students will not be permitted to return unless the conditions in Section 4 (ii), below, are met.

Students who are placed on temporary medical leave may also be subject to the normal disciplinary processes when their conduct has violated College policy. If disciplinary action is appropriate, the matter must be resolved either before or immediately upon the student's return.

## 3. Appeals

An appeal under Section 2 (ii), above, may be made in writing to the vice president for academic affairs or designee ("VPAA") within five business days of receipt of the decision. The appeal must include the grounds for the appeal and an outline of any supporting evidence. Appeals transmitted via e-mail will be considered to be "in writing." Absent extenuating circumstances, the VPAA will notify the student of the appeal decision within ten business days of receipt of the appeal.

## 4. Request for Readmission

### i. General Withdrawal

Except as otherwise provided in Section ii, below, 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.

### (ii) Medical Withdrawal or Temporary Leave of Absence

Students who are withdrawn from the College or who are on a temporary leave for medical reasons must submit a written request for readmission to their Commons dean and a [Medical Readmission Form](#) to Parton. The Medical Readmission Form (available from Parton) usually must contain the following:

- (1) a recommendation for readmission and supporting documentation from the student's treating physician(s), psychiatrist(s) and/or licensed counselors (as applicable) that the student is able to participate fully and effectively in the academic and residential life of the College (with or without reasonable accommodation);
- (2) information regarding the need, if any, for continuing treatment and follow-up care;
- (3) evidence that the student has complied with the treatment recommendations that were made at the time of, and during, the medical leave;
- (4) the student's agreement to engage in continuing treatment and follow-up care, if applicable; and
- (5) authorization for disclosure by and between any person providing documentation in support of the request, a designated member of the Parton staff, and the student's Commons dean. Students may also submit other information in support of their request. The College may also require that the student submit to an independent medical evaluation performed by a health care provider selected by the College (at the College's expense) and/or that the student provide additional information necessary to determine whether the student should be readmitted at that time.



In addition to the information required above, students who are withdrawn for the reasons set forth in Section 2 (ii) above, usually must submit to their Commons dean the following information in their request for readmission:

- (1) a description of the student's understanding of the problem that led to the involuntary withdrawal;
- (2) sufficient evidence of the student's attempts to resolve the issue(s) that led to the involuntary withdrawal;
- (3) information about what steps the student will take to prevent the problem(s) from recurring; and
- (4) if applicable, sufficient evidence to demonstrate that the threat or conduct of concern has been eliminated and that the student is ready to return to the College and adhere to all College policies.

Decisions on readmission requests are made on a case-by-case basis, so the College may require more, less or different information than that described above as deemed appropriate and necessary in a particular case.

The student's Commons dean will consider the student's request for readmission after receiving the supporting information described generally above or requested specifically in a given case, as well as any other information that the student wishes to submit. In considering the request, the Commons dean, in consultation with Parton staff or other College officials, will determine whether there is a sufficient basis to establish the following (as applicable):

- (1) the medical condition that led to the student's withdrawal has been adequately addressed and/or managed such that the student is otherwise qualified to safely and/or effectively participate in the academic and/or residential life of the College (with or without reasonable accommodation); and/or
- (2) the student no longer poses a threat to the health or safety of others or to property, or poses a threat of undue disruption to members of the College community.

Students who wish to be readmitted after a medical withdrawal must ordinarily submit their request and supporting documentation to their Commons dean no later than June 1 for the fall semester and November 15 for the spring semester.

#### **F. Withdrawal Due to Academic Failure**

A student who receives two F grades, three D grades, or one F grade and two D grades during a fall or spring semester earns an academic failure and is required to withdraw. Seventh-semester seniors may petition to be reviewed by the Administration Committee prior to final action.

A student on probation who receives one F grade or two D grades in the subsequent fall or spring semester is required to withdraw.

A student who receives D or an F in the winter term 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.

#### **G. Readmission After Withdrawal for Academic Failure**

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](#) for information about the transferability of these courses to Middlebury.)

Application for readmission must be made to the Administration Committee, who will consult with the student's Commons dean. Application must be made 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.

## H. 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 may not live on campus. Special students with extreme personal or medical circumstances may apply to the Administration Committee for permission 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.

## I. 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.

## J. 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.

## K. Refunds

In cases of dismissal from the College, no refund of the comprehensive fee is made. In other cases of absence or withdrawal from the College for medical reasons or serious emergencies, fees are refunded according to the College's refund schedule. In all cases, the enrollment deposit is forfeited.

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## Student Records Access & Confidentiality (FERPA)

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 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) In certain circumstances to parents of financially-dependent students, at the College's discretion.
- k) To officials of another school or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled provided the disclosure is for purposes related to the student's enrollment or transfer.

#### **4. Access**

A student has the right to inspect and review his or her education records within 45 days of submitting a 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.

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## 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 Davis Family 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, oral presentation and class discussion 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 site.

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 most 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, see the [Center for Teaching, Learning, and Research](#) Web site.

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. For additional information, see the [Quantitative Skills Support](#) Web site.

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, including those for whom English is a second language, at any stage of any writing project, from organizing the work schedule, to brainstorming ideas, to talking through a draft, to revising and polishing rough drafts. Peer writing tutors are also trained to give tips and practical suggestions to assist students with oral presentations. This tutoring is available at the [Center for Teaching, Learning, and Research](#) on the main floor of the Davis Family Library, Suite 225. Peer tutors are available Sunday through Thursday evenings. For more information visit the [Multilingual/ESL Support](#) and the [Writing Program](#) Web sites.

Professional tutors in writing, quantitative skills, and learning skills are available by appointment during daytime hours, weekdays. Make an [appointment](#) with a CTLR professional on-line or by contacting the CTLR.

*updated 7/31/12*

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## Introduction

**LIBRARY AND INFORMATION SERVICES****Extension 2000**

</offices/technology/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/offices/technology/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.

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## Copyright and Fair Use Guidelines

U.S. law provides protection to authors, creators and publishers of works. It also enumerates specific uses that do not infringe copyright for purposes such as criticism, comment, news reporting, teaching, scholarship or research (e.g. fair use). Middlebury College values and respects intellectual property rights, even as it recognizes an equal responsibility to advance the needs of scholarship and teaching within the framework of the law.

*The following are guidelines only and do not 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:*

<i>More protection</i>	<i>Less protection</i>
fiction	factual works
original movies	news broadcasts
creative works	compilations

*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.<sup>[1]</sup> 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.<sup>[2]</sup>

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.**

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## 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.*<sup>[3]</sup>

## Permissions

In cases where the fair use analysis weighs against using any particular item, the user should seek permission from the copyright holder.

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<sup>[1]</sup> adopted from **Common Academic Uses of Copyrighted Material**. Syracuse University Library. <http://library.syr.edu/copyright/materials.html> [accessed 10-October-2005]

<sup>[2]</sup> 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.

<sup>[3]</sup> 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.



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## Library Borrowing

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. (*see also below*) 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.

### Borrowing Equipment

When borrowing **Middlebury College equipment**, each user is solely responsible for the following:

- At check-out, confirm the length of the loan period, and that all equipment accessories are accounted for
- Return of equipment by the due date/time
- Return of equipment directly to the library it was borrowed from
- Return of equipment directly to a staff member at the Circulation Desk
- Replacement or repair of damaged, lost, or stolen equipment
- Return of equipment with all accessories accounted for
- Loss of equipment borrowing privileges
- Responsible use of equipment

Please note:

- All personal files, images, and software will be deleted upon return and will not be recoverable
- Faculty/staff laptops require log-on while on campus prior to off campus use

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 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.

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### Guest Borrower Responsibilities

Middlebury College maintains its Libraries for the use of Students, Faculty, and Staff in support of the instructional goals of the College. Others are welcome to visit and use the resources available within the Library. Library use is a privilege extended to those who observe the regulations and procedures established to make materials accessible to all. The loan of library materials is limited to authorized borrowers.

Guest borrowers, like members of the College community, are pledged to the ethical use of library materials. As a guest borrower you assume full responsibility for the physical condition of all materials checked out on your card. You are responsible for knowing the due dates and for the timely return of materials.

Guest borrowers must present their library card in order to borrow materials.

**Other Services:** Guest borrowers should be clearly aware that members of the College community always have priority in the use of services including, but not limited to: services of the Reference Librarian, on-line catalog, photocopiers, microfilm readers/printers, AV equipment, computers, study carrels and rooms. Database searching is available at the discretion of the Reference Department. Guest borrowers who would like to use information resources we receive as a federal depository library should have the same access to this information as other categories of users. Due to licensing agreements and contract restrictions some resources are not available to guest borrowers.

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Please direct questions about borrowing to [Library Circulation Services](#)  
Email: [library\\_circulation@middlebury.edu](mailto:library_circulation@middlebury.edu)  
Phone: 802-443-5494

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## 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

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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](#)

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## 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 actively monitors computers and networks to identify and block malicious activities. We expect all members of our community to behave in a proper and responsible manner. However, if malicious, illegal, or inappropriate activities are identified, we are obligated to investigate and act, including cooperating with legal authorities, if necessary. (See *Network Monitoring & Technology Incident Response policies* for further details.)

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

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.

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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 in the event of extraordinary circumstances. (*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 wrong 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.

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## 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**

Middlebury College student, faculty, and staff access to library workstations is given precedence over all other use, except for non-college patrons who want to access federal government information resources. 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 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.

Students 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.

*<updated June 2010 to reflect print management system that became effective Spring semester 2010>*

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.

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## 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. Middlebury College's Library and Information Services policy is to purchase computers and other electronics that are Electronic Product Environmental Assessment Tool (EPEAT) certified. Nearly all (99%) of the desktops, laptops and computer monitors purchased over the past year (2010) were EPEAT certified.

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. Retirees will receive an e-mail notification that their accounts are flagged to be deactivated, and given an option to reply to the message in order to retain the account. 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.

*<updated 8-Apr-2010 to reflect protocol for retention of retiree e-mail account>*

see also: [Employee Handbook 2.15 Staff E-mail and Computer Use Policy](#)

### 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, or personally-owned devices. 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, personal computer, or personally-owned device that may contain institutional data 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](mailto:helpdesk@middlebury.edu). Faculty may request that their course materials be deleted earlier than specified by this policy.

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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.

*<updated 15-Apr-2010; spelling errors corrected>*

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## Rules of Appointment and Tenure for Academic Faculty

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## 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.

Consistent with AAUP's 1940 "Statement of Principles on Academic Freedom and Tenure" and its subsequent amendments, all members of the Middlebury College faculty are entitled to full academic freedom described above regardless of race, color, ethnicity, sex, religion, national origin, age, disability, marital status, place of birth, veteran status, gender identity and expression, or sexual orientation.

### **c. Faculty Appointments**

**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 vice president for academic affairs (VPAA), 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 of the faculty 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 tenured 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 tenth year (eighth year for faculty tenured prior to 2011) following appointment to tenure, for possible promotion to professor. This review is regarded as an opportunity for reassessment of professional achievements, and the basis for promotion will be evidence of continued excellence in teaching, achievement in scholarship, and service to the institution. Should the faculty member not be promoted, a similar review will be conducted at intervals of the faculty member's choosing, no earlier than three and no later than five years following the unsuccessful review until the faculty member has been promoted to professor or has departed from the faculty. When initial appointment to the Middlebury faculty is at the rank of associate professor with tenure, the date of review for promotion to the rank of professor shall be determined at the time of appointment and stated in the letter of appointment. *[updated Jan. 7, 2011]*

Procedures for the promotion review are set forth below.

**v. Ten-year review.** In the tenth year after promotion to full professor and every ten years thereafter, each full professor will undergo a professional review by the Reappointments Committee. The review has two goals: to assess professional achievements since promotion to full professor (or since the last ten-year review) and to aid in formulating plans for further growth and development.

As a result of the review, the vice president for academic affairs may choose to recognize unusually distinguished service or consider action with respect to problems that have become apparent during the review. The vice president for academic affairs 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 Dean of the Faculty, where it may be consulted only by the president, the vice president for academic affairs, 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 Office of Dean of the Faculty 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 Dean of the Faculty 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 and for full professor (not required for faculty who were awarded tenure prior to 2011), scholars from outside the College will be asked to judge the candidate's scholarship. Evaluators will be supplied with the *Handbook* description of the scholarly activity and achievement appropriate to the review in question and will be asked to evaluate it on that basis. [updated Jan. 7, 2011]

### **d. Evaluation of Service**

Institutional service becomes a criterion for evaluation along with teaching and scholarship at the tenure review and at the review for promotion to professor. It may be as diverse in form as is the faculty itself. Information regarding such service will be solicited from the candidates, from their departments, from their programs (when relevant), and through collegial letters for assessment by the Reappointments Committee or the Promotions Committee.

College service cannot compensate for an absence of achievement in teaching and scholarly or creative production. Nevertheless, the College recognizes that on occasion it must call upon an untenured faculty member to undertake a particularly demanding institutional role that may impede scholarly progress. At the time of such an appointment, the untenured faculty member may request that the VPAA, 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 VPAA solicit a letter from the appropriate program director. This letter will state the director's judgment concerning the candidate's fitness for reappointment, tenure, or promotion and the reasons for it. The VPAA will solicit letters from at least two other senior members of the program, whom the program director selects in consultation with the candidate under review. The program director will provide the faculty member under review the names of these senior members. These letters will go to the program director and to the Reappointments Committee or the Promotions Committee. In preparing the program letter, the director 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 VPAA, 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 dean of the faculty'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 VPAA. 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. Vice President for Academic Affairs

(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) In the case of a review of a department chair or program director, to assume the role of chair or director for that review.

v. Department Chair

(a) To arrange with the candidate an appropriate schedule of classroom 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 dean of the faculty.

(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.

vi. Tenured Department Faculty Members

(a) To submit a letter of recommendation, when requested, to the Reappointments Committee, with a copy to the department chair, that speaks to those aspects of a candidate's work with which he or she is familiar.

(b) Upon the invitation of a candidate, to observe a class or classes and to meet with the candidate to discuss his or her performance in the class, with suggestions for possible improvement. Such meetings will be held before the end of the term during which the visits take place.

vii. Program Director

(a) To submit a letter to the Reappointments Committee containing the programmatic evaluation according to section 2.f. The focus of the programmatic evaluation shall be upon teaching, scholarship, contribution to the program, and promise as a teacher and scholar. This letter will be shared with the tenured program members who have been solicited by the VPAA to write letters and the candidate undergoing the review.

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 VPAA 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 of the faculty to discuss progress in scholarship and teaching.

ii. Dean of the Faculty

(a) To arrange a meeting with the candidate and the department chair to discuss the candidate's progress in teaching and scholarship.

iii. Department Chair

(a) To discuss with the candidate his or her progress in teaching and scholarship from the perspective of the department, with reference to the VPAA'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. Vice President for Academic Affairs

(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.

(c) To prepare a brief written summary of the views of the outside evaluators, without attribution, to be reviewed by the Promotions Committee in advance of a final recommendation of the Committee to the President

iv. Dean of the Faculty

(a) If the chair or director is untenured, to assume the responsibility of the department chair or program director for the review.

v. Department Chair

(a) To 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.

vi. 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.

vii. 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 VPAA to write letters and with the candidate undergoing the review.

viii. 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 VPAA 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 takes place no earlier than the fifth and no later than the tenth year (eighth year for faculty who were awarded tenure prior to 2011) following appointment to tenure, considers whether a candidate should be promoted to full professor and looks at continued excellence in teaching, achievement in scholarship, and service to the institution.

i. The Candidate

(a) To 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 of the faculty if the candidate is a department chair or if there are no current full professors in the department, an appropriate schedule of classroom visits.

(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. (not required for faculty who were awarded tenure prior to 2011)

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 solicit from scholars outside the College an evaluation of the candidate's scholarship or artistic production.

(i) To recommend to the president whether or not the candidate should be promoted.

iii. Vice President for Academic Affairs

(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.

(c) To ensure that the candidate knows the identity of all those scholars outside the College from whom the Promotions Committee seeks an evaluation of the candidate's scholarship.

iv. Department Chair

(a) To recommend, after reviewing the candidate's course response forms, making a classroom visit or visits, and reviewing the written recommendations of departmental colleagues who are full professors, whether or not the candidate should be promoted on grounds of continued excellence in teaching, achievement in scholarship, and service to the institution.

v. Program Director

(a) When relevant, to recommend, after consultation with programmatic colleagues who are full professors, and after classroom visit(s), whether or not the candidate should be promoted on grounds of continued excellence in teaching, achievement in scholarship, and service to the institution.

vi. Dean of the Faculty

(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. Departmental Faculty Members who Hold the Rank of Professor

(a) To complete the tasks listed under the first two reviews by tenured faculty, 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. A copy of this letter will also be provided to the department chair to inform the department letter.

viii. 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 VPAA copies of the revised letter and any written response from the faculty member.

iii. Vice President for Academic Affairs

(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 VPAA 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 VPAA in consultation with 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 dean of the faculty'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 VPAA to meet on their behalf, within four weeks of the completion of a successful review to provide an assessment of the candidate's performance, to summarize the information on which the Reappointments Committee based its decision, and to provide the candidate and the chairperson of the candidate's department or director of the candidate's program with a written summary of the meeting prepared by the VPAA. 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. Vice President for Academic Affairs

(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) In the case of a review of a department chair or program director, to assume the role of chair or director for that review.

v. Department Chair or Program Director

(a) To arrange with the candidate an appropriate schedule of classroom 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 dean of the faculty.

(c) To submit a letter to the Reappointments Committee containing the departmental or programmatic evaluation according to section 2.e. or 2.f. The focus of the departmental or programmatic evaluation 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.

vi. Tenured Department or Program Faculty Members

(a) To submit a letter of recommendation, when requested, to the Reappointments Committee, with a copy to the department chair or program director, that speaks to those aspects of a candidate's work with which he or she is familiar.

(b) Upon the invitation of a candidate, to observe a class or classes and to meet with the candidate to discuss his or her performance in the class, with suggestions for possible improvement. Such meetings will be held before the end of the term during which the visits take place.

vii. 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 VPAA 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 VPAA 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 VPAA 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.

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## 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.

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(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.

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## 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 vice president for academic affairs 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 vice president for academic affairs, 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.

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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 vice president for academic affairs 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 vice president for academic affairs, and the Reappointments Committee or the Promotions Committee. The vice president for academic affairs 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.

Midatags: [Appeals Council](#) [faculty](#) [handbook](#) [policies](#) [tenure](#)

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## 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 of the faculty (DoF) and are granted, following approval of the proposal by the DoF, 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 DoF, 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 DoF 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 DoF 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.

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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 DoF 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 DoF. They will normally be made only to those faculty members whose research or other leave activity takes place outside Middlebury, and who will be leaving Middlebury for at least three months of their leave. They will not normally be made to those faculty members granted leave to take outside employment. If the budget of a grant won by a faculty member includes funds to support the expenses of relocation, the College's contribution to relocation expenses will be reduced accordingly.

**i.** Any publications that result from a College-funded leave should acknowledge the support of Middlebury College.

**j.** Upon completion of leave, a full report on the faculty member's scholarly activity should be sent to the Office of the Dean of the Faculty, 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 DoF, 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 vice president for academic affairs 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 Dean of the Faculty 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 April 1 two academic years before the leave.

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## 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 of the faculty (DoF) 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 \$200 may be requested for payment of membership fees to professional organizations. The FPDF not only supports ongoing research, but also may be used by faculty who wish to develop new teaching materials and methods, or who need to develop new skills and expertise (consistent with the College's academic mission).

The fund is administered by the Dean of Curriculum and Faculty Development (DCFD). Faculty should plan their research and travel activities in advance in order to meet application deadlines. Applications are due a minimum of one month before the travel date or project start date. An application form is available on the [Academic Administration website](#). A hard copy of the form should be submitted to the DoF before the appropriate deadline. The application should include a detailed budget. When available, program descriptions for workshops and short courses should be appended to the application.

Travel expenses will be reimbursed for the most economic fare or means: automobile usage at the current mileage rate and air travel at coach or economy rate. The maximum monthly food and lodging allowable expense, when conducting research, is \$2,500. All expenses subvented by a grant must be documented with original receipted bills. When a project involves the hiring of assistants, the jobs must be offered first to Middlebury College students. Faculty members should consult the student employment coordinator in preparing a budget. The coordinator will advertise the position and arrange for interviewing of qualified candidates for the position. Only if no qualified students can be found may others be hired. Recognizing that going to conferences is an important aspect of one's professional activity, but also recognizing that funds are limited and need to be used for an increasing number of professional development opportunities, proposals for travel that include paper, poster, or artistic presentations, serving as discussant, or chairing sessions, will receive greater priority and greater levels of funding than those that do not.

The following activities and expenses will not be supported by the Faculty Professional Development Fund:

- 1.** Journal page charges. A separate fund exists for this purpose. A Scholarly Publication Subvention Fund (SPSF) application form and bills should be submitted directly to the DoF.
- 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.

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## Research Policies

Research involving animals must be approved in advance by the Institutional Animal Care and Use Committee. Contact Professor Jeremy Ward, 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://go.middlebury.edu/irb>. Further information may be obtained from Professor Michael Sheridan, the committee chair.

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## 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 of the faculty (DoF) 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 vice president for academic affairs (VPAA) will be notified, since he/she is the person who must appoint the inquiry committee.**

**3. Once a formal allegation has been made, the DoF 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 VPAA, consisting of a total of three to five members who have the appropriate background to judge the issues being raised. The DoF 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 VPAA, 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 VPAA. If the investigation committee determines that research misconduct on the part of a faculty member has indeed occurred, the VPAA, 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 VPAA may appeal the VPAA's decision to the president. The appeal must be filed within 10 days.**

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## 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 Administration web page and sent to the office of the Dean of the Faculty (DoF).

**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 must include a written contract with a publisher (if applicable). The faculty member may not be the publisher, producer, or agent.

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## Contracts and Grants Policy

**Please note:** In light of ongoing changes in federal regulations and administrative structure, this section must be revised annually. Please check with the dean of curriculum and faculty development, the Sponsored Research Office, or the office of Corporate and Foundation Relations if you have questions regarding administrative policies or procedures.

- 1.** The vice president for academic affairs, the dean of curriculum and faculty development, 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 or other 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 or other project effectively.
- 3.** Following approval by the department chair, the research or other project proposal must be approved by the dean of curriculum and faculty development. An endorsement from the vice president for academic affairs, 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 of curriculum and faculty development 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.
- 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

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Government (or other sponsor) 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 and the dean of curriculum and faculty development 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 or other project work normally will be approved to provide for up to two months of extra work during the summer. One month's summer salary is equal to 1/9th of the annual contract salary for the prior academic year. Exceptions to this policy must be approved by the VPAA, upon recommendation of the director of the sciences or dean of curriculum and faculty development.
  - 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 to support academic leaves, 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 vice president for academic affairs 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 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. In lieu of the aforementioned requirement, proposals to and grants awarded by any Public Health Service entity including the National Institutes of Health are governed by the PHS/NIH Financial Conflict of Interest Policy posted on the Middlebury College website in August 2012.
  - 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 office of the controller (or designate).
6. The controller or person designated by the controller is authorized to sign all 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 external 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 or designate, 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.

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## Consulting and Outside Employment Policies

External consulting arrangements by faculty members which will enhance the individual's professional competence and/or provide a community service are encouraged, provided such arrangements do not interfere with the primary responsibilities of the individual to the College. The exercise of good judgment of all concerned is essential in determining what the proper balance of outside commitments against the individual's obligations to the College may be in each case. Faculty must gain the assent of the vice president for academic affairs 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 vice president for academic affairs or his or her designate.

These guidelines are meant to apply during the September through May academic session.

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## 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.

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## 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. Tenure-track faculty normally will not be eligible to request associate status for the purpose of professional development until they have undergone a review for tenure. They may request associate status before the tenure review for personal reasons (e.g., familial obligations), however. In the event that a tenure-track faculty's request is approved, the tenure review schedule may be extended one semester for each year on associate status.

(b) Associate status may be requested for a maximum of three consecutive years and, normally, for no more than a total of six years during the period prior to the faculty member's 60th birthday. After the 60th birthday, faculty may remain on associate status for up to five years preceding retirement.

(c) Colleagues on associate status are expected to teach three courses per academic year, maintaining contact hours and enrollment numbers consonant with a 0.6 FTE appointment. Those courses normally will be spread out over the entire academic year, but the administration also will consider requests for associate status that call for teaching two courses in either the fall or spring term and one course taught in Winter Term. If it is beneficial to the department or program curriculum, colleagues may be permitted to teach three courses solely in either the fall or spring term. Normally, a colleague who is on associate status will receive 60% of 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 dean of the faculty. 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

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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 Vice President for Academic Affairs (or designate), in consultation with the Promotions Committee, and a recommendation will be advanced by them to the president. 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 setting forth the conditions of the appointment will be sent by the president (or designate) to the individual faculty member and the department chair. Instructors and assistant professors who move to associate appointment retain the term of appointment current at the time that change is granted. A faculty member who moves to associate appointment after the fourth year of appointment but prior to the review for tenure, and who subsequently fails to be given a tenured appointment, is normally not eligible for continuation as an assistant professor beyond the one-year terminal appointment stated in General Provisions 1.e.iv. Tenured faculty who move to associate appointment retain tenure and are reviewed on the normal schedule.

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*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 vice president for academic affairs (VPAA) 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 VPAA 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, and the VPAA 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 VPAA in all such matters and a copy of all correspondence with the faculty member will be filed in the Office of the Vice President for Academic Affairs.

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 VPAA that action be initiated for termination for cause as set forth below in iv. (b)-(f). (In this instance, the VPAA cannot act without departmental recommendation.)

### iv. Procedures in Termination for Cause

(a) When an allegation of severe professional misconduct has been made, the VPAA shall make a preliminary inquiry and shall discuss the matter with those administrative officers he or she deems appropriate. If the VPAA concludes that further inquiry is warranted, then he or she will meet in confidence with the faculty member to discuss the alleged violation. The faculty member and the VPAA may each invite a faculty adviser to attend these meetings.

If, after such discussions and meeting with the faculty member, the VPAA determines that there is no basis for a formal review of contract, the matter will be dropped with no penalty to the faculty member. If, however, the VPAA determines that a formal review of contract should be conducted, he or she will recommend to the president a review for termination for cause. If the president chooses not to accept the recommendation, the matter will be dropped with no penalty to the faculty member, contingent on final approval of the Board of Trustees. In any case in which the VPAA makes a determination that a formal review of contract should be conducted and the president thereafter recommends that the case be dismissed, the president will inform the Board of Trustees of such recommendation. If the president accepts the recommendation, the matter will be turned over to the Promotions Committee for a full review. The VPAA will inform the complainant(s) in writing whether or not a review of contract will be pursued.

(b) If the case is turned over to the Promotions Committee, the VPAA will promptly inform the faculty member, in writing, of the identity of the person or persons initiating the charge, the grounds upon which termination for cause is being considered, and the sources of any information about the case. The statement given to the faculty member will be framed with due concern for the rights of the parties involved. The VPAA will not participate in the Promotions Committee's proceedings or deliberations.

Once the Promotions Committee has begun the review, the VPAA will make available to the committee all information pertaining to the matter that he or she possesses. The president and the VPAA will cooperate with the committee in any inquiries it deems necessary. The faculty member will be given fair opportunity to prepare and present his or her defense and will be permitted to call upon a faculty adviser of his or her choice to assist him or her, or to act as counsel. In the course of the review, the faculty member will have an opportunity to confront witnesses against him or her.

The faculty ombudsperson will attend all proceedings of the Promotions Committee that incorporate interviews or testimony in the case. The Promotions Committee will also keep the ombudsperson informed of the committee's work. The ombudsperson will keep the president informed of the committee's work. A professional reporter will transcribe any interviews and testimony heard by the committee. All parties must agree to the content of the transcript before it becomes the official record of the proceedings. The faculty member and the president will each have full access to all records of interviews and testimony at the committee's proceedings as these records become available.

(c) After a full review of the case, the Promotions Committee will inform the faculty member in writing of its findings and recommendations, specifically including whether it has found cause for termination. The Promotions Committee will also present in writing its findings and recommendation to the president. If the Promotions Committee finds that there is no cause for dismissal, it will recommend either that the case be dropped, or that the faculty member be given a penalty less severe than dismissal. If the Promotions Committee recommends a penalty less severe than dismissal, it will specify

the penalty that it recommends.

The president will consider the recommendation of the Promotions Committee. Within 14 days of receiving this recommendation, except where exigent circumstances require otherwise, the president will present his or her own recommendation, orally and in writing, to the faculty member and to the Promotions Committee. The written findings of the Promotions Committee and the president will be provided to the Board of Trustees. These reports will not divulge the names of the faculty member or of any individuals who participated in the review.

If the Promotions Committee recommends that the case be dropped and the president and Board of Trustees accept this recommendation, then the case will be dropped. If the Promotions Committee recommends dismissal or a penalty short of dismissal, and the president accepts the recommendation, the faculty member may appeal the decision to the Board of Trustees. If the president does not accept the Promotions Committee's recommendation, the case will go to the Board of Trustees for review. In the event of any appeal by the faculty member or any disagreement by the president with the Promotions Committee's findings and recommendation, the Board of Trustees will conduct a hearing of the case. When a case is referred to the Board of Trustees, the Board will have full access to all records of the prior proceedings in the case.

In circumstances that require the Board of Trustees to conduct a hearing, the Board will establish a Hearing Panel of at least three of its members to conduct a full review of the case. The work of the Hearing Panel will include: a review of all of the documentation of the case; a meeting with the faculty member who was charged; an interview with the Promotions Committee; an interview with the president; and all further investigations and interviews that the Hearing Panel deems necessary. The faculty member will be given fair opportunity to prepare and present his or her defense, and will be permitted to call upon a member of the College community as an adviser. A professional reporter will produce a verbatim transcript of the proceedings of the Hearing Panel. The faculty member will have full access to all records of the proceedings of the Hearing Panel. The work of the Hearing Panel must be completed within 60 days except where exigent circumstances require otherwise.

If, after a full review, the Board of Trustees disagrees with the findings or recommendation of the Promotions Committee, the Promotions Committee will have the option to respond within seven days to the Board's objections. Similarly, if after a full review, the Board of Trustees disagrees with the recommendation of the president, the president will have the option to respond to the Board's objections within seven days.

In all instances, the Board of Trustees will make the final decision whether to drop the case, impose a penalty less than dismissal, or dismiss the faculty member. The president will carry out the final decision of the Board of Trustees. If the Board of Trustees determines that the faculty member should be dismissed, the faculty member will not be offered any subsequent employment at the College.

(d) From the moment the VPAA determines that a review for termination for cause should be undertaken until the time when the Board of Trustees reaches its final decision, the faculty member may end the proceedings by resigning.

When the charge against the faculty member is based in whole or in part on abuse of authority involving intentional or deliberate harm to others (e.g., harassment), however, the faculty member will not be permitted to take early retirement or resign effective at a later date in exchange for the charges being dropped. If the faculty member chooses to resign, the resignation must take effect immediately.

(e) Whenever the Promotions Committee has conducted a review for termination for cause, it will, 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 Board of Trustees that there appeared to be adequate cause for dismissal. This report will not divulge the names of the faculty member or of any individuals having participated in the review and will be entered into the records of the faculty. If a faculty member ends a review for termination for cause by resigning, the termination of the review and the reason for the termination will be reported to all individuals having participated in the review, and to the faculty, in the manner described above.

*section c.iv. rev. 3/13*

#### 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.

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## Administrative Appointments - Terms/Conditions

### TERMS AND CONDITIONS OF ADMINISTRATIVE APPOINTMENTS

Vice presidents, deans, chairs, program directors, and heads of administrative departments are appointed by the president and continue in office at the pleasure of the president. In normal cases, such appointments are for a specified term, regularly from three to five years. Appointments take effect on July 1 and continue until June 30 of the year of termination.

Appointments may be renewed by the president or terminated by either the president or the appointee, but, in any event, all such appointments 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.

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## Leaves of Absence (nonacademic)

Leaves for the purpose of research are described in a separate section.

Other leaves are described below. At minimum, qualified faculty are entitled to the unpaid leave provided by the College's adherence to the Family and Medical Leave Act (FMLA) Policy for: the foster placement, birth or adoption of a child; care of self or certain family member(s) with a serious health condition; certain exigencies arising from a family member's call to active military duty; or to care for a family member injured while on active military duty. (See the Employee Benefits chapter in the Employee Handbook for eligibility and other details or contact Human Resources for more information.)

**Medical Leaves**

Faculty who find that they need a leave of more than three days for medical reasons should arrange to meet with or contact 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 (usually the six weeks from the date of birth or adoption), 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 if qualified for an FMLA leave.)

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.

The following guidelines should be used to determine which semester(s) faculty may be released from teaching duties in the event of a birth or adoption under this policy.

For birth or adoption that occurs	Semester(s) released from teaching
October 1 - November 30	Fall & WT
December 1 - January 31	WT & Spring
February 1 - May 15	Spring
May 16 - September 30	Fall

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.

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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.

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## 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, including determining eligibility for Family and Medical Leave Act (FMLA) designation (see Employee Benefits section in the Employee Handbook for more information).

### 2. SHORT TERM SALARY CONTINUATION

During the first six months of disability the College will extend the current salary of benefits-eligible 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.

After a six-month period of salary continuation at 100% the dean of the faculty may supplement Long-Term Disability (see below) up to 40% of salary for extenuating circumstances. Normally, short term salary continuation will not be extended for more than one-year, or for one-year accumulated over a five-year period.

### 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).

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## 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:

<b>Years of Continuous Full-Time Service (as Determined by the VPAA)</b>	<b>Maximum Months Salary</b>
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.*

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## Housing Programs

Middlebury College Employee Benefits are described in the Employee Handbook chapter of the College Handbook. Because faculty are employed on a contractual basis, specific provisions relating to vacation and sick leave as stated in the Employee Handbook chapter may not be applicable to them. Conversely, faculty may be eligible for specific provisions that are not applicable to general employees.

### College Rental Program

The purpose of the Middlebury College rental program is to provide temporary housing for faculty and certain administrative staff positions at the time of hire. Housing is meant to be short-term in duration. This policy is outlined below.

Approved tenured and tenured track faculty tenants can stay in College house for a maximum of 8 years or the end of employment with the College whichever comes first. All other approved tenants can stay in College housing a maximum of 2 years.

All rental relationships are governed by a lease, require a security deposit and the rents are collected by payroll deduction. Most housing units require the tenant to pay some or all of the utilities. Middlebury Town water and sewer charge may be billed to the tenant, by the College according to the lease.

Available housing is listed on the Business Services homepage. Please do not ask to tour occupied houses. Housing is allocated by a lottery process each year in the spring. All leases end on June 30, and are normally written for one year at a time with the option to renew. The first year of a rental will normally begin in mid August.

The College attempts to operate its rental housing on a break-even basis, which in practice means that it is planned that anticipated income and projected expenses be equal for each fiscal year.

Rents are based on the services and utilities provided real estate taxes, maintenance expenses and the local rental market. The College rents are designed to be at local market rates.

Tenants must carry their own renters' insurance to protect their own contents and provide liability coverage.

### Mortgage Program

Middlebury College has a mortgage program to assist faculty in the purchase of their first home in the Middlebury area. The home should be within 10 miles of campus, exceptions are made to accommodate spouse/partner employment. Faculty who are tenured or tenure track and have passed their First Review, administrative officers with four years of service, and athletic faculty with five years of service are eligible.

Changes in Vermont and Federal mortgage lending laws now prohibit the College from making mortgage loans. Loans currently on the books can continue but cannot be refinanced by the College.

The National Bank of Middlebury (NBM) has agreed to partner with the College to allow a modified second mortgage program to continue. The new program will need to conform to new mortgage regulations and be standardized to make obtaining a first mortgage easier. The new mortgage regulations are making the underwriting of first mortgages harder and the recent mortgage market crisis is making the rules harder as well.

The new program will be administered by the NBM, who will underwrite, close and hold the second mortgages. The College will collect the payments and subsidize the interest rate on a monthly basis. The new loans will be at an interest rate based at 1.5% above the 30 day commitment Federal National Mortgage Association 30 year fixed rate with a floor

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of 5% interest, up to \$150,000 or the amount of the first mortgage whichever is less, have a term of not more than 25 years (but in no event can the term be longer than the term of the first mortgage), a loan to value ratio (first and second mortgages) of 90% or less\* and be payable biweekly. The bank will record all interest paid and issue a 1098 based on the full bank payment. The College and borrower will enter into an agreement, where the College will provide a discount on the second mortgage rate payable to the bank on behalf of the employee every two weeks. This subsidy will be a taxable benefit to the employee.

The amount of the subsidy will be the difference between the NBM loan payment and a payment determined at 2% below the rate on the employee's first mortgage.

NBM will prepare all disclosures, notes, mortgages and closing documents and will charge a document fee. College will prepare a benefit agreement and payroll deduction form.

Every two weeks the College will forward the payments it has collected plus the subsidy to the NBM.

\*For loans with a loan to value ratio (first and second mortgage) in excess of 80% College agrees to guarantee the loan to the NBM until the loan to value ratio is reduced to 80%. The College and NBM will have a signed agreement for each loan indicating the exact amount of the guaranty.

It is possible the new second mortgage program will make it harder for some borrowers to obtain loans as the payment on the second mortgage will be higher for underwriting purposes.

Both the College Housing and Mortgage Programs are administered by the Business Services Office, 802.443.5504.

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## Miscellaneous Policies

**1. ENTERTAINMENT ALLOWANCE**

Each FYSE has a course enrichment budget of \$250. In addition, the program provides \$100 for social interactions with seminar students. Requests for reimbursements should be submitted 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 dean of curriculum and faculty development (DCFD) 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 DCFD (prior to payment by the Accounts Payable Office) according to the guidelines as specified in the annual award letter.

**3. STUDENT ASSISTANTS**

Undergraduates assisting in such academic work as correcting and reading papers and assisting in laboratories must first be approved by the chair of the department, who may consult with the dean of the faculty in these matters.

**4. COMMENCEMENT AND CONVOCATION**

On Convocation and Commencement days all members of the faculty are invited and encouraged to participate in the academic ceremonies. Those faculty members not owning caps and gowns for the academic procession may rent them through the College Store. The College will pay the rental fees for caps, gowns, and hoods for untenured faculty. Orders should be given at least six weeks in advance of Commencement weekend. Academic regalia may be purchased by the faculty through the College Store; a payroll deduction loan program is available to do so. The College will purchase academic regalia for newly tenured faculty if they do not yet own regalia.

**5. ELECTRONIC DEVICES IN CLASSES**

Except for students whose needs are recognized by the College ADA office, the use of electronic devices (laptops, iPhones, Blackberries and other smart phones, etc.) by students in classes is subject to the approval of the instructor. At any point in the semester, the instructor may choose to prohibit or limit the use of such devices by students without needs recognized by the ADA. The instructor's decision should be made clear to the entire class, in verbal or written form.

**6. RECOMMENDATIONS FOR MERIT**

At an annual salary consultation, department chairs will advise the VPAA in interpreting annual faculty salary forms. Faculty members may be recommended for salary increases based on continuing excellence in teaching effectiveness, scholarly and/or creative activity and contributions to the work of the College. Department chairs will call the VPAA's attention to faculty members who have distinguished themselves in at least one of these areas by notable or exceptional achievements within the previous year.

**7. FACULTY PARTICIPATION IN A PRESIDENTIAL SEARCH**

In the event of a presidential search, the faculty will elect three tenured representatives who will be available for service on a search committee. These elections will follow the same rules as those for the Promotions Committee, but with the inclusion on the ballot of associate professors, and will take place within six weeks from the date of announcement of a presidential search. Colleagues who do not wish to be elected can withdraw their names from the initial ballot.

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## 7. 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.

see: [Procedures -- Performance Evaluations](#)

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## 9. Leaving Middlebury College

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## 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  
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### Special Needs Identification Forms (S. N. I. F.) Online

### Student Accessibility Services

**Contact Information:**  
**802-443-5936 (phone)**  
**802-443-7437 (TTY)**  
**802-443-2440 (fax)**  
**Meeker House**

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## Middlebury College Americans with Disabilities Act (ADA) Policy

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## **VI. Appendices**

### **Appendix A: Admissions for Students with Disabilities**

### **Appendix B. Special Needs Identification Form**

## **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, as amended, and similar state laws (hereinafter "applicable law" or "law[s]"), which are designed to eliminate discrimination against qualified individuals with disabilities. Disabilities may include physical or mental impairments which substantially limit one or more of a person's major life activities, and which necessitate modifications to 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 unreasonable, 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, as amended, 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 Student

Accessibility Services.)

**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 Student Accessibility Services 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-emptly 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 Student Accessibility Services 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 Student Accessibility Services 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 Student Accessibility Services.

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

#### **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 Faculty (or designee) 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 Student Accessibility Services. 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.

If a student approaches a faculty member directly to request an accommodation related to a physical or mental impairment, the faculty member must explain the certification/accommodation process of the College and direct the student to the ADA Coordinator. A faculty member is not individually authorized to agree to provide a student with a requested accommodation.

## 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.

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.

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 *Middlebury 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 Student Accessibility Services 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 can 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, Student Accessibility Services 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. The Office of 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**

Student Accessibility Services 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 in which they might not otherwise be eligible to enroll.

#### **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. Student Accessibility Services 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 Student Accessibility Services and will be paid for by Student Accessibility Services .

## **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**

Student Accessibility Services and/or ADA Committee will support requests for extensions for assignments on a case-by-case basis. Student Accessibility Services 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.

## **I. Provisional Services**

At the discretion of the ADA Committee and/or Student Accessibility Services, 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 Student Accessibility Services. 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.

## **J. 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 Student Accessibility Services. 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 for the following year. 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 for the following year. 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/about/handbook/misc/thermal\\_comfort](http://www.middlebury.edu/about/handbook/misc/thermal_comfort).

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.

#### **K. Diagnostic Evaluation Services**

If a student wishes to be evaluated for a possible learning disability or for attention deficit/hyperactivity disorder, the [Parton Center for Health and Wellness](#) at Middlebury College can be of assistance in clarifying questions, determining what type of assessment is indicated and referring to appropriate off-campus services for assessment. The counseling center can also be helpful in making recommendations for on-campus services to enhance the student's learning potential. These may include referral to [Student Accessibility Services](#), [Center for Teaching/Learning/Research](#), the [Writing Program](#), tutorial services, the student's Commons Dean, or [Career Services](#).

Assessments for psychological conditions are provided by the counseling center, in conjunction with the psychiatry staff at the Counseling Services of Addison County. The counseling center provides short-term counseling for these conditions and makes referrals for long-term therapy to private mental health professionals within the community. The cost of treatment outside the counseling center is the responsibility of the student.

#### **L. Parton Center for Health and Wellness**

Students with disabilities are encouraged to make their needs known to a member of the Parton Center for Health and Wellness ("Parton") 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.

Medical and psychological care is available 24 hours a day during the academic year. We encourage students who are under stress to access our services at any time. The Parton 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 Parton.

Care at Parton and records that students choose to share with Parton 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, Student Accessibility Services may be able to arrange limited assistance for temporarily impaired students at the discretion of Student Accessibility Services and other College offices or programs. It must be understood that Student Accessibility Services 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 Student Accessibility Services.

#### **VI. APPENDICES**

##### ***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 Student Accessibility Services 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) of 1990, as amended, 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 Student Accessibility Services or on the web at <http://www.middlebury.edu/studentlife/doc/ada>. Qualifying disabilities can include, for example, 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 Student Accessibility Services. 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.

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 Student Accessibility Services.

Attach additional pages as needed. Return this form to Student Accessibility Services, 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](mailto: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.

MiddTags:

**Quick Facts****Middlebury's Mission****College Handbook**

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- Safety & Emergency
- College Governance
- Academics
- Athletics
- Library & Information Services
- Student Life Policies
- Student Finances
- Faculty Handbook
- Employee Handbook
- Other Policies and Information
  - o Allowable Expenditure Policy
  - o Americans with Disabilities Act Policy
  - o Anti-Harassment/Discrimination Policy
  - o Anti-Stalking Policy
  - o Athletics Facilities
  - o Bookstore, Mail & Printing Services (Reprographics)
  - o Code of Conduct for Employees
  - o Demonstrations and Protests
  - o Drugs and Alcohol: Policies, Laws, and Resources
  - o Environmental and Sustainability Policy
  - o Identification Card (MiddCard) and Photo Policies
  - o Institutional Animal Care
  - o Insurance
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## Anti-Harassment/Discrimination Policy

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### Appendix B

## A. General Provisions

### **1. Introduction**

Middlebury College ("Middlebury") is committed to maintaining a diverse and inclusive campus environment where bigotry and intolerance are unacceptable. Discrimination and harassment, including sexual harassment and sexual misconduct, and related retaliation, as defined by applicable law and the corresponding terms of this policy, are antithetical to Middlebury's mission. Middlebury strictly prohibits conduct that constitutes unlawful discrimination and harassment, including sexual harassment and sexual misconduct, as well as related retaliation, as defined below. Middlebury will take reasonable and appropriate remedial action to prevent unlawful discrimination, harassment, sexual misconduct, and related retaliation, eliminate any hostile environment, prevent its recurrence, and correct its discriminatory effects on the complainant and others, if applicable.

Except as otherwise specified herein, this Anti-Harassment/Discrimination Policy applies to faculty, staff, and students, as well as to others who participate in Middlebury programs and activities, including the undergraduate college, the Language Schools, the Bread Loaf School of English, the Bread Loaf Writers' Conference, Middlebury College Schools Abroad, and the Monterey Institute of International Studies ("the Institute"). Procedures for filing and resolving complaints

Threat Assessment and Response Policy

- Trademarks and Logos
- Travel Policies
- Vehicle Rentals

Previous Handbooks

**President of the College**

**Our Future**

**History & Traditions**

**Middlebury Campus**

**Centers & Facilities**

**Copyright**

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of unlawful discrimination and harassment, including sexual harassment and sexual misconduct, and related retaliation in such programs are set forth in Section B below; however, where applicable law mandates different procedures and/or policies with respect to Middlebury programs outside Vermont, those procedures and/or policies will apply.

Middlebury does not discriminate on the basis of sex in its education programs and activities, and Title IX of the Education Amendments of 1972 as amended ("Title IX"), as well as applicable state law, requires that it not discriminate in such a manner. Prohibited sex discrimination includes sexual harassment and sexual misconduct (which includes sexual assault and inappropriate sexual conduct) as defined by Middlebury's policies. The [dean of the College](#) is Middlebury's Title IX coordinator, and is responsible for coordinating Middlebury's efforts to comply with and carry out its responsibilities under Title IX (contact information is listed in [Appendix A](#)). The Title IX coordinator's responsibilities include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. Inquiries concerning the application of Title IX may be referred to the dean of the College or to the United States Department of Education Office for Civil Rights (contact information is listed in [Appendix A](#)). See also Middlebury's [Nondiscrimination Statement](#).

Middlebury has a separate [Sexual Misconduct Policy](#) that governs the behavior of all Middlebury College undergraduate students enrolled in classes on the Vermont campus when the alleged conduct occurs during the academic year, or when the alleged conduct occurs in the summer and neither the complainant nor the respondent(s) are participating in another Middlebury program. In all other cases, this Anti-Harassment/Discrimination policy applies to sexual misconduct complaints involving students, faculty and/or staff.

All members of the Middlebury community (faculty, staff, and students) have the right to pursue discrimination and harassment complaints, including sexual harassment and sexual misconduct complaints, and related retaliation, beyond Middlebury, utilizing local, state, or federal enforcement agencies, including local and state police agencies, as appropriate, regardless of whether they choose to file a complaint under this policy (see contact information in [Appendix A](#)). The agencies listed in Appendix A can conduct impartial investigations, and facilitate conciliation, and if an agency finds that there is probable cause or reasonable grounds to believe that unlawful harassment, discrimination, sexual misconduct, or retaliation has occurred, it may take the case to court.

There are certain time deadlines for the filing of complaints with state and federal agencies and/or state or federal court. Therefore, an individual who chooses to pursue harassment, sexual misconduct, discrimination, or retaliation charges beyond Middlebury's procedures should contact these agencies or his or her attorney for further assistance (see [Appendix A](#)).

There are many resources available to individuals who are involved in some way with an incident of discrimination, retaliation, or harassment, including sexual harassment and sexual misconduct. Please see [Appendices A & B](#) for contact information and resources. See also the resources outlined at [Sexual Assault Resources and Information](#). A student, faculty member or staff member who believes he or she may have experienced sexual misconduct is encouraged to seek medical care and supportive counseling as soon as possible. (See resources and other information outlined at the above Web site, or in Appendix B, below.)

Faculty, staff or students found to have violated this Anti-Harassment/Discrimination Policy may be subject to the full range of disciplinary actions, as applicable, up to and including termination of employment, suspension, or expulsion.

## 2. Definitions

### (i). Harassment

Harassment is defined as verbal, written, visual, or physical conduct based on or motivated by an individual's actual or perceived sex, sexual orientation, gender identity or expression, race, creed, color, place of birth, ancestry, ethnicity, religion, national origin, age, disability, 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 as defined and 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.

## **(ii). Sexual Harassment**

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.

## **iii. Sexual Misconduct**

Sexual misconduct and attempted sexual misconduct violate the rights of others, and demonstrate flagrant disregard for the principles of this community. Middlebury seeks to prevent all forms of sexual misconduct, and desires to establish and maintain a safe and healthy environment for all members of the community through sexual misconduct prevention, education, support, and a fair adjudication process. Use of alcohol or other drugs does not minimize or excuse a person's responsibility for conduct that violates this policy.

Sexual harassment may also include sexual misconduct, as defined herein. Sexual misconduct comprises two categories of prohibited behavior: sexual assault, and inappropriate sexual conduct. This division of categories is intended to provide clarity, and does not suggest that one category is more severe or violating than the other. Students, faculty or staff may be found to have violated one or both of the categories of sexual misconduct as defined below.

### **a. Sexual Assault**

Sexual assault occurs when a person engages in a sexual act, as defined in this subsection, with another person or compels that person to participate in a sexual act without consent; by threat or coercion; by placing the other person in fear that any person will suffer imminent bodily injury; by impairing substantially the ability of another person to appraise or control conduct by administering or employing drugs or intoxicants without the knowledge or against the will of the other person; or when a person is under the age of 16.[1]

A sexual act for purposes of this subsection is conduct between persons consisting of genital or anal contact or penetration, including oral contact with or penetration of the genitals or the anus.

Sexual assault can be committed by any person against any other person, regardless of gender identity, sexual orientation, or past or current relationship status. Sexual assault may occur with or without physical resistance or violence, and may occur even if individuals are under the influence of alcohol or other drugs.

### **b. Inappropriate Sexual Conduct**

Inappropriate sexual conduct includes unwelcome sexual conduct that does not meet the definition of sexual assault but is sexually violating in nature. It includes but is not limited to the following:

- Nonconsensual physical contact of a sexual nature. This includes intentional contact with the breasts, buttocks, groin, mouth, genitals, or any other body parts;
- Sexually exploitative behavior. Examples include but are not limited to:
  - Capturing through any means images of sexual activity, sexually explicit images, or another's nudity without consent, and/or sharing this material with others without all participants' consent;
  - Viewing or allowing or aiding others to view sexual activity or another's nudity without all participants' consent.

Exception: This section is not intended to prohibit the use of sexually explicit materials that are reasonably related to Middlebury's academic mission. Specifically, this section is not intended to proscribe or inhibit the use of sexually explicit materials, in or out of the classroom, when in the judgment of a reasonable person they arise appropriately to promote genuine discourse, free inquiry, and learning.

### **c. Consent**

Consent means words or actions, freely and actively given by each party, which a reasonable person would interpret as a willingness to participate in agreed-upon sexual conduct.

Consent cannot be given when: a person's judgment is substantially impaired by alcohol or drugs; when intimidation, coercion or threats are involved; when physical force is used; when a physical or mental condition is present such that the person cannot knowingly or voluntarily give consent; or when a person has not achieved the age required for consent, as defined by state law.

An objective standard will be used in determining whether a person's judgment is "substantially impaired" by alcohol or drugs, or a physical or mental condition as described above is present. That is, consent is not valid when:

1. From the standpoint of a reasonable person, the respondent knew, or reasonably should have known, that the person's judgment was substantially impaired as a result of alcohol or drugs, or that the person's physical or mental condition would prevent knowing and voluntary consent; and
2. The person's judgment was, in fact, substantially impaired as a result of alcohol, drugs, or the person was incapable of providing knowing or voluntary consent due to a physical or mental condition.

Silence, non-communication, or a lack of resistance does not necessarily imply consent. Previous relationships or consent do not imply consent to future sexual conduct. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be rescinded at any time.

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

### **d. Coercion**

Coercion is defined as compelling someone to act based on pressure, harassment, threats or intimidation. When someone makes clear that they do not want sex, want it to stop, or do not wish to go past a certain point of sexual interaction, continued pressure beyond that point is coercive.

### **iv. Discrimination**

Middlebury complies with all applicable provisions of state and federal law which prohibit discrimination in employment, or in admission or access to its educational or extracurricular programs, activities, or facilities. Discrimination is defined as conduct directed at an individual based on his/her race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, marital status, service in the armed forces of the United States, positive HIV-related blood test results, genetic information, or against qualified individuals with disabilities on the basis of disability and/or any other status or characteristic as defined and to the extent protected by applicable law.

### **v. Human Relations Officer**

The Human Relations Officer ("HRO") is the administrator and Title IX designee responsible for coordinating training, overseeing investigations, and adjudicating complaints under this policy. In addition, the HRO may be called upon to adjudicate a case under Middlebury's separate [Sexual Misconduct policy](#) under certain extraordinary circumstances (e.g., when it is not possible to convene the Sexual Misconduct Review Panel under that policy). Contact information may be found in [Appendix A](#).

### **vi. Complainant**

A complainant is usually an individual who has alleged a violation(s) of this policy. In some cases (e.g., cases in which a person involved in an incident of an alleged policy violation does not wish to participate in the process but Middlebury

decides that the alleged misconduct needs to be addressed), Middlebury may serve as the complainant.

#### **vii. Respondent**

A respondent is an individual alleged to have violated this policy.

#### **viii. Days**

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

### **3. Retaliation**

Retaliating directly or indirectly against a person who has in good faith filed, supported, or participated in an investigation of a complaint of any type of discrimination, harassment, or sexual misconduct as defined above is prohibited.

Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint or to provide false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment. Depending on the circumstance, retaliation may be unlawful, whether or not the complaint is ultimately found to have merit.

### **4. Confidentiality**

People who have concerns about discrimination, harassment, or sexual misconduct 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 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 Middlebury officials about policies or procedures, and conversations in which the alleged wrongdoer is not identified by name or by implication from the circumstances may remain private. In all cases, Middlebury 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, discrimination, and sexual misconduct protocols. Middlebury has an obligation to investigate complaints under this policy, however, and to take reasonable steps to prevent ongoing harassment, discrimination, sexual misconduct, and related retaliation (see below), so strict confidentiality may not be guaranteed.

If a complainant insists that his or her name or other identifiable information not be revealed, Middlebury will evaluate the request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students, staff, and faculty. Thus, Middlebury may weigh the request for confidentiality against the following factors: the seriousness of the alleged conduct, whether there have been other discrimination, harassment, sexual misconduct, or retaliation complaints about the same individual, and the extent of any threat to the Middlebury community.

Middlebury 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, Middlebury may nevertheless need to intervene.

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## **B. Procedures for Addressing Harassment and Discrimination**

### **1. In General**

All members of Middlebury's community are expected to promote an environment free from prohibited harassment, including sexual harassment and sexual misconduct, discrimination, and retaliation. Employees with supervisory responsibility are expected to report incidents of discrimination, harassment, sexual misconduct, or retaliation, and take appropriate remedial action should such matters come to their attention. Supervisors should report any complaints or suspected acts of harassment, discrimination, sexual misconduct, or retaliation (even if they do not involve direct reports) to the HRO 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, discrimination, sexual misconduct, and/or retaliation, or pursuing complaints under the complaint procedures described here. Failure of a supervisor to report or address harassment, discrimination, sexual misconduct, or retaliation complaints or suspected acts of harassment, discrimination, sexual misconduct, or retaliation appropriately may be considered a violation of Middlebury's



policy.

## 2. Complaints

Any Middlebury student, faculty member or staff member who has reasonable cause to believe that discrimination or harassment, including sexual harassment and sexual misconduct, has occurred or is occurring, or who believes that a student, faculty member or staff member has been subjected to retaliation for having brought or supported a complaint of discrimination, harassment, or sexual misconduct, is encouraged to bring that information to the immediate attention of the HRO who is designated to receive such reports in the Middlebury program at issue.<sup>[2]</sup> If the designated HRO is unavailable, or if the HRO has a conflict of interest, the report should be made to the designated alternate HRO for the program at issue. The alternate shall have the same authority as the designated HRO to process and investigate harassment, discrimination, sexual misconduct, and retaliation reports and complaints. [Appendix A](#) to this policy lists the names and contact information for offices and/or individuals serving as Human Relations Officers and alternate Human Relations Officers in Middlebury's various programs and locations.

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

- a. A copy of the policy will be provided to the complainant and the respondent. The HRO will promptly determine initially whether the report or complaint alleges conduct that is prohibited by this policy.
- b. If the HRO determines that the report or complaint does fall within the scope of this policy, the HRO will, individually or in conjunction with other Middlebury offices or individuals (including, if warranted, independent investigators), promptly and equitably conduct or supervise an investigation that is appropriate under the circumstances. The investigation will be conducted in a prompt, thorough, fair, equitable, and impartial manner. The parties will not be permitted to personally question or cross-examine each other during the course of the investigation. The investigator is authorized to contact any and all individuals; Middlebury recognizes, however, that individuals who are bound by legal privileges may not be able to disclose privileged information, unless an exception applies. The investigator is authorized to access relevant records, except those legally protected as confidential or privileged, and may collect any additional relevant evidence. The nature and scope of the investigation is within the sole discretion of the investigator and/or the HRO.
- In student cases, if prior to or during the investigation the HRO becomes aware that additional Middlebury policies may have been violated, charges may be added to and resolved through this investigation and adjudication process. The decision to investigate and adjudicate other alleged policy violations is within the sole discretion of the HRO.
- c. The HRO, vice president for academic affairs or designee ("VPAA"), Human Resources Department, vice president for Language Schools, Schools Abroad and Graduate Programs, dean of students, Commons dean(s), public safety staff, or other supervisory authority for the program at issue 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 or housing, to protect complaining parties on an interim basis.
- d. After the investigation is completed, the investigator shall issue a report to the HRO, together with recommended findings, based on a preponderance of the evidence standard, i.e., whether it was more likely than not that the policy (or other Middlebury student conduct policies, if applicable) was violated. The report may be issued orally or in writing depending on the nature and complexity of the information.
- e. The HRO is not bound by the investigator's report. Rather, it is advisory to the HRO. The HRO may accept or reject the investigator's recommended finding in whole or in part, and may request additional relevant information before making a determination. The HRO should avoid duplicating the efforts of the investigator, as well as accepting the investigator's recommended finding without careful review of all of the evidence.
- f. Either party may choose to meet individually with the HRO prior to the HRO's determination. The HRO may also request an individual meeting with either party or any other person(s) as appropriate.
- g. After review of the investigator's report and recommended finding, the HRO shall issue a determination as to whether prohibited discrimination, harassment, sexual harassment, sexual misconduct and/or retaliation (or other Middlebury student conduct policies, if applicable) occurred. The HRO's determination will be based on a preponderance of the evidence standard.
- h. If the HRO finds that a staff or faculty member has engaged in conduct that violates this policy the HRO will refer the matter to the appropriate supervisory authority (i.e. the Middlebury College VPAA, the Institute's provost or designee ["the Institute's provost"], or the vice president for Language Schools, Schools Abroad, and Graduate Programs in the case of a faculty member, as applicable to the program at issue, and/or the Middlebury College Human Resources Department, or the Institute's Human Resources Department, as applicable, in the case of a staff member). The supervisory authority may impose disciplinary action under existing policies and/or contracts, as applicable, up to and

including termination of employment, or other action as deemed appropriate under the circumstances.

i. If the HRO finds that a student has engaged in conduct that violates this policy (or other Middlebury student conduct policies, if applicable), the HRO will refer the matter to the dean of students (undergraduate program) and/or the vice president for Language Schools, Schools Abroad and Graduate Programs (Language Schools, Schools Abroad, Bread Loaf programs), and/or the appropriate supervisory authority for the Institute, as applicable, for disciplinary action, up to and including expulsion from any or all Middlebury program(s) in which the student is enrolled or participating, or other action as deemed appropriate under the circumstances. If the conduct occurred during the course and scope of the student's employment at Middlebury, the matter will be referred jointly to the Human Resources Department and the dean of Students (undergraduate program) or the vice president for Language Schools, Schools Abroad and Graduate Programs (Language Schools, Schools Abroad, Bread Loaf programs), or the appropriate supervisory authority for the Institute, as applicable, for disciplinary action up to and including termination of employment and expulsion from Middlebury, or other action as deemed appropriate under the circumstances (i.e. remedies applied to the respondent to address the needs of the complainant, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of No Contact Orders to favor the complainant, and other actions to preserve the rights of the complainant to a discrimination-free environment). Additional non-disciplinary outcomes, such as extending and modifying mutual No Contact Orders, may also be imposed regardless of the finding.

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

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

### **3. Time Frames for the Investigation and Determination**

Absent extenuating circumstances, within five business days of receipt of a report or complaint under this policy, the HRO will determine initially whether the report or complaint alleges conduct that is prohibited by this policy.

Absent extenuating circumstances, the investigation of a report or complaint under this policy will ordinarily be completed within forty-five days from the time a report or complaint is made to the HRO. This time period may be shorter or longer depending on the circumstances, including but not limited to the complexity of the case and the availability of witnesses. If either the complainant or respondent would like to request an extension of this time frame, a request with a description of the reasons for the request should be directed to the HRO. The HRO will notify the other party, make a decision, and inform the parties and any other individual who needs to know, of that decision. If extenuating circumstances are present, the HRO may also decide independently to extend this general forty-five day time frame, and will inform the parties, and any other individual who needs to know, of any such decision.

Absent extenuating circumstances, the HRO will issue a determination within fifteen business days after receipt of the investigator's complete report. The fifteen-day period may be extended if the HRO determines that further information or investigation is needed.

Absent extenuating circumstances, the appropriate supervisory authority or responsible official will issue a decision regarding discipline or other appropriate action, to the extent applicable, within ten business days after the HRO issues a determination. In faculty or staff matters, this time period may be shorter or longer depending on the circumstances, including any contractual rights of the parties.

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

### **4. Appeals (Student Respondents)**

In cases where the student is a respondent in a matter arising out of the undergraduate program, Schools Abroad, or the Institute, the complainant and respondent each has the right to appeal the determination of the HRO under the circumstances described below. The purpose of an appeal is to review the adjudication process.

#### Grounds

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

- discovery of significant new factual material not available to the HRO that could have affected the original outcome; however, deliberate omission of factual information by the appealing party is not a ground for an appeal;
- procedural error where the error prevented fundamental fairness.

The right of appeal is only available to a respondent or complainant who participated in the investigative process.

#### Procedures

An appeal must be made in writing to the VPAA or the Institute's provost, as applicable, within five business days of receipt of the HRO's determination or within five business days of receipt of disciplinary action, if applicable, and must include the grounds for appeal and an outline of any supporting evidence. The Institute's provost shall hear appeals arising out of the Institute's programs. Appeals transmitted via e-mail will be considered to be "in writing" for the purposes of this section.

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

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

- return the case to the original HRO for reconsideration. It is the responsibility of the Middlebury official to determine which aspects of the case merit a new review, and to direct the HRO accordingly; or
- appoint an Alternate HRO to review the case.

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

All decisions by the Middlebury official and following a second review of the case are final, except in cases where the sanction is expulsion of a student. In cases of expulsion, the respondent may submit a final appeal to the president of Middlebury College or the president of the Monterey Institute of International Studies, as applicable, within five business days of written notification of the appeal outcome. In sexual harassment/sexual misconduct cases, the complainant may submit a response to the respondent's final appeal within five business days thereafter, to the extent permitted by law. The president of Middlebury College or the president of the Institute, as applicable, may reduce the sanction, if warranted, after consultation with the HRO and the VPAA or the Institute's provost, as applicable. Absent extenuating circumstances, the president will inform the respondent of the final decision within thirty business days of receiving the appeal. In sexual harassment/sexual misconduct cases, both parties will be notified of the final decision concurrently in writing within thirty business days of receiving the appeal, and the complainant's response, if any, to the extent permitted by law.

### **5. Alternative Dispute Resolution/Disposition Prior to a Final Determination**

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

Mediation between the complainant and the respondent will not be pursued in cases involving allegations of sexual assault.

If at any point before or during the investigation, a student respondent chooses to accept responsibility under this policy, the HRO may issue a determination and refer the matter to the appropriate supervisory authority for the program at issue (i.e. dean of students or Commons dean (undergraduate program), vice president for Language Schools, Schools Abroad and Graduate Programs (Language Schools, Schools Abroad and Bread Loaf Programs) or the appropriate supervisory authority for the Institute, as applicable. The supervisory authority may issue a sanction and/or take other action that is reasonably calculated to address the harassment or discriminatory conduct and prevent its recurrence.

### **6. Scope of Oversight**

Students will be held accountable for policy violations that take place between the time they first arrive on campus to

begin their Middlebury program and their graduation, or Middlebury's confirmation of their resignation or expulsion. Conduct that takes place on or near Middlebury premises or property; occurs at or in connection with a Middlebury-related event; or occurs off-campus but may represent a threat to the safety of the Middlebury community or its members, the pursuit of its objectives, and/or the educational environment of others, may be subject to Middlebury's disciplinary process. In cases where a student is found responsible for a policy violation while participating in any Middlebury program, the finding of responsibility may also be referred to the appropriate authority overseeing any additional Middlebury program in which the student is or will also be enrolled for other action as deemed appropriate. This may include but is not limited to: further investigation; additional adjudication under existing policies (using only information gathered in the first disciplinary process, or using subsequently gathered information, or both, as deemed appropriate by the overseeing authority); disciplinary action; or other remedies or processes deemed appropriate by the authority overseeing the additional Middlebury program.

## 7. Pending Discipline

A student will not be permitted to graduate while a disciplinary matter is pending; the student's graduation will be held in abeyance until the matter is resolved. Nor will a student ordinarily be permitted to withdraw with a disciplinary matter pending. If a student nevertheless withdraws with a disciplinary matter pending, the withdrawal will be considered a resignation from Middlebury, and the student will have given up the opportunity to return to Middlebury. Notation thereof will be made in the student's permanent file. In extraordinary circumstances, however, the appropriate supervisory authority may, after consultation with the HRO, a review of the case, and consideration of the interests of the complainant, Middlebury, and other impacted parties, grant permission for a student to withdraw from Middlebury when a disciplinary matter is pending. Should the student be readmitted, the disciplinary matter must be resolved either before the student's return, or immediately upon the student's return.

## 8. Emergency Withdrawal, Suspension, or Dismissal

Middlebury reserves the right, notwithstanding and apart from the procedures described above, on an emergency basis, to suspend, dismiss, or require to withdraw any student whose presence at Middlebury is determined by Middlebury authorities (e.g., the dean of the College; the dean of students, the vice president for Language Schools, Schools Abroad and Graduate Programs; or the appropriate supervisory authority for the Institute) to pose a danger to the Middlebury community or its members or to be unduly disruptive of College life, or who appears to be unwilling or incapable of effectively and/or safely participating in Middlebury's academic or other programs and/or the residential life of the College. In cases of emergency suspension or required withdrawal, the conditions and procedures for readmission will be determined and communicated in writing to the student at the time of the student's departure or shortly thereafter.

## 9. Plans or Directives Issued by the Human Relations Officer

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

## 10. Other Procedures

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

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

This policy is available online at [go.anti-harassment](http://go.anti-harassment). Printed copies of the policy are also available upon request at several Middlebury offices, including [dean of the College](#), [dean of students](#), [Commons deans](#), [dean of the Faculty](#), [Public Safety](#), [Human Resources](#), [vice president for Language Schools](#), [Schools Abroad and Graduate Programs](#), and the appropriate supervisory authority for the Institute. This policy may be amended from time to time; the policy published on Middlebury's [Web site](#) should be consulted for any updates. The amended policy, as published through Middlebury's [Web site](#), shall supersede wholly any prior versions of the policy. Reasonable accommodations will be provided for persons with disabilities who need assistance in reviewing this policy and/or filing or pursuing a complaint under the

policy, upon request.

A student may file a complaint of discrimination, harassment, including sexual harassment and sexual misconduct, or related retaliation relating to the conduct of the HRO with the dean of the College or the vice president for Language Schools, Schools Abroad, and Graduate Programs, or the appropriate supervisory authority for the Institute, as appropriate given the program at issue. Faculty and staff may file complaints relating to the conduct of the HRO with the associate vice president for Human Resources and Organizational Development. These officials may appoint an individual to serve as a special alternate HRO, as appropriate.

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

The HRO will keep confidential records or reports under this policy 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. The HRO will track reports under this policy for statistical purposes and report to the President concerning the number, nature and disposition of such reports.

Information about the HRO is available at several college offices: [Human Relations Office](#), [dean of the College](#), [dean of Students](#), [Commons deans](#), [dean of the Faculty](#), [Public Safety](#), [Human Resources](#), [vice president for Language Schools](#), [Schools Abroad and Graduate Programs](#), and the Institute's director of Student Services.

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## **C. Policy on Sexual Relationships Between Faculty and Students**

The integrity and trust of the faculty-student relationship is central to Middlebury's mission. 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/Discrimination Policy.

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## **D. Intellectual Inquiry and Debate**

Middlebury is a community of learners and as such recognizes and affirms that free intellectual inquiry, debate, and constructive dialogue are vital to Middlebury's academic mission and must be protected even when the views expressed are unpopular or controversial. This Anti-Harassment/Discrimination 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 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.

[1] Where the law applicable to a particular Middlebury program mandates a different definition of sexual assault, the law will apply.

[2] Under Title IX, third parties are protected from sexual harassment and/or sexual misconduct arising out of Middlebury's programs or activities. Thus, any third party who participates in any Middlebury College program or activity may report a complaint of sexual harassment or sexual misconduct under this policy, as applicable (see Section A.2., above). Also, the College will take appropriate action, to the extent practicable, in response to a report or complaint of sexual harassment and/or sexual misconduct by a student, faculty member, or staff member against a third party.

*Amended and approved on August 28, 2012; published August 30, 2012; supersedes the College's Anti-Harassment/Discrimination Policy dated August 31, 2012.*

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## **APPENDIX A**

### **Administrative, Local, State, and Federal Contacts**

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**Title IX Coordinator\***

Shirley M. Collado  
Dean of the College  
Middlebury College  
Old Chapel  
Middlebury, VT 05753  
802.443.5382  
[scollado@middlebury.edu](mailto:scollado@middlebury.edu)

**Human Relations Officers\*\***

**Middlebury College (All Middlebury Programs)**

Susan P. Ritter  
Middlebury College  
Forest 134  
Middlebury, VT 05753  
802.443.3289  
[sritter@middlebury.edu](mailto:sritter@middlebury.edu)

**Alternate Human Relations Officer (All Middlebury Programs)**

Laura Carotenuto  
Middlebury College  
Human Resources  
Service Building  
Middlebury, VT 05753  
802.443.2012  
[lcaroten@middlebury.edu](mailto:lcaroten@middlebury.edu)

**Alternate Human Relations Officer (Middlebury Language Schools,  
Schools Abroad, and Graduate Programs)**

Elizabeth Kames Keefe, Assistant Dean  
Middlebury College  
Sunderland Language Center 210  
Middlebury, VT 05753  
802.443.5685  
[kames@middlebury.edu](mailto:kames@middlebury.edu)

**Monterey Institute of International Studies Contacts**

Ashley Fera Arrocha (Title IX Coordinator Designee for the Institute)  
Director of Student Services  
Office of Student Services  
440 Van Buren Street  
Monterey, CA 93940  
831.647.4654  
[aarrocha@miis.edu](mailto:aarrocha@miis.edu)

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

**Language Schools and Graduate Programs Contacts**

Michael E. Geisler  
Vice President for Language Schools, Schools Abroad and Graduate Programs  
Middlebury College  
Sunderland Language Center 210  
Middlebury, VT 05753  
802.443.5275  
[geisler@middlebury.edu](mailto:geisler@middlebury.edu)

Elizabeth Karnes Keefe, Assistant Dean  
Middlebury College  
Sunderland Language Center 210  
Middlebury, VT 05753  
802.443.5685  
[karnes@middlebury.edu](mailto:karnes@middlebury.edu)

#### **Middlebury Summer Language Schools at Mills Contact**

Sasha Miyamoto  
Language Schools Administration  
PMB 9972, 5000 MacArthur Blvd.  
Oakland, CA 94613  
510.430.2285  
[smiyamoto@middlebury.edu](mailto:smiyamoto@middlebury.edu)

#### **Bread Loaf Writers' Conference Site Contacts**

Michael Collier, Director  
802.443.5286  
[collier@middlebury.edu](mailto:collier@middlebury.edu)

#### **Bread Loaf School of English Site Contacts**

##### **Bread Loaf School of English (Vermont)**

Emily Bartels, Director  
Django Paris, Associate Director  
Bread Loaf CPO  
4265 Ripton, Route 125  
Middlebury, VT 05753  
802.443.5418  
[ebartels@middlebury.edu](mailto:ebartels@middlebury.edu)

##### **Bread Loaf School of English (North Carolina)**

Stephen Donadio, Director  
Karpen Hall, CPO #2130  
One University Heights, UNC Asheville  
Asheville NC 28804  
828.251.6603  
[sdonadio@middlebury.edu](mailto:sdonadio@middlebury.edu)

For UNC employees:

Rusty Marts, Human Resources/Employee Relations for UNC Asheville  
828.350.4589

##### **Bread Loaf School of English (New Mexico)**

Cheryl Glenn, Director  
St. John's College  
1160 Camino Cruz Blanca  
Santa Fe, NM 87505  
505.995.4083 (Office), 505.820.0410 (Home), 814.574.3333 (Cell)  
[cglenn@middlebury.edu](mailto:cglenn@middlebury.edu)

##### **Bread Loaf School of English (Oxford)**

Peter McCullough, Director  
Lincoln College  
Oxford OX1 3DR  
United Kingdom  
011-44-1865-287334  
Main Oxford office: 011-44-1865-279-819.

#### **Federal/State Agencies**

#### **VERMONT**

**[U.S. Department of Education](#)**  
**[Office for Civil Rights](#)**

8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109-3921  
Telephone: 617.289.0111  
Facsimile: 617.289.0150  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

**Equal Employment Opportunity Commission**

33 Whitehall Street, 5th Floor  
New York, NY 10004  
Phone: 1.800.669.4000  
Fax: 212.336.3790  
TTY: 1.800.669.6820

**Middlebury Police**

802.388.3191

**Vermont State Police**

802.388.4919

**Vermont Attorney General's Office, Civil Rights Unit**

109 State Street  
Montpelier, VT 05609-1001  
802.828.3171  
802.828.3665 (TTY)  
[civilrights@atg.state.vt.us](mailto:civilrights@atg.state.vt.us)

**Vermont Human Rights Commission**

14-16 Baldwin Street  
Montpelier, VT 05633-6301  
800.416.2010, x25 (voice)  
802.828.2481 (fax)  
877.294.9200 (TTY)  
[human.rights@state.vt.us](mailto:human.rights@state.vt.us)

**CALIFORNIA**

**Office for Civil Rights**

U.S. Department of Education  
50 Beale Street, Suite 7200  
San Francisco, CA 94105-1813  
Telephone: 415.486.5555  
Facsimile: 415.486.5570  
Email: [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)

**Equal Employment Opportunity Commission**

350 The Embarcadero  
Suite 500  
San Francisco, CA 94105-1260  
Fax: 415.625.5609  
TTY: 1.800.669.6820

**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

**NORTH CAROLINA**

**Office for Civil Rights**

U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-1475



Telephone: 202.453.6020

Facsimile: 202.453.6021

Email: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

### **Equal Employment Opportunity Commission**

Charlotte District Office

129 West Trade Street

Suite 400

Charlotte, NC 28202

Phone: 1.800.669.4000

Fax: 704.954.6410 and 704.344.6734

TTY: 1.800.669.6820

### **NEW MEXICO**

#### **Office for Civil Rights**

U.S. Department of Education

Cesar E. Chavez Memorial Building

1244 Speer Boulevard, Suite 310

Denver, CO 80204-3582

Telephone: 303.844.5695

Facsimile: 303.844.4303

Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

#### **Equal Employment Opportunity Commission**

3300 North Central Avenue

Suite 690

Phoenix, AZ 85012-2504

Phone: 1-800-669-4000

Fax: 602.640.5071

TTY: 1.800.669.6820

505 Marquette Avenue, NW

Suite 900 - 9th Floor

Albuquerque, NM 87102

Phone: 1.800.669.4000

Fax: 505.248.5192

TTY: 1.800.669.6820

#### **Human Rights Division**

New Mexico Department of Labor

1596 Pacheco Street, Suite 105

Santa Fe, NM 87505

505.827.6838

\*Middlebury 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 ("Title IX"). In general, Title IX prohibits discrimination in educational programs on the basis of sex. Prohibited sex discrimination includes sexual harassment and sexual misconduct as defined in Middlebury's Anti-Harassment/Discrimination and Sexual Misconduct policies. The Title IX coordinator's responsibilities include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

\*\*The College's human relations officer(s) serve as the Title IX Coordinator's designees for the purposes of coordinating sexual harassment training and education and adjudicating complaints of sexual harassment, sexual misconduct, and retaliation complaints under this policy.

## **Appendix B**

### **Resources**

Introduction and General Information

On Middlebury's behalf, Middlebury officials have several options that they can offer to a survivor of sexual harassment or sexual misconduct, including sexual assault and inappropriate sexual conduct, as appropriate to the circumstances, including:

- i. discussion about options regarding different levels of addressing the conduct;
- ii. assistance with pursuing a formal complaint as provided above;
- iii. issuance of a no-trespass or no-contact order;
- iv. referral to counseling and other support services;
- v. academic allowances or changes in living arrangements; and
- vi. assistance in notifying proper law enforcement authorities, which Middlebury will provide, if the student so chooses.

### **Reporting Sexual Harassment or Sexual Misconduct**

To report a complaint of sexual harassment or sexual misconduct under Middlebury's Anti-Harassment/Discrimination Policy, contact the Human Relations Officer(s) for the program at issue, listed in Appendix A. You may also contact the Department of Public Safety at 802.388.5133. (Please see below for other resources available for all Middlebury programs).

### **Resources for Middlebury Programs in Vermont**

#### Alternative Academic and Living Situations

Middlebury will change a complainant's academic and/or living situation(s) if changes are requested and are reasonably available.

#### Confidential Health Care

##### Porton Center for Health and Wellness (Students Only)

##### Health Services

802.443.5135

Middlebury has a Sexual Assault Nurse Examiner (SANE) on staff at the Health Center. She has received specialized training to provide comprehensive care to survivors of sexual assault, including physical assessment and collection of forensic evidence using a Sexual Assault Evidence Kit ("Rape Kit"). Having evidence collected does not commit you to filing a complaint with Middlebury or charges with the police. It will allow you to preserve evidence while you take time to decide if you want to file a report and/or press charges. If you bathe, change clothes or otherwise alter your physical condition before having evidence collected, then you may be washing away valuable evidence. A lengthy delay in reporting may make evidence more difficult to collect.

To contact the SANE call 802.443.5135. After hours the phone message will direct you to the appropriate contact number, or you can call the Counseling Service of Addison County (CSAC) directly at 802.388.7641 and they will connect you with the SANE and other resources. The SANE is typically available 24-hours-a-day. When she is not available, please see the information under *Porter Hospital Emergency Room* below.

Care is provided to students at no cost. Lab tests, medical care, and medications provided by the Health Center will be paid for by the Vermont Center for Crime Victim Services at the student's request.

These services are confidential and information is not shared without the student's written permission, except in the limited circumstances described herein. Health care 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.

#### Counseling Services (Students Only)

802.443.5141

Short-term and crisis counseling is available for students who have been sexually assaulted or have had an upsetting sexual encounter. These services are confidential, except in the limited circumstances described herein. 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.

When Porton Center for Health and Wellness is closed: call CSAC at 802.388.7641, and they will connect you with the appropriate resources.

#### Porter Hospital

802.388.4701

If the Health Center is closed, or if you prefer to seek treatment off campus, you may receive care at Porter Hospital's Emergency Room. The Department of Public Safety can provide transportation, and it is not necessary to share

information with them about the nature of your emergency.

Porter Hospital staff offers medical treatment and can collect physical evidence. There may be a Sexual Assault Nurse Examiner available, but this is not guaranteed. You may want to call in advance to request that a SANE be made available, if possible, before you come in. Please see the recommendations above under Parton Health Services regarding evidence collection.

[College Chaplain](#)

802.443.5626

The College chaplains are available to provide supportive *confidential* counseling of all kinds, faith-based or otherwise.

[Counseling Service of Addison County \(CSAC\)](#)

802.388.6751; after hours or in emergencies, call 802.388.7641

CSAC offers a wide range of professional mental health and developmental services designed to meet the needs of those seeking help. Their staff includes persons trained in developmental services, substance abuse treatment, psychiatry, psychology, mental health counseling, and social work. They provide emergency counseling 24 hours a day at the number above. Services may be provided over the phone or in person.

[Independent Counselors](#)

In addition to CSAC, there are a number of independent counselors in Addison County with experience working with survivors of sexual assault. For assistance choosing a counselor, you can talk with any member of the Middlebury counseling staff or other individuals with whom you feel comfortable.

[Employee and Family Assistance Program \(for staff and faculty\)](#)

1.800.828.6025

The College's Employee and Family Assistance Plan provides confidential counseling and referral services to reduce stress and improve the quality of life for employees. The EFAP provides confidential assessment and referral services, and short-term counseling. The services of the EFAP are free to employees, up to the limits of the plan. All assistance is confidential; no one at Middlebury College will know that an employee has used the EFAP.

[Emergency and Non-crisis Support](#)

[Department of Public Safety](#)

802.443.5911

The Department of Public Safety encourages any student, faculty, or staff who has been sexually assaulted to report this incident to their office. From a safety and investigatory standpoint, the sooner a sexual assault is reported, the better; even so, reports that are given in the weeks or months following an assault can be helpful too. Public Safety can help you to attend to your immediate needs, including transportation to Parton Center for Health and Wellness (students only), or the Porter Hospital Emergency Room. *A request for assistance does not obligate you to make a report to Public Safety.*

If you report a sexual assault to Public Safety, after your immediate needs have been attended to, you will be interviewed by a member of their staff and asked to share your account of what took place. You may indicate a gender preference of the staff member who interviews you if you wish. S/he may ask you additional questions to make sure all of the important details are recorded. The officer will take notes, and once they are typed up, you will be asked to review them for accuracy. You may choose to ask someone you trust to be present with you during this conversation; although reporting your experience can be empowering, it can also be difficult and upsetting. Your conversation with Public Safety can take place in their office at Harnest House, or a member of their staff may be willing to meet you in another confidential space on campus that feels more comfortable to you.

Also, 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 judicial affairs officer, human relations officer, the dean of students, and/or the Parton Center for Health and Wellness. Reporting a sexual assault to Public Safety does not commit you to pursuing a complaint. The Department of Public Safety, and the College, also encourage survivors to report any sexual assault to the Middlebury Police.

[WomenSafe 24-Hour Hotline](#)

1.800.388.4205; Office, 802.388.4205

Based in Middlebury, WomenSafe is a local non-profit organization providing crisis intervention, problem-solving assistance, safety planning, and emotional support to survivors of physical, sexual and/or emotional abuse, including female, male, and transgender members of the Middlebury community. They also provide medical and legal advocacy, and support groups for female survivors.

[SafeSpace Vermont](#)

866.869.7341 or 802.863.0003

SafeSpace, a service of the RU12? Community Center, provides information, support, referrals, and advocacy to lesbian, gay, bisexual, transgender, queer and questioning survivors of violence and offers education and outreach programs in the wider community. Support services include a hotline during established hours, direct advocacy, one-on-one support, and support groups.

[RAINN\(Rape, Abuse and Incest National Network\)](#)

1.800.656.HOPE [for men as well as women]

This comprehensive national resource includes a telephone and on-line hotline, and may be particularly helpful for male survivors of sexual assault.

**Vermont 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 or Vermont State Police](#)

802.388-3191

802.388-4919

Emergency: 911

You may also 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.

[Addison County State's Attorney's Office](#): 802.388.7931.

**Resources for Middlebury College Programs Outside of Vermont**

Please contact the Human Relations Officer or on-site administrator for further information pertaining to Middlebury programs elsewhere (Appendix A).

**[Monterey Institute of International Studies \(Monterey, CA\)](#)**

[On campus](#)

[Office of Student Services](#)

440 Van Buren Street

Monterey, CA 93940

831.647.4128

[Campus Security](#)

831.647.4153

[Off Campus](#)

[Local Police Department](#)

Monterey Police Department

351 Madison Street Monterey, CA 93940

831.646.3914

Emergency: Call 911

[24-hour Hotlines](#)

[Monterey Rape Crisis Center](#)

831.375.HELP or 831.424.HELP

[Suicide Prevention and Crisis Hotline](#): 831.649.8008

[YWCA domestic violence crisis line](#): 831.372.6300

57 Webster Street

Monterey, CA 93940 (men & women)

[Community Hospital of the Monterey Peninsula \(CHOMP\)](#)

Mental Health Crisis Line: 831.625.4623

[Monterey County Social Services](#): 831.899.8001

1281 Broadway Ave.

Seaside, CA 93955

*Domestic Violence Shelter for Women/Children: 408.649.0834*  
2115 N. Fremont Blvd.  
Monterey, CA 93940

*Medical Care & Emergency Rooms*

*Community Hospital of the Monterey Peninsula (CHOMP)*  
23625 Holman Highway  
Monterey, CA 93940  
831.624.5311 or 888.45CHOMP

*Salinas Valley Memorial Hospital*

450 E Romie Lane  
Salinas, CA 93901  
831.757.4333

*Planned Parenthood*

625 Hilby Avenue  
Seaside, CA 93955  
831.394.1691

*Planned Parenthood (Salinas)*

316 N. Main St.  
Salinas, CA 93901  
831.758.8261

*Counseling*

*Student Assistance Program: Well Connect: 1.800.326-6142*

*Community Human Services Counseling and Recovery: 831.658.3811*

**Middlebury at Mills College**

*Mills College Public Safety*

510.430.5555 (for emergency assistance)

*Oakland Police Department*

455 7th Street  
Oakland, CA 94607  
510.777.3211, cell phone emergency  
Other (not an emergency): 510.777.3333, 510.238.3455  
Emergency 9-1-1

*Licensed Counselor*

Thomas Zurfluh, Psy.D,  
2154 Broderick Street, San Francisco, CA 94115  
415.789.8383  
[thomas.zurfluh.psyd@gmail.com](mailto:thomas.zurfluh.psyd@gmail.com)

*Bay Area Women Against Rape (BAWAR)*

BAWAR, the nation's first rape crisis center, was formed in 1971. BAWAR provides free in-person counseling to survivors of sexual assault and their significant others. It also offers accompaniment to police, court and hospital, a 24-hour hotline, support groups, and community education.

*24 hour free hotline: 510.845.RAPE (7273)*

*Office: 510.430.1298*

*470 27<sup>th</sup> Street*

*Oakland, CA 94612, located within the Alameda County Family Justice Center ([www.acfjc.org](http://www.acfjc.org))*

*Highland Sexual Assault Center*

Highland Hospital Campus  
1411 East 31st Street  
Oakland, CA 94602  
Hotline: 510.534.9290  
Business: 510.534.9291

*San Francisco Women Against Rape (SFWAR)*

SWAR offers 1-to-1 peer counseling, support groups, a 24-hour support hotline, medical and legal advocacy, and referrals.

24 hour free hotline: 415.647.RAPE (7273)

Office: 415.861.2024

3542 18<sup>th</sup> Street, #7

San Francisco, CA 94110

**Bread Loaf School of English (New Mexico)**

Santa Fe Rape Crisis Center

PO Box 29541

Santa Fe, NM 87592

800.721.RAPE

505.988.1951

6601 Valentine Way, Santa Fe, NM 87507-7301

24 hour crisis advocacy help line

Christus St. Vincent Hospital

455 St. Michael's Drive

Santa Fe, NM 87505

505.913.3361

St. Vincent Hospital provides services such as thorough medical examinations, prophylaxis, and evidence collection.

Santa Fe, New Mexico - Police Department

2515 Camino Entrada

Santa Fe, NM 87507

Mailing: P.O. Box 909

Santa Fe, NM 87504-0909

505.955.5033 or 505.955.5006

Non-emergency: 505.428.3710

Fax: 505.955.5052

Emergency: 9-1-1

**Bread Loaf School of English (North Carolina)**

UNC Asheville Campus Police

828.251.6710

You may call University Police to report a sexual assault incident. University Police are available 24/7 to assist you or transport you to Mission Hospital.

Mission Hospital

509 Biltmore Ave.

Asheville, NC 28801

828.213.1111

Mission Hospital provides services such as testing for sexually transmitted infections, pregnancy testing, prophylaxis, and evidence collection.

Our VOICE

Our VOICE serves all individuals in Buncombe County affected by sexual assault and abuse, through counseling, advocacy and education.

24 hour crisis line

828.255.7576

Asheville

828.252.0562

44 Merrimon Ave.

Suite 1

Asheville, NC 28801

Asheville, North Carolina - Police Department

100 Court Plaza, Asheville, NC, 28801

Mailing: P.O. Box 7148, Asheville, NC 28802

Non-emergency: 828.252.1110

Chief's Office: 828.259.5885 / 259.5901

Chief's E-mail: [wwood@ashevillenc.gov](mailto:wwood@ashevillenc.gov)

Emergency: 911.



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## Anti-Stalking Policy

### 1. Introduction

Middlebury College ("Middlebury") is committed to providing a campus and workplace environment that is safe and secure for all students, staff, faculty and visitors. Stalking, as defined by applicable law and the corresponding terms of this policy, is strictly prohibited, and Middlebury will take reasonable and appropriate remedial action to prevent stalking and mitigate its detrimental effects, including disciplinary action up to and including termination from employment and/or suspension or expulsion and/or the provision of safety and support services, as appropriate. Stalking is also a crime in many states, including Vermont and California (see [13 V.S.A. §§ 1061, 1062 & 1063](#) and [California Penal Code 646.9](#)) and perpetrators may be subject to prosecution and criminal penalties.

This policy applies to faculty, staff and students, as well as to others who participate in Middlebury's programs and activities, including the undergraduate college, the Language Schools, the Bread Loaf School of English, the Bread Loaf Writer's Conference, Middlebury College Schools Abroad, and the Monterey Institute of International Studies ("the Institute"). Procedures for addressing complaints or reports of stalking or related retaliation are in accordance with the existing procedures applicable to other conduct violations and are set forth below; however, where applicable law mandates different procedures or policies with respect to Middlebury programs outside of Vermont, those procedures or policies will apply.

### 2. Definitions

"Stalking" is defined as engaging in a course of conduct directed at a specific person which includes but is not limited to following, lying in wait, or harassment, and:

- (A) Serves no legitimate purpose; and
- (B) Would cause a reasonable person to fear for their safety or health, or would cause a reasonable person to suffer emotional distress.

"Course of conduct" is defined as a pattern of conduct composed of two or more acts over a period of time, however short, evidencing a continuity of purpose.

"Following" is defined as maintaining over a period of time a visual or physical proximity to another person in such a manner as would cause a reasonable person to have fear for their safety or health, including fear of unlawful sexual conduct, unlawful restraint, bodily injury, or death, or would cause a reasonable person to suffer emotional distress.

"Lying in wait" means hiding or being concealed for the purpose of attacking, alarming, or harming another person.

"Harassment" is defined in this policy as actions directed at a specific person, the person's partner, or a member of a person's family, which would cause a reasonable person to have fear for their physical safety or health or that of others, including fear of unlawful sexual conduct, unlawful restraint, bodily injury, or death, or would cause a reasonable person to suffer emotional distress. Harassment includes but is not limited to verbal threats, written, telephonic, or other electronically communicated threats, vandalism, trespassing, surveillance, physical contact without consent, or other unwanted contact or communication that serves no legitimate purpose.

Examples of stalking behaviors or activities that may cause a reasonable person to fear for his/her physical safety or health or cause emotional distress include, but are not limited to:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome.
- Use of online, electronic or digital technologies in connection with such communication, including but not limited to:
  - o Posting of pictures or text in chat rooms or on websites;
  - o Sending unwanted/unsolicited e-mail or talk requests;



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- Posting private or public messages on Internet sites, social networks, and/or school bulletin boards
- Installing spyware on the person's computer;
- Using Global Positioning Systems (GPS) to monitor the person.
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person.
- Surveillance or other types of observation including staring or "peeping"
- Trespassing
- Vandalism
- Non-consensual touching
- Direct verbal or physical threats
- Gathering information about an individual from friends, family, or co-workers
- Accessing private information through unauthorized means
- Threats to harm self or others
- Defamation – lying to others about the person
- Using a third party or parties to accomplish any of the above

### 3. Confidentiality

Middlebury encourages students, staff, faculty, and visitors to report all incidents of stalking to the Department of Public Safety or other campus safety/security personnel for the program at issue and local law enforcement authorities.

Middlebury respects that the decision to come forward may be difficult and that individuals may choose to seek the assistance of a confidential resource prior to making a report. 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 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 a serious risk of danger or 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 Middlebury officials about policies or procedures, and conversations in which the alleged wrongdoer is not identified by name or by implication from the circumstances, may remain private. In all cases, Middlebury will handle reports in a sensitive manner and will endeavor to protect the privacy of individuals to the extent it can do so consistent with its obligations to respond to complaints of stalking. Information will be shared with others only to the extent necessary to respond to the situation and in accordance with state and federal law. As such, strict confidentiality may not be guaranteed.

If a complainant insists that his or her name or other identifiable information not be revealed, Middlebury will evaluate the request in the context of its commitment to provide a safe environment for all students, staff, and faculty. Thus, Middlebury may weigh the request for confidentiality against the following factors: the seriousness of the alleged conduct; whether there have been other complaints about the same individual; and the extent of any threat to the Middlebury community.

In certain circumstances, Middlebury may need to report an incident to law enforcement authorities. Such circumstances include but are not limited to incidents that warrant the undertaking of additional safety and security measures for the protection of the complainant and/or the campus community or other situations in which there is clear and imminent danger and/or a weapon may be involved.

Middlebury is also part of a larger community and context. If there is an independent investigation, lawsuit, or criminal proceeding related to a stalking matter, those involved or others may be required by law to provide documents or testimony.

### 4. Retaliation

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

## 5. Complaints

If safety is an immediate concern, dial 911.

Any Middlebury student, faculty or staff member or visitor who wishes to make a report or complaint of stalking or related retaliation is strongly encouraged to contact the Department of Public Safety (Vermont programs), or other campus safety/security personnel applicable to the program at issue, local law enforcement authorities, and the appropriate supervisory authority for the program at issue (see contact information in [Appendix A](#), below).

Middlebury's Department of Public Safety (or other campus safety/security personnel for programs outside of Vermont, as applicable) will coordinate its response to the report with other officials, as appropriate (including the Threat Assessment and Management team) and, if necessary, law enforcement, to intervene at the earliest possible point to stop the behavior and offer protection to the complainant. A coordinated response may include the implementation of safety measures as deemed necessary, such as No Contact Orders between the parties, academic or residential accommodations, employment accommodations, and/or other support resources, as appropriate (see, e.g., [Appendix B](#), below).

Contact information for complaints is listed in [Appendix A](#). Complaints or reports of stalking or related retaliation against students, staff and faculty will be addressed in accordance with existing policies, contracts, and/or appointment letters applicable to the individual and/or program at issue (e.g., Student Life Policies-General Disciplinary Processes [undergraduate students]; Language Schools Handbook [language schools students]; Bread Loaf School of English Handbook [Bread Loaf students]; Policy and Standards Manual [Institute students]; Employee Handbook, Faculty Handbook, or other policies, contracts or appointment letters applicable to the faculty or staff member for the particular program at issue). Complaints against undergraduate students who are enrolled in another Middlebury program at the time the alleged conduct occurred may be addressed in accordance with that program's disciplinary processes and/or in accordance with Middlebury's Student Life Policy-General Disciplinary Processes, as appropriate. Complaints against student employees may be addressed in accordance with applicable employment policies and/or Middlebury's Student Life policies, as appropriate.

## 6. Scope of Oversight

Students will be held accountable for policy violations that take place between the time they first arrive on campus to begin their Middlebury program and their graduation, or Middlebury's confirmation of their resignation or expulsion. Conduct that takes place on or near Middlebury premises or property; occurs at or in connection with a Middlebury-related event; or occurs off-campus but may represent a threat to the safety of the Middlebury community or its members, the pursuit of its objectives, and/or the educational environment of others, may be subject to Middlebury's disciplinary process. In cases where a student is found responsible for a policy violation while participating in any Middlebury program, the finding of responsibility may also be referred to the appropriate authority overseeing any additional Middlebury program in which the student is or will also be enrolled for other action as deemed appropriate. This may include but is not limited to: further investigation; additional adjudication under existing policies (using only information gathered in the first disciplinary process, or using subsequently gathered information, or both, as deemed appropriate by the overseeing authority); disciplinary action; or other remedies or processes deemed appropriate by the authority overseeing the additional Middlebury program.

## 7. Pending Discipline

A student will not be permitted to graduate while a disciplinary matter is pending; the student's graduation will be held in abeyance until the matter is resolved. Nor will a student ordinarily be permitted to withdraw with a disciplinary matter pending. If a student nevertheless withdraws with a disciplinary matter pending, the withdrawal will be considered a resignation from Middlebury, and the student will have given up the opportunity to return to Middlebury. Notation thereof will be made in the student's permanent file. In extraordinary circumstances, however, the appropriate supervisory authority may, after appropriate consultation, a review of the case, and consideration of Middlebury's best interests, grant permission for a student to withdraw from Middlebury when a disciplinary matter is pending. Should the student be readmitted to Middlebury, the disciplinary matter must be resolved either before the student's return, or immediately upon the student's return.

## 8. Emergency Withdrawal, Suspension, or Dismissal

Middlebury reserves the right, notwithstanding and apart from the procedures described above, on an emergency basis, to suspend, dismiss, or require to withdraw any student whose presence at Middlebury is determined by Middlebury authorities (e.g., the dean of the College; the dean of students, the vice president for Language Schools, Schools Abroad and Graduate Programs; or the appropriate supervisory authority for the Institute) to pose a danger to the Middlebury community or its members or to be unduly disruptive of College life, or who appears to be unwilling or incapable of effectively and/or safely participating in Middlebury's academic or other programs and/or the residential life of the College. In cases of emergency suspension or required withdrawal, the conditions and procedures for readmission will be determined and communicated in writing to the student at the time of the student's departure or shortly thereafter.

## Appendix A

### Contact Information for Complaints or Reports

#### Middlebury College (All Vermont Programs)

##### Emergency Contact Information

Middlebury College Department of Public Safety: 802.443.5133

Middlebury Police Department: 802.388.3191

Vermont State Police: 802.388.4919

##### Undergraduate Student Complaints

Complaints or reports involving undergraduate students may be made to any of the following College officials:

Dean of Students: 802.443.3233

Commons Deans:

Dean of Atwater Commons: 802.443.3310

Dean of Brainerd Commons: 802.443.3320

Dean of Cook Commons: 802.443.3330

Dean of Ross Commons: 802.443.3340

Dean of Wonnacott Commons: 802.443.3350

Judicial Affairs Officer: 802.443.2024

##### Language Schools and Bread Loaf Programs--Student Complaints

Complaints or reports involving Language Schools and Bread Loaf programs' students may be made to any of the following College officials, as applicable:

Vice President for Language Schools, Schools Abroad and Graduate Programs: 802.443.5275; geisler@middlebury.edu

Associate Vice President for Language Schools and Graduate Programs: 802.443.5821; agermain@middlebury.edu

Assistant Dean of Language Schools and Schools Abroad: 802.443.5685; karnes@middlebury.edu

Director of the Bread Loaf School of English: 802.443.2706; ebartels@middlebury.edu

Director of the Bread Loaf Writers Conference: 802.443.5286; collier@middlebury.edu

##### Staff Complaints

Complaints or reports involving staff may be made to the following, as applicable:

Middlebury College:

Human Resources Department: 802.443.2012

Language Schools/Bread Loaf School of English/Bread Loaf Writer's Conference:

Human Resources Department: 802.443.2012

Vice President for Language Schools, Schools Abroad and Graduate Programs: 802.443.5275; geisler@middlebury.edu

Associate Vice President for Language Schools and Graduate Programs: 802.443.5821; agermain@middlebury.edu

Director of the Bread Loaf School of English: 802.443.2706; ebartels@middlebury.edu

Director of the Bread Loaf Writers Conference: 802.443.5286; collier@middlebury.edu

##### Faculty Complaints:

Complaints or reports involving faculty may be made to the following, as applicable:

Vice President for Academic Affairs: 802.443.5391; spears@middlebury.edu

Vice President for Language Schools, Schools Abroad and Graduate Programs: 802.443.5275; geisler@middlebury.edu

#### Middlebury Programs Outside Vermont

##### **Middlebury Schools Abroad** 802.443.5041

Contact local law enforcement authority or program director

Vice President for Language Schools, Schools Abroad and Graduate Programs: 802.443.5275; geisler@middlebury.edu

Acting Dean of International Programs: 802.443.5041; monod@middlebury.edu

### **Monterey Institute of International Studies**

Campus Security: 831.647.4153

Monterey Police Department: 831.646.3914

Emergency: Call 911

#### Student Complaints

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

#### Faculty and Staff Complaints

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

### **Middlebury at Mills College**

Mills College Public Safety : 510.430.5555

Oakland Police Department : 510.777.3333, 510.238.3455

#### **Emergency: Call 911**

Vice President for Language Schools, Schools Abroad and Graduate Programs: 802.443.5275

Associate Vice President for Language Schools and Graduate Programs: 802.443.5821

Assistant Dean of Language Schools and Schools Abroad: 802.443.5685

Sasha Miyamoto  
Language Schools Administration  
PMB 9972, 5000 MacArthur Blvd.  
Oakland, CA 94613  
510.430.2285  
[smiyamoto@middlebury.edu](mailto:smiyamoto@middlebury.edu)

### **Bread Loaf School of English (New Mexico)**

Santa Fe, New Mexico - Police Department: 505.955.5033 or 505.955.5006

#### **Emergency: Call 911**

Vice President for Language Schools, Schools Abroad and Graduate Programs: 802.443.5275

Associate Vice President for Language Schools and Graduate Programs: 802.443.5821

Assistant Dean of Language Schools and Schools Abroad: 802.443.5685

Cheryl Glenn, Director  
St. John's College  
1160 Camino Cruz Blanca  
Santa Fe, NM 87505  
505.995.4083 (Office), 505.820.0410 (Home), 814.574.3333 (Cell)  
[cglenn@middlebury.edu](mailto:cglenn@middlebury.edu)

### **Bread Loaf School of English (North Carolina)**

UNC Asheville Campus Police : 828.251.6710

Asheville, North Carolina - Police Department : 828.252.1110

#### **Emergency: 911.**

Vice President for Language Schools, Schools Abroad and Graduate Programs: 802.443.5275

Associate Vice President for Language Schools and Graduate Programs: 802.443.5821

Assistant Dean of Language Schools and Schools Abroad: 802.443.5685

Stephen Donadio, Director  
Karpen Hall, CPO #2130  
One University Heights, UNC Asheville  
Asheville NC 28804  
828.251.6603  
[sdonadio@middlebury.edu](mailto:sdonadio@middlebury.edu)

For UNC employees:  
Rusty Marts, Human Resources/Employee Relations for UNC Asheville  
828.350.4589

### **Bread Loaf School of English (Oxford)**

Peter McCullough, Director  
Lincoln College  
Oxford OX1 3DR  
United Kingdom  
011-44-1865-287334  
Main Oxford office: 011-44-1865-279-819.

## **Appendix B**

### **Resources**

Introduction and General Information

Middlebury officials have several options that they can offer to complainants, as appropriate to the circumstances, including:

- i. discussion about options regarding different levels of addressing the conduct;
- ii. assistance with pursuing a formal complaint as provided above;
- iii. issuance of a no-trespass or no-contact order;
- iv. referral to counseling and other support services;
- v. academic allowances or changes in living arrangements; and
- vi. assistance in notifying proper law enforcement authorities, which the College will provide, if the student so chooses.

### **Reporting Stalking**

To report a complaint of stalking, please contact the appropriate supervisor authority, listed in Appendix A. You may also contact the Department of Public Safety at 802.388.5133. (Please see below for other resources available for all Middlebury programs).

### **Resources for Middlebury College Programs in Vermont**

#### Alternative Academic and Living Situations

The College will change a complainant's academic and/or living situation(s) if changes are requested and are reasonably available.

#### Confidential Health Care

##### Parton Center for Health and Wellness (Students Only)

Health Services

802.443.5135

These services are confidential and information is not shared without the student's written permission, except in the limited circumstances described herein. Health care 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.

##### Counseling Services (Students Only)

802.443.5141

Short-term and crisis counseling is available. These services are confidential, except in the limited circumstances described herein. 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.

When Parton Center for Health and Wellness is closed: call CSAC at 802.388.7641, and they will connect you with the appropriate resources.

#### Porter Hospital

802.388.4701

If the Health Center is closed, or if you prefer to seek treatment off campus, you may receive care at Porter Hospital's Emergency Room. The Department of Public Safety can provide transportation, and it is not necessary to share

information with them about the nature of your emergency.

[College Chaplain](#)

802.443.5626

The College chaplains are available to provide supportive *confidential* counseling of all kinds, faith-based or otherwise.

[Counseling Service of Addison County \(CSAC\)](#)

802.388.6751; after hours or in emergencies, call 802.388.7641

CSAC offers a wide range of professional mental health and developmental services designed to meet the needs of those seeking help. Their staff includes persons trained in developmental services, substance abuse treatment, psychiatry, psychology, mental health counseling, and social work. They provide emergency counseling 24 hours a day at the number above. Services may be provided over the phone or in person.

*Independent Counselors*

In addition to CSAC, there are a number of experienced independent counselors in Addison County. For assistance choosing a counselor, you can talk with any member of the Middlebury counseling staff or other individuals with whom you feel comfortable.

[Employee and Family Assistance Program \(for staff and faculty\)](#)

1.800.828.6025

The College's Employee and Family Assistance Plan provides confidential counseling and referral services to reduce stress and improve the quality of life for employees. The EFAP provides confidential assessment and referral services, and short-term counseling. The services of the EFAP are free to employees, up to the limits of the plan. All assistance is confidential; no one at Middlebury College will know that an employee has used the EFAP.

[Emergency and Non-crisis Support](#)

[Department of Public Safety](#)

802.443.5911

The Department of Public Safety encourages any student, faculty, or staff who has been or is being stalked to report this incident to their office. From a safety and investigatory standpoint, the sooner a stalking incident is reported, the better; even so, reports that are given in the weeks or months following an incident can be helpful too. Public Safety can help you to attend to your immediate needs, including transportation to Parton Center for Health and Wellness (students only), or the Porter Hospital Emergency Room. *A request for assistance does not obligate you to make a report to Public Safety.*

[WomenSafe 24-Hour Hotline](#)

1.800.388.4205; Office, 802.388.4205

Based in Middlebury, WomenSafe is a local non-profit organization providing crisis intervention, problem-solving assistance, safety planning, and emotional support to survivors of physical, sexual and/or emotional abuse, including female, male, and transgender members of the Middlebury community. They also provide medical and legal advocacy, and support groups for female survivors.

[SafeSpace Vermont](#)

866.869.7341 or 802.863.0003

SafeSpace, a service of the RU12? Community Center, provides information, support, referrals, and advocacy to lesbian, gay, bisexual, transgender, queer and questioning survivors of violence and offers education and outreach programs in the wider community. Support services include a hotline during established hours, direct advocacy, one-on-one support, and support groups.

[RAINN\(Rape, Abuse and Incest National Network\)](#)

1.800.656.HOPE [for men as well as women]

This comprehensive national resource includes a telephone and on-line hotline, and may be particularly helpful for male survivors of sexual assault.

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

802.388-3191                      802.388-4919

Emergency: 911

You may also report stalking to the police. Stalking on campus should be reported to the Middlebury Police Department.

Stalking occurring in Vermont, but outside the town of Middlebury, should be reported to the Vermont State Police. Stalking that occurs outside of Vermont should be reported to the police department that serves the location where the assault took place.

[Addison County State's Attorney's Office: 802.388.7931.](tel:802.388.7931)

### **Resources for Middlebury College Programs Outside of Vermont**

Please contact the on-site administrator for further information pertaining to Middlebury programs elsewhere (Appendix A).

#### **Monterey Institute of International Studies (Monterey, CA)**

##### On campus

##### Office of Student Services

440 Van Buren Street  
Monterey, CA 93940  
831.647.4128

##### Campus Security

831.647.4153

##### Off Campus

##### Local Police Department

Monterey Police Department  
351 Madison Street Monterey, CA 93940  
831.646.3914  
Emergency: Call 911

##### 24-hour Hotlines

Monterey Rape Crisis Center  
831.375.HELP or 831.424.HELP

Suicide Prevention and Crisis Hotline: 831.649.8008

YWCA domestic violence crisis line: 831.372.6300

57 Webster Street  
Monterey, CA 93940 (men & women)

##### Community Hospital of the Monterey Peninsula (CHOMP)

Mental Health Crisis Line: 831.625.4623

Monterey County Social Services: 831.899.8001

1281 Broadway Ave.  
Seaside, CA 93955

Domestic Violence Shelter for Women/Children: 408.649.0834

2115 N. Fremont Blvd.  
Monterey, CA 93940

##### Medical Care & Emergency Rooms

##### Community Hospital of the Monterey Peninsula (CHOMP)

23625 Holman Highway  
Monterey, CA 93940  
831.624.5311 or 888.45CHOMP

##### Salinas Valley Memorial Hospital

450 E Romie Lane  
Salinas, CA 93901  
831.757.4333

##### Planned Parenthood

625 Hilby Avenue  
Seaside, CA 93955  
831.394.1691

##### Planned Parenthood (Salinas)

316 N. Main St.  
Salinas, CA 93901  
831.758.8261

Counseling

Student Assistance Program: Well Connect: 1.800.326-6142

Community Human Services Counseling and Recovery: 831.658.3811

**Middlebury at Mills College**

Mills College Public Safety  
510.430.5555 (for emergency assistance)

Oakland Police Department  
455 7th Street  
Oakland, CA 94607  
510.777.3211, cell phone emergency  
Other (not an emergency): 510.777.3333, 510.238.3455  
Emergency 9-1-1

Licensed Counselor  
Thomas Zurfluh, Psy.D,  
2154 Broderick Street, San Francisco, CA 94115  
415.789.8383  
[thomas.zurfluh.psyd@gmail.com](mailto:thomas.zurfluh.psyd@gmail.com)

Bay Area Women Against Rape (BAWAR)

BAWAR, the nation's first rape crisis center, was formed in 1971. BAWAR provides free in-person counseling to survivors of sexual assault and their significant others. It also offers accompaniment to police, court and hospital, a 24-hour hotline, support groups, and community education.

24 hour free hotline: *510.845.RAPE (7273)*  
Office: 510.430.1298  
470 27<sup>th</sup> Street  
Oakland, CA 94612, located within the Alameda County Family Justice Center ([www.acfjc.org](http://www.acfjc.org))

Highland Sexual Assault Center

Highland Hospital Campus  
1411 East 31st Street  
Oakland, CA 94602  
Hotline: 510.534.9290  
Business: 510.534.9291

San Francisco Women Against Rape (SFWAR)

SFWAR offers 1-to-1 peer counseling, support groups, a 24-hour support hotline, medical and legal advocacy, and referrals.

24 hour free hotline: 415.647.RAPE (7273)  
Office: 415.861.2024  
3542 18<sup>th</sup> Street, #7  
San Francisco, CA 94110

**Bread Loaf School of English (New Mexico)**

Santa Fe Rape Crisis Center

PO Box 29541  
Santa Fe, NM 87592  
800.721.RAPE  
505.988.1951  
6601 Valentine Way, Santa Fe, NM 87507-7301  
24 hour crisis advocacy help line

Christus St. Vincent Hospital

455 St. Michael's Drive  
Santa Fe, NM 87505  
505.913.3361



St. Vincent Hospital provides services such as thorough medical examinations, prophylaxis, and evidence collection.

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

2515 Camino Entrada  
Santa Fe, NM 87507  
Mailing: P.O. Box 909  
Santa Fe, NM 87504-0909  
505.955.5033 or 505.955.5006  
Non-emergency: 505.428.3710  
Fax: 505.955.5052  
Emergency: 9-1-1

**[Bread Loaf School of English \(North Carolina\)](#)**

[UNC Asheville Campus Police](#)

828.251.6710

You may call University Police to report a stalking incident. University Police are available 24/7 to assist you or transport you to Mission Hospital.

[Mission Hospital](#)

509 Biltmore Ave.  
Asheville, NC 28801  
828.213.1111

Mission Hospital provides services such as testing for sexually transmitted infections, pregnancy testing, prophylaxis, and evidence collection.

[Our VOICE](#)

Our VOICE serves all individuals in Buncombe County affected by sexual assault and abuse, through counseling, advocacy and education.

24 hour crisis line  
828.255.7576  
Asheville  
828.252.0562  
44 Merrimon Ave.  
Suite 1  
Asheville, NC 28801

[Asheville, North Carolina - Police Department](#)

100 Court Plaza, Asheville, NC, 28801  
Mailing: P.O. Box 7148, Asheville, NC 28802  
Non-emergency: 828.252.1110  
Chief's Office: 828.259.5885 / 259.5901  
Chief's E-mail: [wwood@ashevillenc.gov](mailto:wwood@ashevillenc.gov)  
Emergency: 911.

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## 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://go.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

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Dragone Track, Kohn Field (All-weather field), South Street Soccer field (All-weather soccer field), Youngman Field at Alumni Stadium (All-weather field)

- Platform Tennis Courts, behind Nelson Recreation Center
- Lang 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.

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## 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, 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. Surplus is 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, rental, and now digital textbooks on some titles. We also sell 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 with your purchase and redeem your points for a gift card.

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.mis.edu> .

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## 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.

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### **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.

If you're sending a package to the college, we recommend using a service you can track, such as UPS, FedEx, insured, certified or registered mail. United States Postal Service delivery confirmation is not traceable.

### **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.

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## 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.

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## 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.

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## Sharing Music & Videos: Your Responsibilities with Respect to Copyright Law

Many members of the Middlebury community have questions about the sharing of music and movies in digital format over the Internet. These policies and procedures describe how Middlebury College handles alleged copyright violations concerning file sharing. You should understand the risks of certain types file sharing given potential legal action.

### **Peer-to-Peer Programs (P2P)**

Spurred by the widespread use of the Internet, P2P programs make it easy to share music, video, games and other files without regard to the restrictions placed on that material by the copyright owners.

**Most commercially produced music, movies, games and software are copyrighted and are not to be freely shared without permission. This is the law.**

## **Protect Yourself: Do it Legally**

Members of our community must follow college policies for appropriate use of technology resources under the law as described in the College Handbook. see: [Responsible Use of Computing and Network Service and Facilities](#); [Network Policies](#).

**Legitimate means to share and acquire music and videos include services that provide options to buy individual tracks & videos (e.g., iTunes, Amazon); or subscription services (e.g., Napster). Some sites that advertise "free downloads" may not offer *legal* sharing; others offer content freely in order to promote new albums, videos, or other artistic creativity.**

**Sources for legal downloading may be found at:**

[www.educause.edu/legalcontent](http://www.educause.edu/legalcontent)

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

File sharing software resident on your computer may make your audio and video files available for uploading over the Internet without your knowledge or permission. For more information on how to remove a file sharing application, please contact the Technology Help Desk at extension 2200.

## **Copyright Law**

Copyright law is complicated and its interpretation can be controversial. Title 17, United States Code governs the making of reproductions and performance (including transmission over the internet) of copyrighted material regardless of the format of that material. Under the law, you are responsible not to violate the rights of copyright holders.

In most situations, permission needs to be obtained from the original copyright holder such as the publisher, author, or performer before a copy can be legally made.

In some situations, portions of works may be made for personal, educational and research use under "fair use" guidelines. see: [Copyright and Fair Use Guidelines](#)

The Digital Millennium Copyright Act (DMCA) also spells out protection for copyright holders and actions internet service providers (including Middlebury College) must follow if an alleged copyright infringement takes place (see below).

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***If you distribute copyrighted music and videos you are putting yourself at risk of facing civil or criminal actions in federal court if you have not acquired appropriate permissions.***

**The potential consequences of illegally sharing copyrighted material over the Internet are serious and costly.**

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

The Recording Industry Association of America (RIAA) is known to send **pre-litigation settlement letters** to internet service providers (including hundreds of colleges and universities across the U.S.) to forward to College students, suggesting payment of hundreds of dollars per song allegedly acquired illegally via the internet, instead of facing a possible lawsuit. If Middlebury College receives such letters, LIS will attempt to forward them to the right users. The settlement letters contain an internet address of a computer (such as 140.233.203.92) identified by the RIAA that downloads or uploads copyrighted music files.

If the College receives a notice to **subpoena** the names of people who are sharing music over the internet, LIS will immediately contact College legal counsel for advice on how to proceed. We may be required to provide the name of the alleged violator who is using our network. These subpoenas can lead to lawsuits, substantial financial penalties and perhaps jail time. Typically, if copyright infringement claims are settled out-of-court, the costs can be several thousand dollars per song, totaling tens of thousands of dollars per lawsuit.

If a copyright holder files suit, the individual has the right to claim that the material is not protected by copyright and then a legal process begins between the individual and the copyright owner. If you receive a pre-litigation settlement letter or a subpoena, immediately contact your own legal counsel.

## Learn more!

The recording industry perspective: [RIAA](#)

Concerned about public policy, the law and your rights? Visit the [Electronic Music Foundation](#).

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## Data Classification Policy

**Purpose**

The purpose of the data classification policy is to define different classifications of data and to describe principles for access, use, and safeguards of data, based on classification.

**Scope**

The following guidelines apply to data either owned by Middlebury, or to data that the institution has an interest in protecting. The scope of this policy is not limited to the Middlebury network but to all data stored and used on any Middlebury campus, or by any Middlebury affiliate or partner, regardless of format.

In an effort to prevent unauthorized disclosure of data, the classification system in this policy articulates the appropriate use, modification and disclosure of data, including thresholds for breached data based on the type of data in question. Exposure of data below these thresholds, while a security incident and a concern, would not constitute a violation of this policy. Exposure above these limits would constitute a security breach, and would be considered a violation of this policy. For reference purposes, please note that Vermont Act 162 requires notification for breaches of personally identifiable information above 1,000 records.

**Policy**Access

This Policy applies to all individuals who access, use, or manage data owned by or protected by Middlebury College. This includes but is not limited to:

- Faculty
- Staff
- Student Employees
- Agents of the College
- Parties affiliated with the College that have been granted access to College resources

All parties with access to data on the College network or other information stored by the College should be familiar with this policy. Information classified as Extremely Sensitive requires strict controls, will have limited access and disclosure, and may be subject to legal restrictions.

Responsibilities

Data Stewards are responsible for the management of data. Each Data Set will have identified Data Stewards. Data Stewards are responsible for classifying the data and assigning the correct level of access to the data. Data stewards must ensure that the policy is enforced for their data set, and that the appropriate confidentiality, integrity and availability of the data are maintained.

Individuals with access to data have been granted a level of trust by the data stewards and as such are responsible for upholding the security and integrity of the data to which they have access, and should be aware of best practices in secure data management

Data Stewardship (please reference the Privacy section of Handbook)

The primary Data Stewards are department heads, or their designates, who have planning and policy level responsibility for data within their areas, and management responsibilities for defined segments of institutional data. Currently, most data stewardship responsibilities are provided by Functional Area Leads and members of the Data Integrity Group.

It is a Data Steward's responsibility to:

- develop consistent data definitions

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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 systems they use
- define security requirements
- work with other data stewards on integration requirements
- communicate critical uses of data on which other departments depend

As data are developed, Data Stewards assure that storage of, and access to, the data is appropriately managed. This includes the documentation and classification of all forms, views, reports and all other forms of access in which this data is made visible.

The data stewardship function shall have one or more Data Stewards assigned to each data set. These sets belong to major categories of institutional data, including:

- Financial data (institutional, student)
- Employment data (faculty, staff, student)
- Academic data (student, prospective student, faculty)
- Health data (student)
- Philanthropic data (alumni, donors)

Data Classification

Data is organized into three distinct classes: Extremely Sensitive, Internal, and Public. Each class of data has its own requirements with respect to safeguards and procedures in the event of inappropriate disclosure.

*Extremely Sensitive Data*

Extremely Sensitive Data is defined as all data that is regulated by law or, if disclosed in a breach, may result in reputational loss to the College or punitive action. Regular audits of access to extremely sensitive data should be conducted by the data stewards to ensure appropriate access. The threshold for exposure of this category of data is set at 250 records. This data classification includes Social Security numbers, financial account numbers, account and ID numbers (driver's license numbers, personal ID numbers). In addition, Extremely Sensitive Data may include information which, when used in various combinations, can be associated with an individual:

- Name
- Date of Birth
- Home address
- Email or phone number
- Mother's maiden name
- Vehicle license number
- Health information
- Employment history
- Class Schedules
- Academic Actions
- Grade Point Averages and Transcripts
- Passport Numbers

When assessing data use, each data set will need to be analyzed to see if any given combination poses a risk.

Under regulatory standards, certain combinations of this information can constitute personal identifiable information, (PII). PII that is available to the public or that resides on test and development systems is still considered sensitive data in certain circumstances and should be treated as Extremely Sensitive Data.

Safeguards for Extremely Sensitive Data should include an approved enterprise storage location and regular monitoring and auditing of access to Extremely Sensitive Data. Additionally, access should be limited to only those who have a legitimate need to use Extremely Sensitive Data. Transmission of Extremely Sensitive Data outside of a Middlebury-approved enterprise storage location requires both encryption and verification of the identities of the recipient. Any Extremely Sensitive Data transmitted from the enterprise storage location should be done in such a way that it cannot be modified. Extremely Sensitive Data should not be stored unencrypted in cloud solutions, particularly those not contracted by the institution. Extremely Sensitive Data should have a retention timeline and should be destroyed when no longer in use and when legally permissible. Data Stewards will work with Library & Information Services to ensure that appropriate technologies are available to provide adequate safeguards for Extremely Sensitive Data while ensuring the availability for appropriate use.

#### *Internal Data*

Internal Data is data that, while not protected by state or federal law or regulatory standards, might impact Middlebury's reputation or result in a civil action against the institution, should it be breached. Access to Internal Data should be limited to Data Stewards and only those members of the institution to whom Data Stewards have granted access. Regular audits of Internal Data should be conducted by the Data Stewards to ensure appropriate access. The exposure threshold for this classification of data is set at 750 records.

Examples of Internal Data include:

- Passwords
- Budget information
- Research and manuscripts
- Payroll and employment documentation
- Giving history
- Network Diagrams
- Strategic or differentiating documentation unique to Middlebury

Access to Internal Data should be needs based, with the needs assessed by the Data Stewards.

#### *Public Data*

Public Data is considered to be any data that does not fall into the Extremely Sensitive Data or Internal Data classes. The disclosure of Public Data does not pose a risk to the institution. Public Data may be publicly accessible but does not require public access. There are no restrictions on the storage or distribution of Public Data.

Examples of Public Data include:

- Wiki pages
- Public web sites
- Marketing material

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## E-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). Direct solicitation for fundraising via all-campus e-mail is prohibited. Advertisements for personal items may be accomplished through the staff and student newsletters or newspapers.  
*<amended 7-Dec-2009 to add sentence about direct solicitation>*
  - 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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see also: [Employee Handbook 2.15 Staff E-mail and Computer Use Policy](#)

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## 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 and staff are offered local and long distance service and voice mail boxes. Students residing on campus are offered telephone service and voice mail upon request. *[updated January 2010]*

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.

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## Network Monitoring Policy

**Purpose**

The purpose of network monitoring is to identify and block malicious activity in order to protect the College's data, systems, and reputation.

**Scope**

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

**Policy**

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

Server logs may be monitored for malicious activity on a routine schedule. Other network traffic may be logged as necessary for troubleshooting and resolution of network issues. Only malicious or extraordinary activity is to be logged. These measures are not to be used for tracking and/or monitoring an individual's network activity.

Confidentiality of all information gathered as a result of network monitoring will be maintained at all times. Access to information obtained through network monitoring will be limited to designated staff and in the event of an investigation, College officials, legal counsel, or law enforcement. This information will be kept in a protected storage area. Events and incidents identified through network security monitoring will be managed in the spirit of the Technology Incident Response Policy.

Any substantive changes to the network monitoring methodology or scope must be approved by the College's senior management.

**Non-Compliance**

Any employee who is found to have violated this policy may be subject to disciplinary action, up to and including termination of employment. Violation of this policy may also be a violation of the Federal Computer Fraud and Abuse Act.

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## 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* to 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, zyxwuts, 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](mailto: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](mailto: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.

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## 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, or personally-owned devices. 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, personal computer, or personally-owned device that may contain institutional data 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

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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.

2b. Institutionally-generated, personally identifiable information must not be stored on personally-owned devices.

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.

5i. The College employs network monitoring practices to ensure the security and protection of institutional data and systems. *(See Network Monitoring Policy for further details.)*

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 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.

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## **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 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.

#### *Central Systems and Network Infrastructure (CSNS) responsibilities*

CSNS shall be responsible for the administration of all access controls for Banner. CSNS 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. Records of all processed access requests will be maintained 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 Banner 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 CSNS 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 managed by the Banner 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 Banner systems administrator. Questions about the different data access types for security classes should be directed to the Banner 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 Banner systems administrator. No Middlebury College student or employee should ever request from another member of the community a Banner schema password. If someone requests 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](mailto: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 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 CSNS 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 LIS 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 Banner 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 Banner 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.

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## Technology Incident Response Policy

**Purpose**

The purpose of the technology incident response policy is to provide a standard process in the event of an information security incident in order to protect the institution's data, systems, and reputation.

**Scope**

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

**Reporting Procedure**

To report an actual or suspected information security incident, email: [infosec@middlebury.edu](mailto:infosec@middlebury.edu)

**Incident Classifications***Major incidents*

- impact financial systems
- prevent the institution from conducting daily business.
- prevent more than 10% of the institution from conducting normal services.
- Or, impact one or more major outside facing services and significantly impact the reputation of the institution or its ability to conduct normal operations.

*Significant Incidents*

- involve a major system inside of the institution which significantly impacts operations.
- prevent less than 10% of the institution from being able to conduct normal services. Or,
- an outside facing service that will have minor impact on the institution's reputation or its ability to conduct normal operations.

*Minor Incidents*

- impact a small group of users or isolated services accessed by a small group of users.

*Isolated Incidents*

- impact a single user.

**Policy**

In the event of a major information security incident, the institution will form a Technology Incident Response Team (TIRT). A major information security incident is an incident that:

- impacts financial systems
- involves fraud
- prevents the institution from conducting daily business.
- prevents more than 10% of the institution from accessing normal services.
- Or, impacts one or more major outward facing services and significantly impacts the reputation of the institution.

The TIRT is responsible for facilitating communication and resolution of the incident. The TIRT is also responsible for formulating and enacting a mitigation plan.

- The TIRT will have standing representatives from Human Resources, Dean of the College, Academic Affairs, Finance, LIS, and Public Safety. Depending on the nature of the incident, not all members may be involved in every incident.

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- During a major incident, the TIRT will have the authority to access any pertinent institution-owned system and to remove any system from the network.
- The TIRT may only be activated by the institution's senior management.

*This policy does not preclude the institution from taking prompt action to mitigate a known risk while a longer-term resolution is being developed.*

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## Web 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](mailto:webmaster@middlebury.edu), immediately. Public disclosure of means to exploit the College's web sites is prohibited and is subject to disciplinary action.



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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](http://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](http://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](http://www.Middlebury.edu) current and accurate, such as those hosted under [cat.Middlebury.edu](http://cat.Middlebury.edu) and [web.Middlebury.edu](http://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.

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## Community Standards and Student Life Policy Overview

### Community Standards

Middlebury College seeks to prepare students to be active citizens and leaders who will address the world's most pressing problems. This mission is advanced through students' experiences with successes and challenges, and is reflected in the following Community Standards:

- cultivating respect and responsibility for self, others, and our shared environment;
- encouraging personal and intellectual courage and growth;
- manifesting integrity and honesty in all decisions and actions;
- promoting healthy, safe and balanced lifestyles;
- fostering a diverse and inclusive community committed to civility, open-mindedness and finding common ground.

Therefore, a balance of individual and community health and growth guides Middlebury's approach to all endeavors, and to the policies that support those endeavors.

### Student Life Policy Overview

The above Community Standards guide the College's approach to policy, and to addressing policy violations. The deans and judicial boards consider the totality of a student's history, the impact on community, and the specific circumstances of the event when determining appropriate responses to policy violations. Consistent with the cultivation of an awareness of responsibility and accountability, students found in violation of College policies and/or participating in prohibited acts will be held responsible, will be subject to College discipline, and/or will be charged for fines and associated costs (such as materials or labor costs for repairs; cost of impoundment; restitution, etc.) as appropriate. As with all College fees, students with unpaid charges may be restricted from registering for classes until their accounts are in order. Please see [General Disciplinary Processes](#) and [Student Fines and Fees](#) for more information.

### Emergency Withdrawal, Suspension, or Dismissal

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 under [General Disciplinary Processes](#), on an emergency basis, to suspend, dismiss, or require to withdraw any student whose presence at the College is determined by College authorities (the dean of the College; the dean of students, 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 the College community or its members or to be unduly disruptive of College life, or who appears to be unwilling or incapable of effectively and/or safely participating in the College's academic or other programs and/or the residential life of the College. In cases of emergency suspension or required withdrawal, the conditions and procedures for readmission will be determined and communicated in writing to the student at the time of the student's departure or shortly thereafter.

The College recognizes that its students are citizens of larger communities—local, state, and federal—and 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 the intellectual and personal growth of students, fostered by the exercise of the rights of citizenship, both on and off campus.

### Scope of Oversight

Students will be held accountable for policy violations that take place between the time they first arrive on campus to begin their Middlebury program and their graduation, or the College's confirmation of their resignation or expulsion. Conduct that takes place on or near Middlebury premises or property; occurs at or in connection with a Middlebury-

related event; or occurs off-campus but may represent a threat to the safety of the Middlebury community or its members, the pursuit of its objectives, and/or the educational environment of others, may be subject to the College disciplinary process. In cases where a student is found responsible for a policy violation while participating in any Middlebury program, the finding of responsibility may also be referred to the appropriate authority overseeing any additional Middlebury program in which the student is or will also be enrolled for other action as deemed appropriate. This may include but is not limited to: further investigation; additional adjudication under existing policies (using only information gathered in the first disciplinary process, or using subsequently gathered information, or both, as deemed appropriate by the overseeing authority); disciplinary action; or other remedies or processes deemed appropriate by the authority overseeing the additional Middlebury program.

### Pending Discipline

A student will not be permitted to graduate while a disciplinary matter is pending; the student's graduation will be held in abeyance until the matter is resolved. Nor will a student ordinarily be permitted to withdraw with a disciplinary matter pending. If a student nevertheless withdraws with a disciplinary matter pending, the withdrawal will be considered a resignation from Middlebury, and the student will have given up the opportunity to return to the College. Notation thereof will be made in the student's permanent file. In extraordinary circumstances, however, the dean of the College may, after appropriate consultation, a review of the case, and consideration of the College's best interests, grant permission for a student to withdraw from the College when a disciplinary matter is pending. 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. See [Student Status](#) for more information.

### Deadlines

Several Student Life policies include deadlines. Unless otherwise noted, "days" indicates calendar days, regardless of whether the majority of Middlebury's administrative offices are open. "Business days" indicates days on which the majority of Middlebury's administrative offices are open, and generally connotes Mondays through Fridays.

MidTags: [community standards](#) [handbook](#) [oversight](#) [policies](#) [student](#) [student policies](#)

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## General Conduct

### 1. General Conduct Standards

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 is prohibited.

### 2. Respect for the Educational Function of the College

Any disruption of the educational function of the College is prohibited.

### 3. Respect for Persons

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; negligent or reckless use of physical force; conduct that may reasonably be expected to exploit or coerce another; 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 prohibited.

### 4. Respect for Property

The College strives to create a community of trust, safety, and respect for others and for our shared resources. Theft of or damage to College property or the property of others is therefore prohibited; [fines](#) may be imposed. Additionally, unauthorized access to College property or that of others, or undermining authorized access to College property, is prohibited. This includes but is not limited to unauthorized use of services, and disposition of College property to another under the pretense that it is one's own. Other examples of prohibited activities are provided below.

*a. College Facilities:* Unauthorized entry into closed or restricted areas of the College, including roofs of buildings, is prohibited.

*b. Library Resources:* The Middlebury College library collections exist as common resources to be shared, preserved, and respected in a manner guaranteeing protection for future users. The ethical use of library materials, including all technological resources, involves acceptance of this principle and appropriate conduct regarding library collections. Middlebury's [Library and Information Services policies](#) outline community expectations and prohibited behaviors regarding electronic and library resources. Other examples of disrespect for library resources include, but are not limited to:

- i. writing upon, defacing, tearing, cutting, mutilating, or destroying books or other library property;
- ii. removing or attempting to remove library property from the library without formal borrowing through the circulation desk;
- iii. the willful concealment of library property within the library;
- iv. the willful retention of library materials beyond their stated loan periods.

*c. College Equipment:* Failure to maintain and/or return on time instructional and/or other College equipment is prohibited.

*d. Furnishings:* College furnishings provided in lounges and other public spaces belong in those spaces. The presence of such furnishings in a student's room is prohibited; fines may be imposed.

*e. Vandalism and Physical Damage to College property:* The minimum sanction for damage or vandalism, whether in a dormitory or other College facility, is payment of the cost of repair or replacement. [Fines](#) may also be imposed. If an individual voluntarily self-reports to the Commons dean, the sanction may be lessened.

*f. Dining Hall property:* Removal of food, dishes, utensils, etc., from any College dining facility is prohibited; [fines](#) may be

imposed. Students are prohibited from eating in a College dining room without a board contract and without having paid for the particular meal, or providing food from the dining hall to individuals without board contracts; [fines](#) and meal charges may be imposed. Theft or destruction of property may also constitute a criminal offense, and may be reported to appropriate law enforcement authorities.

### 5. Respect for the Authority of Officials

Middlebury College vests many employees, students, and outside service providers with specific duties and authority to effect the purposes of the institution. These include but are not limited to faculty members; deans; administrative, custodial, dining, and library staff; Public Safety officers; residential life staff; and other individuals such as members of the police and ambulance forces, vendors, and security staff. All students are expected to respect the authority of these individuals when they are executing their responsibilities, and failure to do so is prohibited. Students are expected to identify themselves by showing their College identification card upon request of College officials.

### 6. Communicating with Honesty and Integrity

Middlebury's [Community Standards](#) include manifesting integrity and honesty in all decisions and actions. Therefore, providing information to any member of the College staff or faculty that an individual knows or reasonably should know is false or misleading is prohibited.

### 7. Retaliation

Middlebury's [Community Standards](#) include cultivating respect and responsibility for others. Retaliating directly or indirectly against a person who in has good faith supported or participated in a College investigation of a policy violation of any type is therefore prohibited. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support a complaint or to provide false or misleading information, or otherwise engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment. Depending on the circumstances, retaliation may also be unlawful, whether or not the complaint is ultimately found to have merit.

MiddTags: [hazing](#) [policies](#) [respect](#) [theft](#)

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## Academic Honesty / Honor Code / 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**

#### **Constitution of the Undergraduate Honor System**

All assigned academic work is conducted under the terms of the Undergraduate Honor System, which follows in full:

#### **Preamble**

The students of Middlebury College believe that individual undergraduates must assume responsibility for their own integrity on all assigned academic work. This constitution has been written and implemented by students in a community of individuals that values academic integrity as a way of life. The Middlebury student body, then, declares its commitment to an honor system that fosters moral growth and to a code that will not tolerate academic dishonesty in the College community.

#### **Article I: Honor System**

- a.** Before enrolling in Middlebury College each student must agree to abide by and uphold this honor system. Additional commitments to the honor system should be part of orientation week activities.
- b.** The judicial affairs officer shall prepare a statement for all incoming students describing the aims and operation of the academic honor system. The judicial affairs officer will be responsible for an orientation session during orientation week so that all new students fully understand the system.
- c.** The Academic Judicial Board will meet annually at the beginning of the fall term with deans from the Office of the Dean of the College, the Community Judicial Board, and the Judicial Appeals Board to review the honor system and to orient new members.

#### **Article II: Examination Procedure**

- a.** Only authorized materials may be used during an examination.
- b.** No proctors will be present during examinations, unless specific authorization has been given by the dean of the College.
- c.** The dean of the College may grant an instructor permission to proctor an examination in his or her course when the instructor has communicated to the Dean of the College that she or he has a concern that students will cheat in examinations in the course. Authorization will apply to the remainder of the semester.
  - i) Communication of concern may take the form of an e-mail to the Dean of the College.
  - ii) Instructors who have concerns about cheating and wish to proctor must make a formal announcement to the class both in class and in e-mail form at least 24 hours prior to the examination. The dean of the College must be copied on the announcement e-mail.
  - iii) Students may register complaints or concerns about the method of proctoring with the dean of the College.
- d.** When an instructor's presence in the exam is required because of the nature of the exam (e.g., slides), the instructor should receive permission from the dean of the College and notify the class in advance.
- e.** The instructor will remain in the examination room for no more than 15 minutes after the start of an examination. He or she may return during the examination to check on any further problems that students may have with examination questions or general procedure, only if he or she announces his or her intention to do so at the beginning of the examination. Instructors will remain in the general area for questions for the duration of the examination period.
- f.** During the examination each student will have complete freedom of action providing he or she does not interfere with the work of others. Except in the case of take-home examinations, no examination papers will be taken from the room except to consult with the instructor.

#### **Article III: Violations of the Honor Code, Procedures, and Disciplinary Actions**



- a. Any member of the College community (student, faculty, or administrator) who is aware of a case of academic dishonesty is morally obligated to report it to the professor or the judicial affairs officer.
- b. Those who cheat are morally obliged to report their own offense to the professor or the judicial affairs officer.
- c. Alleged violations will be handled according to the academic disciplinary policies of the current Middlebury College Handbook.
- d. For cases that are heard by the Academic Judicial Board, if seven members of the Board are present, six votes are needed for a decision of guilt. If six members are present, five votes are needed.
- e. Any infraction of the honor system is normally punishable by suspension from the College. However, the penalty may be modified when, in the opinion of the Academic Judicial Board, conclusive reasons warrant such action.
- f. Should the accused be found not guilty, all records of the proceeding will be destroyed.
- g. Right of Appeal: A student found guilty of an offense will have the right of appeal to the Judicial Appeals Board in all cases.
- h. All deliberations of the Academic Judicial Board concerning violations of the honor system will be conducted in confidence.

#### **Article IV: Amendment Procedures and Review Committee**

- a. This constitution (Undergraduate Honor System: Preamble and Articles I-IV) may be amended by a referendum in which two-thirds of all students who are currently registered for classes vote, and in which two-thirds of those voting support the change, subject to ratification by the faculty. Community Council, the faculty, or the Honor Code Review Committee can suggest changes to other aspects of the judicial system by making recommendations. Those recommendations would eventually need to be ratified by the Community Council, which forwards them to Faculty Council for review, and then to the faculty for final approval.
- b. At least every fourth year, a committee consisting of two faculty members, two students (one of whom will be the current co-chair of the Academic Judicial Board), and a dean from the Office of the Dean of the College shall examine the honor system and its operation and make any appropriate recommendations for revision to the faculty and the Community Council. Faculty members will be selected by the Faculty Council, the second student member by the Student Government Association, and the dean from the Office of the Dean of the College.

MiddleTags: [Academic Judicial Board](#) [handbook](#) [honor code](#) [policies](#)

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## Middlebury College Hazing Policy

Middlebury's [Community Standards](#) include promoting healthy, safe, and balanced lifestyles. Student organizations and athletic teams can play a vital role in this process, and can provide transformative opportunities for friendship, leadership, and personal growth and discovery. Hazing of any kind is antithetical to these goals; therefore, the College prohibits hazing activities, whether by an individual or an organization.

### a. Definition

For purposes of this policy, hazing is defined as any act committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, participating in, or maintaining membership in any organization or team affiliated with Middlebury College; and which is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating or demeaning the student or endangering the mental or physical health of the student. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts. The College will use a "reasonable person" standard when evaluating such conduct and its potential effects.

### b. Consent

Because of the socially coercive nature of hazing, implied or expressed consent to hazing is not a defense under applicable State law or this policy.

### c. Retaliation

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

### d. Examples

College policies include the prohibition of many activities that have traditionally been associated with hazing, such as illegal alcohol use and abuse, vandalism, theft, verbal or physical abuse or threat of harm, sexual harassment, and other forms of harassment. In addition to those activities and conduct expressly prohibited elsewhere in this Handbook, examples of prohibited individual/group activities that may constitute hazing when otherwise falling within the definition above include but are not limited to the following:

- Encouraging the use of alcohol or illegal drugs
- Shaving, tattooing, piercing or branding
- Engaging in or simulating sexual acts
- Threatening or causing physical restraint
- Nudity
- Throwing substances or objects at individuals
- Assigning unreasonable chores or acts of servitude
- Forcing or coercing consumption or use of any substance
- Causing excessive exercise, sleep deprivation or excessive fatigue
- Interfering with adequate time for study
- Requiring the wearing of apparel or acting in a way that is conspicuous and not within community norms
- Blindfolding

Passive participation in hazing may include:

- Witnessing hazing taking place as a group member, affiliate or guest
- Participating in or being present in person or via technology in discussions where hazing is planned

As these examples illustrate, hazing activities do not need to involve alcohol to be in violation of this policy.

#### **e. Accountability**

Hazing activity occurring on or off the Middlebury College campus may lead to disciplinary proceedings against individuals. Hazing may also lead to the probation, suspension, or termination of a student organization or athletic team. Culpability for any violations of this policy may be attributed to the active and/or passive participants, the student group and/or its members, and elected or appointed officers.

The student leaders of all registered student organizations and athletics programs are required to acknowledge annually that they will comply with the terms of the Middlebury College Hazing Policy.

#### **f. Policy Violation Review Process**

##### 1. Authority

The dean of the College or an appropriate designee monitors the implementation of this policy. Any questions concerning the interpretation or application of this policy should be referred to the dean of the College for resolution.

##### 2. Reporting

Activities believed to be hazing should be reported to a Commons dean, director of Athletics, or the dean of the College.

##### 3. Process

When an allegation of hazing is made, the dean of the College will review the investigation, as conducted by the Department of Public Safety and/or other designated investigatory agent. The dean of the College may suspend the activities of a student organization, athletic team, or individual members thereof, pending the outcome of the investigation.

##### *a. Student Organizations and Athletics Teams*

Student organizations or athletic teams that have allegedly violated the College's policy will have an opportunity to provide a responsive statement to the dean of the College. In cases where there is sufficient evidence that College policy has been violated, the dean of the College will levy sanctions against the student organization or team up to and including, but not limited to, permanent or temporary suspension of recognition and activities, denial of use of College facilities, or other similar sanctions.

##### *b. Individuals*

The dean of the College may also refer hazing allegations concerning individual students to the judicial affairs officer for review and adjudication.

##### 4. Additional Policy Violations

Regardless of the outcome of a review for violations of the hazing policy, incidents may be reviewed by the judicial affairs officer for other violations of College policy.

#### **g. Referral to Law Enforcement**

The College will report allegations of hazing to law enforcement authorities when, in the judgment of the dean of the College, the nature of the allegations suggests that the hazing activity, if it occurred or is occurring, presents a risk of serious harm to students or other persons, or involves a potentially serious violation of law.

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## Alcohol and Other Drugs

### Introduction

Middlebury College is committed to promoting individual and community health, safety, and responsibility. We expect all students to observe local, state, and federal laws governing the possession, use, and furnishing of alcoholic beverages and controlled substances, also referred to as illegal drugs. We have also committed to ensuring that, in accordance with the Drug Free Schools and Community Act of 1989, our policies concerning alcohol and drugs are clear, readily understood, and applied consistently and equally to all students. When alcohol violations occur, students may face disciplinary action. Serious incidents that put a student or others at risk of harm, as well as repeated offenses, require a more vigorous response, including referral to counseling or a treatment facility, a leave of absence, and/or disciplinary outcomes as appropriate.

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. 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.
- c. 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.
- d. Where appropriate, provide educational and 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.

### Policies

All students, faculty, staff, and visitors are subject to local, state and federal laws, as well as College drug and alcohol policy rules and regulations, while on College-owned or leased properties or involved with off-campus activities sponsored by the College or a registered College organization. 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. Law enforcement officers may have a legal right to search individuals, and with consent or proper documentation may search property—including College residence hall rooms—without prior notice. The College also reserves the right to furnish the police with information regarding alleged illegal activities.

The following actions are prohibited:

#### 1. Alcohol

- a. Underage drinking. Only persons of legal age (21 or older in the United States, and as defined by the laws of a foreign host country) may possess or consume alcoholic beverages. Legal proof of age, such as a valid driver's license, state issued liquor identification card, or a passport, may be required.
- b. Purchasing, serving, or furnishing alcohol for or to a minor.
- c. Selling, manufacturing, or distributing alcohol illegally.
- d. Possession, production, or provision of false identification.
- e. Operating a motor vehicle while under the influence of alcohol or other drugs. Driving on or off campus under the influence of drugs or alcohol is prohibited: fines are assessed, and driving privileges on campus will be suspended. Students who are charged by law enforcement officers with Driving Under the Influence (DUI) and are awaiting the court outcome shall have their campus driving privileges suspended pending the court disposition. In

those incidents where the DUI involves an accident with injuries to others, or other exceptional factors, immediate College disciplinary action may take place.

f. Violating Middlebury College Party Regulations. Party Regulations may be found in the Office of the Dean of Students and the Department of Public Safety. Small, informal gatherings held in individual rooms, suites, and small houses occupied by students of legal age, at which alcoholic beverages are consumed, do not have to be registered. Residents of the living space will be treated as "party hosts," and held responsible for the actions of individuals in attendance. Students are responsible for unregistered gatherings and related activities that occur in their rooms, whether or not they are present.

g. Bringing alcohol to a College event, or leaving a College event with alcoholic beverages provided at the event.

h. Possessing alcoholic beverages in unauthorized spaces. Open containers of alcohol are prohibited in public spaces, or outside on the campus grounds, unless the area has been designated for a registered or catered event. For purposes of this policy, residential hallways are normally considered private spaces. Students of legal age may transport open alcohol containers for personal use within residence halls, but the use of hallways for parties is prohibited. Individual Commons may designate certain spaces in residence halls as senior commons rooms; these spaces will be considered private.

i. Possession of alcohol in first-year residence halls.

j. Possession by students of legal drinking age of kegs or common containers (e.g., punch bowls) in a residential space without advance registration with the Office of the Dean of Students. Unauthorized kegs or common containers will be confiscated along with taps. The Department of Public Safety will return confiscated kegs and taps to the vendor.

k. Engaging in drinking games and other behaviors designed for the purpose of becoming intoxicated through the abusive use of alcohol (e.g., funnels, keg stands, "around-the-world" parties, and other alcohol consumption based on speed and/or volume, etc.).

## 2. Drugs

a. Using, or possessing illegal drugs.

b. Using, possessing, selling, distributing or manufacturing prescription medication without a properly issued prescription.

c. Distributing, selling, or possessing with the intent to distribute illegal drugs or controlled substances.

d. Growing and/or manufacturing any illegal substance.

e. Possession of drug paraphernalia that has been used.

### **Alcohol Citation System**

In addition to Middlebury's disciplinary process, the College issues written alcohol citations to underage students found to be in possession of alcohol as follows:

1. First citation. The student receives a letter from the Commons dean, which constitutes an informal warning, and provides specific information about Vermont law and College rules and expectations related to alcohol use.
2. Second citation. The student receives a letter from the Commons dean, which constitutes an official warning.
3. Third citation. The student receives a formal reprimand from the Commons dean. A copy of the reprimand is sent home to parents. The student is required to meet with his or her Commons dean for consultation. Additional educational requirements and/or assessments may be required at the discretion of the Commons dean.

Any additional citations will result in further disciplinary sanctions and/or health-related referrals at the discretion of the Commons dean.

### **Health and 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 an individual on campus who is abusing alcohol or in possession of or using illegal drugs is urged to encourage the individual to seek counseling and/or medical assistance. All members of the community are also expected to help protect the community health by informing appropriate College staff members of instances of drug distribution and/or sales.

Involvement with or dependency upon drugs or excessive or illegal use of alcohol is viewed by the College as a health concern, as well as a disciplinary matter. Any time a Commons dean has reasonable concerns that a student's health

is being compromised by alcohol or other drug use (even in cases where no concrete evidence or direct witness is involved), a drug and/or alcohol consultation or assessment, on or off campus, may be required. In addition, the dean may notify the student's parents or guardian of concerns about the student's drug or alcohol use.

### **Laws and Resources**

For information specific to state and federal laws governing the use, possession, and distribution of drugs and alcohol, as well as additional resources, see [Drugs and Alcohol: Policies, Laws, and Resources](#).

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## Sexual Misconduct Policy

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### 1. Introduction

As an educational institution, Middlebury College is committed to promoting a campus environment where sexual misconduct, which includes sexual assault and inappropriate sexual conduct, is not tolerated, and where survivors of sexual misconduct of all kinds are provided support and avenues of redress as appropriate. Many activities prohibited by Middlebury's sexual misconduct policy are unlawful, and all are antithetical to the mission of the College. Middlebury College will take reasonable and appropriate remedial action to prevent sexual misconduct, eliminate any hostile environment, prevent its recurrence, and correct its discriminatory effects on the complainant and others, if applicable.

This Sexual Misconduct Policy governs the behavior of all Middlebury College undergraduate students enrolled in classes on the Vermont campus when the alleged conduct occurs during the academic year, or when the alleged conduct occurs in the summer and neither the complainant nor the respondent(s) are participating in another Middlebury program. In all other cases, the procedures set forth in the College's [Anti-Harassment/Discrimination Policy](#) will apply to sexual misconduct complaints.

Any Middlebury student, staff member, faculty member, or third party participating in any Middlebury College undergraduate program or activity, who wishes to report a complaint of sexual misconduct against a Middlebury undergraduate student may do so at any time.

Middlebury's process to address cases of alleged sexual misconduct is designed to:

- Consider the rights of the complainant, the rights of the respondent, the safety of the community, and applicable laws and College policies;
- Conduct a timely, fair, impartial, and equitable investigation and adjudication process with thoroughness and respect for all involved parties;
- Protect the privacy of all parties to the extent practical, while balancing the need to perform an investigation, follow the

procedures outlined below, comply with applicable law, and maintain campus safety;

- Hold all students found to have violated Middlebury College policies accountable for their actions and provide appropriate remedies to address the discriminatory effects of sexual misconduct on the complainant and others.

The parties will be provided procedural rights as outlined in this policy. Since the College lacks full judicial authority, such as the power to subpoena or place witnesses under oath, a student's rights cannot be coextensive with or identical to the rights afforded 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 panel members, investigators, and College officials shall conduct their proceedings in the spirit of these principles. If exceptional circumstances dictate variation from these procedures, the variation will not invalidate a decision unless it prevented fundamental fairness.

Students found to have violated this Sexual Misconduct Policy may be subject to the full range of disciplinary actions, as applicable, up to and including expulsion from the College.

There are many resources available to support individuals who are involved in some way with an incident of sexual misconduct. Please see [Appendices A & B](#) for contact information. See also the resources outlined at [go/sexualassaultinfo](http://go/sexualassaultinfo).

## 2. Notice of Nondiscrimination/Title IX Coordinator

Middlebury College does not discriminate on the basis of sex in its education programs and activities, and Title IX of the Education Amendments Act of 1972, as amended ("Title IX"), as well as applicable state law, requires that it not discriminate in such a manner. Prohibited sex discrimination includes sexual harassment (as defined in the College's [Anti-Harassment/Discrimination policy](#)) and sexual misconduct (as defined below). The dean of the College is the Title IX Coordinator, and is responsible for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX. Information on how and with whom to pursue a Title IX complaint can be found in [Appendix C](#) of this policy. The full text of Middlebury's [Nondiscrimination Statement](#) is available in the on-line Handbook.

## 3. Sexual Misconduct and Harassment

In addition to this Sexual Misconduct Policy, Middlebury College also maintains an [Anti-Harassment/Discrimination Policy](#) that includes sexual harassment among its prohibited behaviors. Definitions of sexual misconduct can be found below in Section 4, and definitions of other forms of harassment, including sexual harassment, can be found in the Anti-Harassment/Discrimination Policy. In some cases the behaviors alleged in an initial complaint may potentially violate both policies. As a result, the investigative processes for both policies are structured to be a coordinated effort when appropriate.

## 4. Definitions

### Sexual Misconduct

Sexual misconduct and attempted sexual misconduct violate the rights of others, and demonstrate flagrant disregard for the principles of this community. Middlebury seeks to prevent all forms of sexual misconduct, and desires to establish and maintain a safe and healthy environment for all members of the community through sexual misconduct prevention, education, support, and a fair adjudication process. Use of alcohol or other drugs does not minimize or excuse a person's responsibility for conduct that violates this policy.

Sexual misconduct comprises two categories of prohibited behavior: sexual assault, and inappropriate sexual conduct. This division of categories is intended to provide clarity, and does not suggest that one category is more severe or violating than the other. Students may be found to have violated one or both of the categories of sexual misconduct in this policy.

#### *A) Sexual Assault*

Sexual assault occurs when a person engages in a sexual act, as defined in this subsection, with another person or compels that person to participate in a sexual act without consent; by threat or coercion; by placing the other person in fear that any person will suffer imminent bodily injury; by impairing substantially the ability of another person to appraise or control conduct by administering or employing drugs or intoxicants without the knowledge or against the will of the other person; or when a person is under the age of 16.

A sexual act for purposes of this subsection is conduct between persons consisting of genital or anal contact or penetration, including oral contact with or penetration of the genitals or the anus.

Sexual assault can be committed by any person against any other person, regardless of gender identity, sexual orientation, or past or current relationship status. Sexual assault may occur with or without physical resistance or violence, and may occur even if individuals are under the influence of alcohol or other drugs.

#### *B) Inappropriate Sexual Conduct*

Inappropriate sexual conduct includes unwelcome sexual conduct that does not meet the definition of sexual assault but is sexually violating in nature. It includes but is not limited to the following:



- Nonconsensual physical contact of a sexual nature. This includes intentional contact with the breasts, buttocks, groin, mouth, genitals, or any other body parts;
- Sexually exploitative behavior. Examples include but are not limited to:
  - Capturing through any means images of sexual activity, sexually explicit images, or another's nudity without consent, and/or sharing this material with others without all participants' consent;
  - Viewing or allowing or aiding others to view sexual activity or another's nudity without all participants' consent.

*Exception:* This section is not intended to prohibit the use of sexually explicit materials that are reasonably related to the academic mission of the College. Specifically, this section is not intended to proscribe or inhibit the use of sexually explicit materials, in or out of the classroom, when in the judgment of a reasonable person they arise appropriately to promote genuine discourse, free inquiry, and learning.

#### Consent

Consent means words or actions, freely and actively given by each party, which a reasonable person would interpret as a willingness to participate in agreed-upon sexual conduct.

Consent cannot be given when a person's judgment is substantially impaired by alcohol or drugs; when intimidation, coercion or threats are involved; when physical force is used; when a physical or mental condition is present such that the person cannot knowingly or voluntarily give consent; or when a person has not achieved the age required for consent, as defined by state law.

An objective standard will be used in determining whether a person's judgment is "substantially impaired" by alcohol or drugs, or a physical or mental condition as described above is present. That is, consent is not valid when:

- (a) From the standpoint of a reasonable person, the respondent knew, or reasonably should have known, that the person's judgment was substantially impaired as a result of alcohol or drugs, or that the person's physical or mental condition would prevent knowing and voluntary consent ; and
- (b) The person's judgment was, in fact, substantially impaired as a result of alcohol, drugs, or the person was incapable of providing knowing or voluntary consent due to a physical or mental condition.

Silence, non-communication, or a lack of resistance does not necessarily imply consent. Previous relationships or consent do not imply consent to future sexual conduct. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be rescinded at any time.

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

#### Coercion

Coercion is defined as compelling someone to act based on pressure, harassment, threats or intimidation. When someone makes clear that they do not want sex, want it to stop, or do not wish to go past a certain point of sexual interaction, continued pressure beyond that point is coercive.

#### Retaliation

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

#### Complainant

A complainant is usually an individual filing a complaint of a violation of Middlebury College policies. In some cases (such as, e.g., cases in which a person involved in an incident of alleged sexual misconduct does not wish to participate in the process but the College decides that the alleged misconduct needs to be addressed through the process), Middlebury College may serve as the complainant.

#### Respondent

A respondent is an individual alleged to have violated Middlebury College policies. See [Scope of Oversight and Pending Discipline](#) at the end of this policy for more information.

#### Judicial Affairs Officer (JAO)

The judicial affairs officer is the administrator and Title IX Coordinator's designee responsible for overseeing the investigation and adjudication of Middlebury's sexual misconduct complaints and charges against students. The JAO serves as an informational resource for all parties involved in the sexual misconduct complaint, investigation and review process. Contact information may be found in [Appendix A](#).

Human Relations Officer (HRO)

The human relations officer is the administrator and Title IX designee responsible for coordinating sexual harassment training, overseeing sexual harassment investigations, and adjudicating harassment complaints brought by students, faculty and staff under Middlebury's Anti-Harassment/Discrimination Policy. If extraordinary circumstances dictate that a case must be adjudicated when it is not possible to convene the Sexual Misconduct Review Panel (see below), the HRO will adjudicate the case, and will assume all authority otherwise granted to the Sexual Misconduct Review Panel. Contact information may be found in Appendix A.

Sexual Misconduct Review Panel (SMRP)

The Sexual Misconduct Review Panel is convened at the conclusion of an investigation to review the final report, determine a finding, and if required, determine a sanction. This panel will ordinarily consist of the Community Judicial Board (CJB) administrative co-chair, one CJB faculty or staff member, and two CJB student members. If extraordinary circumstances dictate that a case must be adjudicated when it is not possible to convene the SMRP, the HRO will adjudicate the case, and will assume all authority otherwise granted to the SMRP. See General Disciplinary Process for more information about the CJB.

Days

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

**5. Confidentiality**

People who have concerns about sexual misconduct 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. These professionals may have a responsibility to report, however, when they perceive an immediate and/or 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 age 18.

General inquiries to College officials other than those identified above about policies or procedures 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 uphold relevant policies, and to protect the safety of the community. The College has an obligation to investigate complaints of sexual misconduct and/or harassment, however, and to take reasonable steps to prevent sexual misconduct or ongoing harassment (see below), so strict confidentiality may not be guaranteed.

If a complainant insists that his or her name or other identifiable information not be revealed, Middlebury will evaluate the request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students, staff, and faculty. Thus, Middlebury may weigh the request for confidentiality against the following factors: the seriousness of the alleged conduct, whether there have been other sexual misconduct or sexual harassment complaints about the same individual, and the extent of any threat to the College community.

Middlebury College is also part of a larger community and context. If there is an independent investigation or lawsuit related to a sexual misconduct, harassment, or retaliation matter, those involved or others may be required by law to provide documents or testimony.

**6. Procedures for Addressing Sexual Misconduct**A) In General

The information in the sections below applies to students, staff or faculty of Middlebury College who wish to report a complaint of sexual misconduct against a Middlebury College student, as defined above, through Middlebury College processes.

All Middlebury students, faculty members and staff members have the right to pursue sexual misconduct complaints beyond the College, and are encouraged to use local, state, or federal enforcement agencies, including the Middlebury police and the Vermont State Police, as applicable, regardless of whether they choose to file a complaint on campus. See contact information in Appendix A.

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

### B) Complaints

Any Middlebury College student, faculty member, or staff member who has reasonable cause to believe that a student has violated the sexual misconduct policy, or who believes that she or he has been subjected to retaliation for having brought or supported a complaint of sexual misconduct against a student, is encouraged to bring that information to the immediate attention of the Judicial Affairs Officer. Contact information for the Judicial Affairs Officer can be found in [Appendix A](#). A complaint may be brought verbally or in writing, and will ultimately need to be recorded in written form by the complainant or a member of the staff involved with the investigation.

Any student, faculty member or staff member may file a complaint of sexual misconduct against a faculty or staff member by following the procedures outlined in Middlebury's [Anti-Harassment/Discrimination Policy](#).

### Rights of the Complainant

Individuals pursuing complaints of sexual misconduct who report their experiences to College officials can anticipate that:

- They will be treated with sensitivity, dignity, respect and in an unbiased manner by all involved administrators, investigators and adjudicators.
- They will be advised of Middlebury's Sexual Misconduct Policy and procedures.
- They will be afforded the same rights and opportunities as the respondent throughout the investigation and adjudication process.
- They will be given periodic status updates throughout the investigation and adjudication process.
- They may access Middlebury College and/or external resources for medical and counseling services at any time.
- They may choose to pursue a formal complaint with external law enforcement authorities or other federal or state agencies at any time.
- They may invite a Middlebury College student, faculty, or staff member to accompany them at meetings regarding the investigation process.
- They may submit one letter of character reference for consideration by the Sexual Misconduct Review Panel.
- They may meet with the Sexual Misconduct Review Panel in person prior to the Panel's determination of a finding.
- In the event of a finding of guilt, they may submit an Impact Statement.
- They will be informed in writing, concurrently with the respondent, of the finding issued by the Sexual Misconduct Review Panel, as well as the outcome of any appeal, to the extent permitted by law.
- They will have the right to appeal the outcome based on the grounds designated in this policy, provided they have participated in the investigation process.

### Rights of the Respondent

Students responding to charges of sexual misconduct can anticipate that:

- They will be treated with sensitivity, dignity, respect and in an unbiased manner by all involved administrators, investigators and adjudicators.
- They will be advised of Middlebury's Sexual Misconduct Policy and procedures.
- They will be afforded the same rights and opportunities as the complainant throughout the investigation and adjudication process.
- They will be given periodic status updates throughout the investigation and adjudication process.
- They may access Middlebury College and/or external resources for medical and counseling services at any time.
- They will be informed in writing of the charges against them.
- They may invite a Middlebury College student, faculty, or staff member to accompany them at meetings regarding the investigation process.
- They may submit one letter of character reference for consideration by the Sexual Misconduct Review Panel.
- They may meet with the Sexual Misconduct Review Panel in person prior to the Panel's determination of a finding.
- In the event of a finding of guilt, they may submit a Sanction Statement.
- They will be informed in writing, concurrently with the complainant, of the finding issued by the Sexual Misconduct Review Panel, as well as the outcome of any appeal, to the extent permitted by law.
- They will have the right to appeal the outcome based on the grounds designated in this policy, provided that they have participated in the investigation process.

### Complaint Receipt and Review

A complaint of sexual misconduct or retaliation brought against a student should be submitted to the Judicial Affairs Officer (JAO). Upon receiving the complaint, and at any point during the investigation and review process, the JAO and HRO may consult to determine if a complaint of sexual misconduct also contains allegations that, if proven, could constitute other forms of sexual harassment. Consultation between the HRO and the JAO may include a review of

available information, including but not limited to Public Safety reports and/or statements provided by the respondent or other relevant witnesses.

In cases where the JAO, or the JAO in consultation with the HRO, believes that the allegations, if proven, would not constitute sexual misconduct or harassment, the complainant will be advised of other judicial and support options as appropriate, and no further sexual misconduct or harassment investigation will be pursued. If a complainant subsequently provides new information, this decision may be reevaluated.

In cases where there is a basis to believe that other forms of sexual harassment, but not sexual misconduct, may have occurred, the procedures outlined in the [Anti-Harassment/Discrimination Policy](#) will ordinarily be followed.

In cases where there is a basis to believe that sexual misconduct, but not other forms of sexual harassment, may have occurred, the procedures outlined below will ordinarily be followed.

In cases where there is a basis to believe that sexual misconduct and other forms of sexual harassment may have occurred, the JAO and the HRO will ordinarily conduct or supervise an investigation jointly, or in conjunction with other College offices or individuals (including, if warranted, independent investigators), as appropriate under the circumstances. The adjudication procedure outlined in the [Anti-Harassment/Discrimination Policy](#) will ordinarily be followed in connection with a harassment complaint and the adjudication procedure outlined in this policy will ordinarily be followed in connection with a sexual misconduct charge, but the nature of the allegations may compel a departure from the separate processes.

## 7. Sexual Misconduct Investigation

### Investigation Overview

1. The JAO will inform respondents that charges of sexual misconduct have been filed against them and are being investigated.
2. Should a respondent who has been notified of an investigation fail to cooperate with the investigator, the investigation may proceed, a finding may be reached, and a sanction may be imposed based on the information available.
3. A no-contact order may be issued to restrict contact and communication between the complainant and respondent for the duration of the investigation. In addition, at any time after a complaint has been received, other preventative measures, such as room changes or class changes, or, in particularly serious cases, temporary removal of a student from campus, may be taken.
4. If prior to or during the investigation the College becomes aware that additional College policies may have been violated, additional charges may be added to and resolved through this investigation. While not condoning infractions of any kind, the College considers reporting incidents of sexual misconduct to be of paramount importance. Therefore, to encourage reporting, the College may, where appropriate, offer leniency with respect to other policy violations that may be revealed as a result of a report. The nature and scope of the leniency will depend on the particular circumstances involved. The JAO will have sole discretion in determining the appropriate course of action. In the event that additional charges are added to the investigation, the JAO will notify the student of those charges promptly and in writing.
5. The College may choose to withdraw charges at any time. The complainant may request that charges be withdrawn at any time. The College will attempt to honor the wishes of the complainant. However, to accommodate cases where compelling evidence suggests significant individual or community safety concerns, the decision to discontinue an investigation or dismiss charges is within the sole discretion of the College.

### Investigation

1. The JAO will appoint an investigator. The investigation will be conducted as promptly and equitably as possible without compromising thoroughness. The investigator is expected to 1) conduct the investigation in a thorough, impartial, and expeditious manner; 2) make all findings in a fair and objective manner, and 3) submit a written investigation report to the JAO in a timely manner. The investigator is authorized to contact any and all individuals; the College recognizes, however, that individuals who are bound by legal privileges may not be able to disclose privileged information, unless an exception applies. The investigator is authorized to access relevant records, except those legally protected as confidential or privileged, and may collect any additional evidence relevant to the charges.
2. The respondent and the complainant may each elect to have a Middlebury College student, faculty or staff member present with them at all phases of the investigation process to provide support. This individual may not play any other role in the investigative process (e.g., may not also be a witness or serve as legal counsel), and may only speak or otherwise represent the complainant or respondent at the discretion of the investigator or the Sexual Misconduct Review Panel.
3. The complainant and respondent will be asked to identify all relevant evidence they would like the investigator to review, as well as witnesses they would like the investigator to interview. Both students may provide, if they wish, a list of questions they would like the investigator to ask of particular witnesses or of each other. The investigator is not required

to consider the evidence submitted or interview any particular witness, even if identified by one of the parties, nor to ask questions provided by either party. However, in determining whether to interview witnesses or review evidence, the investigator should consider such factors as equity, fairness, thoroughness, and impartial treatment of both parties.

4. All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information. They may also be expected to sign statements or other documents memorializing the information they provided, and may be asked to keep the substance of the interview confidential. Failure to cooperate fully with the investigator may subject the witness to the full range of disciplinary actions, as applicable.
5. Formal rules of evidence do not apply in College disciplinary proceedings. The JAO will make rulings on evidentiary or procedural questions related to the investigation and adjudication process.
6. At the conclusion of the investigation, the investigator will share the witness statements and other relevant materials with the complainant and the respondent. Both will have an opportunity to respond to this information in writing within seven days.
7. The deadline for the receipt of the complainant's and respondent's written responses is also the deadline for receipt by the investigator of the character reference letters for each party.
8. If at any stage following the submission of these responses new relevant evidence is gathered, it will be shared with the complainant and respondent, who will have an opportunity to submit a written response within a time frame determined by the JAO.
9. When the final responses, if any, from the complainant and respondent have been received, the JAO will share each student's response with the other student.
10. The investigator will submit a final report to the JAO. The final report will include all investigation materials, the complainant and respondent responses, both students' character references, and the investigator's recommended finding of whether the sexual misconduct policy has been violated based on the standard of preponderance of evidence, i.e., whether it was more likely than not that the policy was violated, along with the investigator's rationale for this recommendation.

#### Sexual Misconduct Review Panel

1. Upon receipt of the report, the JAO will convene a four-person Sexual Misconduct Review Panel. This panel will ordinarily consist of the Community Judicial Board (CJB) administrative co-chair, one CJB faculty or staff member, and two CJB student members. If extraordinary circumstances dictate that a case must be adjudicated when it is not possible to convene the SMRP, the HRO will serve in this role.
2. The panel (or in extraordinary circumstances as noted above, the HRO, henceforth implied in all following references to the panel in this Handbook section) will be provided with the investigator's complete report. The panel is not bound by the investigation report; rather, it is advisory to the panel. The panel may accept or reject the investigator's recommended finding in whole or in part, and may request additional relevant information before making a final determination. The panel may consult with other persons as appropriate. The panel should avoid duplicating the efforts of the investigator, as well as accepting the investigator's recommended finding without careful review of all of the evidence.
3. The complainant and respondent may choose to meet individually with the panel prior to the panel's finding. The panel may request an individual meeting with either party.

#### Finding and Sanction

1. The panel will issue a finding regarding whether Middlebury College policy has been violated, based on the standard of preponderance of the evidence. Three of the four panel members must find that a policy has been violated for a finding of guilt.
2. The JAO will notify concurrently both the complainant and the respondent in writing of the finding to the extent permitted by law.
3. If the panel determines that no Middlebury College policies have been violated, complainants and respondents will be notified concurrently of the finding in writing. Respondents will have no record of the charges or their outcome in their permanent file. Complainants may appeal this outcome; see [Appeals](#) below. Non-disciplinary outcomes, such as extending and modifying no-contact orders, may be imposed regardless of the finding.
4. If the panel determines that the sexual misconduct policy has been violated, the complainant may submit an Impact Statement to the panel, and the respondent may submit a Sanction Statement to the panel, within three business days of notification. Guidelines for each statement will be provided by the JAO.
5. The panel will reconvene, consider the Impact and Sanction statements if they have been submitted, and determine a sanction. Prior conduct and judicial history may also be taken into account in determining a sanction. Sanctions may include any form of College discipline listed in the Handbook under [General Disciplinary Processes](#), up to and including suspension or expulsion. Sanctions may also include remedies applied to the respondent to address the needs of the complainant including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of No Contact Orders to favor the complainant, and other actions to preserve the rights of the

complainant to a discrimination-free environment.

6. The JAO will inform the complainant and respondent concurrently in writing of the sanction to the extent permitted by law.

#### Time Frames for the Investigation and Finding by the Sexual Misconduct Review Panel

As noted above, the investigation will be conducted as promptly and equitably as possible without compromising thoroughness. Absent extenuating circumstances, the College's investigation of a sexual misconduct complaint will ordinarily be completed within forty-five days from the time a formal charge, as described above, is made. This time period may be shorter or longer depending on the circumstances including, but not limited to, the complexity of the case and the availability of witnesses. If the complainant or respondent would like to request an extension of this time frame, a request for extension with a description of the reasons for the request should be directed to the JAO. The JAO will make a decision on the appropriateness and extent of any extension (after notice to the other party), and will inform the complainant, the respondent, and any other individual who needs to know, of that decision. The JAO may also decide to extend this general 45-day time frame given extenuating circumstances. The JAO will inform the complainant, the respondent, and any other individual who needs to know, of any such decision.

Absent extenuating circumstances, the Sexual Misconduct Review Panel will issue a finding regarding whether Middlebury College policy has been violated within fifteen days after receipt of the investigator's complete report. The fifteen-day period may be extended if the panel determines that further information or investigation is needed.

Absent extenuating circumstances, the Sexual Misconduct Review Panel will issue a decision regarding sanctions, to the extent applicable, within five business days of the deadline set for the Panel's receipt of an Impact Statement and/or Sanction Statement.

## **8. Appeals**

The complainant and respondent each has the right to appeal the decision of the Sexual Misconduct Review Panel. The purpose of an appeal is to review the adjudication process.

#### Grounds

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

- discovery of significant new factual material not available to the Sexual Misconduct Review Panel that could have affected the original outcome; however, deliberate omission of factual information by the appealing party is not a ground for an appeal;
- procedural error where the error prevented fundamental fairness.

The right of appeal is only available to a respondent or complainant who participated in the investigative process. An appeal must be made in writing to the vice president for Academic Affairs or designee ("VPAA") within five business days of receipt of written notification of the finding in cases where no violation has been found, or within five business days of receipt of written notification of the sanction in cases where a policy violation has been found. The appeal must include the grounds for appeal and an outline of supporting evidence.

#### Procedures

The VPAA will invite an informational response to the appeal from the JAO and the other party, who may respond within five business days of the request. The VPAA may request assistance from the original investigator, a new investigator, or any other relevant individual, as necessary.

The VPAA may deny the appeal, or if either or both of the appeal grounds have been met, may:

- return the case to the original Sexual Misconduct Review Panel for reconsideration. It is the responsibility of the VPAA to determine which aspects of the case merit a new review, and to direct the JAO accordingly; or
- convene a new Sexual Misconduct Review Panel to review the case.

Absent extenuating circumstances, the VPAA will notify the complainant and respondent of the determination concurrently in writing within thirty business days, to the extent permitted by law, and will notify the JAO in writing of instructions for any further action.

All decisions by the VPAA and following a second review of the case are final, except in cases where the sanction is expulsion. In cases of expulsion, the respondent may submit a final appeal to the president within five business days of written notification of the appeal outcome. The complainant may submit a response to the respondent's final appeal within five business days thereafter. The president may reduce the sanction, if warranted, after consultation with the VPAA and a representative of the Sexual Misconduct Review Panel. Absent extenuating circumstances, the president will inform the parties of the final decision concurrently in writing within thirty business days of receiving the appeal and complainant's response, if any, to the extent permitted by law.

## 9. Communicating with Honesty and Integrity

Middlebury College prohibits intentionally making a false report or providing false or misleading information in any investigation of complaints of Middlebury College policy violation; please see [Communicating with Honesty and Integrity](#) under General Conduct, which applies to proceedings under this Sexual Misconduct Policy as well.

Complainants will not be deemed to have provided false or misleading information under the Handbook if their factual allegations are intended to be truthful and are made in good faith, regardless of whether the conduct complained of is ultimately found to constitute sexual misconduct. Staff or faculty members who provide false or misleading information during the investigation/adjudication process may be subject to disciplinary action, up to and including termination, in accordance with existing contracts or policies.

## 10. Scope of Oversight and Pending Discipline

Please see "Scope of Oversight" and "Pending Discipline" under [Student Life Policy Overview](#).

## 11. Policy Access

The Sexual Misconduct Policy is available in Middlebury's on line Handbook. Printed copies of this policy are also available upon request at several College offices, including the dean of the College, the dean of students, the Commons offices, dean of the Faculty, Human Resources, and Public Safety. 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 supersede 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 sexual misconduct or retaliation, upon request.

## Appendices

### Appendix A: Administrative Contacts

*Title IX Coordinator*

Shirley M. Collado

Dean of the College and Chief Diversity Officer

Middlebury College

Old Chapel

Middlebury, VT 05753

802.443.5382

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

*Judicial Affairs Officer/Title IX Coordinator's Designee for the Sexual Misconduct Policy*

Karen S. Guttentag

Associate Dean for Judicial Affairs and Student Life

Middlebury College

McCullough 137

802.443.2024

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

*Human Relations Officer/Title IX Coordinator's Designee for the [Anti-Harassment/Nondiscrimination Policy](#)*

Susan P. Ritter

Middlebury College

Forest 134

Middlebury, VT 05753

802.443.3289

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

*Alternate Human Relations Officer*

Laura Carotenuto

Middlebury College

Human Resources

Service Building

Middlebury, VT 05753

802.443.2012  
[lcaroten@middlebury.edu](mailto:lcaroten@middlebury.edu)

Federal/State Agencies

*Middlebury Police*  
802.388.3191  
Vermont State Police  
802.388.4919

*Office for Civil Rights*  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109-3921  
Telephone: 617.289.0111  
Facsimile: 617.289.0150  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

*Equal Employment Opportunity Commission*  
33 Whitehall Street, 5th Floor  
New York, NY 10004  
Phone: 1.800.669.4000  
Fax: 212.336.3790  
TTY: 1.800.669.6820

*Vermont Attorney General's Office, Civil Rights Unit*  
109 State Street  
Montpelier, VT 05609-1001  
802.828.3171  
802.828.3665 (TTY)  
[civilrights@atg.state.vt.us](mailto:civilrights@atg.state.vt.us)

*Vermont Human Rights Commission*  
14-16 Baldwin Street  
Montpelier, VT 05633-6301  
800.416.2010, x25 (voice)  
802.828.2481 (fax)  
877.294.9200 (TTY)  
[human.rights@state.vt.us](mailto:human.rights@state.vt.us)

**Appendix B: Resources**

*Alternative Academic and Living Situations*

The College will change a complainant's academic and/or living situation(s) if changes are requested and are reasonably available.

Confidential Health Care

*Parton Center for Health and Wellness*

Health Services: 802.443.5135

Middlebury College has a Sexual Assault Nurse Examiner (SANE) on staff at the Parton Center. She has received specialized training to provide comprehensive care to survivors of sexual assault, including physical assessment and collection of forensic evidence using a Sexual Assault Evidence Kit ("Rape Kit"). Having evidence collected does not commit you to filing a complaint with Middlebury College or charges with the police. It will allow you to preserve evidence while you take time to decide if you want to file a report and/or press charges. If you bathe, change clothes or otherwise alter your physical condition before having evidence collected, then you may be washing away valuable evidence. A lengthy delay in reporting may make evidence more difficult to collect.

To contact the SANE call the Health Center at 802.443.5135. After hours the phone message will direct you to the appropriate contact number, or you can call the Counseling Service of Addison County (CSAC) directly at 802.388.7641, and they will connect you with the SANE and other resources. The SANE is typically available 24 hours a day. When she is not available, please see information under Porter Hospital Emergency Room below.

Care is provided to students at no cost. Lab tests, medical care and medications provided by the Health Center will be paid for by the Vermont Center for Crime Victim Services at the student's request.

These services are confidential and information is not shared without the student's written permission, except in the



limited circumstances described herein. Health care 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.

*Counseling Services:* 802.443.5141

Short-term and crisis counseling is available for students who have been sexually assaulted or have had an upsetting sexual encounter. These services are confidential, except in the limited circumstances described herein. 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.

When Parton Center for Health and Wellness is closed: call CSAC at 802.388.7641, and they will connect you with the appropriate resources.

*Porter Hospital:* 802.388.4701

If the Parton Center is closed, or if you prefer to seek treatment off campus, you may receive care at Porter Hospital's Emergency Room. The Department of Public Safety can provide transportation, and it is not necessary to share information with them about the nature of your emergency. Porter Hospital staff offers medical treatment and can collect physical evidence. There may be a Sexual Assault Nurse Examiner available, but this is not guaranteed. You may want to call in advance to request that a SANE be made available, if possible, before you come in. Please see the recommendations above under Parton Center for Health and Wellness regarding evidence collection.

*College Chaplain:* 802.443.5626

The College chaplains are available to provide supportive confidential counseling of all kinds, faith-based or otherwise.

*Counseling Service of Addison County (CSAC):* 802.388.6751; after hours or in emergencies, call 802.388.7641  
CSAC offers a wide range of professional mental health and developmental services designed to meet the needs of those seeking help. Their staff includes persons trained in developmental services, substance abuse treatment, psychiatry, psychology, mental health counseling, and social work. They provide emergency counseling 24 hours a day at the number above. Services may be provided over the phone or in person.

*Independent Counselors*

In addition to CSAC, there are a number of independent counselors in Addison County with experience working with survivors of sexual assault. For assistance choosing a counselor, you can talk with any member of the Middlebury counseling staff or other individuals with whom you feel comfortable.

*Employee and Family Assistance Program (for staff and faculty):* 1.800.828.6025

The College's Employee and Family Assistance Plan provides confidential counseling and referral services to reduce stress and improve the quality of life for employees. The EFAP provides confidential assessment and referral services, and short-term counseling. The services of the EFAP are free to employees, up to the limits of the plan. All assistance is confidential; no one at Middlebury College will know that an employee has used the EFAP.

Emergency and Non-crisis Support

*Department of Public Safety:* 802.443.5911

The Department of Public Safety encourages any student, faculty, or staff member who has been sexually assaulted to report this incident to their office. From a safety and investigatory standpoint, the sooner a sexual assault is reported, the better; even so, we strongly encourage reporting at any time you are ready to do so. Public Safety can help you to attend to your immediate needs, including transportation to Parton Center for Health and Wellness (students only), or the Porter Hospital Emergency Room. A request for assistance does not obligate you to make a report to Public Safety.

If you report a sexual assault to Public Safety, after your immediate needs have been attended to, you will be interviewed by a member of their staff and asked to share your account of what took place. You may indicate a gender preference of the staff member who interviews you if you wish. S/he may ask you additional questions to make sure all of the important details are recorded. The officer will take notes, and once they are typed up, you will be asked to review them for accuracy. You may choose to ask someone you trust to be present with you during this conversation; although reporting your experience can be empowering, it can also be difficult and upsetting. Your conversation with Public Safety can take place in their office at 125 South Main Street, or a member of their staff may be willing to meet you in another confidential space on campus that feels more comfortable to you.

Also, 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 Judicial Affairs Officer, Human Relations Officer, the dean of Students, and/or the Parton Center for Health and Wellness. Reporting a sexual assault to Public Safety does not commit you to pursuing a complaint. We also encourage survivors to report any sexual assault to the Middlebury Police.

*WomenSafe* 24-Hour Hotline: 1.800.388.4205; Office, 802.388.4205

Based in Middlebury, WomenSafe is a local non-profit organization providing crisis intervention, problem-solving assistance, safety planning and emotional support to survivors of physical, sexual and/or emotional abuse, including female, male, and transgender members of the Middlebury College community. They also provide medical and legal advocacy, and support groups for female survivors.

*SafeSpace Vermont*: 866.869.7341 or 802.863.0003

SafeSpace, a service of the RU12? Community Center, provides information, support, referrals, and advocacy to lesbian, gay, bisexual, transgender, queer and questioning survivors of violence and offers education and outreach programs in the wider community. Support services include a hotline during established hours, direct advocacy, one-on-one support, and support groups.

*RAINN (Rape, Abuse and Incest National Network)*: 1-800-656-HOPE [for men as well as women]

This comprehensive national resource includes a telephone and on-line hotline, and may be particularly helpful for male survivors of sexual assault.

*Vermont Statewide Emergency Number*: 800.489.RAPE

This number will automatically connect the caller with the local Domestic Violence/Sexual Assault program.

For Individuals 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.

#### Reporting Sexual Misconduct

##### *On Campus*

To report a complaint of sexual misconduct on campus, contact the Judicial Affairs Officer listed in Appendix A. You may also contact the Department of Public Safety; see above.

##### *Off Campus*

Middlebury Police or Vermont State Police

802.388.3191                      802.388.4919

You may also 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.

Addison County State's Attorney's Office: 802.388.7931.

#### **Appendix C: Title IX Coordinator**

Inquiries concerning the application of Title IX may be referred to Middlebury College's Title IX coordinator or to the United States Department of Education Office for Civil Rights (contact information is listed in Appendix A). The full text of the College's Nondiscrimination Statement is available at <http://www.middlebury.edu/about/handbook/general/nondiscrimination>. Printed copies are also available from the offices of the dean of the College, the dean of Students, the Commons deans, the judicial affairs officer and the human relations officer. Reasonable accommodations will be provided for persons with disabilities who need assistance in reviewing the College's Nondiscrimination Statement and its Anti-Harassment/Discrimination and Sexual Misconduct policies.

The dean of the College serves as the College's Title IX coordinator for the purposes of coordinating the College's efforts to comply with and carry out its responsibilities under Title IX. The Title IX coordinator's responsibilities include overseeing the process for handling all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

The College's judicial affairs officer serves as the Title IX coordinator's designee for the purposes of overseeing sexual misconduct complaints and charges under this policy.

The College's Human Relations Officer serves as the Title IX coordinator's designee for the purposes of coordinating sexual harassment training and education, conducting and/or supervising sexual harassment investigations, and adjudicating sexual harassment complaints on behalf of the College. The College's Alternate Human Relations Officers serve in a similar capacity as the Title IX coordinator's designee(s) when the Human Relations Officer is unavailable or has a conflict of interest.

Mid**Tags**: [anti-harassment](#) [handbook](#) [harassment](#) [policies](#) [sexual assault](#)

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## Residential Policies

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Middlebury's [Community Standards](#) speak directly to the goals and values that underlie all of the College's residential life policies: safety; respect for self, others and our shared environment; individual responsibility; and fostering a diverse and inclusive community committed to civility, open-mindedness and finding common ground. The College's Residence Hall Regulations have been developed in support of those standards, and in service of the creation of a living environment for all students that provides comfort, safety, privacy, and conditions that support learning in the fullest sense.

### **A. Residence Hall Regulations**

1. All students are required to live on campus unless given permission by the office of the Dean of Students (DOS) to live elsewhere.
2. The DOS and the Commons make all first-year student room assignments. The DOS supervises room draw for enrolled students and all other room assignments. Switching rooms and keys or changing residences without authorization is prohibited.
3. Students are expected to be considerate of others with respect to noise in the residence halls; see "Noise Issues" for more information. Conduct that creates a public disturbance in a residence hall or interferes with another student's ability to study is prohibited.
4. The College reserves the right to reassign or restrict 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.
5. 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.
6. Students may occupy their rooms at the beginning of the term on the date approved by the DOS. At the end of fall and spring terms, students must vacate their rooms within 24 hours of their last exam or by the posted deadline. Keys must be returned to the Department of Public Safety by the posted deadline. Staying on campus prior to the approved arrival date or failing to leave campus at the appropriate time is prohibited and subject to fines.
7. Graduating seniors must vacate their rooms by 11:00 p.m. on the night of graduation or Feb Celebration. Failing to leave campus at the appropriate time is prohibited and subject to fines.
8. Only students who are registered for winter term may reside on campus during winter term.
9. 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. If the student requests a Public Safety officer to assist with unlocking his/her dorm room door, the lockout service will result in a fine.
10. 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 in order to avoid a fee. This includes students who are going abroad, graduating, or changing rooms. Students may not occupy a room after their housing assignment ends or the key is returned.
11. 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 rooms in neat condition will be fined. A neat room contains no trash, recycling, cinder blocks, or non-College furniture. 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 fined; the cost will be divided among the residents.

12. No College-provided furniture may be removed from a student's bedroom for any reason, including but not limited to bedframes, mattresses, dressers, bookcases, chairs, desks and wardrobes. 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 fined. Limited medical or ADA exceptions may be granted with appropriate approval.
13. 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 room 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, residential life staff will explain the rules in each residence hall.
14. 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.
15. The following guidelines need to be followed for small house common spaces and suite lounges: a) Nothing can be hung from the ceiling or from any sprinkler apparatus; b) 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. c) 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.d) Only one wall per common space can be decorated (but not painted), 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; more than one wall may be decorated with these items. f) Nothing can be posted in an exit route (i.e., posters in the hallways, stairways, etc.).
16. 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 fined. Lofts are not permitted in Weybridge, Painter, Starr, Coffrin, Battell, Stewart, the Modular Homes, LaForce, or Halls A and B.
17. 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, and fines will be assessed.
18. Water beds are not permitted.
19. 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.
20. 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 student fined.
21. Smoking is prohibited in all campus buildings, including the small residential houses. Failure to observe this policy will be treated as a fire safety violation and subject to the College discipline and fines as appropriate.
22. Fire Safety violations include: possession of candles, incense, halogen lamps, portable heaters, or Christmas tree lights (with the exception of rope lights), dangerous chemicals, or hazardous materials. Fire safety violations also include 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, fines, and the possibility of additional disciplinary measures.
23. 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 student's Commons.
24. Arson, use of fire, or lighting a fire without an authorized fire permit, inside or outside of buildings, other than smoking in authorized outdoor spaces, is prohibited. Tampering with fire- or life-safety equipment is prohibited and subject to fines. These charges will be borne collectively by the residence hall if the responsible individual(s) cannot be identified. When an individual is identified, the individual is fined, and the additional cost to repair or replace equipment is assessed. The individual is also subject to disciplinary action. "Fire- and life-safety equipment" includes fire alarms, extinguishers, and hydrants, smoke detectors, smoke detector batteries, carbon monoxide detectors, 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.

25. Several College residence halls and lounges have working fireplaces. Before using a fireplace, permission is required from the Commons office associated with the residence. Fires in fireplaces should never be unattended and there should always be a fire extinguisher present in the vicinity when there is an attended fire in the fireplace. The use of chemical fire starters is prohibited.
26. Fire escapes may only be accessed during fire drills or a fire emergency. Students must exit a building when a fire alarm sounds; fines may be assessed for failure to do so.
27. Tapping or tampering with the cable television system is prohibited. Those who are responsible may be held liable in a civil action for three times the actual amount of damages sustained thereby in accordance with the Vermont law on tapping cable television. Students living in spaces where cable is permitted in the lounge areas are prohibited from tapping cable to individual rooms.
28. Satellite dishes are not permitted and may be removed by Facilities Services. Charges for removal will be incurred by the student.
29. A guest of a student may stay in a dormitory no more than three days in any one term. All guests must register with the Department of Public Safety. Residential Life staff must be told in advance where the guest is staying. No guests may stay overnight in residential lounges, or stay overnight on campus when the College is closed. Students are responsible for the behavior of their guests. The College reserves the right to remove any guest whose behavior is not cooperative, and to rescind the privilege of hosting guests as appropriate.
30. Solicitation in residence halls for any purpose by persons outside the College community is prohibited.
31. 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 for additional information.
32. 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 outlined in Entry into Residential Rooms. 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.
33. 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 is prohibited; fines will be assessed.
34. Unauthorized access to locked areas of College buildings (basements, closets, crawlspaces and/or attics) may be dangerous and is prohibited; fines will be assessed.

### **B. 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 others. By interacting with people of different backgrounds and interests, 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 speak with their Residential Life staff or CRA before approaching the Commons dean or submitting a room-change request.

Mid-term room change requests may be submitted following the end of the second week of classes and will be considered in mid-October and mid-March. Requests submitted during J-Term, and after the fall and spring deadlines will be considered on a case-by-case basis. End of Term room change requests (fall and J-term) should be submitted to the residential systems coordinator by the assigned date.

If a student is offered a mid-semester room change, the student has 48 hours to accept or reject the offer. If students have a double as a single for whatever reason, they must find an eligible roommate, or the residential systems coordinator will assign someone to fill the space. It should be emphasized that students will always be encouraged to resolve any conflicts before considering a room change.

Switching rooms and keys or changing residences without authorization is prohibited and subject to [fines](#).

### **C. Entry into Residential Rooms**

#### 1. Emergency Entry

College officials are authorized to enter a student's room without prior notice in emergency circumstances, such as a fire, fire alarm, fire drill, an immediate threat to health, safety or property, a call for help, or what reasonably seems to constitute an emergency situation.

#### 2. Community Service

College officials may enter a student dormitory room to perform a community service: e.g., to turn off an unattended alarm clock or radio, to mitigate property damage, or to allow authorized designees to retrieve residents' belongings.

#### 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 but not more than two weeks prior to the inspection. Students discovered in violation of health and safety regulations, or in possession of stolen property or illegal goods, are subject to normal 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.) Occasionally, College officials may need to enter a room for reasons other than those listed in this section, such as to evaluate a room for planning purposes and space needs. In these circumstances, 24-hour notice will be given and the requester will attempt to coordinate a mutually agreeable time with the student.

#### 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

In addition to the circumstances described above, College officials may initiate entry of a room and/or a room search when there is reason to believe that a serious violation of College policy has been committed and/or the evidence may be found in a student's room. Searches of this nature will not be conducted without prior authorization of an appropriate senior College official. 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 for evidence which they intend to turn over for purposes of criminal prosecution. If a police officer sees a student commit what reasonably appears to be a criminal offense or violation of local ordinances, however, 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, responding to complaints and calls for service, party checks, etc.). Since many residential houses need to be patrolled and may require checks or locking (examples: Homestead, KDR, Jewett, Weybridge, The Mill), officers may enter the communal areas as appropriate. Public Safety officers respect a student's right to privacy and do not enter more private areas such as suites or very small houses (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. Possession and Securing of Evidence

The Department of Public Safety is authorized to enter a student's residence to take possession of and secure evidence of a serious College policy violation.

## D. Academic and Special 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. In 2011, this policy was amended to change the category to include special interest houses. Oversight of these houses is the shared responsibility of the Office of the Dean of Students and the academic or administrative department sponsoring the house.

### 1. Purpose

The purpose of academic and special interest houses includes:

- a. promotion of academic and cocurricular interests;
- b. development of 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 interest;
- d. promotion of contact with faculty, staff, and other members of the community who share the common interest; and
- e. aid in extending the intellectual mission of the College, broadly defined, beyond the classroom and courses.

### 2. Stipulations

- a. Houses must be open to all students.
- b. Admission to these houses is based first on evidence of a student's commitment to the interest of the house.
- c. Admission should be by application to an advisory committee or to the academic or administrative 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 or special interest houses.
- f. Students should normally expect to live in academic or special 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 house must have at least one faculty adviser.
- i. All houses are governed by the standards established by the Community Council.
- j. All houses are required to observe the guidelines for membership with particular emphasis on the criteria for guaranteeing all genders 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.
- l. Residents must support the mission and guidelines of the house and adhere to use of the required language spoken in a language house (if applicable). Failure to do so may result in being rehoused to a different residence on campus.

## E. 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 this end, each house must prepare an annual report including a statement of purpose and program that shows how it will contribute to the life of the larger College community. This report shall be prepared by the officers of the house in consultation with the Inter-House Council (IHC) adviser, to be reviewed by the Community Council once each academic year.

### 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 residential systems coordinator will work with each house in an effort to achieve its full occupancy.
  - ii. The dean of students, the affiliated 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 (Residential Life Committee) 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
- ii. preparing plans for the house member selection process;
- iii. submitting the IHC and individual social house budget requests to the Student Finance Committee;
- v. promoting campus interest in the social house system;
- vi. aiding houses in meeting the requirements of College, local, and state regulations including but not limited to regulations associated with educating social house members about alcohol and hazing policies
- d. The president of each house will be responsible for:
  - i. reviewing the house statement of purpose and program with the Residential Life Committee during the house review process;
  - ii. overseeing the activities and programs in the house;
  - iii. insuring that the house adheres to College regulations; and
  - iv. representing the needs and interests of the house in the College community.
- e. The Residential Life Committee will be responsible for:
  - i. approving changes in guidelines and regulations for students in houses proposed by the dean of students 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, house member selection, and room draw, if and when there is an unresolved disagreement on these matters.
  - iii. conducting the 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

### 3. Guidelines and Regulations

- a. 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 all genders membership.
- b. Admission to these houses is conducted through the House New Member Process conducted by the IHC each fall and spring.
- c. 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.
- d. 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 Office of the Dean of Students.
- e. All members are expected participate in a system of self-governance with the help of their advisers.

### 4. Social House Room Draw

- a. 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.
- b. Each house will conduct its own room draw using an honest and equitable procedure on a date designated by the residential systems coordinator. 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.  
Before social house room draw, all prospective residents must email residential systems coordinator to confirm that they intend to live in the house.
- c. 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.
- d. All membership privileges will apply equally regardless of gender. Members of each house must: (i) put forth a good faith effort during leadership transitions to ensure that house leadership represents a plurality of genders, and (ii) correct systemic patterns of gender homogeneity spanning several iterations of leadership transitions in the house.

### 5. 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 in individual facilities are regulated under the auspices of the College as residential common spaces. All College policies concerning residential space apply in these locations, including the ability of College officials to enter these spaces if deemed necessary.

#### 6. Termination of a House

- a. 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.
- b. The dean of the College will recommend to the president termination of a house at Middlebury College:
  - (i) for disciplinary reasons if there is an extraordinary violation by a house of the College guidelines and regulations for students in houses.
  - (ii) for disciplinary reasons if there are repeated violations by a house of College guidelines and regulations. The dean of students may issue appropriate sanctions to a house for violations of guidelines and regulations. Sanctions may include disciplinary probation, which will involve the loss of the right to hold parties and of other privileges to be specified by the dean of students. The dean of Students will report to the dean of the College persistent violations of guidelines and regulations by a house on probation.
  - (iii) 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 Students and the IHC or dorm damages for the house exceed normal wear and tear as determined by the Community Council.
- c. 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.

#### **F. Off-Campus Living Policy**

1. The College permits a limited number of seniors to live off campus. Permission is granted by a process coordinated by the Office of the Dean of Students. Special students must live off campus and are not included in the total number. The number of off-campus residents 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 five days of the term.
2. 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.
3. An 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 Students 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. 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.
7. Living on campus is considered to be an essential component of the educational experience at Middlebury. Request for off-campus housing on the basis of a medical or ADA-certified need will be considered on a case-by-case basis and will require appropriate documentation.

### G. College Storage Policies and Procedures

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 or left in stairwells, hallways, and/or lounges will be removed by the Department of Public Safety. A 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 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 collection/storage fee and a processing 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 thirty 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. (See Public Safety web page 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. There is a per item/per term charge for storage. (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.

*d. Interim summer storage for undergraduate students*

- i. 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.
- ii. There is a per-item charge for interim storage.
- iii. 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.

## **H. 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:* First-year students will be informed about 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 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. Repeated offenses should be brought to the attention of the Commons dean 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 complaints made 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. *Noise Complaints Originating on Campus:* 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. 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 Commons dean for appropriate judicial action.

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## Student Organizations and Activities

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### General

1. All student organizations are subject to College policies.
2. All recognized student organizations must register annually with the Office of the Dean of Students (DOS) and have constitutions that have been approved by the Constitution Committee of the Student Government Association (SGA). The Constitution Committee may not approve a constitution with provisions that are in violation of federal, state, or local laws, or College policy.
3. 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.
4. Student organizations are financed, in whole or in part, by the Student Activities Fee, which all students must pay in order to register for each term.
5. Approval of a constitution does not guarantee funding. The Finance Committee of the SGA administers funding of student organizations by allocating the Student Activities Fee. This fee is separate from the comprehensive fee and is not a part of the College's general budget. However, as these funds are collected by the College for the general student body, the College maintains oversight of expenditures and allocations. Student activities funds may not be used for direct political action or for disbursement to any organization that is not an officially recognized Middlebury College organization.
6. Recognized student organizations 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 Office of the Dean of Students (DOS). A complete listing of student organization rights and responsibilities may be found in the DOS office.
7. The DOS or appropriate designee may suspend or revoke any organization's registration, affiliated members, advisors and/or coaches at any time, in its sole discretion, for any abuse or violation of the outlined rights and responsibilities, or any reasonable cause deemed to be in the best interest of the organization or the College.
8. 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.

## Discrimination

1. No student organization may discriminate in its membership, programs, or activities on the basis of race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, marital status, service in the armed forces of the United States, positive HIV-related blood test results, genetic information, or against qualified individuals with disabilities on the basis of disability and/or any other status or characteristic as defined and to the extent protected by applicable law. (For further information, please see Middlebury's Nondiscrimination Statement and Anti-Harassment/Discrimination policy).
2. Discrimination on the basis of any of the aforementioned qualities or characteristics is antithetical to the mission of the College and is unlawful.
3. 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 section f, below should be followed.
4. A student organization may require candidates for leadership positions or offices to fulfill certain prerequisites prior to election or selection, and may restrict leadership roles and voting to those members with demonstrated prior affiliation with the organization. Such procedures, including all prerequisites, restrictions, and nomination requirements, must be consistent with Middlebury College policies, including the College's Non-discrimination Statement and the Anti-Harassment/Discrimination Policy, and must be stated in detail in the organization's constitution.
5. An organization may express in its constitution ideals or preferences regarding beliefs its leaders might hold. No student may be precluded from being on a ballot or participating in a selection process on the basis of any of the qualities or characteristics referred to in item a. above.
6. Students alleging discrimination by an individual or a group on the basis of the aforementioned qualities or characteristics may submit a complaint in accordance with the procedures outlined in the College's Anti-Harassment/Discrimination Policy.

## 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.

1. In order to ensure the integrity of recognized student organizations as Middlebury student activities, the membership, policies, and actions of a student organization will be determined by vote of only those persons who hold bona fide membership in the College community.
2. Affiliation with an external organization does not automatically disqualify a student organization from institutional recognition, but College policy specifically prohibits student participation in or affiliation with single-gender fraternities or sororities.
3. Students are free to organize informally for any legal aim, subject to 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 Constitution Committee and be registered annually with the DOS.

## Freedom of Inquiry and Expression

1. Students and student organizations are free to examine and discuss all questions of interest to them and to express opinions publicly and privately. They should always be free to support causes by orderly means which do not disrupt 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.
2. 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.
3. Student organizations bear full responsibility for arranging and financing any Department of Public Safety services that may be necessary in connection with controversial speakers. The DOS has the right to receive full and accurate information regarding Department of Public Safety measures at any time they so request. The DOS also has the right to specify security measures to the organizations as seem appropriate. If the College, through the DOS 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.

### **Student Publications and Media**

Student media groups (publications, radio and newspaper) are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and College authorities and of formulating student opinion on various issues on the campus and in the world at large.

Student media groups are financed by the Student Activities Fee, which all students must pay in order to register for each term. There is no set limit to the number of publications or other media produced each year, and the SGA has final jurisdiction in this matter. Despite the financial dependence of student publications, the College, the SGA, and the Community Council must provide sufficient editorial freedom and financial autonomy for the student media groups to maintain their integrity of purpose as vehicles of free inquiry and free expression in an academic community.

The editorial freedom of student editors and managers entails the corollary responsibility to abide by the canons of responsible journalism, including the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the use of harassment and innuendo.

The constitutions of student media groups must provide clear statements of general policy and the nature of their responsibility to the student body at large.

As safeguards for the editorial freedom of student publications the following provisions are set forth:

1. The student press will be free of censorship and advance approval of copy, and its editors and managers are free to develop their own editorial policies and news coverage.
2. All student media groups financed and published by the College must include a clear statement on the editorial page that opinions expressed in the publication are not necessarily those of the College or the student body.
3. Advertisements in publications may not include references to alcohol, drugs, or drug paraphernalia, directly or indirectly.

The SGA Senate has the power to remove an incumbent editor or manager by a two-thirds vote, in accordance with the procedures outlined below, but the SGA must ensure that editors and managers of student media groups are not arbitrarily suspended or removed because of student, faculty, administrative, or public disapproval of editorial policy or content. Suspension or removal must be premised upon a finding of violation of the canons of responsible journalism or failure to appear at removal proceedings as described below.

1. A charge against an editor or manager may be filed only by a person aggrieved by the alleged offense. The charge must be stated in detail, and presented in writing to the president of the SGA within ten business days of publication or broadcast of the offending material. The president will present the charges to the SGA Senate. Should the aggrieved party be the president of the SGA, the Student Co-Chair of Community Council will bring charges to the SGA Senate. Should both parties be aggrieved, the Speaker of the Senate will bring the charges.
2. Upon receipt of the written charges, the SGA Senate will determine by majority vote whether to initiate removal proceedings against the editor or manager charged. Removal proceedings may commence no earlier than three business days after the vote to initiate the proceedings.
3. The editor or manager charged, the aggrieved party, and the student staff member who wrote or broadcast the offending material must be present at the removal hearing. The president of the SGA will give notice to all parties of the time and place of hearing. Witnesses may be called by either side to support or refute the charges, or to determine the extent to which the editor or manager charged is responsible for the alleged offense.
4. At the commencement of the hearing, the editor or manager charged and the aggrieved party will each be allowed no more than 15 minutes to make an oral presentation before the SGA. Written defenses or allegations may be distributed to SGA members by either side at any time after the initiation of removal proceedings. Each side will be allowed access to all materials so disseminated. After the oral presentations, questioning will be allowed. The president of the SGA presides over the hearing and is responsible for keeping order.
5. A vote to remove must be taken within fifteen business days of the vote to initiate removal proceedings. An editor or manager who has been removed by the required two-thirds vote may not serve for the remainder of the academic year as an editor or manager of the organization from which he or she was removed.
6. If an editor or manager is removed under these procedures, the organization that originally published or broadcast the offending statement must publicly retract it.

### **General Provisions for Recognized Student Organizations**

The College, through the DOS 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 the College has a reasonable basis to believe 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.

### **Policy on Student Social Organizations**

A student social organization is 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 organization. Because fraternities and sororities are traditionally defined as single-sex organizations, and thus exclude certain students based on their gender, they are not permitted at Middlebury. Ties with any national organization whose rules or practices are at odds with Middlebury's non-discrimination policies should not be maintained. Please see Middlebury's Nondiscrimination Statement for more information.

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.

### **Posting**

Posters are permitted on designated bulletin boards or kiosks only. Flyers may not be posted on doors, walls, windows, buildings, lamp posts, trees, or stairwells. Flyers found in these locations will be removed by College staff. Fines and/or disciplinary action may result from violations.

### **Student Fundraising Policies and Regulations**

The DOS gives approval to students and student organizations to raise money for charitable projects or to raise funds on campus to defray costs of a limited number of special College-approved projects.

1. Students organizing fundraising activities must obtain permission for their activity from the DOS.
2. When a fundraising activity involves setup, table, or booth, permission for the setup must be obtained from DOS. 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 DOS and the supervisor of the site will decide whether or not one or more activities may occur simultaneously at the same location.
3. Profits accumulated through fundraising activities by any organization that received student activities fees may be used for any purpose subject to the following restrictions:
  - i. The purpose of the organization's fund-raising must be clearly advertised in advance.
  - ii. The organization may not initiate any activity, the profits of which will be used for any direct or indirect contributions to a political campaign.
  - iii. The fundraising must conform to the SGA Finance Committee guidelines.
  - iv. When revenue is generated by a student organization from an activity that was approved by the SGA Finance Committee and uses Student Activities Fee (SAF) money, all proceeds from the activity must be deposited to the organization's Middlebury College account. Any SAF money spent on the activity must be spent according to Finance Committee Guidelines. Proceeds net of SAF funds may be spent at the organization's discretion within the policies of Middlebury College and the organization's constitution. Exceptions to this rule may be considered by the SGA Finance Committee.

#### *Off-campus*

1. Students are not allowed to solicit donations or gifts from local merchants.
2. Under certain circumstances the DOS will approve fundraising efforts that occur off campus.
3. Students wishing to conduct fundraising off-campus must familiarize themselves with and abide by all applicable College policies in addition to all local, state, and federal laws and regulations.

#### *Solicitation*

1. Direct solicitation for fundraising via campus mail or e-mail is prohibited.
2. College directories may never be used for the purpose of solicitation.
3. Door-to-door solicitation in residence halls is prohibited. In addition, the solicitation of faculty and staff in their campus offices is prohibited. Door-to-door solicitation is also prohibited off campus.
4. Unattended coin and cash collection jars are not permitted.
5. Students and student groups may not solicit funds or sales from parents or alumni.



*Raising Funds for Charity*

1. Students may be approved to raise funds for off-campus charities (e.g. the American Red Cross).
2. Organizations wishing to make donations to charitable organizations may use the proceeds from certain activities (see above). SAF funds cannot be used for donations.
3. Organizations may collect funds through cash, debit cards, credit cards, or checks made out to Middlebury College. Checks may also be made out directly to the charity.
4. Organizations may not raise funds for political campaigns.

*Sale and Distribution of Food on Campus*

Recognized student organizations may distribute food in designated locations, as well as outdoor events, provided they have received prior approval from the DOS and the director of Dining Services.

**Student Vendors**

The College may, at its discretion, approve selected student entrepreneurial activities to function on campus. These student-run businesses involve the sale of a product or service solely for students at Middlebury College.

Any Middlebury College student desiring to conduct a student business on the Middlebury campus must first register and obtain approval from the Office of Business Services. The approval process may be commenced by completing the "Student Vendor Authorization & Contract" form and submitting it to the director of Business Services. Student business applicants should be prepared to provide additional information about their business operation and plan and, if necessary, to meet with Business Services personnel before receiving approval to commence operations.

This policy applies not only to business activities designed and originated by Middlebury College students but also to businesses operated by off-campus entities which recruit Middlebury students to carry on business activity on their behalf on the Middlebury campus. Such "franchise" operations must comply with the parameters and process of the "Student Vendor Authorization & Contract" or will otherwise be deemed to be in violation of this policy.

Failure to obtain approval before conducting a student business on campus or acting as a franchise agent may result in disciplinary action.

Middlebury College is not responsible in any part for the functions, sales, taxes, or operations of student businesses.

1. Permission for Student Vendors will be granted only to current students. Permission is granted through the Office of Business Services.
2. Student Vendors must negotiate a contract with the College that describes the services that will be provided, the points of impact that may require College staff assistance, and a confirmation that all appropriate insurance, tax, licensing, and compensation provisions have been established.
3. Contract terms are required to be renegotiated annually.
4. Contracts may be canceled by the College at any time should the College determine that the contract provisions have been violated.
5. Once a Student Vendor has been approved, it will be allowed to function within the confines of the Middlebury College campus and must abide by all College rules and regulations – as well as the stipulations detailed in its contract with the College.
6. When the sale of a product or service involves setup, table, or booth, permission for the setup must be obtained from the Department of Event Management. If the requested sale site involves another department, then the director of that department must also provide permission for the sales to occur there (e.g., the director of athletics must also approve requests for sales at football games and other athletic events). The DOS and the supervisor of the sale site will decide whether or not one or more activities may occur simultaneously at the same location.
7. Student Vendors are required to pay for all College services that are requested. These charges include but are not limited to: the collection and distribution of keys, the loss of a key and the re-coring of locks, delivery and set up of tables, etc. It is the responsibility of the student business to request information about potential costs of services before services are provided. Failure to request information about a potential cost will not absolve the Student Vendor from being responsible for the costs.
8. Damage to College property is the responsibility of the student business. The student or students named in the contract will be billed. Damage to property may result in the cancellation of the student business contract.

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## General Disciplinary Processes

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### Overview

As noted in Middlebury's [Community Standards](#), a balance of individual and community health and growth guides the College's approach to all endeavors, and to the policies that support those endeavors.

This section describes the disciplinary process that is normally followed when violations of Middlebury's Student Life policies are alleged. Where other College policies specify separate processes, those processes will apply. See, e.g., the [Anti-Harassment/Discrimination Policy](#); the [Sexual Misconduct Policy](#); the [Alcohol and Other Drug Policy](#); the [Hazing Policy](#); the [Academic Honesty Policy](#); and the Inter-House Council policies (found in the IHC Handbook). The handbooks for other Middlebury College schools and programs contain additional information about policy violations by participants in those programs.

The dean of the College, dean of students, Commons deans, and judicial affairs officer may issue [letters of warning](#), [reprimands](#), [probationary status](#), or [official College discipline](#) when they determine that student life policies have been violated. They may also issue additional restrictions of College privileges, including but not limited to housing lottery participation or guest privileges, and assign educational sanctions, including but not limited to research or reparative community service, as appropriate. Commons Residential Advisors (CRAs) may issue letters of warning, which Commons deans may increase or augment as appropriate. Students may appeal the issuance of official College discipline by a Commons dean to the Community Judicial Board; they may not appeal unofficial sanctions.

The judicial affairs officer may additionally issue sanctions of [suspension](#) through the Disposition without Hearing process (see [Judicial Boards and Other Procedures](#)), as well as other academic sanctions as noted below (see [Sanctions: Academic Offenses](#)). The dean of students may issue sanctions of suspension through the Disposition without a Final Determination process (see [Anti-Harassment/Discrimination Policy](#)). The dean of the College and other Middlebury officials have additional sanctioning authority in emergency circumstances; see [Emergency Withdrawal, Suspension or Dismissal](#).

Except where other policies designate a different process, the Community Judicial Board generally reviews cases in which non-academic policy violations may result in a sanction of official College discipline, suspension or expulsion, and cases that have had an especially broad or negative impact on the community. Allegations of academic dishonesty are generally reviewed by the Academic Judicial Board.

### No Contact Orders

When a verbal or physical altercation, sexual misconduct, harassment, discrimination, retaliation, or hazing has been alleged, or when otherwise deemed appropriate under the circumstances, the dean of the College, dean of students,

Commons deans, judicial affairs officer, human relations officer, and members of the Public Safety staff have the authority to issue No Contact Orders to the persons involved, whether or not disciplinary action is taken. A No Contact Order is used to restrict encounters between individuals. While a No Contact Order is not a disciplinary sanction, and will not appear on a student's disciplinary record, refusal to adhere to the order after written or verbal notification of its terms is prohibited and may result in disciplinary action.

## Legal Proceedings

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. 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.

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## Judicial Boards and Other Procedures

All parties will be provided procedural rights as outlined below or as outlined in Middlebury's Sexual Misconduct Policy or Anti-Harassment/Discrimination Policy, as applicable. Alleged violations of the [Sexual Misconduct Policy](#) and Anti-Harassment/Discrimination Policy are adjudicated through separate processes; please consult those policies for more information. Since the College lacks full judicial authority, such as the power to subpoena or place witnesses under oath, a student's rights cannot be coextensive with or identical to the rights afforded someone accused in a civil or criminal legal proceeding. However, the procedures outlined below and in the Sexual Misconduct and Anti-Harassment/Discrimination policies are designed to provide fundamental fairness and to protect students from arbitrary or capricious disciplinary action. All judicial boards, human relations officers and other disciplinary authorities of the College shall conduct their proceedings in the spirit of these principles. If exceptional circumstances dictate variation from these procedures, the variation will not invalidate a decision unless it prevented fundamental fairness.

### 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. The judicial process is overseen by the Judicial Affairs Officer.

#### 1. Community Judicial Board

##### a. *Jurisdiction*

The Community Judicial Board normally adjudicates charges of significant 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 to have the matter resolved through the Disposition without Hearing process (see below), or to postpone a hearing until the Community Judicial Board can be convened in the fall. A student who chooses to postpone a hearing under these circumstances and who is subsequently suspended for the fall semester or expelled will receive a full reimbursement of tuition, room, board, and all College fees for that semester.

##### b. *Organization*

###### i. *Composition*

The Community Judicial Board consists of eight members: one Commons dean, one staff member, two faculty members, and four students. Each member has one vote. Any one of the five Commons deans may serve on the board for any hearing; generally, the Commons dean does not serve as co-chair. There will be 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 or designee ("dean of the College") appoints one staff or faculty member as the co-chair of the Community Judicial Board. 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 by 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, a selection committee will be convened and led by the judicial affairs officer ("JAO") including one Community Council student member, one Community Council staff or faculty member, one non-returning student member of the Community Judicial Board or Academic Judicial Board, and one staff or faculty member of the Community Judicial Board or the Academic Judicial Board. This selection committee will be responsible for advertising the availability of student positions on the Community Judicial Board and Academic Judicial Board; interviewing applicants; and submitting a slate of student members for each board to the Community Council for ratification. 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 students before the slate is presented to the Community Council.

### iii. Substitution of Members

If there is a need to convene the Community Judicial Board and regular members cannot attend a hearing, alternates to the Community Judicial Board will be contacted first. If the alternates are unavailable, 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 sought first from among the alternate members, then from the members of the Academic Judicial Board.

### 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 appointed by 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 judicial affairs officer to the College community. A member of the Community Judicial Board or the dean of the students 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 normally adjudicates charges of 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 to have the matter resolved through the Disposition without Hearing process, or to postpone the hearing until the full Academic Judicial Board can be convened in the fall. A student who chooses to postpone hearing under these circumstances and who is subsequently suspended for the fall semester or expelled will receive a full reimbursement of tuition, room, board, and all College fees for that semester.

### 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 by 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.

Selection of student members for the Academic Judicial Board will follow the procedures outlined above under Community Judicial Board: Selection.

### iii. Substitution of Members

If there is a need to convene the Academic Judicial Board and regular members cannot attend a hearing, alternates to the Academic Judicial Board will be contacted first. If the alternates are unavailable, 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 sought first from among the alternate members, then from the members of the Community Judicial Board.

### 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. One of the co-chairs must be present to convene a hearing.

### v. Academic Dishonesty Cases

A faculty member who believes a student has engaged in 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 access to the charge statement and all related materials that will be shared with the board 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, or with the agreement of the accused student(s). The faculty member initiating charges shall participate in 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 judicial affairs officer 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 of decisions of the Community Judicial Board and the Academic Judicial Board.

### *b. Organization*

#### *i. Composition*

The Judicial Appeals Board consists of five members: a member of the academic administration, appointed by the president, who serves as co-chair; two faculty members selected from the Community Judicial Board or Academic Judicial Board who did not participate in the original hearing; and two students selected according to the procedure specified below. Each member has one vote.

#### *ii. Selection of Student Members*

An attempt will be made to select two students from the original board who did not hear the original case; however, issues of conflict of interest or availability may dictate selecting students from the alternate board. One of the student members may co-chair the appeal as appropriate.

#### *iii. Substitution of Members*

If there is a need to convene the Judicial Appeals Board when both regular and alternate members are unavailable, the administrative co-chair 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.

## 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

Students will be held accountable for policy violations that take place between the time they first arrive on campus to begin their Middlebury program and their graduation, or the College's confirmation of their withdrawal or resignation. For more information, see [Community Standards and Policy Overview](#), "Scope of Oversight" and "Pending Discipline."

The judicial affairs officer or designee ("JAO"), in consultation as appropriate, will determine when and whether policy violation charges that will result in judicial hearings are levied. The person or group initiating a charge is called the complainant; in most cases, Middlebury College serves as the complainant. The student responding to charges is called the respondent. All judicial charges are transmitted to the respondent through the JAO on behalf of the College. The respondent will be notified of the identity of the complainant and the names of any witnesses who will attend the proceedings. Respondents will be provided with the charge statement and with access to all hearing materials that will be shared with the board in advance of the hearing.

#### 1a. Disposition without Hearing

Upon receiving written notification of the charges, respondents who do not contest the charges may request that the JAO adjudicate a final disposition of the charges. In circumstances where the JAO determines that disposition without hearing is not in the best interests of the College, the request will be rejected and the case will go forward to a hearing. In cases where the request for disposition without hearing is accepted, the JAO will assign sanction(s) appropriate to the acknowledged violation. The respondent may accept the sanctions, or may reject them, in which case the charges will be adjudicated by the appropriate judicial board, and the board's finding and sanction will apply. The JAO will set a reasonable deadline by which the respondent must choose to accept the sanctions or reject them and pursue a hearing.

### 2. Administration of hearings

The JAO serves as secretary to the judicial boards. The JAO assists in scheduling, provides required notices to the parties, witnesses, and board members, identifies the materials to be included in the hearing and provides access to them to the parties and board members as appropriate, identifies and approves witnesses, and otherwise performs administrative functions for the board. The JAO does not participate in the deliberations of the board, but may be present during deliberations to assist with administrative tasks and provide procedural guidelines.

### 3. Notification of Hearing

Notification in writing will be given to the respondent, the complainant, and any known witnesses called by the JAO. Notification will include the time and place of the hearing and must be given to the complainant and respondent at least two business days in advance of the hearing, and not more than one week after the formal transmission of the charge, except where exigent circumstances require otherwise.

### 4. Attendance at Hearings

The respondent, complainant, and all required witnesses are expected to be present at the time and place of the scheduled hearing. Failure to appear at a scheduled hearing after proper notice may subject a student to disciplinary penalties up to and including suspension. Judicial proceedings take precedence over academic and nonacademic activities, and students shall be excused from other obligations to participate in the proceedings. Should a respondent who has been properly charged and notified of a scheduled hearing fail to appear, the hearing may proceed and sanctions may be imposed as if the respondent were present.

### 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 all of the five Commons deans are disqualified from sitting on the Community Judicial Board in a particular proceeding, the dean of the College will 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 vice president for academic affairs will 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 respondent. Copies made for the respondent must be returned once the appeal is filed and may not be used for other purposes. In cases in which students are found guilty, the recording 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 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.

#### 9. Expectations

Honesty is expected on the part of all members of the community who participate in the judicial process. The provision of false or misleading information to a judicial body may itself be grounds for disciplinary action.

#### 10. Advisers and Character Reference

The respondent and the complainant may each bring an adviser who is a student or employee of Middlebury College. 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 reference. Prior to the commencement of the hearing, each student shall provide the chair with the names of persons serving as adviser and/or character reference. The names will be shared with the respondent and complainant.

#### 11. Independent Expertise

If the case involves a technical matter that falls outside the expertise of the members of the judicial body, the chair or judicial affairs officer may invite an appropriate faculty and/or student adviser without voting privileges to assist the body during the hearing.

#### 12. Rights of the Respondent

The respondent has the right to be present throughout the hearing and to hear adverse testimony. In no case should the board consider evidence against a student unless the source, author, and content of any statement or other evidence has been identified to the student, and the student has been given the opportunity to rebut the statement or respond to the evidence. All written evidence intended to be introduced at the hearing must be provided to the chair of the board prior to the commencement of the hearing. The chair reserves the right not to consider written evidence not provided in advance. 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 JAO will make rulings on evidentiary or procedural questions prior to the hearing. 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 determining whether a policy has been violated, the judicial authority shall base its decision only on evidence introduced at the hearing of that case. Policy violation determinations will be made on the basis of a preponderance of the evidence. If the judicial authority determines that a policy has been violated, prior conduct and judicial history may be taken into account in determining sanctions.

#### 16. Hearings

All hearings are confidential, except that the board may, at the advance request of a respondent and with the consent of the complainant, 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 respondent and complainant may each select two members of the College community as observers. The respondent may, with the consent of the complainant, permit a continuation



of coverage by the College press.

#### 17. Confidential Deliberations

All judicial board deliberations are confidential.

#### 18. Decision

The JAO will normally give written notification of the decision to each party charged within two business days of the board's determination. Failure to meet the time limitations in this section will not invalidate a decision.

#### 19. Record of Proceedings

If a judicial proceeding results in a finding of not guilty, there will be no record of the charges or the hearing in the student's permanent file.

### **C. Sanctions**

#### 1. General Nonacademic Offenses

Sanctions for non-academic conduct violations are assigned to meet any of several goals: to deter conduct that is harmful; to cultivate an awareness of responsibility and accountability to self and others; to make amends to harmed parties as appropriate; and to encourage education and growth. Sanctions are recorded in the student's file, and are not reflected on the academic transcript, except that the dates of enrollment at Middlebury College are a part of the transcript record.

Sanctions that may be imposed on a student for a nonacademic offense include but are not limited to those listed below. Additional sanctions may include loss or restriction of College privileges and/or educational/reparative assignments as appropriate.

Although discipline is cumulative at Middlebury, which may result in greater sanctions for repeated or accumulated violations, it is not progressive. That is, depending on the severity of the violation, a student may receive any of the sanctions below, even for a first offense.

*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:* A verbal or written warning may be issued when a student has violated Middlebury College policy. A warning is intended to educate the student about community standards, College policies and/or state laws, and the need to adhere to them. A warning is informal College discipline and is not part of the student's permanent record. Students who receive a warning can answer negatively if they are asked if they have been subject to official College discipline. A warning remains in a student's file until graduation, when it is removed. Warnings are taken into account in determining future disciplinary outcomes and may serve to make further violations of College regulations more serious.

*c. Reprimands:* A letter of reprimand may be issued when a student demonstrates an inability or unwillingness to abide by community standards by repeatedly violating College policy. A letter of reprimand may also be issued when a student has committed a violation of College policy that has had or may have had a negative impact on an individual or on the community, or has undermined Middlebury's community standards. A reprimand registers strongly the College's concern regarding the student's actions and its firm expectations for immediate improved behavior.

Parents or guardians are informed when students are reprimanded. A letter of reprimand is informal College discipline and is not part of the student's permanent record. Students who receive reprimands can answer negatively if they are asked if they have been subject to official 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 disciplinary penalties and may serve to make further violations of College regulations more serious.

*d. Probationary Status:* Students may be placed on probationary status when the number or nature of their College policy violation(s) is sufficiently concerning that an additional policy violation will most likely result in official College discipline (please see below). Probationary status provides students with an opportunity to avoid this outcome. They may do so by demonstrating improved conduct, generally reflected in their sustained ability to respect community standards and adhere to College policies.

If students commit new policy violations while on probation, an appropriate course of action will be determined. Considerations may include the gravity and impact of the new infraction; the student's response during and following the new infraction; and the student's progress during the probationary period.

Parents or guardians are informed when students are placed on probationary status. Probationary status is informal College discipline and is not part of the student's permanent record. Students who are placed on probationary status

can answer negatively if they are asked if they have been subject to official College discipline. Although probationary status concludes after a designated period of time, a probationary status letter remains in a student's file until graduation, when it is removed. It is important to note that discipline is cumulative at Middlebury, and further infractions following the successful conclusion of the probationary period may still result in more severe outcomes.

*e. Official College Discipline:* Students may receive official College discipline when their actions have demonstrated disregard for Middlebury's community standards and policies such that an additional infraction of College policy will most likely result in suspension from Middlebury.

Official College discipline is a permanent part of the student's file. Students who receive official College discipline must answer affirmatively if they are asked whether they have been subject to College discipline. Parents or guardians are informed when students receive official College discipline.

*f. Suspension:* Suspension is issued when a student commits a serious policy violation, or repeatedly violates College policy, thereby demonstrating an inability or unwillingness to behave in a manner consistent with Middlebury's community standards. The behavior is sufficiently egregious that the student is required to leave the Middlebury community for a period of time. It is intended to provide the student with an opportunity to consider and address the problematic behavior, and to develop strategies to ensure that the student's eventual return to Middlebury will be successful for the student and for the community.

Suspension may be imposed for any length of time, but is normally imposed for a period no longer than one and one half academic years. In determining the length of suspension, the adjudicating body will consider the student's prior conduct history; the gravity of the violation and its impact on the community; and the need for sufficient time for the student to demonstrate that the concerning behavior has been satisfactorily addressed. When the adjudicating body feels that suspension for one and one half academic years is insufficient to allow for a student's successful return to the community, expulsion will be the normal outcome, barring exceptional circumstances.

Students who are suspended for four weeks or longer must apply for readmission through the [Administration Committee](#), and must demonstrate readiness to return to Middlebury. Readiness to return is determined by a student's adherence to the terms of the sanction and the deadlines of the readmission process; by the completion of any additional conditions that may have been established at the time of the student's departure; and by the provision of satisfactory evidence that the problematic behavior will not recur. If a student is unable to demonstrate readiness to return at the stated conclusion of the period of suspension, the Administration Committee may deny readmission until it is satisfied that the conditions that led to the student's departure have been appropriately addressed.

Suspension is official College discipline and is a permanent part of the student's file. Students who are suspended must answer affirmatively if they are asked whether they have been subject to College discipline. Students who are suspended must leave campus and are prohibited from participating in all Middlebury College activities or programs, from College employment, and from using College facilities during the stated period of the suspension. When suspension prohibits students from completing a semester they have already begun, the comprehensive fee for that semester is not refunded. Parents or guardians are informed when students are suspended. For international students, suspension may affect immigration status; related questions may be directed to the Office of International Student and Scholar Services.

*g. 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; please see [Appeals Procedure](#) below for more information. In cases of expulsion from the College, no refund of the comprehensive fee is made. Parents or guardians are informed when students are expelled.

h. 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 this sanction 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 dishonesty offenses 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. The Academic Judicial Board is responsible for choosing the most appropriate length of time for suspension within the parameters noted below.

Students found guilty of academic dishonesty will normally fail the course in which the offense occurred.

On rare occasions, if compelling reasons exist for not suspending a student found guilty of academic dishonesty, the 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. Reprimands:* A letter of reprimand registers strongly the College's concern regarding the student's actions and its firm expectations for immediate improved behavior. Parents or guardians are informed when students are reprimanded. A letter of reprimand is informal College discipline and is not part of the student's permanent record. Students who receive reprimands may answer negatively if they are asked if they have been subject to official 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 disciplinary penalties and serve to make further violations of College regulations more serious.

*b. Disciplinary academic probation:* Disciplinary academic probation is 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 is issued when a student commits a serious policy violation, or repeatedly violates College policy, thereby demonstrating an inability to behave in a manner consistent with Middlebury's community standards. The behavior is sufficiently egregious that the student is required to leave the Middlebury community for a period of time. It is also intended to provide the student with an opportunity to address the problematic behavior, and to develop strategies to ensure that the student's eventual return to Middlebury will be successful for the student and for the community.

Suspension may be imposed for any length of time, and is normally imposed for a period no longer than one and one half academic years. In determining the length of suspension, the adjudicating body will consider the student's prior conduct history; the gravity of the violation and its impact on the community; and the need for sufficient time for the student to demonstrate that the concerning behavior has been satisfactorily addressed. When the adjudicating body feels that suspension for one and one half academic years is insufficient to allow for a student's successful return to the community, expulsion will be the normal outcome, barring exceptional circumstances.

Students who are suspended for four weeks or longer must apply for readmission through the [Administration Committee](#), and must demonstrate readiness to return to Middlebury. Readiness to return is determined by a student's adherence to the terms of the sanction and the deadlines of the readmission process; by the completion of any additional conditions that may have been established at the time of the student's departure; and by the provision of satisfactory evidence that the problematic behavior will not recur. If a student is unable to demonstrate readiness to return at the stated conclusion of the period of suspension, the Administration Committee may deny readmission until it is satisfied that the conditions that led to the student's departure have been appropriately addressed.

Suspension is official College discipline and is a permanent part of the student's file. Students who are suspended must answer affirmatively if they are asked whether they have been subject to College discipline. Students who are suspended must leave campus and are prohibited from participating in all Middlebury College activities or programs, from College employment, and from using College facilities during the stated period of the suspension. When suspension prohibits students from completing a semester they have already begun, the comprehensive fee for that semester is not refunded. Parents or guardians are informed when students are suspended. For international students, suspension may affect immigration status; related questions may be directed to the [Office of International Student and Scholar Services](#).

If a student has been found guilty of academic dishonesty and the suspension does not take effect until the end of the semester, no opportunity may be granted to make up or otherwise fulfill the requirements of the course in question, although the student may complete all other courses in which he or she is concurrently enrolled. In this case, the course grade will be recorded as an F.

A student suspended for academic dishonesty normally may not transfer to Middlebury course credits earned at other institutions during the period of suspension. However, this part of the sanction may be modified if compelling reasons warrant such action.

*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; please see [Appeals Procedures](#) below for more information. In cases of expulsion from the College, no refund of the comprehensive fee is made. Parents or guardians are informed when students are expelled.

*e.* 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 this sanction 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.

### 3. Reporting on Disciplinary Actions

The outcomes of all disciplinary proceedings shall be reported by the judicial affairs officer 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.

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## D. Appeals Procedures

Appeals are reviewed by different College officials 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 vice president for Academic Affairs on one or more of the following grounds:
- i. discovery of significant new factual material not available to the board 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 a factor in reducing a sanction when the appeal upholds a conviction. Immaterial procedural errors will not be grounds for a rehearing;
  - iii. presence of significant mitigating circumstances.
- b. If any of the appeal grounds above are present, the vice president for academic affairs or designee (the "VPAA"), in consultation with a faculty member and a student member of the Community Council may refer the matter to the Judicial Appeals Board for further consideration. In cases where none of the appeals grounds have been met, the VPAA may deny the appeal.

### 2. Procedures

- a. A student found guilty by the Academic Judicial Board or the Community Judicial Board may appeal the decision by submitting a written appeal to the VPAA within five business days of receipt of written notification of the board's decision. The appeal will include a written statement of the grounds for appeal, including an outline of the supporting evidence.
- b. The VPAA shall provide a copy of the written appeal to the JAO. The JAO shall provide the records from the case to the VPAA. The VPAA may consult with the JAO and any other relevant individual regarding the appeal as appropriate.
- c. The VPAA, in consultation with a faculty member and a student member of the Community Council, will make a determination whether the grounds for appeal are present, and if so, what kind of reconsideration is appropriate to address them. This may include but is not limited to a full rehearing; a limited rehearing; or new outcome and/or sanction deliberations. Notification of the VPAA's decision will be given to the student within seven business days of receipt by the VPAA of the complete records in the case, but failure to meet this notification deadline will not invalidate a decision.
- d. Upon notice from the VPAA that reconsideration of some kind has been granted, the administrative co-chair of the Judicial Appeals Board will convene the Judicial Appeals Board. It is the responsibility of the VPAA, in consultation with the faculty member and student member, to determine which aspects of the case merit reconsideration and what procedures should be followed, and to direct the Judicial Appeals Board accordingly. When a full or limited rehearing has been granted, notice will be given to those involved of the date, time, and place of rehearing, which shall be held within seven business 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 reconsideration 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 a decision or mitigate sanctions, but may not increase a sanction.
- d. Decisions by the VPAA and the board hearing an appeal are final, except in cases where the penalty is expulsion, in which case the expelled student may appeal to the president. The student must submit a written appeal to the president within five business days of receipt of written notification of the VPAA's denial of the appeal or the appeal

outcome upholding the expulsion. The president may reduce the sanction, if warranted, after consultation with the VPAA, a representative of the last adjudicating body, and any other relevant individual. Absent extenuating circumstances, the president will inform the student of the final decision in writing within thirty business days of receiving the appeal.

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## Student Health Policies

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### Parton Center for Health and Wellness

[Parton Center for Health and Wellness](#) ("Parton") promotes student well being. Our medical and counseling staff are here to help students when physical, emotional, or interpersonal issues become a problem. In addition, we have a wealth of health and wellness resources to support students as they navigate a demanding academic and social schedule.

### 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

### Commitment to Confidentiality

All medical and counseling records at Parton are confidential and are completely separate from all other College records. Students have the right to revoke or restrict authorization to share health care information, and Parton will not release any information about you without your written permission, except under the following conditions:

- As authorized or required by law (i.e., when we are presented with a valid court order requiring us to release records);
- As necessary to protect you or others from a serious threat to health and safety;
- As necessary to notify parents and deans when you have a serious mental or physical health problem and are unable to assume responsibility for notifying others.

In addition, Parton medical, sports medicine, and counseling staff confer with one another as needed to provide integrated care for you. Parton also works with Porter Hospital and the Counseling Service of Addison County (CSAC) to ensure a full range of medical and mental health options for students; when students receive treatment at multiple offices, we exchange only such information as is needed to maintain continuity of care. Students may make requests to Parton, Porter or CSAC to revoke or restrict authorization to share such information.

While this written summary of confidentiality and its limits should prove helpful in informing you, it is important that we discuss any questions or concerns that you may have. We are happy to discuss these issues with you.

Please note: Middlebury College and Parton Center for Health and Wellness are not subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and therefore are not required to comply with the various federal regulations relating to the use and disclosure of health information. Middlebury College 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.

## Vaccines

Vermont law requires that all students submit an immunization record, including proof of:

- Measles, Mumps and Rubella (MMR): two doses after the student's first birthday
- Meningococcal vaccine
- Hepatitis B vaccine series
- Tetanus, diphtheria, and acellular Pertussis (Tdap)
- Varicella (chickenpox) vaccine: two dose series for people 13 and older who have not had chickenpox.

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 Parton.

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.

## 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 changes will not be sent to parents or guardians.

While the College will require this only once during a student's enrollment at Middlebury – 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 that person's role in the plan.

[More information about Middlebury College's response to Pandemic Flu.](#)

## 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 Parton, the Commons offices and online on the Parton website.

## Records Retention Policy

Parton Center for Health and Wellness, in order to establish guidelines for the maintenance, retention, preservation and disposal of medical records that are created or maintained by it, hereby adopts the following policy for preserving those records.

**Policy**

It is the policy of Parton Center for Health and Wellness:

- (1) to retain medical records for the period of time required by applicable law and regulation as indicated in these guidelines;
- (2) to dispose of medical records promptly, in the appropriate manner after they have satisfied their required retention period, unless they are the subject of a Litigation Hold;
- (3) to preserve medical records subject to a Litigation Hold, if the records would otherwise be disposed of.

**Retention Guidelines**

Medical records are to be retained for the time periods indicated as follows. The medical records may be maintained in paper or electronic format, as appropriate and may be stored on-site or off-site, in accordance with the need to access the records. The creator or receiver of the medical records is responsible for retaining the record.

Some records are not subject to any retention period and can be discarded when they do not have administrative value. Other documents are not considered "records" within the meaning of this policy and need to be maintained only as long they have administrative value. Documents that are not considered "records" include: duplicate copies of correspondence or other documents, blank forms, and transitory messages used for informal communication of information only, such as voice mails, self-sticking notes and phone messages. Documents that are not "records" may be discarded when they do not have administrative value.

RECORDS	RETENTION PERIOD
Medical records - Adults (over 18)	7 years from last date of treatment (graduation)
Medical records – Minors (under 18)	The longer of 7 years from date of treatment or until the patient is 25

**Disposal Guidelines**

Records should be disposed of promptly if they do not need to be retained in accordance with these guidelines. It is costly to manage and store records and the intention of these guidelines is to manage this process while meeting Parton Center for Health and Wellness's legal obligations. Records must be disposed of in a manner that safeguards confidential, sensitive or proprietary information contained in the records.

**Litigation Hold Guidelines**

The Executive Director shall be notified immediately if an employee receives notification of any claim or complaint that could lead to litigation or governmental investigation. The Executive Director will evaluate the information and communicate with the appropriate employees to assure that all evidence and records relating to the matter are preserved until the litigation or investigation is complete. No employee should discard any document subject to a Litigation Hold.



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## Student Fines and Fees

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### Fines

Reason	Fine	Description
<a href="#">Room Swaps and/or room key exchanges</a>	\$400	Room changes must be made through Student Life and keys issued by Public Safety or the Commons. Unapproved room and key exchanges are a violation of College policy and may also result in Official College Discipline
<a href="#">Unauthorized early arrival; Failure to leave</a>	\$400	Unauthorized presence on campus. This is a per-day fine. Student must be approved to arrive early or remain past the predetermined move-out date.
<a href="#">Senior move out date</a>	\$400	Remaining on campus or in the residence hall past the move-out deadline
<a href="#">Dorm Room Unlock</a>	\$10	First unlock is free.
<a href="#">Work order cancellation - lock change</a>	\$50	
<a href="#">Failure to return key</a>	\$100	
<a href="#">-Lock Change</a>	\$100	
<a href="#">Dorm Room Condition: Messy room or suite area; missing furniture; damage</a>	\$200	Plus associated costs: replacement, repairs, and Facilities Services labor
<a href="#">Loft and personal furniture - failure to remove</a>	\$25	Per item plus Facilities Services labor
<a href="#">Pong Tables</a>	\$50	
<a href="#">Fire Safety Inspections and Violations</a>	\$50	This fine is for any of the violations including those discovered including during a fire safety inspection.
<a href="#">Tampering with fire or life safety equipment - subject unknown</a>	\$50	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 \$300

<u>Tampering with fire or life safety equipment</u>	\$300	plus the cost to repair or replace equipment. Discharging fire extinguisher included.
<u>Failure to leave during fire alarm</u>	\$200	Any student who fails to leave a building during a fire alarm or who re-enters before permitted to do so, will be fined
<u>Tapping or tampering with cable television</u>	\$100	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.
<u>Satellite Dish/cost of removal</u>	\$50	Plus associated costs: removal, repairs, and Facilities Services labor
<u>Roof or outer surface - unauthorized access</u>	\$100	Climbing on the roof or any outer surface, will result in a fine.
<u>College lounge furniture in student's room</u>	\$50	College furniture placed in lounges or other public spaces cannot be moved to student rooms. Fine plus associated costs: removal, repairs, and Facilities Services labor
<u>Vandalism and physical damage</u>	\$100	Plus associated costs: removal, repairs, and Facilities Services labor
Dining Services - dining halls, Grille, Snow Bowl, Golf Course	\$35	Theft of food after hours; theft of dishes, utensils, or any dining service equipment, or failing to pay for the meal.
Pets	25-200	There is a fine of \$25 plus the cost of impoundment
Unauthorized keg or common containers	\$200	
DUI on Campus	\$100	
Open Containers	\$50	First violation is a warning. Any additional violation will result in the fine.
<u>Noise complaint Town fines</u>	\$1,000	
<u>Bicycles in unauthorized places or locked to unauthorized structures</u>	\$25	
<u>Abandoned bicycles</u>	\$50	

## Fees

Type	Fee	Description
Enrollment Deposits	\$300	For first year and transfer students.
Tuition Refund Insurance	\$315	Explained in Student Finances.
Late Add	\$50	Adding after deadline if approved. Process described in Course Registration
Late Drop after 5th	\$50	Dropping after the 5th week with approval.

week		Process explained in Course Registration
Late Add J-Term	\$50	The add period for J-Term is 3 days. After the third day, there is a fee. See Course Registration and Winter Term.
0555 Courses	\$100	The course must be approved.
Special Students		course fees
Senior Programs	\$150	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.
Not enrolled Thesis submission fee	\$150	A fee of \$150 is billed to students who repeat the General Examination or resubmit a thesis while not enrolled at the College.
Transcripts	\$5	each
LIS	Fees to be determined	Overdue library materials and fines will restrict borrowing privileges. All borrowers are responsible for payment of charges assessed for damaged or lost materials.
Summer programs (Language Schools)		Explanation of the fees for Language Schools
Summer programs (Language Schools)		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 1.
Storage - academic term	\$10	Student storage per item per term. See Storage info for details
Storage - for Language School students	\$4	short storage before and/or after Language Schools. See Storage info for details
Bike storage	\$15	storage with the Bike Shop - summer only
Academic Year Student Dorm Phone	\$50	Request academic year phone with <a href="#">Telephone Services</a> .

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## 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

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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 associate vice president for Human Resources, the controller, the dean of the faculty, or the executive vice president for Finance 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.

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## 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.



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**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.

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## Drugs and Alcohol: Policies, Laws, and Resources

(Printable PDF is located at the bottom of this page.)

### To Members of the Middlebury College Community:

The Drug-Free Schools and Communities Act of 1989 requires that the College annually notify all students, faculty, and staff of the following:

\*Middlebury College's standards of conduct, which prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on College property or in connection with any activities or programs sponsored by the College.

\*A description of the College's disciplinary sanctions that will be imposed on students and employees for the unlawful possession, use, or distribution of illicit drugs and alcohol, up to and including expulsion or termination of employment.

\*A description of applicable sanctions under federal, state, and local law for the unlawful possession, use, or distribution of illicit drugs and alcohol.

\*A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.

\*A description of any drug or alcohol counseling, treatment, rehabilitation, or re-entry programs that are available to employees or students.

### Middlebury College's Alcohol and Drug Policies

Middlebury College is committed to promoting individual and community health, safety, and responsibility. We expect all students, faculty and staff to observe local, state, and federal laws governing the possession, use, and furnishing of alcoholic beverages and controlled substances, also referred to as illegal drugs.

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 an individual on campus who is abusing alcohol or who is in possession of or using illegal drugs is urged to encourage the individual to seek counseling and/or medical assistance. All members of the community are also expected to help protect the community health by informing appropriate College staff members of instances of illegal drug or alcohol possession, distribution and/or sales.

Any violation of Middlebury's Drug and Alcohol policies may result in discipline up to and including termination of employment (in the case of employees) or suspension or expulsion (in the case of students). Links to the full text of Middlebury's Alcohol and Drug Policies are available below. Printed copies are also available upon request from the following offices: Dean of Students, Commons Deans, Public Safety, and Human Resources.

[Middlebury College Student Life Policies: "Alcohol and Other Drugs"](#)

[Middlebury College Handbook 9.3 Discharge \("Use or possession of, or being under the influence of illegal substances or alcohol while at work"\)](#)

### Federal and State Laws

All students, faculty, staff, and visitors are subject to local, state and federal laws, as well as College drug and alcohol policy rules and regulations, while on College-owned or leased properties or while involved with off-campus activities 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 activities sponsored by the College. The College does not protect

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individuals from prosecution for drug or alcohol offenses under local, state, or federal laws, and does not interfere with legitimate law enforcement activities. Law enforcement officers, when in possession of the proper documents, have a legal right to search individuals and property without prior notice. The College also reserves the right to furnish the police with information regarding alleged illegal activities.

Federal, state, and local laws pertaining to the illicit manufacture, possession, distribution and use of drugs and alcohol are summarized below. The information herein regarding Federal, state, and local drug and alcohol laws does not constitute legal advice and should not be relied upon as such. Please consult your attorney if you have any questions. In addition, this section is intended to be a summary of certain drug and alcohol laws only. Such laws may change from time to time; as such, you should access the statutes directly or consult your attorney to obtain the most up to date and accurate information

**A. Federal Law**

Federal Penalties for Possession of Controlled Substances (21 U.S.C. § 844)

First Offense	Second Offense	Additional Offenses	Convictions Relating to Possession of Mixture/Substance Containing Cocaine Base	Convictions for Possession of Flunitrazepam
May be sentenced for up to 1 yr. in prison; shall be fined \$1,000, or both.	Prison sentence between 15 days and 2 yrs. and a minimum fine of \$2,500	Prison sentence between 90 days and 3 yrs. and a minimum fine of \$5,000	Prison sentence between 5-20 yrs. and a minimum fine of \$1,000 (depending on amount and/or prior convictions	Prison sentence of not more than 3 yrs. and fines as provided generally in the statute for first or additional offenses, or both.

Criminal Forfeitures (21 U.S.C. § 853)

Any person convicted of a federal drug crime punishable by imprisonment for more than 1 year shall forfeit to the United States any personal or real property that is related to the violation. This includes real property, personal property, money, and intangible personal property, including rights, privileges, interests, and claims.

Denial of Federal Benefits, Including Student Loans, Grants, Contracts, and Commercial and Professional Licenses (21 U.S.C. §862)

Convictions for federal or state offenses consisting of the distribution of controlled substances: Ineligible for any and all federal benefits for up to 5 years after a first conviction, up to 10 years after a second conviction, and permanent ineligibility for all federal benefits after a third or subsequent conviction.

Convictions for federal or state offenses related to possession of controlled substances: Ineligible for any and all federal benefits for up to 1 year, and/or drug treatment program and/or community service (first conviction); up to 5 years (second or subsequent conviction(s)), and or drug treatment program and/or community service.

Federal Trafficking Penalties Schedule (See also 21 U.S.C. § 841)

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 - 4999 gms mixture	<b>First Offense :</b>	5 kgs or more mixture	<b>First Offense :</b>
Cocaine Base (Schedule II)	28-279 gms mixture	Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more	280 gms or more mixture	Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life.

		than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual		Fine of not more than \$10 million if an individual, \$50 million if not an individual.
Fentanyl (Schedule II)	40 - 399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10 - 99 gms mixture	<b>Second Offense</b> : Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual	100 gms or more mixture	<b>Second Offense</b> : Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Heroin (Schedule I)	100 - 999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1 - 9 gms mixture		10 gms or more mixture	<b>2 or More Prior Offenses:</b> Life imprisonment
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10 - 99 gms pure or 100 - 999 gms mixture		100 gm or more pure or 1 kg or more mixture	

**PENALTIES**

Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)

Any amount

**First Offense** : Not more that 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.

**Second Offense** : Not more than 30 yrs. If death or serious injury, not more than 15 yrs. Fine \$2 million if an individual, \$10 million if not an individual

Other Schedule III drugs

Any amount

**First Offense** : Not more than 10 years. If death or serious injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.

**Second Offense** : Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1.5 million if an individual, \$5 million if not an individual

All other Schedule IV drugs Any amount

**First Offense** : Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.

Flunitrazepam (Schedule IV) Less than 1 gm

**Second Offense** : Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.

All Schedule V drugs Any amount

**First Offense:** Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.

**Second Offense** : Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

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**Federal Trafficking Penalties - Marijuana**

DRUG	QUANTITY	1 <sup>st</sup> OFFENSE	2 <sup>nd</sup> OFFENSE*
Marijuana (Schedule I)	1,000 kg or more mixture; or 1,000 or more plants	Not less than 10 years, not more than life	Not less than 20 years, not more than life
		If death or serious injury, not less than 20 years, not more than life	If death or serious injury, mandatory life
		Fine not more than \$4 million if an individual, \$10 million if other than an individual	Fine not more than \$8 million if an individual, \$20 million if other than an individual
Marijuana (Schedule I)	100 kg to 999 kg mixture; or 100 to 999 plants	Not less than 5 years, not more than 40 years	Not less than 10 years, not more than life
		If death or serious injury, not less than 20 years, not more than life	If death or serious injury, mandatory life
		Fine not more than \$2 million if an individual, \$5 million if other than an individual	Fine not more than \$4 million if an individual, \$10 million if other than an

			individual
Marijuana (Schedule I)	more than 10 kgs hashish; 50 to 99 kg mixture	Not more than 20 years	Not more than 30 years
		If death or serious injury, not less than 20 years, not more than life	If death or serious injury, mandatory life
	more than 1 kg of hashish oil; 50 to 99 plants	Fine \$1 million if an individual, \$5 million if other than an individual	Fine \$2 million if an individual, \$10 million if other than individual
Marijuana (Schedule I)	1 to 49 plants; less than 50 kg	Not more than 5 years	Not more than 10 years
		Fine not more than \$250,000, \$1 million other than individual	Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$8 million if an individual and \$20 million if other than an individual.

[Distribution or Manufacturing in or Near Schools: \(21 U.S.C. § 860\)](#)

Any person convicted of distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within one thousand feet of, the real property comprising a private college is subject to twice the maximum punishment (including imprisonment and fines) and at least twice any term of supervised release as the standard penalties for the same offense, with a mandatory term of imprisonment of not less than one year. These mandatory minimum sentencing provisions shall not apply to offenses involving 5 grams or less of marijuana. There are additional penalties for two or more offenses.

- [Full text of Controlled Substances Act](#)
- [Section 812. Schedules of Controlled Substances](#)
- [List of Controlled Substances](#)

**B. Vermont Law**

**Alcohol**

[Minors Misrepresenting age, Procuring, Possessing, or Consuming Liquors \(7 V.S.A. § 656 and 7 V.S.A. § 657\)](#)

It is illegal for a person under the age of 21 to procure, possess, or consume alcohol.

First Offense	Second Offense
Civil penalties include a \$300 fine and a 90 day suspension of the person's driver's license (unless the person successfully meets the conditions of the court	Fine up to \$600 or prison up to 30 days, or both; a 120 day suspension of the person's driver's license; completion of an alcohol and driving program at

diversion board, including an \_\_\_\_\_ the person's own expense  
alcohol safety program)

Sale or Furnishing Alcohol to Minors or Enabling the Consumption of Alcohol by Minors (7 V.S.A. § 658)

It is illegal to sell or furnish alcohol to, or knowingly enable the consumption of alcohol by, a person under the age of 21. Fines range from \$500-\$2,000 or a prison term of up to 2 years, or both. Additional penalties will be imposed if the minor gets in an automobile accident that causes death or serious bodily injury to him/herself or others (prison term of up to 5 years or a fine of up to \$10,000, or both).

Driving Under the Influence of Alcohol (23 V.S.A. § 1201)

A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway when the person's alcohol concentration is 0.08 or more or when the person is under the influence of alcohol or when the person is under the combined influence of alcohol and any other drug to a degree which renders the person incapable of driving safely.

See also 23 V.S.A. § 1202 (Consent to Taking of Tests to Determine Blood Alcohol Content)

Penalties include the following, depending on the circumstances:

First Offense	Fine up to \$750 and/or prison up to 2 yrs.  See 23 V.S.A. 1206	License suspension and other conditions See, e.g., 23 V.S.A. 1206 & 1209a	<u>23 V.S.A. §1210</u>
Second Offense	Fine up to \$1,500 and/or prison up to 2 years; 200 hrs. of community service	License suspension and other conditions See, e.g., 23 V.S.A. 1208 & 1209a	<u>23 V.S.A. §1210</u>
Third Offense	Fine up to \$2,500 and/or prison up to 5 yrs.	Possible license suspension for life and other conditions  See, e.g., 23 V.S.A. 1208 & 1209a	<u>23 V.S.A. § 1210</u>
Fourth or Subsequent Offense	Fine up to \$5,000 and/or prison up to 10 yrs.	License suspension and other conditions See, e.g., 23 V.S.A. 1208 & 1209a	<u>23 V.S.A. §1210</u>
DUI Offense with Death Resulting	Fine up to \$10,000 and/or prison between 1-15 yrs.; separate penalties may be imposed for multiple deaths; other penalties may apply	License suspension and other conditions See, e.g., 23 V.S.A. 1208 & 1209a	<u>23 V.S.A. §1210</u>
DUI Offense with Death Resulting; 3 <sup>rd</sup> or Subsequent Offense	Mandatory prison term of at least 5 yrs. (court has discretion to impose lesser sentence under certain conditions)	License suspension and other conditions See, e.g., 23 V.S.A. 1208 & 1209a	<u>23 V.S.A. §1210</u>
DUI Offense with Serious Bodily Injury Resulting	Fine up to \$5,000 and/or prison up to 15 yrs. Separate penalties may be imposed for each person injured	License suspension and other conditions See, e.g., 23 V.S.A. 1208 & 1209a	<u>23 V.S.A. §1210</u>

DUI Offense with Serious Bodily Injury Resulting; third or subsequent offense	Mandatory prison for at least 5 yrs. Other penalties within the Court's discretion (court has discretion to impose lesser sentence under certain conditions)	License suspension and other conditions See, e.g., 23 V.S.A. 1208 & 1209a	<a href="#"><u>23 V.S.A. §1210</u></a>
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Other penalties include alcohol screening, alcohol and driving education (depending on the circumstances); additional penalties apply for refusal consent to blood alcohol testing. See, e.g., 23 V.S.A. [§§ 1205, 1206, 1208, 1209a, 1210](#)

**Illegal Drugs**

Drug	Penalty (Possession)	Penalty (Delivery or Sale)	Increased Penalty Based on Amount	Statute
Marijuana	1st offense: Fine up to \$500 and/or prison up to 6 months.  Subsequent Offense: Fine up to \$2,000 and/or prison up to 2 yrs.	Fine up to \$10,000 and/or prison up to 2 yrs..	2oz or more: Fine up to \$10,000-\$500,000 and/or prison up to 3-15 yrs.. Trafficking: Fine up to \$1,000,000 and/or prison up to 30 yrs.	<a href="#"><u>18 V.S.A. § 4230</u></a>
Cocaine	Fine up to \$2,000 and/or prison up to 1 year.	Dispensing: Fine up to \$75,000 and/or prison up to 3 yrs.  Selling: Fine up to \$100,000 and/or prison up to 10 yrs.	2.5 grams or more: Fines up to \$100,000-\$1,000,000 and/or prison up to 5-30 yrs..  Trafficking: Fine up to \$1,000,000 and prison up to 30 yrs.	<a href="#"><u>18 V. S. A. §4231</u></a>
LSD	Fine up to \$2,000 and/or prison up to 1 year.	Dispensing: Fine up to \$25,000 and/or prison up to 3 yrs.  Selling: Fine up to \$25,000 and/or prison up to 5 yrs.	100 milligrams or more: Fines up to \$25,000-\$500,000 and/or prison up to 5-20 yrs.	<a href="#"><u>18 V.S.A. §4232</u></a>
Heroin	Fine up to \$2,000 and/or prison up to 1 year	Dispensing: Fine up to \$75,000 and/or prison up to 3 yrs.  Selling: Fine up to \$100,000 and/or prison up to 5 yrs.	200 milligrams or more: Fine up to \$100,000-\$1,000,000 and/or prison up to 20 yrs..  Trafficking: Fine up to \$1,000,000 and/or prison up to 30 yrs.	<a href="#"><u>18 V.S.A. §4233</u></a>
Depressant, Stimulant, and Narcotic Drugs	Fine up to \$2,000 and/or prison up to 1 yr.	Dispensing: Fine up to \$75,000 and/or prison up to 3 yrs.  Selling: Fine up to	100 or more times benchmark unlawful dosage:  Fine up to	<a href="#"><u>18 V. S.A. §4234</u></a>



		\$25,000 and/or prison up to 5 yrs.	\$25,000- \$500,000 and/or prison up to 20 yrs.	
Methamphetamine	Fine up to \$2,000 and/or prison up to 1 yr.	Dispensing: Fine up to \$75,000 and/or prison up to 3 yrs.  Selling: Fine up to \$100,000 and/or prison up to 5 yrs.	2.5 grams or more: Fine up to \$100,000- \$1,000,000 and/or prison up to 20 yrs.  Trafficking: Fine up to \$1,000,000 and/or prison up to 30 yrs.	<a href="#"><u>18 V. S. A. §4234a</u></a>
Ephedrine and Pseudoephedrine	Fine up to \$2,000 and/or prison up to 1 yr.		9 or more grams: Fine up to \$100,000 and/or prison up to 5 yrs.	<a href="#"><u>18 V. S.A. §4234b</u></a>
Hallucinogenic Drugs	Fine up to \$2,000 and/or prison up to 1 yr.	Dispensing: Fine up to \$25,000 and/or prison up to 3 yrs.  Selling: Fine up to \$25,000 and/or prison up to 5 yrs.	10 or more doses: Fine up to \$25,000- \$500,000 and/or prison up to 15 yrs.	<a href="#"><u>18 V.S. A. §4235</u></a>
Ecstasy	Fine up to \$2,000 and/or prison up to 1 yr.	Dispensing: Fine up to \$25,000 and/or prison up to 3 yrs.  Selling: Fine up to \$25,000 and/or prison up to 5 yrs.	2 grams or more: Fine of up to \$25,000- \$500,000 and/or prison up to 20 yrs.	<a href="#"><u>18 V.S.A. §4235a</u></a>
Unlawful Manufacture, Distribution, Dispensing or Sale of a Noncontrolled Drug or Substance	Fine up to \$5,000 and/or prison up to 1 yr.  If violation involves dispensing or sale to person under 21:  Fine up to \$10,000 and/or prison up to 2 yrs.			<a href="#"><u>18 V.S.A. § 4228</u></a>
Manufacture or Cultivation of a Regulated Drug (other than cultivation of marijuana)	Fine up to \$1,000,000 and/or prison up to 20 yrs.			<a href="#"><u>18 V.S.A. § 4236</u></a>
Selling or Dispensing to Minors; Selling on School Grounds		Dispensing to Minors: Prison up to 5 yrs.  Selling: Prison up to 10 yrs.		<a href="#"><u>18 V.S.A. § 4237</u></a>

Selling or  
Dispensing on  
School Grounds:  
Prison of up to 10  
yrs.

Penalties for  
Dispensing or  
Selling Regulated  
Drugs in a Dwelling

Fine up to \$1,000  
and/ or prison up  
to 2 yrs.

[18 V.S.A. § 4252](#)

Second and  
Subsequent  
Offenses for  
Violating 18 V.S.A.  
[§§ 4228, 4230,  
4231, 4232, 4233,  
4234, 4235, 4236  
or 4237](#)

Prison term or fine  
up to twice that  
authorized by those  
sections, or both.

[18 V.S.A. § 4238](#)

### C. Local Law (Town of Middlebury Ordinance)

A person who has in his or her possession an open container containing any malt or vinous beverage, or spirits, or alcohol while on Town property without a permit specifically authorizing such possession or who violates a term or condition of permit issued under shall be subject to a fine not in excess of \$1,000 this Ordinance, for each violation.

Town Property shall mean any street, highway, sidewalk, park, building, or any other place owned by, or under the authority and control of the Town within the village area as defined on map #139-Village Area of Middlebury, Vermont 1968 prepared by Hans Klunder Associates, Inc. and recorded in the Middlebury Town Clerk's Office; and also Chipman Hill Park; Means Woods, Battell Woods, Wright Park and East Middlebury Recreation Park.

[Alcoholic Beverage Restrictions An Ordinance For Restricting Alcoholic Beverage Use on Town Property](#)

#### Information and Resources

The use of illicit drugs and the unlawful possession and use of alcohol is wrong and potentially harmful. Abuse of alcohol and drugs can have a dramatic impact on professional, academic, and family life. We therefore encourage staff, faculty, and students experiencing difficulty with drugs or alcohol to contact one of the many resources available on or off campus. It is important that all members of our community know where help is available for those who need it. Resources and information regarding health risks and resources are available below.

#### Health Risks Associated with the Use of Illicit Drugs and the Abuse of Alcohol

##### [Health Risks Associated with Alcohol](#)

According to the CDC:

"There are approximately 79,000 deaths attributable to excessive alcohol use each year in the United States. This makes excessive alcohol use the 3rd leading lifestyle-related cause of death for the nation. Additionally, excessive alcohol use is responsible for 2.3 million years of potential life lost (YPLL) annually, or an average of about 30 years of potential life lost for each death. In the single year 2005, there were more than 1.6 million hospitalizations and more than 4 million emergency room visits for alcohol-related conditions.

##### [The Standard Measure of Alcohol](#)

In the United States, a standard drink is any drink that contains 0.6 ounces (14.0 grams or 1.2 tablespoons) of pure alcohol. Generally, this amount of pure alcohol is found in

- 12-ounces of regular beer or wine cooler.
- 8-ounces of malt liquor.
- 5-ounces of wine.
- 1.5-ounces of 80-proof distilled spirits or liquor (e.g., gin, rum, vodka, whiskey).

##### [Definitions of Patterns of Drinking Alcohol](#)

- Binge drinking

- For women, 4 or more drinks during a single occasion.
- For men, 5 or more drinks during a single occasion.
- Heavy drinking
  - For women, more than 1 drink per day on average.
  - For men, more than 2 drinks per day on average

**Excessive drinking** includes heavy drinking, binge drinking or both.

Most people who binge drink are not alcoholics or alcohol dependent.

According to the *Dietary Guidelines for Americans*, if you drink alcoholic beverages, do so in moderation, which is defined as no more than 1 drink per day for women and no more than 2 drinks per day for men. However, there are some persons who should not drink any alcohol, including those who are

- Pregnant or trying to become pregnant.
- Taking prescription or over-the-counter medications that may cause harmful reactions when mixed with alcohol.
- Younger than age 21.
- Recovering from alcoholism or are unable to control the amount they drink.
- Suffering from a medical condition that may be worsened by alcohol.
- Driving, planning to drive, or participating in other activities requiring skill, coordination, and alertness.

#### Immediate Health Risks

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These immediate effects are most often the result of binge drinking and include the following—

- Unintentional injuries, including traffic injuries, falls, drownings, burns, and unintentional firearm injuries.
- Violence, including intimate partner violence and child maltreatment. About 35% of victims report that offenders are under the influence of alcohol. Alcohol use is also associated with 2 out of 3 incidents of intimate partner violence. Studies have also shown that alcohol is a leading factor in child maltreatment and neglect cases, and is the most frequent substance abused among these parents.
- Risky sexual behaviors, including unprotected sex, sex with multiple partners, and increased risk of sexual assault. These behaviors can result in unintended pregnancy or sexually transmitted diseases.
- Miscarriage and stillbirth among pregnant women, and a combination of physical and mental birth defects among children that last throughout life.
- Alcohol poisoning, a medical emergency that results from high blood alcohol levels that suppress the central nervous system and can cause loss of consciousness, low blood pressure and body temperature, coma, respiratory depression, or death.

#### Long-Term Health Risks

Over time, excessive alcohol use can lead to the development of chronic diseases, neurological impairments and social problems. These include but are not limited to—

- Neurological problems, including dementia, stroke and neuropathy.
- Cardiovascular problems, including myocardial infarction, cardiomyopathy, atrial fibrillation and hypertension.
- Psychiatric problems, including depression, anxiety, and suicide.
- Social problems, including unemployment, lost productivity, and family problems.
- Cancer of the mouth, throat, esophagus, liver, colon, and breast. In general, the risk of cancer increases with increasing amounts of alcohol.
- Liver diseases, including—
  - Alcoholic hepatitis.
  - Cirrhosis, which is among the 15 leading causes of all deaths in the United States.
  - Among persons with Hepatitis C virus, worsening of liver function and interference with medications used to treat this condition.
- Other gastrointestinal problems, including pancreatitis and gastritis."

See:

[CDC Alcohol and Public Health](#)

[CDC Alcohol and Public Health Fact Sheets](#)

[National Institute on Alcohol Abuse and Alcoholism](#)

[Alcohol and Athletes](#)

[Women and Alcohol](#)

[My Student Body](#)

[Blood Alcohol Concentration](#)

BAC is calculated separately for each sex, due to the fact that women have less fluid in their bodies compared to men of the same weight, which means that alcohol concentrations in their blood stream are higher when taken pound per pound.

Another factor not to be overlooked when calculating BAC is the quantity of food inside the stomach, which influences the BAC concentration by slowing down the alcohol absorption process. Eating a big meal before starting to drink can lead to BAC levels of about 35-40% lower than doing so with an empty stomach. Moreover, the BAC is also influenced by the type of food ingested: the more protein it contains, the lower the resulting BAC, and vice versa. And last but not least, the body's own metabolism will influence BAC levels.

Calculations are for people with a normal body weight for their height, free of drugs or other affecting medications, and those who are neither unusually thin nor obese.

[BAC Calculator](#)

[Health Risks Associated with Drugs:](#)

According to the United States Drug Enforcement Agency:

"You hear about drugs on TV and in the movies, on the radio, in books and magazines, on the Internet, and in daily conversation with friends and peers. Some of the information is accurate, but a lot of it is not.

Here are a few realities to consider:

- You can't predict the effect that a drug can have on you—especially if it's the first time you try it, and even if it's a small amount or dose. Everyone's brain and body chemistry are different. Everyone's tolerance for drugs is different.
- Using drugs can lead to abuse, addiction, serious health problems, and even death.
- Drugs that are legal—prescription and over-the counter (OTC) medications—can be just as dangerous as illegal drugs.

[DEA Drug Fact Sheets](#)

Find out as much as you can about illegal and legal drugs and their effects on your body and brain. The more informed you are, the more confidently you can make the right decision about drugs. Read [DEA's Drug Fact Sheets](#) for the latest information on:

[Amphetamines](#)

[Heroin](#)

[Methadone](#)

[Barbiturates](#)

[Hydrocodone](#)

[Methamphetamine](#)

[Bath Salts](#)

[Hydromorphone](#)

[Morphine](#)

[Benzodiazepines](#)

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[Ecstasy](#)

[K2 or Spice](#)

[Pebyte and Mescaline](#)

[GHB](#)

[LSD](#)

[Steroids \(anabolic\)](#)

[Hallucinogens](#)

[Marijuana](#)

[Stimulants](#)

National Institutes of Health  
National Institute on Drug Abuse: *The Science of Drug Abuse and Addiction*  
<http://www.drugabuse.gov/>

### **Resources**

**Potentially-available treatment programs are described, for example, at the following web sites:**

[Parton Center for Health and Wellness](#) (802.443.5141) (students only)

[Employee Assistance Program](#) (1.800.828.6025) (faculty and staff)

[Alcoholics Anonymous/Local AA Meetings](#)

[Vermont Drug Treatment Programs](#)

[Vermont Department of Health](#)

[Friends of Recovery-Vermont](#)

MiddleTags: [alcohol](#) [Drug Free Schools and Campuses](#) [Drug-Free Schools and Communities Act of 1989](#) [drugs](#)

 [PDF - Drugs and Alcohol: Policies, Laws, and Resources](#)

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## Environmental and Sustainability Policy

### Statement of Commitment to the Environment

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

"Middlebury 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."

### Guiding Principles in Sustainability

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

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

### Sustainability Objectives at Middlebury College

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 specific 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, 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;

Threat Assessment and Response Policy

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- 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.

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## 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 identification card 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 Policies*

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

All students must have a MiddCard and may not allow others to use it for any reason.

All employees of Middlebury College are eligible for an identification card, which entitles the employee to certain privileges including: access to athletic facilities during posted hours (subject to [athletics facilities policies](#) regarding use and guest limits), discounts at the College store, and library privileges. 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)

Please see the [employee benefits policy](#) or contact Human Resources for information on discounts available to eligible employees.

There is a \$20 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 Facilities policy](#) 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 policy](#) 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.



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A more detailed description of the MiddCard and its many uses is available from the Department of Public Safety.

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## Institutional Animal Care

Middlebury College is committed to providing humane treatment and care for all of its animals, and to compliance with the requirements of the Animal Welfare Act and other applicable federal and state regulations. In its animal programs, the College is guided by the policies and principles set forth in the "Public Health Service Policy on Humane Care and Use of Laboratory Animals," and the *Guide for the Care and Use of Laboratory Animals*. 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 or 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 Provost and Executive Vice President 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.

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## Insurance

Middlebury College provides a level of insurance protection for employees, students, 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-

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harmless agreements.

Information on certificates of insurance for vendors and others coming to campus can be found on the Controllers webpage under "Accounts Payable."

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/bsnsvcs/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 may enroll in the companion sickness insurance plan underwritten by the accident carrier, but every student must have health insurance. (See 1 above.)

3. Middlebury students enrolled in the C.V. Starr Middlebury Schools Abroad are provided health insurance as part of the program.

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/bsnsvcs/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.

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## Parking Policy

All vehicles operated and parked on campus must abide by the Colleges rules and regulations. Parking permits are required and are available at the Department of Public Safety, 125 South Main Street. Complete information on the driving and parking rules and regulations is available at the Department of Public Safety and on the [Public Safety Parking and Transportation website](#).

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.

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Middlebury's PCI policy for accepting credit card and e-commerce payments may be viewed at this [link](#).

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## 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.

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## Recruitment Policy for Employers

### Policy for On-Campus Recruiting

The College's policy prohibiting discrimination 'in admission or access to its educational or extracurricular programs, activities, 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' extends to include employers who wish to recruit on campus. As a result, all employers who wish to recruit on campus must sign a nondiscrimination agreement. This agreement certifies that the opportunities they offer are available to all qualified Middlebury students. If an employer 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.

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## Reimbursable Moving Expenditures

### Household goods and personal effects:

- cost of packing, crating, and transporting your household goods and personal effects and those of the members of your household from your former home to your new home. For purposes of moving expenses, the term "personal effects" includes, but is not limited to, movable personal property that you own and frequently use
- costs of connecting or disconnecting utilities required because you are moving your household goods, appliances, or personal effects
- cost of shipping your car and your household pets to your new home
- cost of moving your household goods and personal effects from a place other than your former home. Reimbursement is limited to the amount it would have cost to move them from your former home
- Note: the College will reimburse you, not pay the mover.

### Travel expenses:

- cost of transportation and lodging for yourself and members of your household while traveling from your former home to your new home. This includes expenses for the day you arrive
- lodging expenses you had in the area of your former home within one day after you could no longer live in your former home because your furniture had been moved
- members of your household do not have to travel together or at the same time. However, you can only be reimbursed for one trip per person
- If you use your car to take yourself, members of your household, or your personal effects to your new home, you can either be reimbursed for your actual expenses, such as the amount you pay for gas and oil for your car, if you keep an accurate record of each expense, or the [standard mileage rate](#). Whichever method you use you can claim reimbursement for the parking fees and tolls you pay to move.

### Storage expenses:

o cost of storing and insuring household goods and personal effects within any period of 30 consecutive days after the day your things are moved from your former home and before they are delivered to your new home.

### Not included:

- cost of moving furniture you buy on the way to your new home
- expenses for meals
- general repairs, general maintenance, new tires, insurance, or depreciation for your car can not be reimbursed
- purchases of luggage.

### NOTES:

**Reasonable expenses** mean that the cost of traveling from your former home to your new one should be by the shortest, most direct route available by conventional transportation. If during your trip to your new home, you stop over, or make side trips for sightseeing, the additional expenses for your stopover or side trips are not deductible as moving expenses.

**Member of your household** is anyone who has both your former and new home as his or her home. It does not include a tenant or employee, unless that person is your dependent.

For further information see [IRS Publication 521](#).

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## Scheduling Policies

**EVENTS SCHEDULING**

Pertinent policies may now be found at:

[http://www.middlebury.edu/offices/business/scheduling/scheduling\\_policies](http://www.middlebury.edu/offices/business/scheduling/scheduling_policies)

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## 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.

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## Thermal Comfort Policy

### A. Natural Cooling Measures

#### 1. General Guidelines

Middlebury College recognizes that thermal comfort is important for both the health and productivity of its students, faculty, and staff. During periods of high heat and humidity 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 installation of air conditioning will not be considered until natural cooling methods and retrofit options have been explored. Examples of natural methods and retrofits could include:

- Effective window shades
- Awnings
- 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 expects 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. Lightweight uniforms will be available for dining employees.

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. In addition, during intense heat and/or demanding physical exertion, supervisors will encourage their staff to take as many breaks as necessary to maintain personal health and safety. Individual staff members are also expected to exercise personal self-care by remaining hydrated, using good judgment and monitoring the effects of the heat and exertion, and notifying their supervisors of any concerns.

Where it is not imperative that office 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.

Should the temperature in a space rise to a point where productive work is no longer possible and the staff member(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.

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.

### B. Air Conditioned Spaces

#### 1. General Guidelines

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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 75° 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 Atwater, Proctor and Ross) 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 (McCardell 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***

No student, faculty or staff member, or their families or guests, may install their own window air conditioning units. The installation of all units must be coordinated by Facilities Services and in accordance with certification by the Americans with Disabilities (ADA) Committee or the standing Thermal Comfort Committee based on consultation with the college physician where necessary. Window units installed without permission will be removed by Facilities Services. 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.

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 vice president for graduate and special programs. 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 McCardell Bicentennial Hall). The target temperature for these spaces will be 75°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 may not install their own window air conditioning units. The installation of all units must be coordinated by Facilities Services and in accordance with certification by the ADA Committee or the standing Thermal Comfort Committee based on consultation with the college physician where necessary. Window units installed without permission will be removed by Facilities Services. 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 target temperature for these spaces will be 75°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.

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. 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. 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.

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 (75°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 Thermal Comfort 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 Thermal Comfort 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
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 Thermal Comfort 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 Thermal Comfort 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 Thermal Comfort 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 Thermal Comfort Committee consisting of the associate vice president for facilities services, the operations manager of the language schools, and the manager of employee relations who will make their decisions in consultation with the College physician (as needed), the dean of environmental affairs, and the associate vice president for budget and financial planning.

*policy revised May 2012*

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## Threat Assessment and Response Policy

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### I. Introduction

Middlebury College is committed to maintaining a campus and workplace environment that is safe and secure for all students, staff, faculty, and visitors. As part of this commitment, Middlebury has established a Threat Assessment and Management Team ("TAM Team"), which is empowered to assess risk and, in cooperation with other College teams or offices as appropriate, formulate an appropriate response in situations where an individual's behavior and/or statements generate concern that he or she may present a threat to the health or safety of others. The TAM Team seeks to mitigate potential risks before they result in harm.

Nothing in this policy shall be construed to amend Middlebury's Student Life Policies, the College Handbook, or other applicable Middlebury policies.

### II. Threat Assessment and Management Team

The President appoints the members of the TAM Team and names its chair, and appoints new or different team members as necessary. The TAM Team reports to the College's Emergency Response Committee and will usually consist of representatives from the Department of Public Safety, Academic Affairs, Dean of the College, Human Resources, Business Services, Library & Information Services, Communications, Language Schools, Schools Abroad and Bread Loaf programs, and a clinical psychologist from the Parson Center for Health and Wellness. The College's legal counsel serves as an advisor to the TAM Team. Members of the TAM Team are identified in Section IV, below, and in other College publications, as appropriate. Other College personnel and outside resources with relevant areas of specialization and responsibility may be called upon to assist the TAM Team, including but not limited to Commons deans, supervisors, law enforcement agencies, medical personnel, or other outside experts. The Office of the President will be kept apprised of the team's work as appropriate.

### III. Purpose

As appropriate to the circumstances of a particular situation, the Threat Assessment and Management team may engage in activities that may include, but are not limited to, the following:

- receiving reports and gathering and analyzing information regarding acts of violence, behavior of concern or statements and/or potential threats posed by individual(s);
- developing, implementing, and monitoring intervention strategies and management plans, with or without the involvement of other College teams or offices as appropriate, that are designed to respond appropriately to statements, behavior and/or circumstances that generate concern that an individual may pose a risk of harm to a member of the College community, including but not limited to, incidents of violence, threatening behavior or statements, unwanted pursuit, stalking, and harassment.
- coordinating with appropriate authorities, including law enforcement, medical personnel, and other outside agencies, as appropriate;
- implementing reporting protocols and developing strategies to encourage reports from the College community;

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- assisting in conducting periodic campus-wide awareness education for students, staff, and faculty regarding threat assessment, threat management, pertinent information-sharing issues, and the TAM Team's responsibilities. Such training and education will be coordinated with other departments such as the Department of Public Safety, Human Resources, Academic Affairs, Dean of the College, and Language Schools, Schools Abroad, and Bread Loaf programs; and
- keeping apprised of best practices and participating in periodic trainings in threat assessment and management.

#### **IV. Reporting Potential Threats**

All students, faculty and staff should be committed to ensuring the safety and security of the campus and workplace environment. As such, anyone who believes that an individual has committed or may commit an act of violence, is engaging in behavior or making statements that generate concern about the potential for violence, or otherwise may pose a threat to the health or safety of any member of the College community should **call the Department of Public Safety immediately at 802.443.5911. In case of an emergency, please dial 911.**

Individuals may also make a report to any member of the TAM Team:

##### **Department of Public Safety**

[Lisa Burchard](#), Assoc. Dean of the College, Director of Public Safety, 802.443.5241, [eburchard@middlebury.edu](mailto:eburchard@middlebury.edu);

[Dan Gaiotti](#), Assoc. Dir. of Public Safety, 802.443.5873, [dgaiotti@middlebury.edu](mailto:dgaiotti@middlebury.edu);

[Melody Perkins](#), Assoc. Dir. of Public Safety/On Call Manager/Trainer/Investigator, 802.443.5133; [mperkins@middlebury.edu](mailto:mperkins@middlebury.edu)

[Chris Thompson](#), Sergeant, 802.443.5133, [cthompson@middlebury.edu](mailto:cthompson@middlebury.edu)

##### **Office of the Dean of the College**

[Katy Smith Abbott](#), Dean of Students, 802.443.3233; [smithabb@middlebury.edu](mailto:smithabb@middlebury.edu)

[Susan P. Ritter](#), Human Relations Officer, 802.443.3289  
[sritter@middlebury.edu](mailto:sritter@middlebury.edu)

##### **Office of Human Resources**

[Drew Macan](#), Assoc. VP for Human Resources, 802.443. 5261; [cmacan@middlebury.edu](mailto:cmacan@middlebury.edu)

[Laura Carotenuto](#), Manager of Employee Relations, 802.443.2012; [lcaroten@middlebury.edu](mailto:lcaroten@middlebury.edu)

##### **Business Services**

[Tom Corbin](#), Asst. Treasurer and DBS, 802.443.5504; [corbin@middlebury.edu](mailto:corbin@middlebury.edu)

##### **Parton Center for Health and Wellness**

[Gus Jordan](#), Executive Director, 802.443.5141; [jordan@middlebury.edu](mailto:jordan@middlebury.edu);

[Ximena Mejia](#), Director, Counseling Services, 802.443.5141; [xmejia@middlebury.edu](mailto:xmejia@middlebury.edu)

##### **Academic Affairs**

[Andrea Lloyd](#) (or designee), Dean of Faculty, 802.443.5908, [lloyd@middlebury.edu](mailto:lloyd@middlebury.edu)

[James Davis](#) (or designee), Associate Vice President for Academic Affairs, 802.443.3221; [jcdavis@middlebury.edu](mailto:jcdavis@middlebury.edu)

##### **Communications**

[Sarah Ray](#), Director of Public Affairs, 802.443.5794, [ray@middlebury.edu](mailto:ray@middlebury.edu)

##### **Library & Information Services**

[Chris Norris](#), Director of Security & Advanced Technology, 802.443.5480, [cnorris@middlebury.edu](mailto:cnorris@middlebury.edu)

##### **Language Schools, Schools Abroad, and Bread Loaf Programs**

[Beth Kames Keefe](#), Assistant Dean, 802.443.5685, [kames@middlebury.edu](mailto:kames@middlebury.edu)

The Director of Public Safety (or designee) will serve as the chair of the TAM team and, in consultation with other College officials as appropriate, will assess the reported information and determine whether to convene the TAM Team.

In cases where an appropriate level of assessment indicates that a report involves a person who poses a threat to self only, the matter will be referred to the appropriate College official (e.g., student matters will be referred to the Parton Center for Health and Wellness, the student's Commons dean and/or other student life staff or Middlebury official, as appropriate; staff matters will be referred to Human Resources; and faculty matters will be referred to the dean of the faculty or his/her designee or the vice president for Language Schools, Schools Abroad and Graduate Programs, as appropriate). In cases where available information suggests that the person may pose a threat to self and others, the

TAM Team will remain involved and will involve the other officials listed here as appropriate. In cases where a referral is made, the TAM team may be re-involved as necessary and appropriate.

In situations where an individual has concerns about someone's behavior but is unsure whether such behavior constitutes a "threat" to self or others, the individual should report the information to the Department of Public Safety or other College official, as appropriate, to allow the College the opportunity to assess the situation and respond as necessary:

A. Students: Concerns about statements and/or behavior of students may be reported to the dean of students or Commons dean (undergraduate College) or the vice president for Language schools, Schools Abroad, and Graduate programs or assistant dean of Language Schools and Schools Abroad (Language Schools, Schools Abroad and Bread Loaf programs).

B. Faculty or Staff: Concerns about the behavior of faculty or staff may be brought to the appropriate supervisory authority (i.e., the dean of the faculty, or the vice president for Language schools, Schools Abroad and Graduate Programs [Language Schools, Schools Abroad and Bread Loaf programs], in the case of a faculty member, as applicable to the program at issue, or the Human Resources Department, in the case of a staff member).

## V. Confidentiality

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

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

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

## VI. Retaliation

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

## VII. Outline of Potential TAM Activities

The following outline of potential TAM activities is intended to provide insight into some of the options that may, among other strategies, be utilized by the TAM Team when it is assessing and managing potential threats. It is not intended to be and should not be construed as an all-inclusive or exclusive list, a mandatory procedure, or a "checklist." The TAM Team will assess and manage each situation in accordance with its best judgment and other applicable College policies, and any of the potential activities listed below may or may not be engaged in, depending on the circumstances of a particular situation.

- The Department of Public Safety and/or other law enforcement agencies will usually coordinate all action in cases of a violent incident or imminent threat of violence on campus.
- Once information of concern is received by the TAM Team, the information will be evaluated and, if appropriate, representatives from the TAM Team will be convened (based on the College program and persons involved, and team member availability).
- The TAM Team, or the Team's Chair or designee, will first determine whether there is an imminent threat of harm or other emergency situation that requires immediate intervention. If so, the TAM Team, Chair or designee may notify law enforcement, seek the assistance of Public Safety, seek emergency medical assistance, or take other appropriate measures to address the imminent threat or situation. If not, the Team or some portion of the Team will usually conduct an initial screening to determine whether a full inquiry is warranted.
- If the TAM Team determines that there does not appear to be an emergency or imminent threat of harm, but that a full inquiry is warranted, the TAM team will conduct a full inquiry to determine whether the person or situation of concern may pose a threat of violence or other harm. As part of its inquiry, the TAM Team may obtain information from multiple

sources including, but not limited to, faculty, student life staff, coaches, family members, or others who may have relevant knowledge or information. Community members are encouraged to cooperate fully with and provide information to the TAM Team.

- The TAM Team will evaluate the information obtained in the course of the inquiry to determine whether the person or situation in question appears to pose a threat of violence or other harm.
- If the TAM Team determines that the person or situation poses a threat of violence or other harm, it usually will then develop, implement, monitor, and document a management plan designed to intervene and reduce the risk of harm that may be posed by the individual. The management plan may include, but is not limited to, the following (as circumstances and resources may dictate): family/parental notification; law enforcement intervention; disciplinary review and action; a behavioral contract, voluntary referral for mental health evaluation or treatment; mandated psychological assessment or other medical treatment; voluntary or involuntary withdrawal or suspension from the College; expulsion or dismissal of a person of concern; modification of the environment or other reasonable accommodations to mitigate risk; collaboration with the identified alleged target(s) to decrease vulnerability; engaging with the person of concern to de-escalate the situation; and ongoing monitoring.
- If the TAM Team determines that the person of concern does not pose a threat, the Team may take no action or may opt to monitor the person or situation for a period of time and re-evaluate the case, as necessary.
- Cases handled by the TAM Team will generally remain open until it appears that a management plan is no longer necessary.
- The TAM Team will participate in periodic training and conduct periodic assessments of outcomes of its management plans and actions taken.

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## 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, Monterey Institute of International Studies, 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.

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## 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,

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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.

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## Vehicle Rentals

All vehicle rentals, both internal and local external (including Burlington and Rutland), must be arranged through the Facilities Services Office (Service Building, ext. 5462) 7 days in advance of departure date.

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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## 1. Introduction

The Employee Handbook is designed to provide all employees with clear, concise, and accessible information about employment at Middlebury College. Throughout the Handbook are links to specific College policies, procedures or related information.

The Handbook is intended solely to provide guidance on the mutual expectations shared by the College and its employees. It is not an employment contract and does not create any type of contractual obligations. Neither the employee nor the College is bound to continue the employment relationship if either, at any time, chooses to end it.

The College reserves the right to change, revise, or eliminate any of the policies described herein.

As faculty members are employed on a contractual basis, some of the policies and provisions contained herein are not applicable to them. Provisions applying solely to the faculty are described in the [Faculty](#) chapter of the College Handbook.

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.

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## 1.2 Middlebury College Expects

The College expects employees to accomplish their tasks and duties competently and responsibly. The College has provided resources to assist employees in the successful execution of their position responsibilities. If work problems arise, employees are asked to contact their supervisors, a representative of Human Resources, a member of the Staff Council, or an ombudsperson.

An attitude of cooperation and goodwill benefits everyone, in work and in the contacts with students, alumni, and visitors to the campus.

Middlebury College expects all employees to abide by the [Code of Conduct for Employees](#) policy.

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## 1.3 Middlebury College Offers

The College seeks to provide its employees with job satisfaction and opportunities for personal and professional growth.

In addition to the usual group benefits such as medical, life, and disability insurance, the College offers other benefits such as the use of the athletic facilities, including the swimming pool, tennis courts, fitness center, and free or reduced admission to athletic events, concerts, and various campus events.

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## 2.1 Equal Employment Opportunity Policy

Middlebury College complies with applicable provisions of state and federal law which prohibit discrimination in employment, or in admission or access to its educational or extracurricular programs, activities, or facilities, on the basis of race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity and expression, age, marital status, service in the armed forces of the United States, positive HIV-related blood test results, genetic information, or against qualified individuals with disabilities on the basis of disability and/or any other status or characteristic as defined and to the extent protected by applicable law. See also the full text of the College's [Nondiscrimination Statement](#).

Retaliation against any person who has in good faith filed, supported, or participated in an investigation of a complaint of any type of discrimination or harassment as defined by College policy is prohibited. Employees are encouraged to report suspected violations of this policy to their managers and/or the [Office of Human Resources](#) and/or the [Human Relations Officer](#) for prompt investigation and response. Discrimination, harassment, and retaliation complaints are processed in accordance with the procedures set forth in the College's [Anti-Harassment/Discrimination Policy](#).

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## 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 this web site:*

[Middlebury College Human Resources Procedures: ADA Compliance](#)

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## 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 by his or her first day of employment. The employee's documents must be reviewed and section 2 completed within three business days of the first day of work. An employee who does not properly complete the I-9 form within the legally required timeframe will not be permitted to continue to work until the form is completed.

### Personnel Records and Changes in Personal Status

Employees are responsible for taking an active role in keeping their records current and accurate. Notification to Human Resources of any changes in personal status is critical. Such information is necessary to ensure correct coverage and, if appropriate, deductions for taxes, medical insurance, life insurance, etc. Incorrect or outdated information may affect employee benefits and the ability of the College to make the appropriate contacts in an emergency. The accuracy of an employee's entry in the College directory depends on the accuracy of that employee's files. Some changes that should be reported promptly include:

- Name
- Home address
- Telephone number
- Marital status
- Names and social security numbers of dependents
- Birth dates of dependents
- Changes in dependent(s) status
- Changes in emergency contact information
- Beneficiary designations for benefit plans, such as retirement plan, life insurance, etc.

Employees may review the personal information in their personnel files by setting up an appointment with a representative of Human Resources. One business day'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

A series of employment categories identify the type of position held by each staff and faculty member. The employee's position type should be included in the letter notifying him or her of employment.

If at any time, an employee is unclear about the type of appointment s/he holds, the employee should seek clarification from either the department head or Human Resources. See section 3, Employee Benefits for benefit eligibility information.

*Faculty members* teach students. Faculty titles include: full professor, associate professor, assistant professor, visiting

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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 (committed 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

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## 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.

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## 2.5 Employment of Family Members

The College has no prohibition against hiring relatives of existing employees but understands that employment of relatives in the same area of the College may impact departmental functioning. To minimize any potential issues with regard to relatives working together, it is strongly recommended that an immediate family member does not have supervisory responsibilities for another family member. Immediate family for the purpose of this policy is defined as spouse, domestic partner, civil union partner, parent, grandparent, sibling, or child.

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## 2.6 New Employee Orientation

New Employee Orientation is offered to full-time and part-time employees as well as certain time-limited positions regularly throughout the year. Orientation dates are included in new employee appointment letters.

Orientation is hosted by Human Resources and is designed to introduce new staff members to the history, culture, and mission of Middlebury College, 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, learn about the campus, review College policies, and enroll in benefit programs for which they are eligible.

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## 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 evaluations, and wage reviews; keeping records current; automobile registration and parking; arrangements for necessary keys; lunch schedules and facilities; any required training associated with the position; and campus orientation.

Supervisors should access the [Supervisor Check List](#) for new employee orientation suggestions.

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## 2.8 Provisional Period

All new, rehired, transferred, and newly promoted employees work on a provisional basis for the first three months. Employees are encouraged to take advantage of this period to determine whether the position meets their expectations and to get clarification concerning responsibilities. The College will use this period to evaluate an employee's capabilities and work habits. Either the College or the employee may end the employment relationship at will, with or without cause. Certain departments or positions may have longer provisional periods.

If an employee is absent from work for any significant period of time as defined by the supervisor during the first three months, the provisional period will be extended by the length of the absence automatically. If the College determines that it has not had sufficient time for a thorough evaluation of the employee's performance, it may choose to extend the provisional period for a specified length of time. The employee's supervisor will notify the employee of any extension, its length and reason.

Provisional employment status does not affect eligibility for employer-provided benefits. The terms and conditions of each determine eligibility for such programs.

If newly hired, transferred or promoted, an employee will receive a performance appraisal after one month and at the completion of the provisional period. Subsequent reviews occur annually between January and March, with an informal performance discussion every six months.

The provisional period may be waived at the discretion of the department or Human Resources.

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## 2.9 Scheduling and Hours of Operation

The College has many functional units with diverse objectives and operational needs. Employees should work with their supervisor and department head to understand the scheduling needs of the department and individual procedures related to hours and scheduling.

It is expected that administrative offices are open from 8:15 a.m. to 5:00 p.m., Monday through Friday. During standard office hours, it is expected that coverage of the office or department will be in place. A minimum of 30 minutes of unpaid time is included in a typical administrative employee's schedule to allow for a meal period. The schedules of non-administrative departments are determined by work needs. Departments may also provide one 15-minute break each day, scheduled by the supervisor.

Work schedules are subject to change, given seasonal and weekend demands. Any variation in the standard schedule for a given position must receive advance approval from the supervisor, who will advise all employees of their working hours.

### 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.

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## 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/offices/health/ehs/policies/Ergonomics>

### 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

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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](#)

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## 2.11 Middlebury College Anti-Harassment/Discrimination Policy

The College's Anti-Harassment/Discrimination policy is located [here](#).

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## 2.12 Controlled Substance and Alcohol Testing for Employees with a Work-required CDL

**Purpose:** Middlebury College values the health and safety of its employees. The College also adheres to DOT requirements for those employees who hold a commercial driver's license as part of their position responsibilities for travel within the state. Such employees are subject to the controlled substance and alcohol testing rules.

**Policy Statement:** A driver is forbidden to consume or be under the influence of alcohol within four hours of going on duty, while on duty, or while driving, and up to 8 hours following an accident or until the employee undergoes a post-accident test, whichever occurs first. A driver on duty is forbidden to possess, be under the influence of, or use any Schedule I drug substance, including any amphetamine or formulation of an amphetamine, narcotics or derivatives, or any other substance that makes driving unsafe.

All employees who hold a commercial driver's license as part of their position responsibilities for travel within the state are required to participate in controlled substance/alcohol testing. This includes testing for pre-employment, random, post-accident, reasonable suspicion, and return to duty testing and follow up testing. For these employees, participation in the testing program is a condition of employment at Middlebury College.

Note that the ability to use a CDL license may be affected by violations incurred driving a private vehicle. Employees with a CDL license must notify their supervisor within 24 hours of conviction of a violation in ANY vehicle. Employees must also notify their supervisor if their regular driver's license is suspended. Employees who fail to notify the College as requested may be subject to disciplinary action, up to and including termination.

### Controlled Substances Testing

Testing is performed by analyzing a driver's urine specimen. All urine specimens are analyzed for marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP).

When contacted for testing, the driver will provide a urine specimen, which will be subdivided into two bottles. If the analysis of the primary specimen indicates the presence of illegal, controlled substances, the driver has 72 hours to request the split specimen be sent to another DHHS-certified laboratory for analysis.

If a driver has a positive drug test result, the driver will be interviewed by a Medical Review Officer (MRO) to determine if the positive drug test resulted from the unauthorized use of a controlled substance. If the MRO determines that unauthorized use has occurred, the driver will be removed from safety-sensitive duty, and cannot return to such duties until s/he has been evaluated by a substance abuse professional, has complied with recommended rehabilitation, and has a negative result on a return-to-duty drug test. Follow-up testing to monitor the driver's continued abstinence from drug use will be conducted.

Use of vehicles requiring a CDL is prohibited while using controlled substances, except when the use is at the instruction of a physician who has advised the driver that the substance does not adversely affect the ability to safely operate a Commercial Motor Vehicle.

Drivers who engage in prohibited controlled substance conduct will be immediately removed from safety functions, and cannot return until they have been evaluated by a substance abuse professional and complied with any treatment recommendations. Drivers will also be subject to disciplinary action, up and including termination.

### Alcohol Testing

Testing is performed using the driver's breath.

Drivers who have an alcohol concentration of 0.02 or greater but less than 0.04 when tested just prior to, during, or

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immediately following performing safety-sensitive functions will be removed from performing such duties for 24 hours.

Use of vehicles requiring a CDL is prohibited while using alcohol, while having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test, and/or within four hours after using alcohol.

Drivers who engage in prohibited alcohol conduct will be immediately removed from safety functions, and cannot return until they have been evaluated by a substance abuse professional and complied with any treatment recommendations. Drivers will also be subject to disciplinary action, up and including termination.

Procedures

In all cases, the privacy of the employee and the confidentiality of testing records and results will be strictly maintained by Middlebury College. The integrity of the test process will be maintained. Test results will be attributed to the correct driver.

Physical Examinations

- An employee holding a CDL as part of his/her position description will submit to a medical examination every 2 years. Certain medical conditions may require more frequent physical examinations.

Pre-employment testing for controlled substances

- The College must ask an applicant about previous pre-employment tests or refusals where the applicant did not obtain a job, during two years preceding the applicant's date of application. If the applicant had any positive tests or refusal, s/he must provide documented completion of the return-to-duty process.
- Prior to the first time a driver performs safety-sensitive functions for the College, s/he will undergo testing for alcohol and controlled substances.
- A controlled substances test may be waived if the driver has participated in a controlled substances testing program within the past 30 days, and while participating in the program either was tested for controlled substances within the past 6 months (from the date of the application), or participated in the random controlled substances testing program for the previous 12 months, (from the date of the application), and the College ensures that no prior employer of the applicant of whom the College has knowledge has records of a violation of the controlled substances use rule of another DOT agency within the previous 6 months.
- If the controlled substance testing is waived, the College will contact the controlled substances program in which the driver participated to obtain:
  - the name and address of the program,
  - verification that the driver participated in the program,
  - verification that the program conforms to part 40 of the title,
  - verification that the driver is qualified under the rules, including that s/he has not refused to be tested for controlled substances
  - the date the driver was last tested for controlled substances
  - the results of any tests taken within the previous 6 months and any other violations

Random testing

- As part of the Commercial Safety Consortium, Middlebury College employees with job-related CDLs will participate in controlled substance and alcohol testing. Approximately 50% of Middlebury College drivers will be tested for controlled substances annually. Approximately 25% (or the rate authorized by DOT) of Middlebury College drivers will be tested for alcohol annually.
- Such testing is conducted on a random unannounced basis just prior to, during, or immediately after performance of safety-sensitive functions. Upon



notification of individuals selected for testing by Champlain Valley Urgent Care, Facilities Services will contact the employee(s), who will submit for testing on the date and time given.

**Post-accident testing**

- Controlled substance/alcohol tests will be conducted after a College employee with a work-specific CDL is involved in or contributed to a qualifying accident.
- If a driver is involved in a motor vehicle accident or receives a moving violation after a work-related driving accident, controlled substance and alcohol testing will be conducted immediately (within 8 hours for alcohol and 32 hours for controlled substance testing).
- In order to test under post accident rules, the following conditions must be met:
  - 1) a death must have occurred, or
  - 2) the driver was cited for some type of moving violation within 8 hours of the occurrence AND any vehicle was towed from the scene OR any injury occurred that required medical treatment away from the scene of the accident.
- If neither of the conditions were met, the testing cannot be done under post-accident rules. If the supervisor has reasonable suspicion that use or abuse contributed to the accident, s/he may have the test performed under reasonable suspicion rules.

**Reasonable suspicion testing**

- A driver will submit to controlled substance/alcohol testing when the College has a reasonable suspicion to believe that the CDL driver has violated the regulations concerning use of controlled substances and/or alcohol.
- Determination that a reasonable suspicion exists must be based on explicit, describable observations concerning the appearance, contemporaneous, behavior, speech or odors of the driver. Trained supervisory staff will make such determinations.
- Middlebury College has decided that if a breath test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least 24 hours, with pay. This is not a DOT regulation.

**Return to duty and/or follow-up testing**

- Controlled substance/alcohol testing will be conducted when an employee with a CDL for College purposes has violated the prohibited alcohol standards, returns to performing safety-sensitive duties.
- Follow-up tests are unannounced. At least 6 tests will be conducted within the initial 12 months after a driver returns to duty.
- Follow-up testing may be extended for up to 60 months following return to duty.

Refusal to Submit to Testing

Drivers who refuse to participate in required testing will be subject to disciplinary action, up to and including termination.

Behaviour that constitutes refusal to participate includes (but is not limited to) the following:

Failure to appear for any test.

- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a urine or breath sample for any test required by federal or state regulations.
- Inability to provide sufficient quantities of breath, saliva, or urine to be tested without a valid medical explanation.
- Tampering with or attempting to adulterate the specimen.
- Interfering with the collection procedures.
- Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process.
- Not immediately reporting to collection site.
- Failure to cooperate with any part of the testing process.
- Having a test result reported by an MRO as adulterated or substituted.

#### Information

Please contact the College's Employee and Family Assistance Plan at 1-800-828-6025 for information about:

- The effects of alcohol misuse and controlled substances use on an individual's health, work, and personal life.
- Signs and symptoms of an alcohol problem
- Available methods of intervening when an alcohol and/or controlled substance problem is suspected.

#### More Information & Questions

This is a summary of the testing program. Requests for more information and questions about this policy should be directed to:

Missy Beckwith

Facilities Services

Service Building

802-443-2798

#### Certificate of Receipt

I, \_\_\_\_\_, have received a copy of Middlebury College's controlled substance and alcohol policies and procedures.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

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## 2.13 Controlled Substance and Alcohol Testing for Captains and Crew Members

Middlebury College values the health and safety of its employees. The College also adheres to United States Coast Guard and U.S. Department of Transportation requirements for those employees who hold positions as Captain or Crew Member of the College's research vessel. Such employees are subject to the controlled substance and alcohol testing rules.

Middlebury College is committed to the strict enforcement of United States Coast Guard and U.S. Department of Transportation regulations applicable to vessels licensed to carry passengers or engaged in commercial service. These regulations prohibit the use, sale, distribution, manufacture, or possession of illegal drugs or drug paraphernalia. This policy is designed to protect public safety by testing for substances at or above threshold levels of metabolites including, but not limited to, those listed below:

- Amphetamines (Speed).....250 ng/mL
- .MDMA (Ecstasy).....250 ng/mL
- Benzoylecogine (Cocaine).....100 ng/mL
- Cannabinoids (Marijuana).....15 ng/mL
- Opiates (Heroin, Codeine).....2,000 ng/mL
- Phencyclidine (PCP).....25 ng/mL

To facilitate enforcement of the provisions of this policy, Middlebury College will use every legal means to deter and/or detect violations including, but not limited to, urine, breath, or blood testing of Captains, crewmembers and independent contractors as required by DOT and USCG under the following circumstances:

- 1) Pre-employment. A condition of hiring a new employee is the passing of a pre-employment drug test.
- 2) Reasonable Suspicion. In situations where the employer is aware of facts that would lead him/her to suspect the drug policy has been violated, a drug test will be conducted.
- 3) Post Incident. In case of a "serious marine incident" as defined in 46 CFR Part 4, the employer must determine who should be tested.
- 4) Random. Any time during an employee's work schedule, he/she is subject to an unannounced random test for the illegal use of drugs.
- 5) Periodic. As required upon license renewal, usually exempt as in 46 CFR Part 16.220.
- 6) Return to Duty. An employee who tests positive may be terminated by the employer, or alternatively, if directed to counseling or rehabilitation, as a condition of continued employment, must submit to unannounced drug tests for a specific period.

Tests will be performed by Substance Abuse and Mental Health Services Administration (SAMSHA) certified laboratory personnel experienced in collection protocols, chain of custody procedures, drug test and confirmation methods, and Medical Review Officer functions.

Middlebury College will take appropriate disciplinary action, including the possibility of termination of employment and/or services as well as possible suspension of United States Coast Guard license and/or Merchant Mariner Document, and legal prosecution, for violations of this policy. We understand that *The Maritime Consortium, Inc.*, is also required to

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notify the U.S. Coast Guard in the case of any positive tests. We further recognize that chemical dependencies are a personal concern for many individuals and accordingly encourage drug abusers to immediately seek professional help such as is available through the confidential services of our Employee and Family Assistance Program (EFAP).

Middlebury College supports the necessity for maintaining a Drug-Free Policy and pledges to abide by the provisions of this policy and DOT/Coast Guard drug and alcohol testing rules.

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## 2.14 Criminal Background Checks

Middlebury College is committed to providing a safe and secure environment for our students, faculty, staff and visitors.

Prior to posting a vacancy, the College will determine if the candidate selected for the position will be subject to a criminal background check. Vacancy announcements for these positions will include notification that employment is contingent upon successful completion of a criminal background check. Current employees may also be asked to authorize a criminal background check if they apply for positions subject to the background check requirement.

Human Resources will facilitate the criminal background check process (in accordance with the Vermont Fair Credit and Reporting Act and the Federal Fair Credit Reporting Act) and inform the candidate and hiring manager of the successful completion before work can commence. The candidate must voluntarily authorize the background check by completing a background check authorization. It is critical that candidates complete all application and employment/volunteer related information accurately and honestly, failure to do so will jeopardize their appointment.

Any information revealed by a criminal background check will be reviewed on a case by case basis and consideration will be given to the nature and gravity of the offense or offenses; the time that has passed since the conviction and/or completion of the sentence; and the relationship of the offense to the job sought. Human Resources will conduct a confidential consultation with hiring manager or volunteer sponsor on matters which may adversely impact the appointment. The applicant will be given an opportunity to review the criminal background check results and submit an explanation in accordance with state and federal law.

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## 2.15 MiddPoints Weekly

***MiddPoints Weekly*** is a web-based employee communication tool co-managed by the Office of Human Resources and the Communications Department for the faculty and staff of Middlebury College. The webpage is updated daily and a digest version of the week's postings is distributed via email once per week. It is the primary communication vehicle for policy changes, upcoming events, news, and other items of interest to employees. Individuals can post submissions directly via [go/announcements](#).



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## 2.16 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:* [Employment Opportunities](#) are listed on the Human Resources Web page. Available positions are categorized as internal or external. Only current full and part-time benefits eligible employees and their spouses/partners may apply to internal vacancies. All candidates may apply to external vacancies, including those outside of the Middlebury community. Position 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.

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## 2.17 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.

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## 2.18 Staff E-mail and Computer Use Policy

Middlebury College recognizes that e-mail is one of the primary venues through which important information about the College and its operations is communicated. This information ranges from updates on the strategic direction of the College and matters of interest to the community, to notification of road closings and building maintenance, to information about employee benefits. As part of the Middlebury College community, staff members are responsible to be aware of this information. All employees are issued a standardized college e-mail account through their employment at Middlebury College. The work of some employees requires regular use of a computer, often in an office situation. Public access computers have been installed at many locations across campus to allow access and a desired level of privacy for those employees whose work does not require regular use of a computer. For departments or work groups in which computer use is secondary to the core function, internal procedures will be developed to allow staff reasonable access to e-mail while ensuring proper work coverage. The employees and supervisors are to work out details of how e-mail access time is implemented, depending on intensity of workload (periodic in certain areas like facilities services and dining). Training is available through 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.

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## 2.13 Controlled Substance and Alcohol Testing for Captains and Crew Members

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## 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 employees when they become eligible to enroll in a particular benefit plan, it is the employee's responsibility to enroll in a timely manner. Please consult with Human Resources should any questions arise concerning eligibility for or status in a 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.

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## 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.

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## 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](mailto:hr@middlebury.edu)

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## 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, please visit the [EFAP page](#) on the Human Resources Web site.



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## 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 Descriptions](#) on the Human Resources Web site or contact Human Resources at ext. 5465.

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## 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 \$5,000 per calendar year for enrollment in a credit-, degree-, or certificate- granting program from an accredited program or institution.
- B. Middlebury College Course Fee Reduction For Employees** – Allows eligible employees and their spouses/partners to take Middlebury College courses, for credit, for \$100 per course.
- C. Middlebury College Staff Matriculation Program** – Allows qualifying staff members, in specified circumstances, to enroll in the bachelor's degree program at Middlebury.
- D. 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.

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## 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, 2011, the employee's converted sick leave reserve would run out on August 12, 2011 and his or her insurance would continue until August 31, 2011.* Retiring part-time employees may convert CTO hours to paid insurance days as well. The conversion rate is 7.75 hours per day for Middlebury employees and 7.5 hours per day for MHS employees.

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 provost and the associate vice president for Human Resources and Organizational Development 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.

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## 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:** 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.

**Employee & Family Assistance Plan (EFAP):** The EFAP provides caring, experienced professional counselors to help with a wide variety of issues including grief and financial counseling services. Arrangements can be made to extend this benefit for a period of time; please contact Human Resources if you are interested in these services.

**Accrued CTO:** 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 provost and the associate vice president for Human Resources and Organizational Development.

**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.



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## 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 may be eligible for a Retiree/Emeriti card.

Questions regarding card eligibility can be directed to Human Resources; questions regarding new or replacement cards or door access should be directed to Public Safety; and questions regarding discounts, events, or athletic facilities access or policies should be directed to the responsible department (i.e. Book Store, Athletics, etc.)

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## 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.

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## 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 any other time during the year
Staff on 8 Hrs./Day Schedules	192	288
Staff on 7.75 Hrs./Day Schedules	186	279

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\*The fiscal year end maximum is applied once the CTO accrual and usage has been applied in the last full pay period in June. This is the pay period that ends closest to June 30 and contains no days in July. Once this pay period has run 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.

In all cases of separation, final CTO payout may be withheld until keys, ID cards, and other College property are returned to the supervisor or the Human Resources Office.

## CTO Use

### General CTO guidelines

The combination of CTO and regular worked hours each pay period should equal an employee's regular scheduled hours. Part-time employees may not enter CTO in excess of their scheduled hours. Employees not on a formal leave status must use CTO to cover absences from work unless their supervisor 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.

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## 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.

### Exempt Staff SLR 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 SLR banks of exempt staff with the exception of approved leaves of absence under the Family and Medical Leave Act (FMLA). SLR will be recorded in full day increments when an exempt staff member is away from work for the entire day. In situations of a reduced schedule or repeated or regular absences, managers and staff should make arrangements to enter SLR to adjust for absences; the use of half days may be a useful alternative in these cases.

### SLR Pay-Out

Sick Leave Reserve has no cash value.



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## 4.4 Holidays

There are two types of holidays: Regular Holidays and Floating Holidays. The eligibility and usage of each differs according to the guidelines below. When a holiday falls on a Saturday it is observed on the preceding Friday; holidays falling on Sunday are observed on the following Monday.

### Floating Holidays

Designated Floating Holidays are: Memorial Day, Independence Day, and Labor Day; the College is partially open for business on these days. Each department will determine whether or not to close operations, and those that remain open will determine the appropriate staffing level, based on operational needs.

**Administration:** If a benefits-eligible regularly scheduled staff member takes a Floating Holiday off, CTO will be used. In offices that remain open on floating holidays, managers will work with staff to ensure adequate staffing. Staff members who work will be paid at their regular pay rates for the day. In offices that close on floating holidays, the expectation is that all employees will take the day off; advance management approval is required for exceptions.

**Eligibility:** Full- and part-time benefits-eligible staff are eligible for floating holidays.

### Regular Holidays

The designated Regular Holidays are: New Year's Day, Thanksgiving Day, the Friday after Thanksgiving, and generally, noon on Christmas Eve through midnight on New Year's Day. Regular holidays are confirmed by the president each year, and Human Resources will communicate the actual holiday shutdown dates to the campus community.

Holiday pay is provided to benefits-eligible staff who are regularly scheduled to work on a day when the College is closed in observance of a regular holiday. **The intent of holiday pay is to keep paychecks whole.** The intent is not to provide an equal number of holiday hours to each employee; employees may be entitled to different amounts of holiday hours, depending on their regular schedules and to what extent their regular schedules overlap with the holiday schedule.

**Administration:** Benefits-eligible staff will receive holiday pay for the designated regular holidays that fall on their regularly scheduled days of work. For example, staff members who usually work on Fridays receive holiday pay for the Friday after Thanksgiving; however, an employee whose regular schedule does not include Friday would not. Holiday pay cannot be used to pay a staff member more than he or she would earn in a typical week, except that Holiday pay counts as work time when calculating overtime.

**Eligibility:** Full- and part-time benefits eligible staff are eligible for Regular Holidays.

### Holiday Premium Pay

The purpose of holiday premium pay is to provide additional compensation to non-exempt staff members who work on a designated regular holiday. Holiday premium pay is one and one-half the regular rate of pay.

**Administration:** Most non-exempt staff members are eligible for holiday premium pay if they work on a designated regular holiday. Exceptions to eligibility are seasonal employees who work at the Snow Bowl or Rikert, areas that do not experience a shut-down period. Benefits-eligible staff also receive holiday pay as described above if they work on a regular holiday.

See [Recording Holiday Pay and Worked Holiday Time Procedures](#).

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## 4.5 Staff Parental Leave Policy

Benefits-eligible employees with one year of service as a benefits eligible employee are eligible for up to six weeks of paid leave for the birth or adoption of a child. Adopted children must be under 18 years of age. In order to receive paid leave, employees must meet eligibility requirements prior to the date of birth or adoption.

Parental leave may be used pre- or post-birth or adoption and will be applied to the 12 weeks of leave allowed under the [Family and Medical Leave policy](#). Paid leave must be taken within one year of the birth or adoption.

In compliance with Equal Employment Opportunity Commission (EEOC) guidelines, "disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom are, for all job-related purposes temporary disabilities and should be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment." This principle ensures that pregnant employees will be in no worse and no better position with regard to job related practices and benefits than employees similarly situated suffering from other disabilities. The determination of the length of time an employee will require for leave because of pregnancy and childbirth is a medical decision between the woman and her physician, to be treated in the same way as other sick leave, in compliance with the provisions of Vermont law.

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## 4.6 Family & Medical Leave

see: [FMLA Procedure](#)

In compliance with the Family and Medical Leave Act of 1993 (FMLA) and the Vermont Parental Leave Act, the College grants up to twelve weeks of unpaid leave to an eligible employee during a rolling 12 month period. FMLA leaves of absence can be granted for the following reasons:

- The birth of a child and in order to care for that newborn child, within one year of the birth.
- The placement of a child for adoption or foster care, within one year of the initial placement. Leave may be taken prior to the event if necessary to arrange for the event.
- To care for a spouse, domestic/civil union partner, child, parent, or parent-in-law with a serious health condition.
- To respond to a medical emergency involving the employee's child, stepchild, foster child, or ward who lives with the employee, or the employee's parent, spouse, domestic partner/civil union partner, or parent-in-law.
- The serious health condition of the employee that renders the employee unable to perform the essential functions of his or her position.
- Any "qualifying exigency" arising from a spouse, son, daughter, or parent's federal call to duty of National Guard or Reservists.

The FMLA also allows up to 26 weeks of unpaid leave during a rolling 12 month period:

- To care for a spouse, son, daughter, parent or nearest blood relative injured while on active military duty.

This policy is designed to offer assistance by providing job-protected leave to eligible employees for certain family and medical reasons. The leave may be unpaid, paid, or a combination of unpaid and paid depending on the circumstances as specified in this policy

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## 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.



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## 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.

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## 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, grandparents, grandchildren, the employee's child's spouse, parent in-law, brother and sister-in-law, grandparents-in-law, and other relatives residing in the employee's household.

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## 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](#).*

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## 4.11 Weather Emergencies

Extreme weather emergencies may arise throughout the year. Given that the College must continue to provide services regardless of the weather, the assumption should be that the College will remain open. However, while the College does not normally close, employees are responsible for assessing the impact of the weather on their commutes. Supervisors will be flexible in allowing staff members to make appropriate adjustments to their schedules. Staff members should use CTO to cover any absences from work due to weather emergencies when the College remains open.

On the rare occasion when the College administration determines that weather conditions pose a significant hazard to the safety of its employees, it may authorize the closing of the College. In those cases, staff members will be paid as if they had worked their regular schedule. Non-exempt staff members who were required to work during the weather emergency due to the essential nature of the services that they provide will be paid a premium for time worked. Specific questions should be directed to Human Resources. The Emergency Information Line (802.443.2500) will have recorded information announcements in the case of emergency.



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## 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.

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## 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.

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## 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").

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## 5.3 Advances

The College does not advance pay.



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## 5.4 Reporting Time and Payroll Issues

All employees of the College are paid every other Friday on a biweekly pay period basis. If a payday falls on a holiday, employees will receive paychecks on the last working day of the week. The pay period begins on Monday and ends on the following second Sunday.

The pay calendar schedule can be found in the [Compensation Section](#) of the Human Resources Web site.

All time must be submitted by noon on the Tuesday following the close of the pay period in order to be included in the next pay check. If employees feel their check may be inaccurate, first they must verify that their time was submitted accurately and on time. Issues regarding rate of pay, positions or titles, and CTO should be directed to Human Resources. Other paycheck issues such as taxes and direct deposits should be directed to Payroll.

BannerWeb is the primary method used on campus for recording time. BannerWeb is a web-based system which allows employees to access and enter their time from any computer with internet capability. Employees should confirm with their supervisors for training on the time-keeping standards used in their respective departments.

Reporting time accurately is critical. It is the responsibility of the employee to report his or her time, and the responsibility of the supervisor to verify the employee's time. Falsification of a time record is a terminable offense, as is the knowing approval of a false time card.

In order to meet the needs of the College community, attendance and promptness are taken into account in performance reviews. If an employee is unable to come to work for any reason, the employee must contact the appropriate supervisor before the start of the workday. If the employee is unable to reach the supervisor, he or she should follow the department's procedure for notification. The College appreciates as much notice as possible. Individual departments, due to coverage needs, may set specific notification times.

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## 6.1 Staff Compensation Program

The compensation team evaluates pay practices and market conditions, participates in surveys, and supports managers and the HR department with position classification, position descriptions, and salary recommendations.

Positions at Middlebury College are grouped according to content in one of four career bands. Within each band, there are multiple levels with salary ranges associated with them. Middlebury College is committed to maintaining a competitive staff compensation program in order to attract and retain the most qualified employees. We remain committed to the goal of having the midpoint of our salary ranges reflect the 80th percentile of available external market data. This means that the 80th percentile of all the salaries in the positions that salary data is available for as a group in each band and level will be the midpoint of the salary range for that band and level. It does not mean that all employees in each job will be at the 80th percentile of that data.

As described in the Administrative Guidelines, the College's program relies on the tools below for assigning positions to a Career Band and Level.

- [Career Band Definitions](#)
- [Job Content Framework](#)
- [Job Description Review Process](#)
- [Pay Ranges](#)

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## 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, physical requirements, etc. Submit descriptions electronically in MS Word to Human Resources. Human Resources maintains job descriptions. Human Resources can assist in updating or creating job descriptions. A Website is available which allows for on-demand viewing of all job descriptions at the following link: <http://go.middlebury.edu/jd>.

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## 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 second on-call position, and has recorded hours in more than one of the positions. In that case overtime will be charged to the second position for any hours over 40 in a workweek.

*Compensatory time:* Compensatory time (Comp time) is not permitted. This is the practice of saving or holding extra hours worked to be exchanged for time off or paid at a later time, to avoid payment of overtime. All hours worked must be reported in the period they are worked and will be paid on the standard biweekly pay cycle.



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## 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 periodically reviewed.

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## 6.5 Compensation Issue Resolution Process

If employees disagree with any decisions from Human Resources related to their compensation, they should review the disagreement with their supervisor and department head. The supervisor and department head should be sure that the employee's expectations under the compensation program are reasonable and that the employee understands the program as it relates to his or her particular situation. Following the evaluation, if the supervisor determines there needs to be further review, the supervisor or department head and the employee should make an appointment with Human Resources to discuss the position and the decision. Human Resources will reevaluate its original position in light of any new information. The decision resulting from the Human Resources review will be final.



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## 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: [Procedures: Grievances](#)

As an educational institution, Middlebury College is committed to maintaining a campus environment where discrimination or harassment on the basis of race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity and expression, age, marital status, service in the armed forces of the United States, positive HIV-related blood test results, genetic information or against individuals with disabilities on the basis of disability and/or any other status or characteristic as defined and to the extent protected by applicable law is unacceptable. The College complies with state and federal laws that address discrimination in the workplace.

see: [Middlebury College Anti-Harassment Policy](#)

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## 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. In instances warranting written warnings, written reprimands, or termination from employment, supervisors should confer with Human Resources concerning the rationale for the disciplinary action. Written documentation should be forwarded to Human Resources for review before it is delivered to the employee.

At any stage in the process, the College may decide to separate the employee from his or her work environment. Administrative 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. In instances of termination of employment, supervisors must obtain the approval of both the next-level supervisor and Human Resources management before any termination decision is made.



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## 8.3 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.

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## 9.1 Leaving Middlebury College

Middlebury College values employees' contributions to the successful operation of the College, expecting a productive and mutually satisfactory employment relationship. It is understood, however, that the employment relationship between Middlebury College and its employees is at-will, meaning that either the College or the employee may terminate that relationship with or without notice or cause, at any time.

Human Resources offers a web-based, confidential exit questionnaire for employees leaving the College. The exit questionnaire provides an opportunity to offer feedback including suggestions for improving the employment experience. Human Resources will provide departing employees with a packet of information summarizing changes to employee benefits, conversion privileges, repayment of outstanding debts to the College, and return of College-owned property.

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## 9.2 Voluntary Termination of Employment: Resignation

Resignation is defined as employment termination initiated by an employee who chooses to leave the College voluntarily. Employees who are considering leaving Middlebury College for any reason are encouraged to discuss their situation with their immediate supervisors before making a final decision.

If the employee voluntarily leaves the College, it is expected that as much notice as possible will be given. At least two working weeks' notice is customary for non-exempt (hourly paid) employees, while administrative and professional staff (salaried) are expected to give at least one month's notice. A letter of resignation addressed to the department head, stating the final date(s) of employment will be forwarded to Human Resources. Before leaving, the employee should contact the Human Resources office to confirm benefit transition arrangements and to turn in ID cards, keys, and any other College property.

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## 9.3 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.



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## 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.

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## 3.11 Nursing Mothers

Middlebury College abides by applicable state and federal laws in providing reasonable time and space for nursing mothers to express breast milk for their nursing children.

see: [Breastfeeding guidelines](#)

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## 9.4 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, dental, and vision 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.

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## 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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