

Eastern New Mexico University – Portales Faculty Handbook



Approved by the Board of Regents, April 23, 2021

**Faculty Handbook
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PREFACE

The purpose of the Eastern New Mexico University *Faculty Handbook* is to define the central role of the faculty of Eastern New Mexico University in the fulfillment of the institutional mission and to define faculty rights, responsibilities, duties, benefits and privileges, and the University processes that assure them. The *Faculty Handbook* is intended as a high-level summary of governance and processes relating to faculty.

This *Faculty Handbook* supersedes earlier *Handbook* versions. University policies approved by the Board of Regents that post-date the *Faculty Handbook* shall supersede this *Handbook*. No statement contained in this document shall be construed as a limitation of the powers exercised by the Board of Regents of Eastern New Mexico University under the Constitution of the State of New Mexico.

Eastern New Mexico University is an affirmative action and equal opportunity employer. The University does not discriminate on the basis of race, color, religion, national origin, sex, age, disability or veteran status in its programs, activities or employment. ENMU does not discriminate on the basis of sex in its education programs and activities, as required and governed by Title IX of the Education Amendments of 1972. Any inquiries concerning application of the Title IX may be directed to ENMU's Title IX coordinator (the Office of Human Resources) or to the Office of Civil Rights of the U.S. Department of Education. Members of the University community requiring accommodations for disabilities should notify the office of Human Resources and appropriate offices and administrators.

PROCEDURES FOR APPROVAL AND AMENDMENT OF THE FACULTY HANDBOOK

Proposals for change in the *Faculty Handbook* may be submitted by any University individual or group to the Faculty Senate or the Faculty Personnel Policy and Handbook Committee.

- Proposals will be reviewed by the Faculty Personnel Policy and Handbook Committee.
- The Committee will post the amendments to the *Faculty Handbook* online for a minimum of 5 working days for comment and discussion.
- Following the presentation of amendments, a minimum of two in-person forums shall be scheduled. Within the same time frame, a mechanism for online discussion will be provided.
- The Faculty Senate will select, by simple majority vote of the Senate members present, the proposals to go to all faculty for a vote.
- The Faculty Senate president shall forward proposals receiving a majority approval vote in referendum by the faculty to the University president.
- The University president shall submit these changes to the Board of Regents, with his or her recommendations. The Faculty Senate president may also present recommendations of support or non-support for the amendments to the Board.
- The Board of Regents may accept or decline to accept the amendments.
- The Board of Regents may amend this *Handbook* without this process but shall provide prior notice to the Faculty Senate. Amendments approved by the Board of Regents shall become effective at the beginning of the next contract year, unless otherwise stated in the Regents' action.
- The Faculty Personnel Policy and Handbook Committee may amend this *Handbook* without this process to reflect updates made in University policies approved by the Board of Regents.

PART ONE: THE FACULTY

I. DEFINITION OF UNIVERSITY FACULTY

The University faculty shall consist of all persons formally appointed with academic rank by the vice president for Academic Affairs. Faculty appointments and privileges vary according to the nature of rights and responsibilities, term of appointment, assignment, rank, governance and administrative role.

II. REGULAR AND RESOURCE FACULTY

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

- A. Regular** faculty are all University faculty who are either tenured (continuous appointment) or probationary and who have appointments that are half time or more in instruction, University service, professional service, department chairship\ program directorship, or scholarship and research.
- B. Resource** faculty are all other University faculty who do not qualify as regular faculty. In general, but not exclusively, resource faculty hold term appointments, from one semester to three years (with annual review prior to reappointment) and/or administrative assignments. (See Part Two, IV.A.5 for evaluation of resource faculty.)

III. ACADEMIC RANK

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

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

There are five academic ranks at Eastern New Mexico University. Rank is assigned at the time of appointment or, for those on continuing appointments (tenure), as the result of decisions from the faculty evaluation process. The five ranks are Professor, Associate Professor, Assistant Professor, Lecturer, and Instructor. For all ranks, "academic responsibility" is defined as evidence of willingness to accept and perform teaching, service, and scholarly or creative activities, as well as advising as defined by the faculty member's individual contract, FEC Criteria, and/or College Guidelines.

Generally, faculty shall hold the doctorate or equivalent terminal degree to teach at the upper division or graduate level, will have the master's degree to teach at the upper division level, and will have a baccalaureate degree to teach at the lower division level. Exceptions to these requirements may be made by the vice president for Academic Affairs upon presentation of evidence of a record of experience or other credentials that indicate academic degree equivalence. Retired faculty who receive an adjunct appointment shall be assigned the same academic rank as they held at the time of their retirement.

- A. The Rank of Professor.** Persons appointed at or promoted to this rank, the highest rank which the University confers, shall hold an earned doctorate or other appropriate terminal degree in the field, shall have demonstrated excellence in teaching, service and scholarly or creative activities. They shall have served a minimum of ten years in higher education and shall have served in rank as an associate professor for at least four years.
- B. The Rank of Associate Professor.** Persons appointed at or promoted to this rank, a senior rank in the University faculty, shall hold an earned doctorate or other appropriate terminal degree in the field and shall have demonstrated excellence in teaching, service, and scholarly or creative activities. They should have served a minimum of six years in higher education and should have served in rank as an assistant professor for at least four years.
- C. The Rank of Assistant Professor.** Persons who hold the doctorate or appropriate terminal degree are eligible for appointment at the rank of assistant professor without regard to experience. For those who do not hold the doctorate or appropriate terminal degree, appointment at or promotion to the rank of assistant professor should be based on a minimum of four years of experience in higher education and evidence of significant progress toward the completion of a doctoral program (significant progress being defined, ordinarily, as completion of all course and language proficiency requirements and the passing of preliminary or comprehensive examinations). Consideration for promotion shall also require evidence of excellence in teaching, service, and scholarly or creative activities.
- D. The Rank of Lecturer.** This rank is reserved for resource faculty appointed on a term contract for a primarily instructional, temporary, and usually, part-time assignment. Faculty holding the rank of lecturer are not assigned the full, normal range of faculty responsibilities (teaching, service and scholarly or creative activities as defined by the faculty member's individual contract respective FEC Criteria and/or College Guidelines). Exceptions to these requirements may be made by the vice president for Academic Affairs upon presentation of evidence of a record of experience or other credentials that indicate academic degree equivalence.
- E. The Rank of Instructor.** This rank is the beginning level in college and university teaching and as such, has minimal requirements as far as academic preparation is concerned, i.e., the completion of the master's degree. This rank is also for resource faculty appointed on a one-year or three-year rolling contract primarily for instructional assignment. Faculty holding the rank of instructor are not assigned the full, normal range of faculty responsibilities (service and scholarly or creative activities as defined by the faculty member's individual contract, their respective FEC Criteria and/or College Guidelines). There is no experience requirement.

IV. GRADUATE FACULTY STATUS

Graduate faculty status is granted to eligible faculty members holding a full-time appointment, with a terminal degree, and a record of sustained involvement and currency in their disciplines. Faculty request graduate faculty status by completing an application form and submitting a current resume to the graduate coordinator of the program for which affiliation is requested. Faculty may hold regular, associate or temporary graduate faculty status. For application forms and additional information, see the Academic Affairs policy, Obtaining Graduate Faculty Status, or contact the Office of the Graduate School.

V. APPOINTMENT

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

A. Regular Faculty

1. Tenure Appointment

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

2. Probationary Appointment (or tenure-track appointment)

A probationary appointment (P-1 through P-6) may be made for a full-time or part-time faculty member eligible for tenure for a period established in the employment contract from the vice president for Academic Affairs. Previous experience to be credited to the probationary period must be agreed upon and communicated in writing when the University issues its initial letter of probationary appointment. This appointment is subject to renewal. Probationary appointees will be given the following notice of non-reappointment, if applicable, as follows:

- a. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a first year appointment terminates during an academic year, at least three months in advance of its termination.

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

B. Resource Faculty

1. Term Appointment

Non-tenure-track faculty, either full-time or part-time, may be given a term appointment. This appointment is for a specific period of time, from one semester to three years, and provides no guarantee of reappointment. Faculty on term appointments do not have the same rights and responsibilities as tenured or probationary faculty.

2. Special Appointment

A special appointment is one made to assign academic rank to a person who has contributed or is contributing to the teaching, University service, professional service, or research functions of the academic mission of the University but currently may not be a compensated faculty employee of the institution. Persons holding special appointments do not have the same rights and responsibilities as tenured or probationary faculty. There are three kinds of special appointments that are likely to occur most often, although others may be designated:

- a. The Rank of **Post-Doctoral Associate**. This rank, a beginning level in college and university teaching or research, has the minimal requirement of an earned doctorate degree. There is no experience required.
- b. **Emeritus/Emerita**: A distinguished and honorary appointment given a tenured member of the faculty who has retired, based on a recommendation from appropriate department's Faculty Evaluation Committee of the department and academic administration.
- c. **Honorary Assignment**: On occasion, persons who have distinguished themselves in faculty functions will be given an academic rank and title to acknowledge their accomplishments. After consultation with the appropriate faculty and academic administrators, the vice president for Academic Affairs may appoint these individuals to the Eastern New Mexico University faculty with the designation of "Distinguished Professor."

VI. ASSIGNMENT

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

A. Faculty Functions

Faculty members may perform functions in the following areas: teaching, service and scholarly or creative activities (The term scholarly or creative activities shall include research and/or artistic and creative endeavors, when appropriate). Colleges or departments may add and/or define these areas as needed within the FEC Criteria and College Guidelines.

B. Term and Time of Assignment

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

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

C. Visiting Assignment

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

D. Research Assignment

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

E. Administrative Assignment

University faculty with less than half-time administrative assignments retain their status as tenure-track or probationary faculty (for example, department chairs, program coordinators, graduate coordinators, etc.). University employees with more than half-time administrative assignment in their contracts and who hold academic rank are, by definition, resource faculty. Academic administration shall include, but not be limited to, the president of the University, the vice president for Academic Affairs, the dean of the

Graduate School, the director of Distance Learning, the deans of the colleges, and associates and assistants of the aforementioned administrators.

VII. FACULTY CONTRACTS, LOAD and OVERLOAD ASSIGNMENT

A. Contracts

Every contract issued to a faculty member shall state at least the following information: (1) faculty classification (see Definitions, Sections II, III); (2) rank; (3) tenure status; (4) academic assignment (discipline); (5) salary; (6) constituency; (7) special conditions of employment, if any, and (8) term of employment.

The faculty contract specifies when faculty will report in the fall and spring and when the semester's responsibilities conclude. All full-time regular faculty members will be notified no later than one week prior to the end of the spring semester of the details of their contracts for the next year.

B. Summer Employment

Opportunities for employment of regular faculty for the summer session are based on anticipated enrollment, needed course offerings and availability of budgeted funds.

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

Faculty members with terminal academic preparation in a program will ordinarily be given preference in summer assignments as faculty with less than terminal preparation are expected to continue work toward the completion of terminal qualifications. Every effort will be made to hold summer session loads to a maximum of six semester hours per faculty member, based on an eight-week session. Faculty to be employed for a summer session will be notified by letter of appointment on May 1 or as soon as possible after that date.

C. Overload Employment

Ordinarily, full-time faculty shall teach no more than three credit hours as an overload per academic year. Exceptions to this general guideline may be requested through the department chair and the dean, subject to final approval by the vice president for Academic Affairs. Overload shall be defined as any instructional responsibilities of Eastern New Mexico University and its affiliated programs assigned to a full-time faculty member in addition to the normal load. According to the Academic Affairs policy, normal load is defined as 12 semester hours or its equivalent on the Portales campus. For details, see the Academic Affairs policy on normal load and requests for changes to load.

Requests for an adjustment to load are defined in Academic Affairs policies and procedures.

D. Release Time

Faculty members can be reassigned from normal teaching responsibilities, and the most common request for reassigned time comes from faculty who wish to pursue various scholarly or creative activities. A faculty member receiving grant funding to conduct research with sufficient dollar amounts in the grant to cover a percentage of his/her salary can be granted course reassignment at the beginning of a semester.

VIII. RIGHTS, PRIVILEGES and RESPONSIBILITIES

- A. General Principles.** The University subscribes to the principles the 1940 *Statement of Academic Freedom and Tenure of the American Association of University Professors* (AAUP). All University faculty also acknowledge the responsibility to accept the constraints of professional ethics as outlined in that statement, the parallel *Statement of Professional Ethics of the AAUP* (1966), and the *AAUP Statement of Freedom and Responsibility* (1970).

University faculty derive rights and privileges in accordance with the provisions of this *Handbook*, the *University Statement on Governance* and the constitution and bylaws of the Faculty Senate. In situations where the rights and privileges of regular faculty are not specifically addressed by this *Handbook*, the issue may be referred to the Faculty Senate for review.

- B. Resource Faculty.** Resource faculty are not eligible for tenure or sabbatical leave. They are not entitled to early notice for reappointment or nonrenewal. They may not vote in the election of senators or members of standing or special committees in any other election conducted under the auspices of the Faculty Senate election committee. They are not eligible to serve on a University standing or special committee. Resource faculty may participate in college and school/ department elections if this participation is approved by majority vote of the regular faculty in that college or department.
- C. Emeriti Faculty.** Emeriti faculty are accorded certain privileges as defined in this *Handbook* by virtue of their retirement and emeritus status and by negotiation with the University administration. (See Part Three, X. Retirement)
- D. Rights and Responsibilities.** As members of the University community, faculty members have an obligation to protect and secure University property, equipment, records and resources. Many of these obligations are clarified in University policies including but not limited to the code of conduct, keys, computer and information security, use of purchasing cards and purchasing practices, and travel regulations. While faculty may use University resources for certain activities related to teaching or other responsibilities, these resources should be used to advance the University's mission, not for personal or financial gain. If such use is more than occasional, the department chair or dean may request clarification of use from the faculty member. If the faculty member is in doubt about the use of University facilities, equipment or resources (equipment, staff time, etc.), faculty should consult the department chair or college dean and secure permission for the use.

PART TWO: FACULTY FUNCTIONS AND RESPONSIBILITIES

General Statement

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

Statement on Ethics

Collegiality is best evaluated in the context of established criteria for the evaluation of teaching, scholarly or creative activity, and service. Faculty and administrators strive to be objective in their professional judgment of colleagues, and they do not discriminate against or harass colleagues. Faculty members have the right to register a complaint or grievance of improper, arbitrary or unfair application of any handbook, regulation, policy or procedure (see Part Three, Section II.A below). Faculty respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own. Faculty accept their share of faculty responsibilities for the governance of their institution.

I. FACULTY PARTICIPATION IN UNIVERSITY GOVERNANCE

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

II. FACULTY PARTICIPATION IN BUDGETARY MATTERS

Eastern New Mexico University subscribes to the principles outlined in the 1972 statement of the AAUP entitled *The Role of the Faculty in Budgetary and Salary Matters*, which essentially establishes two requirements: (1) clearly understood channels of communication and (2) the accessibility of important information to those groups which have a legitimate interest in budgetary and salary issues.

- ☐ There shall be participation by each group (governing board, president, and faculty) appropriate to the particular expertise of each. Thus, the Board of Regents is expected to husband the endowment and obtain capital and operating funds; the president is expected to maintain existing institutional resources and create new ones; the faculty is expected to make recommendations about faculty salaries and, in its primary responsibility for the educational function of the institution, to participate also in broader budgetary matters primarily as these impinge on that function. All three groups, the ENMU *Statement on Governance* states clearly, should participate in long-range planning.
- Faculty involvement in budgetary matters primarily manifests itself through participation in the University's Budget and Planning Committee, the structure and responsibilities of

which are outlined in the by-laws of the Faculty Senate. (Link https://my.enmu.edu/c/document_library/get_file?uuid=022d3f90-84a1-4c5f-a6a1-52ae709e08ab&groupId=2502172&filename=Faculty%20Senate%20Bylaws%20and%20constitution.pdf) In addition, the president of the Faculty Senate (or designee) is invited to attend meetings of the Higher Education Department and the New Mexico Legislative Finance Committee.

III. FACULTY PARTICIPATION IN THE SELECTION and EVALUATION OF ACADEMIC ADMINISTRATORS

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

- A. *Ad hoc* search committees for the selection of administrators are established by the Board of Regents (when a vacancy is in the office of the University president) or by the appropriate administrative offices.
- B. Faculty participation in the evaluation (and retention) of academic administrators is accomplished through their representation on a committee for the evaluation of administrators, which is broadly representative of the several University constituencies. The committee, which shall be reconstituted each academic year not later than October 1, is composed of:
 - four members of the faculty; they must be tenured, full professors; the faculty of each college annually shall elect one member of the committee from within the college's faculty; if a college does not have a full professor available to serve on the committee, then the faculty of that college shall elect a tenured full professor from another college to represent it on the committee.
 - a member of the Professional Employees Senate constituency to be selected by Professional Employees Senate.
 - a member of the Support Employees Senate constituency to be selected by the Support Employees Senate.
 - a member of the Student Senate constituency to be selected by the Student Senate.
- C. The chair of the committee must be a faculty member and will be determined by a vote of the membership.
- D. Only the faculty members of the committee will have access to the academic administrator evaluations in order to prepare a report that summarizes those evaluations. The reports prepared by the faculty members of the committee are submitted to the University president for his or her use in determining the effectiveness of the academic administrators and their retention in their positions.

duties significantly impact the academic environment of the University. The following are considered to be academic administrative positions: president, VPAA, deans, AVPAA, director of Golden Library and director of Distance Learning.

IV. FACULTY SELECTION AND EVALUATION

Faculty participation in the selection of colleagues occurs through their determination of the needs of the department, the preparation of the job announcement, membership on the search committee, opportunities to interact with candidates, and the opportunity to provide a recommendation regarding the candidate selected.

The primary responsibility for faculty selection and evaluation rests with the faculty. Evaluation encompasses functions in the areas of teaching, service, and scholarly or creative activities.

Recommendations for appointment, retention, promotion, leaves and tenure originate with the faculty and will be based on these evaluations. Regular faculty members seeking a change of status (probationary retention, promotion, tenure, leave) shall be responsible to initiate such a change through their own active role in applying for the change of status, following appropriate procedures and preparing and submitting materials and/or a review file (see Faculty Evaluation Table following IV.C, below).

In order to be retained/rehired for the next contract year, resource faculty who have an academic year or multi-year contract that includes at least a .5 FTE teaching load are also subject to the following procedures. The evaluation process entails a number of steps or levels: Faculty Evaluation Committee (FEC), chair, college dean, and the vice president for Academic Affairs (VPAA). Final authority for all matters relating to faculty status is delegated to the president by the Board of Regents, subject to the Board's review.

A. Faculty Evaluation Process

- 1. Timeline.** At the beginning of each fall semester the office of Academic Affairs shall publish a calendar establishing the dates for each step of the faculty evaluation process. The schedule for faculty who are in their first year of employment at Eastern New Mexico University shall commence with the gathering of information during fall semester, with the evaluation process occurring in spring semester. The schedule for all other faculty shall begin with fall semester.
- 2. Selection of FEC.** Each fall semester, the faculty in each department shall elect a Faculty Evaluation Committee (FEC) of not fewer than three nor more than five faculty at any rank excluding the department chair. In cases when a college is not organized by departments, the FEC committee will be organized at the college level. Whenever possible, a majority of the FEC shall hold tenure. A unit may, but is not required to, combine with other units; any such merger must be approved by a majority of the faculty in each affected unit. To form its FEC, a unit may elect one or more faculty members from other units.

If an elected member of an FEC must be evaluated, that member shall recuse him

or herself from those deliberations.

3. **Establishment of FEC Criteria.** The FEC and the respective department chair(s) shall propose appropriate FEC peer and student evaluation procedures for the subsequent year for all faculty with instructional assignments. FECs shall develop faculty evaluation guidelines that identify appropriate teaching, service and scholarly or creative activities for their disciplines as well as expectations for rank, tenure and promotion. Other evaluations may include those from faculty on campus and/or professional colleagues off campus. Peer evaluations must be signed by their author. The proposal must be ratified by a simple majority vote from regular faculty and full-time resource faculty members of the department (see Part One, II, A and B). After approval by the faculty, these guidelines should be forwarded by the chair to the dean and VPAA.

The FEC shall communicate these procedures in writing to the faculty of the unit and to the dean of the college. When changes are made to these guidelines, they go into effect in the next academic year. (For current departmental or college FEC Guidelines, see <http://inside.enmu.edu/page.php?pid=197>)

4. **Establishment of College Guidelines.** Each college has the responsibility to establish College Guidelines that provide overall guidance for expectations of faculty in relation to the areas of teaching, scholarly or creative activities, and service appropriate to a faculty member's rank and responsibilities. These expectations are to guide the FEC members in their duties to establish and review their departmental FEC Criteria each fall semester; however, College Guidelines do not replace the FEC Criteria. Each college will determine how to create a process for faculty participation of the establishment of their College Guidelines in consultation with the department chairs and the dean. College Guidelines must be ratified by a simple majority vote from regular faculty and full-time resource faculty members of the respective college.
5. **Probationary Faculty.** For the required annual appraisal, probationary faculty submit a cumulative review file. This file should document faculty members' performance in the area of teaching, service, and scholarly or creative activities from their first semester of probationary status (see Faculty Evaluation Table on page 15)
6. **Resource Faculty.** Resource faculty with at least an average annual .5 FTE teaching load on multiyear contracts shall submit a review file to their FEC each year of their initial contract. After this period, they will be required to submit a file only during the year in which the contract is under consideration for renewal (the year prior to contract renewal), unless otherwise specified in their faculty contract or as required by departmental/college guidelines. The evaluation steps for resource faculty members (those with term contracts) shall stop at the level of the college dean.
7. **Tenured Faculty.** Faculty who are tenured are reviewed annually as per the process established in Section V below, and are reviewed based on the expectations established by the departmental FEC Criteria and the College

Guidelines.

8. **Right of Response.** At any step in the evaluation process, upon receiving written notification of a recommendation, a candidate may submit a written response to provide comment or additional clarification or information. This response shall be submitted to the evaluator by the date specified in the evaluation calendar from Academic Affairs. The evaluator (within five working days) shall acknowledge receipt and shall notify the candidate how the response affected the recommendation. These responses become part of the review file. The evaluation calendar for candidates electing to make responses may be adjusted to absorb the five-day allowance as required to meet individual circumstances.

B. Stages of the FEC Process (see also Faculty Evaluation Table, following IV.C, below)

1. **Step One.** On the date assigned by the Academic Affairs calendar, the faculty member submits a cumulative review file according to established FEC Criteria and College Guidelines. The FEC shall then review these materials according to FEC Criteria and College Guidelines and prepare an appraisal of the candidate's progress or success in meeting or achieving the University's standards for retention, promotion or tenure.

The FEC Chair shall provide the candidate with a copy of their recommendation and rationale and forward the review file and recommendation to the department chair. In the case of a recommendation of non-retention from the FEC, the faculty member may respond to the FEC with additional statements or clarifications. The FEC chair will respond, and then the file, with the responses, is forwarded to the department chair.

2. **Step Two.** The department chair shall review the faculty member's review file, the FEC recommendation and rationale and any responses and then shall present the college dean with a written appraisal and rationale of the faculty member's performance. The department chair shall provide the faculty member and FEC with a copy of the recommendation and forward the recommendation and the review file to the college dean. In the case of a recommendation of non-retention from the chair, the faculty member may respond with additional statements or clarifications. The chair will respond, and then the review file, with the responses, is forwarded to the dean.

3. **Step Three.** The college dean shall review all recommendations and supportive materials to determine whether standards and procedures have been applied equitably among the departments and present a written recommendation and rationale to the VPAA. College deans shall review the faculty member's review file based on the expectations established by the FEC Criteria and College Guidelines. The college dean shall provide the faculty member, FEC and chair with a copy of the recommendation and rationale at the time the recommendation is forwarded to the VPAA.

If there is a recommendation for non-retention, tenure or promotion, then the

review file is forwarded to the VPAA. In the case of a recommendation of non-retention from the dean, the faculty member may respond with additional statements or clarifications. The dean will respond, and then the file, with the responses, is forwarded to the VPAA. If VPAA recommends non-retention, faculty can appeal to the president. Note: The VPAA and the President will review all files of P-1 and P-2 faculty members, even if all levels are recommending retention.

4. **Step Four.** If the faculty member is a P-3, P-4, P-5, or P-6, or is requesting tenure and/or promotion, the vice president for Academic Affairs shall review all recommendations and supporting materials. If a tenure or promotion decision is involved, the VPAA shall present a written recommendation and rationale to the president. The VPAA shall provide the faculty member with a copy of the recommendation and rationale at the time the recommendation is forwarded to the president. If no tenure or promotion is involved, the VPAA shall present his/her decision to the faculty member and copy the FEC, department chair and dean.

In the case of a recommendation of non-retention from the VPAA, the faculty member may respond with additional statements or clarifications. The VPAA will respond, with copies to the FEC, chair and dean.

5. **Step Five.** If the faculty member is seeking tenure and/or promotion, the president shall review the file, all recommendations and responses, and shall advise the faculty member, the FEC, department chair, dean and VPAA of his decision. In the case of a negative decision, the faculty member may submit a written response to the president within five working days. The president, within five working days, shall acknowledge receipt and shall notify the faculty member of how the response affected the decision.

6. **Appeal Process.** Faculty can submit a written appeal regarding a final negative decision for retention, tenure, and/or promotion to the president. Within five working days of receiving the final presidential decision, the faculty member may request a hearing before the Board of Regents to appeal the president's decision. The Board of Regents shall schedule the meeting as soon as possible.

C. **Emeritus Status**

Emeritus or emerita status upon retirement may be recommended to the president through the regular faculty evaluation process (FEC, chair, dean, VPAA) for approval by the Board of Regents. Such status is not automatically awarded but is to be regarded as a special recognition of outstanding services. Emeriti faculty shall be listed with other faculty in University publications.

Overview of Faculty Review and Evaluation Process

	Status begins	Review file submitted	Review period	Status change requested	Notification by	Effective date of status change	Process initiated by faculty member	Review by FEC	Review by Chair	Review by Dean	Review by VPAA	Review by President	Review by Regents	
Resource							✓	✓	✓	✓				
P-1	1 st Fall semester	1 st Spring semester	1 st Fall semester	Retention to P-2	March 1	2 nd Fall semester	✓	✓	✓	✓	✓	✓		
P-2	2 nd Fall semester	2 nd Fall semester	First year of appointment	Retention to P-3	December 15	3 rd Fall semester	✓	✓	✓	✓	✓	✓		
P-3	3 rd Fall semester	3 rd Fall semester	Years 1 and 2 of appointment	Retention to P-4	December 15	4 th Fall semester	✓	✓	✓	✓	✓	*		
P-4	4 th Fall semester	4 th Fall semester	Years 1 through 3	Retention to P-5	December 15	5 th Fall semester	✓	✓	✓	✓	✓	*		
P-5	5 th Fall semester	5 th Fall semester	Years 1 through 4	Retention to P-6	December 15	6 th Fall semester	✓	✓	✓	✓	✓	*		
P-6/ tenure	6 th Fall semester	6 th Fall semester	Years 1 through 5	Tenure (promotion may be requested simultaneously)	December 15	7 th Fall semester	✓	✓	✓	✓	✓	✓		
Tenure	When tenure is requested earlier than Yr. 6, the schedule for Yr. 6 applies							✓	✓	✓	✓	✓	✓	✓
Promotion	See qualifications in Part One Section III; requests follow Yr. 6 timeline							✓	✓	✓	✓	✓	✓	✓

Emeritus			✓	✓	✓	✓	✓	✓
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* Reviewed by the president only upon appeal from the faculty member.

P is the designation for the probationary year in which a faculty is currently serving. For example, P-1 indicates that the faculty members are in their first probationary year.

V. ANNUAL PERFORMANCE EVALUATION and REVIEW OF TENURED FACULTY

- A. **Annual Performance Evaluation (APE).** The purpose of the annual performance evaluation is to support faculty in enhancing their skills and expertise in the areas of teaching, service, and scholarly or creative activities to the institution and the community and to satisfy the mandate for post-tenure review as described in Section V Part B.

Any faculty member not submitting an FEC file must submit an Annual Performance Evaluation form (APE). Faculty shall submit the APE form to the department chair (each chair submits his or her form to the dean) according to the academic calendar (typically early in September). The APE form should address the period of the preceding fall, spring and summer.

1. **Appraisal Form.** Faculty shall complete, at a minimum, the Annual Performance Evaluation form (APE) provided by the office of Academic Affairs and shall include documents as outlined by the APE form, the department FEC Criteria, and the College Guidelines for the academic year under review.
2. **FEC Criteria and College Guidelines.** The chair and dean will use the department's FEC Criteria and the College Guidelines for expectations for teaching, scholarly or creative activities, and service appropriate to a faculty member's rank and responsibilities to appraise the APE (see Section IV.A above). The FEC Criteria and the College Guidelines must clearly state how a tenured faculty meets overall expectations for teaching, scholarly or creative activities, and service appropriate to a faculty member's rank and responsibilities.
3. **Evaluation Procedure.** After reviewing the submitted annual performance forms, the department chair drafts an evaluation of each faculty member for discussion with the dean. Through discussion, the dean and the chair agree on the overall evaluation of "meets" or "does not meet" expectations. Additionally, the chair shall provide formative comments for any faculty member who does not meet overall expectations and may provide formative feedback to those who meet overall expectations. If the dean has additional comments he or she shall provide these on a separate page. The chair notifies the faculty of his or her performance evaluation.

For evaluation of each department chair, the dean drafts an evaluation for discussion with the VPAA. Through discussion, the VPAA and the dean agree on the overall evaluation of "meets" or "does not meet" expectations. Additionally, the dean shall provide formative comments for any department chair who does not meet overall expectations and may provide formative feedback to those who meet overall expectations. The dean notifies the chairs of their performance evaluations.

If a tenured faculty member does not meet overall expectations, he/she and/or the chair may request the FEC committee review the APE the next year, prior to the chair and dean evaluating the packet. If the tenured faculty does not meet overall expectations the second consecutive year, he/she shall be flagged for

periodic review of tenured faculty.

4. **Appeal.** The faculty member has 5 business days to appeal the decision to the VPAA. If the faculty member is not satisfied with the VPAA decision, he or she may appeal to the president. Since the VPAA is a part of the evaluation process, the department chair's first appeal level is the president.
5. **Performance Pay.** If the University administration and the Board of Regents have authorized the award of performance pay, the procedure of distribution of funds, based on merit determinations, will be set by the VPAA.

B. Periodic Review of Tenured Faculty. The requirement of periodic review of tenured faculty (as mandated by SB 1131 of the 42nd Legislature of the State of New Mexico [1995]) shall be satisfied with the existence of the annual performance evaluation (APE), provided the faculty member's performance is considered to be satisfactory. However, if the faculty member's overall performance is considered unsatisfactory in two consecutive years, he or she shall be recommended for post-tenure review, following the procedures outlined below.

1. **Notification.** Upon receiving two consecutive annual appraisals with a "does not meet overall expectations," the faculty member shall be notified by the dean of the college that during the next academic year, a post-tenure review will be conducted of the faculty member's performance in the areas of teaching, service and scholarly or creative activities.
2. **Review Committees.** Early in the fall semester, if a faculty member has been identified for post-tenure review, the Faculty Senate shall conduct elections for the University Faculty Review Committee (UFRC). The UFRC shall be formed of five tenured faculty members, one elected by and from each of the colleges and one elected from the faculty at-large. The at-large position shall serve as chair of this committee. Faculty eligible to vote on the FEC committee shall be eligible to vote for the UFRC. Faculty members serving on the UFRC may not be members of a College Faculty Review Committee (CFRC). Election of the UFRC, to be conducted by the Faculty Senate Elections Committee, shall precede that of the CFRCs.

If faculty have been identified for post-tenure review, the Faculty Senate shall conduct elections of CFRC in the faculty members' college(s). The CFRC shall be composed of five tenured faculty members, four of whom are selected through a college-wide election as standing members of the committee. A fifth tenured faculty member shall be elected from and by the department of the faculty member being reviewed. Should there be no tenured faculty members within that department, the department faculty shall elect a tenured faculty member of a related discipline. When possible, no more than two faculty members from the same department may serve on this committee. While under review, tenured faculty members shall be ineligible to serve on either the CFRC or the UFRC.

3. **Criteria.** The criteria used in the post-tenure review shall be the faculty member's FEC Criteria and College Guidelines approved by his or her department and college. The timeline for the periodic review is set by the office of the vice president for Academic Affairs.
4. **Process of Post-Tenure Review.** With each step of the post-tenure review process, the faculty member shall be provided with a copy of the reviewers' analysis, recommendation and rationale for the recommendation. At any step in the process, the faculty member may submit a written response. The response shall be submitted to the reviewer(s) within 5 working days. Reviewer(s) conducting the review shall, within five working days, acknowledge receipt and respond to the faculty member. All analyses, recommendations and responses shall be added to the five-year review file. Analyses shall identify if there is a clear pattern of poor performance in the areas of teaching, service and scholarly or creative activities.
 - a. **Step One.** In the year the tenured faculty is scheduled for review, he or she shall submit a five-year review file to the FEC committee in accordance with the FEC Criteria and College Guidelines as outlined by the department and college. The review file shall include a reflective statement by the faculty member describing his or her teaching, service and scholarly or creative activities, along with the record of student and peer reviews.
 - b. **Step Two.** The FEC shall provide an analysis of the faculty's performance in the areas of teaching, service and scholarly or creative activities according to FEC guidelines. The FEC analysis shall indicate whether or not a Mandatory Improvement Plan (MIP) is recommended. The file is then forwarded to the department chair.
 - c. **Step Three.** The department chair analyzes the file and shall indicate whether or not an MIP is recommended. The file is then forwarded to the college dean.
 - d. **Step Four.** The college dean analyzes the file and shall indicate whether or not an MIP is recommended. The file is then forwarded to the CFRC.
 - e. **Step Five.** The CFRC analyzes the file and shall indicate whether or not an MIP is recommended. The CFRC shall have the opportunity to solicit additional information as needed. Any additional information obtained will be shared with the faculty member and added to the file. If either the CFRC or dean recommends the faculty member for an MIP, the recommendation shall be forwarded to the UFRC. If neither the CFRC nor dean recommends an MIP, the post-tenure review is complete.

- f. **Step Six.** One function of the UFRC is to ensure equity among the colleges. The UFRC analyzes the file and shall indicate whether or not a MIP is recommended. Should the UFRC determine that a MIP is not needed, the post-tenure review process is complete. If a MIP is recommended, the UFRC shall forward its recommendation and the file to the VPAA.
 - g. **Step Seven.** The VPAA analyzes the file and shall indicate whether or not an MIP is recommended. If the VPAA determines that a MIP is not needed, the process is complete. If the VPAA recommends a MIP, the file is forwarded to the president.
 - h. **Step Eight.** The president shall review the file and make a final determination as to whether or not to require a MIP and shall notify the faculty member and the dean.
5. **Development of the Mandatory Improvement Plan (MIP).** The faculty member's college dean will convene a meeting of the chair of the CFRC, the chair of the UFRC, the chair of the FEC, the department chair and the faculty member to develop the MIP. The MIP will 1) specify areas of needed improvement, using measurable objectives; 2) identify supporting programs, personnel, and resources; 3) establish a timeline of not less than two years, with periodic reviews by department chair and college dean; and 4) establish a documentation plan. If consensus is not reached, the VPAA will be the final arbitrator of the MIP measures.
 6. **Reporting the Progress of the Mandatory Improvement Plan (MIP).** The faculty member will report his or her progress on meeting the MIP objectives and timeline as part of his or her subsequent Annual Performance Evaluation (APE). The FEC committee may review that APE at the request of the faculty member or department chair.
 7. **Reevaluation following the completion of the Mandatory Improvement Plan (MIP).** According to the guidelines established in the MIP, the faculty member will submit his or her final MIP report. If the faculty member has made satisfactory improvement as determined by the FEC, department chair and dean, the post-tenure review is concluded.

If he or she has not made satisfactory progress, as determined by the FEC, department chair or dean, the CFRC and the UFRC will review the MIP report to see if loss of tenure should be recommended. The CFRC and UFRC shall forward their recommendations about loss of tenure to the VPAA for comment and recommendation, and then to the president of the University who will review the final MIP report. He or she shall determine whether or not to initiate procedures described in Part Three, Section IV.B of the *Faculty Handbook*.

PART THREE
INSTITUTIONAL POLICIES PERTAINING TO FACULTY

I. FACULTY RIGHTS AND PROTECTIONS DEFINED in FEDERAL and STATE LAW

The following institutional policies address issues of faculty rights, protections, benefits, and obligations relating to state or federal law. This list is not intended to reflect a comprehensive listing of all federal and state protections. For a complete listing, *Faculty Handbook* users should consult the University's *Administrative and Governance Policies and Procedures (AGP&P)* compilation.

- A. Records Inspection: Faculty members have the right to inspect their personnel records. [65-1 Confidential Information Security](#)
[65-2 Inspection of Public Records](#)
- B. Affirmative Action/Americans with Disabilities: The University complies with federal law relating to Affirmative Action and Americans with Disabilities Act. [40-3 Recruitment and Hiring](#)
[40-4 Equal Opportunity and Anti-Harassment](#)
- C. Drug-Free Workplace: The University complies with federal law relating to the Drug-Free Workplace Act of 1988. [40-13 Drug-Free Workplace](#)
- D. Protection of Children and Vulnerable Adults: Faculty members and the University have the obligation to comply with state and federal law regarding the protection of children and vulnerable adults participating in campus activities. [\(80-19\)](#)

II. INSTITUTIONAL PROTECTIONS, RIGHTS and BENEFITS for FACULTY

The following institutional policies are not intended to reflect a comprehensive listing of all faculty protections, rights and benefits. For a complete listing, *Faculty Handbook* users should consult the University's *Administrative and Governance Policies and Procedures (AGP&P)* compilation and the Academic Affairs policy handbook.

- A. Complaint or Grievance: Faculty members have the right to register a complaint or grievance of improper, arbitrary or unfair application of any handbook, regulation, policy or procedure [40-12 Complaints and Grievances](#)
- B. Professional and Ethical Relationships with Students: Faculty members have the obligation to maintain professional relationships with students [\(30-6\)](#)
- C. Faculty members regularly accrue sick leave. [Faculty Accrual of Sick Leave 40-7-6E](#)
- D. Faculty members have the right to certain forms of leave with pay (including leave for family illness, bereavement, jury duty, sick leave, access to medical leave bank, and family medical leave) [Leave 40-7](#)

- E. Faculty members have the right to certain form of leave without pay (including leaves for political purposes or in case of illness, injury, personal reasons, school attendance, sickness in family and other bona fide reasons, or in cases of extended illness or injury when all sick leave is exhausted.) Leave 40-7-8
- F. Faculty members have the right to military leaves of absence, where appropriate (Leave 40-7-10)
- G. Faculty members are eligible for leave under the Family Medical Leave Act (40-7-13) and the Domestic Abuse Leave Act 40-7-14
- H. Faculty members are entitled to benefits as University employees. These include insurance benefits (40-8-4), retirement (40-8-5), worker's compensation in case of certain injuries (40-8-6), access to tax-deferred annuities (40-8-8), and the flexible spending accounts program (40-8-9)
- I. Faculty members are entitled to a tuition waiver benefit (40-8-10) each semester.

III. ACADEMIC FACULTY POLICIES

Because the policies listed below are unique to faculty, they do not appear in other University policies but are approved by the Regents of Eastern New Mexico University.

A. Additional Retirement Benefits for Faculty

The following privileges are afforded retired faculty members:

1. Library privileges are available on the same basis as those granted regular faculty, except that loans are limited to one month.
2. Publications printed by the University may be obtained on the same basis as they are made available to regular faculty.
3. All University-sponsored events and facilities will be made available on the same basis as they are made available to regular faculty.
4. Retired faculty shall have free access to office and laboratory facilities when available.

B. Outside Employment

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

1. Faculty must secure approval from their chair and dean prior to the start of the academic semester in which the faculty plans to engage in outside

employment.

2. Outside professional employment shall not significantly conflict with classes, office hours or other assigned duties and commitments. When outside employment does not involve absence from assigned duties and commitments, the faculty member is nevertheless responsible for keeping the department chair and dean fully informed, in writing, about the nature and extent of these circumstances.
3. Since faculty members' primary responsibility is to the University, all outside employment is considered secondary. Outside employment will be deemed excessive when, in the judgment of the department chair and the college dean, it interferes with the faculty member's obligation to the University.
4. Faculty members can submit a written appeal within five working days to the vice president of academic affairs regarding a judgment of excessive interference of outside employment by their department chair and/or college dean. The vice president shall review the appeal and shall advise the faculty member, department chair, and the dean, of his/her decision.

If the vice president agrees with the judgment of the department chair and/or college dean, the faculty member can submit a written appeal within five working days to the president. Within five working days of receiving the final presidential decision, the faculty member may request a hearing before the Board of Regents to appeal the president's decision. The Board of Regents shall schedule the meeting as soon as possible.

5. Except in the cases specifically approved, in writing, by the president authorizing official University involvement, the faculty member, in undertaking such employment, shall act as an individual and not as an agent of the University.
6. The amount of earning from outside employment is not a concern of the University. In order to avoid possible charges of unfair competition against the University, a faculty member should charge fees at least as great as would be charged by firms or individuals doing similar work, except when advice or services are given free in the public interest.

C. Faculty Personal Leave

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

A faculty member requesting personal leave has the obligation to secure prior approval from the department chair and college dean before taking personal leave, to complete the off-campus leave request and to provide precise information about how missed classes and other obligations will be covered. Upon return to campus, off-campus leave reports must be filed promptly with the

chair and dean. Faculty are relied upon not to abuse the right to request personal leave, since their absence burdens faculty covering responsibilities and students whose instruction is being interrupted.

D. Leave for Professional Development

To encourage professional development of faculty members, Eastern New Mexico University provides, when possible, sabbatical and faculty development leaves.

1. General Guidelines

Applications for sabbatical or faculty development leaves mentioned below are reviewed through the regular faculty evaluation process, based on:

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

A report of the work undertaken and completed by the faculty member during the leave shall be submitted through the department chair and dean of the college to the vice president for Academic Affairs and the president within two months of the faculty member's return to the campus.

E. Sabbatical Leave

Sabbatical leave shall be for post-doctoral study, research and/or enrichment. Tenured members of the faculty have first consideration in sabbatical leaves. If there are not enough requests, or if the projects of tenured faculty are not approved, nontenured, full-time faculty will be eligible. Other factors being equal, persons having the longest interval since the last sabbatical shall be given highest consideration.

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

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

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

of a full sabbatical.

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

F. Faculty Development Leave

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

IV. UNIVERSITY POLICIES and PROCEDURES RELATING to FACULTY SEVERANCE and REDUCTION in FORCE

A. Faculty Resignations

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

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

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

Violation of these ethical considerations may be brought to the attention of professional associations.

B. Disciplinary Action

Adequate cause for suspension, termination of services or other disciplinary action, including written reprimands, temporary suspension with loss of pay or other disciplinary action, may result from a faculty member's refusal or willful failure to perform duties as assigned by his or her supervisor pursuant to the terms of employment in the *Faculty Handbook* or the contract,

incompetence in the performance of duties, moral turpitude, or other just cause. The University subscribes to the principles outlined in the AAUP *Statement of Procedural Standards in Faculty Dismissal Proceedings* of 1958.

A faculty member who commits a minor disciplinary infraction will ordinarily be subject to a minor disciplinary sanction. Typical minor sanctions include but are not limited to verbal reprimands, written reprimands and suspensions with pay for short periods (no exceeding two days). A faculty member who believes that he or she has unjustly or inappropriately received a disciplinary sanction may pursue a complaint, as outlined in the Complaints and Grievance policy (ENMU AGP&P 40-12).

When a question regarding the fitness of a faculty member to discharge his or her responsibilities is raised, whether the faculty member is tenured or holds an unexpired term appointment, the procedures as outlined below are followed.

1. Preliminary proceedings shall be conducted involving the faculty member and an appropriate administrator. The matter may be terminated by mutual consent at this stage.
2. If the matter is not terminated, The ENMU Faculty Senate shall elect an Ad Hoc Senate Review Committee to meet informally with the faculty member and an appropriate administrator to attempt to reach an acceptable resolution or adjustment of the matter. If an acceptable resolution or adjustment is not agreed to by the parties, the ENMU Faculty Ad Hoc Senate Review Committee will meet in conference and decide whether to recommend that the President initiate formal proceedings. If the ENMU Faculty Senate Ad Hoc Senate Review Committee recommends formal proceedings, the committee shall issue a statement to the President and faculty member with reasonable particularity as to the basis for the recommendation. If the ENMU Faculty Senate Ad Hoc Senate Review Committee does not recommend formal proceedings, they shall indicate grounds, with reasonable particularity, for their recommendation in the matter.
3. After the ENMU Faculty Senate Ad Hoc Senate Review Committee has forwarded its report to the President, it will be within the President's discretion to accept the recommendation or to implement formal proceedings. If the President institutes formal proceedings, he or she may adopt or modify the ENMU Faculty Senate Ad Hoc Senate Review Committee statement or promulgate his or her own statement with reasonable particularity of the proposed grounds for dismissal.
4. The President shall commence formal proceedings by a communication addressed to the faculty member that includes the statement of proposed grounds for dismissal. The President shall also notify the ENMU Faculty Senate President that formal proceedings are to commence so that election of the Faculty Disciplinary Hearing Committee can begin. The hearings will be conducted by the Faculty Disciplinary Hearing Committee. This seven person Faculty Disciplinary Hearing Committee shall be elected from among the faculty as follows: at least three members shall be from the college in which the faculty member holds his or her appointment; at least five members of the committee shall be from among tenured faculty members. An individual may not serve on both the ENMU Faculty Senate Ad Hoc Senate Review Committee and the Faculty Disciplinary

Hearing Committee regarding the same subject matter. The election shall be conducted by the Faculty Senate.

5. The Faculty Disciplinary Hearing Committee shall investigate the details of the case, deliberate and issue a report, their decision and recommendations. This report, decision and recommendations will be delivered to the faculty member and to the University President.
6. The President shall review the report, decision and recommendations of the Faculty Disciplinary Hearing Committee and make a determination to accept, reject or modify the report, decision and recommendations. This process contemplates that the University President will give considerable weight and deference to the findings, decision and recommendations of the Faculty Disciplinary Hearing Committee. A final determination by the President substantially different from the findings, decision and recommendations of the Faculty Disciplinary Hearing Committee should be supported by particular grounds and a clearly enunciated rationale. The President shall issue a final determination and decision as to the resolution of the matter.
7. If the faculty member is dissatisfied with the written decision and final determination of the President, the faculty member may, as a matter of right, appeal this decision and determination to the Board of Regents, in writing, within ten (10) business days after receipt of the President's decision. The Board of Regents shall review the appeal. At the Board of Regents review, the faculty member shall have the following rights:
 - a. To appear in person and to make whatever arguments and present whatever appropriate evidence the faculty member decides to present on his or her behalf.
 - b. The faculty member will be permitted to be accompanied by legal counsel and/or an advocate. The legal counsel or advocate must comply with the prevailing rules of the Board of Regents. [ENMU Board of Regents Policy 10-2-8B]
 - c. The faculty member shall have the right to have one or more designated members, approved by the faculty member, of the Faculty Disciplinary Hearing Committee to present the hearing committee's findings, statement, and underlying rationale and to advocate the committee's position favorable to the faculty member before the Board of Regents. The faculty member may choose to forego having a hearing committee member present on his or her behalf. This policy does not alter the right of any University member to attend Board of Regent's meetings pursuant to the Open Meetings Act.
8. The President or his or her designee may address the board relative to his or her decision and determination in the matter.
9. The Board of Regents shall make a final decision after review of the matter.
10. Guidance on Committee hearings, witnesses, counsel and applicable procedural rights

should be consistent with AAUP standards as contained in the AAUP "Statement on Procedural Standards in Faculty Dismissal Proceedings."

11. Suspension of the faculty member is rarely justified but, if deemed advisable, normally shall be with pay unless prohibited by law. Notification of suspension shall be given in writing by the Vice President of Academic Affairs.
12. Publicity about the case, except for simple announcements, shall be avoided until the proceedings have been completed. All public statements, on behalf of the University, shall be made through the President's Office.

C. Reduction in Force

Reduction in Force (RIF) conditions exist when budgeted monies for the University are insufficient in the opinion of the administration, as verified by the Board of Regents, to continue the current level of personnel. Institutional work-load problems leading to the dismissal of any full-time faculty shall be demonstrably bona fide. Examples of workload problems may include but are not limited to (a) reduced number of students; (b) changing federal or state requirements; or (c) contracted services.

General Guidelines.

The following priorities shall serve as guides in reduction of force. Only when reduction would create severe program dislocations and when no reorganization is possible in the judgment of the dean of the affected college will the priorities be affected.

1. Within any academic discipline:
 - a. Faculty other than regular full-time faculty shall be released before any probationary staff is affected.
 - b. Probationary faculty shall be reduced before any tenured faculty.
 - c. Reduction in force should ordinarily proceed according to seniority; that is, junior faculty members are released before more senior faculty. Exceptions shall be clearly justified by the dean of the college.
 - d. When faculty members have been employed under an affirmative action program, exceptions may be made to this procedure to guarantee the integrity of that program.
2. The University administration will coordinate the reassignment, whenever possible, of faculty when RIF conditions exist. If such an arrangement is achieved, it shall not be considered a RIF action.
3. Faculty members whose positions have been reduced shall be guaranteed certain rights and benefits:
 - a. Before being terminated, the faculty member shall have the right to fill any existing academic or nonacademic vacancy for which he or she is qualified or the right to

transfer to any other discipline or to another branch to fill any vacancy therein for which he or she may be qualified. Qualifications will be determined by the dean of the affected college in consultation with the faculty.

- b. The right of recall to any position (whether it is a newly created position or a vacancy) for which the individual is qualified shall be provided for a one-year period. Recall within a discipline shall be based on seniority at the time of separation.
 - c. When faculty members who have been separated are rehired for the same discipline, they will be reinstated with the benefits and status accrued at the time of reduction.
 - d. The institution should provide all possible assistance to a separated faculty member in securing a position in another institution or location.
4. Procedures for RIF are in lieu of all other procedures relating to notice, grievance, removal, reassignment and other provisions which are triggered not as a result of reduced budgets or work-loads. (Normal notice requirements do not apply under these provisions.)

D. Reduction in Force Proceedings Due to Financial Exigency

Upon the request of the president, the RIF Committee shall be convened and shall meet as needed to consider the necessity for RIF action.

1. RIF Committee Membership. The committee shall consist of the vice president for Academic Affairs (who shall chair the committee); the vice president for Business Affairs; the dean of the Graduate School; presidents of Faculty Senate, Professional Senate and Support Senate; seven faculty members; and two students (appointed by the Student Body president, who may appoint himself or herself). Faculty members (3 from the College of Liberal Arts and Sciences, 2 from the College of Education and Technology and one each from the College of Fine Arts and Business) must be tenured and shall be elected in each college by those eligible to vote in Faculty Senate elections. The two student appointees should represent different majors.
2. RIF Procedures
 - a. The RIF Committee shall review all available data it deems relevant. The chairperson will be responsible for providing the committee with all necessary information including, among other possible data, official Higher Education Department documents, Board of Regents directives, and enrollment statistics covering at least the previous three years and any other input submitted by the University community members.
 - b. The vice president for Academic Affairs shall conduct hearings to allow concerned departments, disciplines and programs the opportunity to rebut before recommending to the dean that a program be reduced.
 - c. In accordance with the guidelines established above, the dean, in consultation with the department chairs, shall submit his or her recommendations to the vice president for Academic Affairs.

- d. The vice president for Academic Affairs shall submit his recommendations to the President for review before final recommendations are submitted to the Board of Regents.
- e. Tenured faculty members affected by these procedures shall be afforded a hearing before the Board of Regents.
- f. Nontenured faculty may request a hearing which may be granted at the discretion of the Board. The decision of the Board is final.

E. Reduction in Force Resulting from Programmatic Review

- 1. When the Board of Regents determines that a programmatic review is necessary, a reduction in force committee shall be formed and shall consist of the vice president for Academic Affairs (who shall chair the committee), dean of the Graduate School, the president of Faculty Senate, seven faculty members and two students. The faculty and student members shall be elected or appointed as described in Section 3. B.1. above.
- 2. The committee shall consider the special needs of any discipline to carry on a quality program and may recommend that a program be funded in excess of its student production.
- 3. Should a possible reduction affect the existence of an academic program, the discipline, department, and college will have three weeks in which to provide written and oral justification for its program to the committee before the committee submits its recommendations to the vice president for Academic Affairs.
- 4. The vice president for Academic Affairs shall conduct hearings and the dean of the college shall submit a recommendation, as described in section C.1.c. above.
- 5. The vice president for AA shall submit his or her recommendations to the president for review before final submission to the Board of Regents.
- 6. Faculty affected by reduction in force resulting from programmatic review shall be afforded a hearing before the Board.

Revision approved by the Board of Regents, July 22, 2013

Revision approved by the Board of Regents, May 13, 2016

Minor editorial corrections approved by Faculty Senate, September 21, 2016

Approved by the Board of Regents, April 23, 2021