

TABLE OF CONTENTS

PREFACE	3
Eastern New Mexico University-Roswell Teaching Philosophy	4
PART ONE - The Faculty	5
Definitions	5
Rights and Privileges.....	5
PART TWO - Faculty Functions and Responsibilities	6
General Statement	6
Faculty Participation in University Governance	6
Faculty Participation in Budgetary Matters	7
Faculty Participation in the Selection and Evaluation of Administrators	8
Faculty Selection, Evaluation, Tenure, and Standards.....	9
PART THREE - Faculty Rights and Welfare	14
Privacy, Disclosure and Access to Faculty Personnel Information	14
Faculty Disputes.....	14
Affirmative Action Policy.....	17
Drug Free Workplace Policy.....	17
Policy Statement on Sexual Harassment	18
Safety Issues.....	19
Contracts.....	20
Summer Employment.....	20
Overload Employment.....	21
Supervision of Internships and Co-ops.....	21
Outside Employment	21
Leaves.....	22
Retirement.....	31
Emeritus Status	31
Insurance	32
Annuities	32
Workman's Compensation	32
Social Security	32
Tuition Privileges	32
Vacations	35
PART FOUR - Faculty Severance.....	36
Resignations	36
Disciplinary Action	36
Other Reasons for Faculty Severance.....	38
Reduction in Force	39
Procedures for Approval and Amendment of the Faculty Handbook	41

PREFACE

The purpose of the ENMU-Roswell Faculty Handbook is to define the central role of the faculty of the Roswell Campus in the fulfillment of its mission. Included are definitions of the faculty and statements concerning faculty responsibilities, faculty rights and welfare, and faculty severance. Where procedures are appropriate, they are clearly stated.

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

Eastern New Mexico University-Roswell is an equal opportunity/affirmative action employer.

EASTERN NEW MEXICO UNIVERSITY-ROSWELL TEACHING PHILOSOPHY

Eastern New Mexico University-Roswell faculty's purpose is to facilitate student learning. We develop, assess, and deliver programs that promote students' ethical, social, and intellectual development. While nurturing students' capacity to think critically, we strive to strengthen commitment to positive social values such as kindness, helpfulness, personal responsibility, and respect for others. Through the general education program, students receive the tools and awareness necessary for active lifelong learning. We believe these qualities are essential to leading humane and productive lives in our community.

While teaching objectives vary by course level and content, it is our goal to provide competent and caring instructional support through varied design in course formats. Online or face-to-face classroom programs address students' preferred modes of learning and diverse work and family obligations. Whether we use collaborative or individual projects, active learning or student-centered learning, large lecture, small discussion, or lab, customized pedagogy directs special knowledge and expertise to enhance student learning and mastery of core competencies.

Faculty promotes student responsibility for learning and actively encourages dialogue with students during the teaching-learning process, both in and out of the classroom. We include standardized evaluations to assess the most important aspects of each course. Multiple assessments are used to identify students' knowledge base as well as levels of critical thinking. This includes assessing abilities, attitudes, and patterns of behavior in order to provide learning interventions tailored to our student population. Our goal is to learn more about assessment and to develop creative means for improved evaluation more directly related to our specific objectives, in order to optimize student engagement and success.

As faculty at ENMU-Roswell, we continually strive to improve our teaching through student feedback, professional development, networking with peers, and implementing new methods. Through these evaluative and informative processes, we refine our teaching practices, enhance materials development, and grow as teachers and scholars. It is our goal to support collaborations across traditional boundaries, encourage innovation in pedagogy, and promote sharing of best practices with the goal of making ENMU-Roswell a model for excellence in teaching and learning.

PART ONE

THE FACULTY

Definitions

Faculty is all persons whose primary assignment is instruction.

Regular faculty is all ENMU-Roswell faculty who are either tenured (continuous appointment) or probationary (eligible for tenure) and who have appointments which are more than half-time in instruction.

Non-regular faculty is all ENMU-Roswell faculty who do not qualify as regular faculty.

Emeritus faculty is those persons so designated at time of their retirement.

Rights and Privileges

ENMU-Roswell faculty derives rights and privileges in accordance with the provisions of this handbook, the ENMU-Roswell governance document, the policies and procedures of ENMU-Roswell, and the constitution and bylaws of the Faculty Senate of ENMU-Roswell.

Non-regular faculty is not eligible for tenure or sabbatical leave, nor are they entitled to early notice for reappointment or non-reappointment. Full-time, non-regular faculty who instruct at least two courses per year shall have the same rights and privileges as regular faculty concerning voting and serving on the ENMU-Roswell Faculty Senate and committees. Eligibility for such service in the current year shall be based upon the individual's teaching assignment during the preceding year. Other non-regular faculty shall not have these rights and privileges.

Adjunct faculty is not eligible for tenure or sabbatical leave, nor is the institution obligated to the faculty beyond their contractual teaching assignment.

Emeriti faculty is accorded certain privileges as defined in this handbook by virtue of their retirement and Emeritus status and by negotiation with ENMU-Roswell administration.

PART TWO

FACULTY FUNCTIONS AND RESPONSIBILITIES

General Statement

The Board of Regents of Eastern New Mexico University has adopted a policy on governance. The following procedures shall be observed:

I. Faculty Participation in University Governance

The ENMU-Roswell Faculty Senate is the primary vehicle for faculty participation in campus governance. It is elected in accordance with its own constitution as approved by the ENMU Board of Regents. Other means of faculty participation in governance include membership of faculty, elected or appointed, in the following standing committees and other consultative groups:

Administrative Evaluation ENMU-Roswell - must include one regular faculty member from each division of the ENMU-Roswell Campus.

Assessment – must include one regular full-time faculty member from each instructional division.

Faculty/Staff Development – three regular faculty members; one academic, one occupational, and one at-large member.

Faculty Evaluation - includes tenured regular faculty members, one from each division; one member elected at large each year, rotating among the divisions.

Faculty Dispute Resolution Committee (FDRC) - must include five tenured regular faculty members elected at-large.

Faculty Senate - regular faculty of ENMU-Roswell must be proportionally represented in the Faculty Senate by a ratio of one Senator for every five faculty members and are elected at large. Each faculty division shall be represented by a minimum of one (1) senator at all time; additional Senators are elected, at large, as one senator per every five regular faculty.

Academic Standards Committee- must be made up of three regular faculty members.

Financial Aid - must have a total of two regular faculty members who represent academic, occupational, or health, elected at-large.

Faculty Handbook - must be comprised of five faculty members: one from each instructional division, Business and Science; Liberal Arts; Health; and Occupational and one elected at-large.

On-line Instructional Committee – One elected faculty member from each division.

KOSA -no nominations required; committee members include the four most recent recipients of the KOSA award and the current Faculty Senate President.

Who's Who - must have a total of three regular faculty members elected at large.

Phi Theta Kappa Sponsorship – must include one regular faculty member from each division.

Skills USA Sponsorship – must include two regular faculty members, one academic and one occupational.

Strategic Planning- must be comprised of two regular faculty members, one academic and one occupational.

Ad hoc committees shall be established by the President of the Senate from time to time as deemed necessary to carry out the functions and to transact the business of the Faculty Senate.

II. Faculty Participation in Budgetary Matters

Eastern New Mexico University-Roswell establishes two requirements:

- A.** There shall be clearly understood channels of communication and the accessibility of important information to those groups that have a legitimate interest in that information.
- B.** There shall be participation by each group (governing board, ENMU System president, ENMU-Roswell President, and faculty) appropriate to the particular expertise of each. Thus, the ENMU Board of Regents is expected to husband the endowment and obtain capital and operating funds; the ENMU System President and the ENMU-Roswell President are expected to maintain existing institutional resources and create new ones; the faculty are expected to recommend faculty salary policies and, in their primary responsibility for the educational function of the institution, to participate also in broader budgetary matters primarily as these impinge on that function.

III. Faculty Participation in the Selection and Evaluation of Administrators

Eastern New Mexico University-Roswell subscribes to the principles outlined below:

- A.** Ad hoc committee for the selection of administrators is established by the ENMU Board of Regents (when a vacancy is in the office of the President) or by the appropriate administrative offices under the guidelines of the ENMU Board of Regents.
- B.** Faculty participation in the evaluation of administrators on the ENMU-Roswell campus will be accomplished by an ENMU-Roswell faculty member's election to serve on the Administrative Evaluation Committee. The committee shall be reconstituted each academic year no later than October 1. The Administrative Evaluation Committee will consist of:
1. The president of the ENMU-Roswell Faculty Senate or an appointee from the Senate.
 2. One faculty member elected from each division. Initially three faculty members shall be elected for a two-year term and two for a one-year term, the terms to be determined by drawing lots. Thereafter, all terms shall be for two years.
 3. The president of the ENMU-Roswell Professional Staff Senate or an appointee from the Senate.
 4. The president of the ENMU-Roswell Support Staff Senate or an appointee from the Senate.

The duties of the committee are as follows:

- To secure adequate input from all appropriate constituencies
 - To evaluate the data and to report the results to the administrator being evaluated and to the next two higher levels of administration
 - To maintain confidentiality in dealing with all data and with sources of data
- C.** Administrators shall be evaluated each academic year: e.g. the ENMU-Roswell President, Provost for Academic and Student Affairs, Vice President for Business Affairs, Vice President for Student Affairs, Director of Human Resources, College Development Director, Assistant Vice Presidents and Instructional Division Deans.

IV. Faculty Selection, Evaluation, Tenure, and Standards

The primary responsibility for the process of faculty selection and evaluation rests with the faculty.

A. Procedures for Faculty Selection

Appointment to the position of Instructor has minimal requirements of a master's degree or other criteria (certification, licensing, experience, professional development, etc.) established by the Provost for Academic and Student Affairs and the Instructional Division Deans.

B. Procedures for Faculty Evaluation

Evaluation encompasses not only teaching and related functions such as advising and service on division, campus, and ENMU-Roswell committees, but also professional activities. Recommendations for appointment, retention, promotion, sabbatical leaves, and tenure originate with the faculty and will be based on these evaluations. Final authority for all matters relating to faculty status is delegated to the ENMU-Roswell President by the ENMU Board of Regents, and to the President of the ENMU University System, subject to the ENMU Board of Regent's review.

1. Each spring semester, the faculty of the ENMU-Roswell Campus shall elect a Faculty Evaluation Committee (FEC) consisting of tenured faculty members. One committee member shall be elected to represent each one of the four (4) instructional divisions (Division of Health, Division of Business and Science, Division of Liberal Arts, and Division of Career and Technical), and shall serve staggered two-year terms beginning with the fall semester following (his/her) election. The additional member of the committee shall be elected each year at large.
2. At the beginning of each fall semester, the ENMU-Roswell FEC President, in consultation with the Provost for Academic and Student Affairs, shall establish appropriate evaluation procedures and shall inform the ENMU-Roswell President and faculty in writing as to the nature of these procedures.
3. Following the establishment of the evaluation procedures by the FEC, the Provost for Academic and Student Affairs shall publish a calendar establishing the dates for each step of the faculty evaluation process and distribute to ENMU-Roswell faculty members.
4. The administration and collection of all evaluation materials shall be the responsibility of the ENMU-Roswell FEC and the Provost for Academic and Student Affairs. All materials collected shall be made available to the ENMU-Roswell FEC for their consideration. ENMU-Roswell FEC members should be aware that the information contained in these

evaluations is confidential. Breach of confidentiality, in any form, could lead to disciplinary action, up to and including termination.

5. All faculty members shall be evaluated on an annual basis. The initial evaluation will be performed by the faculty member's immediate supervisor (Instructional Division Dean, Department Head, etc.) who shall forward the evaluation materials to the ENMU-Roswell FEC.
6. The ENMU-Roswell FEC shall review the evaluation materials and make its recommendation to the Provost for Academic and Student Affairs.
7. After the Provost for Academic and Student Affairs has reviewed the ENMU-Roswell FEC's recommendation, he/she shall evaluate individual faculty members. The Provost for Academic and Student Affairs will then advise the ENMU-Roswell FEC whether he/she concurs with the recommendation. The ENMU-Roswell FEC shall then inform each faculty member as to whether or not the committee agrees with the recommendation of the Provost for Academic and Student Affairs. The ENMU-Roswell FEC shall also give the faculty member the opportunity to respond in writing or in person to the recommendation regarding any further information he/she may wish to have considered by the committee. The faculty member shall have six (6) working days to prepare a response. The ENMU-Roswell FEC and Vice President for Academic Affairs' recommendations with any response from the faculty member shall be forwarded to the ENMU-Roswell President.
8. The ENMU-Roswell President shall then review all evaluation materials and recommendations regarding the appropriate faculty members. He/she shall advise the ENMU-Roswell FEC, the Provost for Academic and Student Affairs and the appropriate faculty member of his/her concurrence or non-concurrence, in writing, if requested and shall give the faculty member six working days in which to prepare a written response should the faculty member so choose. A personal meeting with the ENMU-Roswell President, the Provost for Academic and Student Affairs, and the Instructional Dean shall be granted at the request of the faculty member. Representatives of the ENMU-Roswell FEC may be present at this meeting at the option of the faculty member.
9. If the faculty member has applied for tenure or if his/her contract has not been renewed, the ENMU-Roswell President shall forward the affected faculty member's evaluation materials, together with his/her own recommendations to the President of the ENMU University System. Otherwise, the evaluation procedure shall terminate with the ENMU-Roswell President's evaluation.

10. The President of the ENMU University System shall then review the final recommendations and all preliminary recommendations when they differ from those of the ENMU-Roswell President, and shall advise the faculty member of his/her decision (with reasons in writing if requested).
11. ENMU Presidential action will be submitted to the ENMU Board of Regents for review not later than its regular meeting which coincides with spring commencement. Faculty who wish to appeal ENMU presidential action may do so before the ENMU Board of Regents at that time and shall notify the ENMU System President's office of the desire for a hearing at least two weeks in advance.
12. The decision by the ENMU Board of Regents to sustain either the ENMU System President's action or the faculty member's appeal is final.

C. Faculty Evaluation Process - Documents

Annually (January-December) each ENMU-Roswell faculty member completes a Performance Appraisal and Development Plan (PADP) consisting of a peer survey, an evaluation from the faculty member's Division Dean, and a self-evaluation. The documents included in this process are listed below:

Faculty Evaluation Schedule outlines specific dates in the evaluation process and is organized by areas of Steps, Deadlines, Action, and Years of Service.

Desk Aid is an organizational tool to assist faculty members as they prepare their annual performance evaluations. It can be found on the ENMU-Roswell website by clicking on the link to Human Resources; under Internal Documents, select Performance Evaluation - Faculty.

The Desk Aid is broken into the five areas considered in the annual performance evaluation:

- Superior Student Learning
 - Service to Students
 - Teaching Performance
- Responsible Stewardship
 - Curriculum Development/Advancement
 - Career Development/Continuing Education
- University Development
 - University and/or Department Services
 - Career Development/Continuing Education

Goals: For the appraisal period, each faculty member submits a brief statement of performance expectations that articulates planned professional development activities. Professional development plans should address deficiencies found in previous evaluations, the Desk Aid, and in Student Instructional Surveys. Activities may include, but are not limited to, the following:

- Professional readings
- Revising course syllabi
- Attending professional courses, workshops, or conferences
- Any project relevant to the faculty member's profession

Faculty Contribution Form includes:

- Courses taught for Spring and Fall semesters
- ENMU-Roswell committees and council memberships
- Professional organization memberships
- Examples of other contributions are:
 - Teaching summer school
 - Developing new courses/designing online classes
 - Serving on search committees
 - Attending conferences
 - Receiving awards

Self-Evaluation Form addresses professional strengths and identifies professional areas that need strengthening or improvement. Faculty can also address ways in which the institution can assist faculty development in needed areas.

Peer Survey Results will be provided in hardcopy--to ENMU-Roswell faculty members and their Instructional Division Dean, prior to the annual evaluation. The faculty member will have the opportunity to discuss the survey results with their Instructional Division Dean at the annual evaluation.

D. Tenure

Granting of tenure at Eastern New Mexico University - Roswell consists of a probationary period of six years of full-time, tenure track employment. During this period, the tenure candidate is evaluated by his or her Division Dean, Program Director, the Faculty Evaluation Committee, and the Provost for Academic and Student Affairs in the areas of teaching effectiveness and superior student learning, professional development and responsible stewardship, and university development.

1. A faculty member who has completed five full consecutive years of employment at ENMU-Roswell will apply for tenure in the fall semester of the sixth year. If tenure is denied, the individual will be released from service to ENMU-Roswell at the end of

the sixth academic year. (Persons hired in January will not begin advancing towards tenure until the fall semester of the subsequent academic year.)

2. A person holding tenure at ENMU-Roswell who returns to a faculty position after an administrative assignment will retain tenure.
3. A person who has attained tenure at another institution shall have a four-year probationary period. He or She will apply for tenure at the beginning of the fourth year. If tenure is denied, the individual will be released from service to ENMU-Roswell at the end of the fourth academic year.
4. All other situations will be considered on a case-by-case basis, and the tenure period will be determined by the Division Dean, FEC, and Provost for Academic and Student Affairs. The final determination of the tenure period shall rest with the Provost for Academic and Student Affairs.

Annual evaluations are required and should be taken very seriously. A faculty member is responsible for providing the appropriate evidence of performance and activities relevant to tenure decisions. Therefore, each faculty member is responsible for maintaining a file of Instructional Division Dean/Program Director evaluations, peer evaluation documents, self-evaluation forms, Faculty Contribution Forms, Student Instructional Surveys, awards, and other materials that document their teaching effectiveness, responsible stewardship, professional and university development, and commitment to the mission of the university.

E. Notice of Non-reappointment

Notice of non-reappointment, or of intention not to recommend reappointment to the ENMU Board of Regents, will be given in writing by the ENMU-Roswell President in accordance with the following standards:

1. Not later than March 1 of the current academic year of service.
2. Only severe financial exigency will justify departure from this notification deadline.

F. Academic Standards

Standards for Appointment and Tenure: "Academic responsibility" is defined as evidence of willingness to accept and perform satisfactorily such normal faculty assignments as service on department and ENMU-Roswell committees, as well as the regular instructional and advising assignments.

PART THREE

FACULTY RIGHTS AND WELFARE

I. Privacy, Disclosure and Access to Faculty Personnel Information

Three personnel files shall be maintained for each faculty member. The Instructional Division Dean, the Provost for Academic and Student Affairs and the Human Resource Office shall each maintain one personnel file for each faculty member. Personnel files shall contain only materials relating to professional qualifications and assignment, professional performance, and employment status.

A faculty member, upon request, shall be permitted to examine his/her personnel files during normal business hours in the presence of a representative of the administration responsible for the files. The faculty member may be accompanied by a representative of his/her choice. No document will be allowed to be taken from the room where the faculty member's file is being examined.

A faculty member shall have the right to submit written additions or responses to the material contained in his/her personnel files, and upon request shall be given a copy of any material contained therein at the faculty member's expense.

II. Faculty Disputes

A standing committee of ENMU-Roswell shall serve as the Faculty Dispute Resolution Committee (FDRC) and shall provide inquiries and recommendations regarding complaints and grievances formally filed with the committee. The committee shall have at least one elected and tenured faculty representative from each Instructional Division. Committee members shall be excused in instances where they are directly involved with the dispute.

The exception to the above are disputes arising specifically within the Faculty Evaluation process. Such disputes are referred to and processed by the Faculty Evaluation Committee (FEC).

Definitions

A dispute is an allegation of inappropriate conduct by a person or the Institution, including specific complaints and grievances.

Complaints are claims by a member of ENMU-Roswell of improper, unfair, arbitrary, or discriminatory treatment.

Grievances are allegations by a faculty member that there has been a violation, or improper application of the terms and conditions of the ENMU-Roswell Faculty Handbook. A grievance can also be an allegation regarding improper, arbitrary, or discriminatory application of ENMU-Roswell's policies and practices.

Procedures

- A. Individuals or groups seeking assistance from the FDRC must first attempt to resolve their disputes with the person(s) involved and provide documentation of such attempts and their outcomes to the FDRC.
- B. Should there be no resolution in step A, the dispute may be formally filed with the FDRC for its consideration. The dispute shall be filed by completing the FDRC Committee Dispute Referral Form and submitting it to the FDRC Committee Chair.
- C. Once a dispute has been filed, the FDRC will notify the petitioner in writing within six business days whether or not the allegation has standing with the committee. If not, the FDRC may provide instruction or clarification to the petitioner for resubmission.

If the allegation is deemed to have standing, the FDRC will request written responses from all parties to the dispute. Such responses shall be submitted to the FDRC within six business days from receipt of the request.

In addition to written responses, any party to the dispute may request a hearing, which will be scheduled within 30 business days of the request. At the conclusion of the hearing and/or review of written submissions, the FDRC will, within six business days, submit in writing its findings and recommendations to all parties to the dispute and to the Provost for Academic and Student Affairs.

- D. All parties involved must respond to the FDRC in writing within six days of receiving the committee's recommendations stating whether or not those recommendations will be attempted or rejected.
- E. If recommendations are rejected or attempted and not resolved, parties can appeal to the Instructional Division Dean for further consideration. The Instructional Division Dean shall hold a dispute meeting within eleven working days of the appeal.

The meeting shall include the Instructional Division Dean, all parties to the dispute and, if desired, a representative of each party chosen from the faculty or administration. A summary of this meeting shall be kept by the Instructional Division Dean, to which the petitioner may respond in writing.

The Instructional Division Dean shall make a decision on the dispute within eleven working days after the meeting. The petitioner may appeal the Instructional Division Dean's decision. This appeal shall state in writing the reason(s) why the Instructional Division Dean's decision does not resolve the dispute.

- F. If recommendations are rejected or attempted and not resolved, parties can appeal to the Provost for Academic and Student Affairs for further consideration. The Provost for Academic and Student Affairs shall hold a dispute meeting within eleven working days of the appeal.

The meeting shall include the Provost for Academic and Student Affairs, all parties to the dispute and, if desired, a representative of each party chosen from the faculty or administration. A summary of this meeting shall be kept by the Provost for Academic and Student Affairs, to which the petitioner may respond in writing. The Provost for Academic and Student Affairs shall make a decision on the dispute within eleven working days after the meeting. The petitioner may appeal the Provost for Academic and Student Affairs' decision. This appeal shall state in writing the reason(s) why the Provost for Academic and Student Affairs decision does not resolve the dispute.

- G. The petitioner's appeal shall be filed with the ENMU-Roswell President within eleven working days after the receipt of the Provost for Academic and Student Affairs' decision.

The ENMU-Roswell President shall hold a dispute meeting within eleven working days after receipt of the appeal. The meeting shall include the ENMU-Roswell President, all parties to the grievance and, if desired, a representative of each party chosen from the faculty or administration.

The ENMU-Roswell President shall review all material pertaining to the grievance and shall issue a written decision to the petitioner within eleven working days after the close of the meeting.

- H. If the petitioner finds the decision of the ENMU-Roswell President does not resolve the dispute, the petitioner may file an appeal with the ENMU System President within eleven working days of receipt of the decision of the ENMU-Roswell President. The ENMU System President will consult with all parties and the FDRC before reaching a decision concerning the dispute. The faculty member may request that the ENMU System President's decision be reviewed by the ENMU Board of Regents, who may grant a hearing at their discretion.

III. Affirmative Action Policy Statement

Eastern New Mexico University-Roswell is an Affirmative Action and Equal Opportunity Employer. ENMU-Roswell does not discriminate on the basis of race, color, national origin, gender, or disability in its programs, activities, or employment.

Persons seeking additional information about the ENMU-Roswell's nondiscrimination policy should contact the Director of Affirmative Action, ENMU-Roswell, PO Box 6000, Roswell, New Mexico 88202-6000. Persons with physical impairments who require special accommodations may contact University Resource Services (Human Resources Department) at 575-624-7412 prior to arrival on campus or at any other time.

It is the policy of ENMU-Roswell to reveal to the public the identities of the applicants for whom on-campus interviews are scheduled.

IV. Drug Free Workplace

Policy

The Board of Regents of Eastern New Mexico University adopts this policy to implement the Drug-Free Workplace Act of 1988, Public Law 100-690,-102 Statutes 4304 (1988) and the regulations promulgated pursuant thereto, 54 Federal Register 4945 (1989).

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

Program

ENMU-Roswell establishes the following Drug Free Workplace Program:

- A. The purpose of the Program is to inform ENMU-Roswell employees about
 - 1. The dangers of drug abuse at ENMU-Roswell as a workplace,
 - 2. The ENMU Board of Regents' policy for maintaining a drug free ENMU-Roswell environment,
 - 3. The information on available drug counseling, rehabilitation, or employee assistance programs,
 - 4. The appropriate disciplinary action and penalties that may be imposed for drug abuse violation.

- B. The Program requires the Director of Human Resources to provide each employee with a copy of the policy.
- C. The Program requires each employee, as a condition of employment, to
 - 1. Abide by the ENMU Board of Regents' Drug Free Workplace Policy
 - 2. Notify the Director of Human Resources of any criminal drug statute conviction for a violation occurring on ENMU-Roswell premises no later than five days after conviction
 - 3. Sign a certification of awareness of ENMU-Roswell's Drug Free Workplace policy and program.
- D. The Program requires the Director of Human Resources to take one of the following actions receiving notice of any criminal drug statute conviction:
 - 1. Appropriate disciplinary action according to established personnel policy and procedure up to and including dismissal, and/or
 - 2. Require the employee to participate in an approved drug abuse assistance or rehabilitation program.
- E. The program requires ENMU-Roswell to make a good faith effort to continue to maintain a drug free workplace through implementation of this policy and program.

V. Policy Statement on Sexual Harassment

Federal law (Title VII of the Civil Rights Act of 1964) provides that it shall be an unlawful discriminatory practice for any employer, because of the sex of any person, to discharge, to refuse to hire, or otherwise to discriminate against that person with respect to any matter directly or indirectly, related to employment. Harassment of any employee on the basis of sex violates this law.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature will constitute unlawful harassment when

- A. Submission to sexual conduct is an explicit or implicit term or condition of an individual's employment.
- B. Submission to or rejection of sexual conduct by an individual is the basis for any employment decision.
- C. Sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

ENMU-Roswell strongly disapproves of any form of sexual harassment at the workplace, including acts of non-employees. Disciplinary action will be taken

promptly against any employee, supervisory or otherwise, engaging in unlawful sexual harassment.

IMPLICATIONS FOR FACULTY AND STUDENTS

Faculty has a right to work in an environment free from unwelcomed sexual advances or requests for sexual favors. Faculty members' employment or opportunity to advance will not be based on any form of sexual activity. Faculty members should be able to work in an environment that is not sexually intimidating, hostile or offensive either physically or verbally. The work environment is not to be threatened either by an ENMU-Roswell employee or non-employee.

Students have a right to pursue academic knowledge skills and goals in an environment that is not sexually intimidating, hostile or offensive either physically or verbally and that is free from unwelcome sexual advances or requests for sexual favors. Student evaluations, grades, or opportunities to advance will not be based on any form of sexual activity.

VI. Safety Issues

In all cases in which further information is required about any of the itemized topics, faculty members should refer to the *Policies and Procedures Manual (P&P)*. The *P&P Manual* is the most current and authoritative reference on all policy-related matters. It can be found on the ENMU-Roswell website by clicking on the link to the Human Resources page. Some section references have already been given within the text below.

A. Handling Any Potentially Threatening Behavior

Faculty are not expected to take any action other than notifying campus security or the police if any of the following situations are observed: violent and/or criminal behavior; a person threatening to harm him/herself or others; and a person who appears to be under the influence of drugs or alcohol or is "out of touch with reality." Faculty should not try to handle dangerous situations alone and should not put themselves at risk. (*Policies and Procedures Manual*, 85.18 Psychological Crisis and 85.20 Violent or Criminal Behavior)

B. Handling Threatening Behavior by Students in an Instructional Setting

Students are required to behave in a humane, ethical, and unbiased manner when in any formal or informal instructional setting and in all

communication and contact with instructors, staff members, and other students (*Policies and Procedures Manual*, 70.1 Student Rights and Responsibilities). Non-critical incidents of threatening behavior by students should be dealt with through the student disciplinary process; emergencies should be handled by contacting campus security or the local and state police.

C. Responding to Emergencies (Severe Weather, Fire)

In the event of severe weather conditions or natural disaster, faculty members should refer to all current information available from their supervisors, in the media, and on the campus website in order to choose the best course of action. In the event of a situation that is imminently threatening (for example, chemical spill, fire, bomb threat, and tornado), faculty members must contact campus security or call 911 immediately. (*Policies and Procedures Manual*, 85.1-85.23 Emergency Response)

VII. Contracts

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

The contractual responsibilities of ENMU-Roswell nine-month faculty member shall begin with an initial faculty meeting, which shall be called within five days prior to the beginning of instruction in the fall. These responsibilities shall terminate with the submission of final grades and attendance at spring commencement. All full-time regular faculty members will be notified in April of their re-appointment based on an acceptable August-May evaluation. An exception to this is for an ENMU-Roswell faculty member who receives a denial of tenure. Such a faculty member will receive a terminal contract immediately following denial of tenure.

VIII. Summer Employment

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

The first consideration will be program needs as determined by the Instructional Division Dean and the Provost for Academic and Student Affairs. Every effort will be made to hold summer session loads to a maximum of six semester hours per faculty member. ENMU-Roswell faculty members to be employed for the summer session will be notified verbally and by letter of appointment as soon as possible during or after registration.

IX. Overload Employment

Ordinarily full-time faculty shall teach no more than three credit hours as an overload per academic semester. The ENMU-Roswell President may request exceptions to this general guideline through the Instructional Division Dean and the Provost for Academic and Student Affairs subject to final approval. Overload shall be any instructional responsibilities of Eastern New Mexico University-Roswell and its affiliated programs assigned to full-time faculty members in addition to the normal load. (*A normal load* is 15 semester hours or its equivalent.)

X. Supervision of Internships and Co-ops

A faculty member who supervises internships and co-ops is the "instructor of record" and receives compensation for the work involved in supervising the student(s) enrolled in that coursework. ENMU-Roswell compensates faculty at a rate of 20% of a three credit hour overload for each student enrolled in the course. ENMU-Roswell Faculty is compensated for a full overload for internships and co-ops of five or more students. Internships and co-ops are not counted against the total faculty workload. Instructional Division Deans should normally cap internships and co-ops at the maximum enrollment of ten students per section.

XI. Outside Employment

Outside employment is defined as employment for which ENMU-Roswell does not disburse compensation. Subject to certain restrictions, members of the faculty are encouraged to participate in outside activities that enhance their personal and professional growth and reputation. ENMU-Roswell policy concerning outside employment is as follows:

- A.** Since a faculty member's primary responsibility is to ENMU-Roswell, all outside employment is considered secondary. Outside employment will be deemed excessive when, in the judgment of the Instructional Division Dean and the Provost for Academic and Student Affairs, it interferes with the faculty members' contractual obligation to ENMU- Roswell
- B.** Outside professional employment will not conflict with classes, office hours, or other assigned duties and commitments. The faculty member is nevertheless responsible for notification of outside employment to the Instructional Division Dean and Provost for Academic and Student Affairs in writing.
- C.** Except in cases specifically approved in writing by the ENMU System President or ENMU-Roswell President that authorize official ENMU-

Roswell involvement, the faculty member, in undertaking such employment, shall act as an individual and not as an agent of ENMU-Roswell, and shall not use the name of ENMU-Roswell or official stationary in connection with such work. However, in order to avoid possible charges against ENMU-Roswell of unfair competition, an ENMU-Roswell 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.

XII. Leaves

Faculty members are considered on leave subsequent to the submission of final semester grades. However, all faculty are expected to attend graduation ceremonies.

A. Medical Leave

FAMILY AND MEDICAL LEAVE OF ABSENCE POLICIES

General Policy

The Family and Medical Leave Act of 1993 (FMLA) became effective on August 5, 1993. The purpose of the act is to balance the demands of the work place with the needs of the families, to promote the stability and economic security of families, and to preserve the national interest in preserving family integrity. Under the FMLA, employees may request time off without pay for a limited time period with job protection and no loss of accumulated service provided the employee returns to work.

Eligibility

The following employees are eligible for leave under the FMLA Policy:

Regular full-time and part-time employees are employees who have been employed at ENMU-Roswell at least 12 months before taking the leave. Regular full-time and part-time employees include faculty, professional staff, and support staff as defined in the employee handbook.

Temporary full-time and part-time employees are employees who have been employed at ENMU-Roswell at least 12 months before taking the leave. Temporary full-time and part-time employees must be employed at least half-time (1,040 hours or 6 months or 0.50 full-time) or more.

Employees in occupational groups are employees such as President, Vice Presidents, Executive Directors, Deans, Directors, Coaches, and Associates or Assistants to these groups, may be eligible. However, to prevent substantial economic injury to ENMU-Roswell's operations, restoration of employment may be denied to these "key" employees.

Occasional employees are not eligible for FMLA leave.

Basic Regulations and Conditions of Leave

Eligible full-time employees, who work at least 1,250 hours during the year preceding the FMLA leave, may take up to 12 weeks in a 12-month period (beginning with the first day of leave taken under FMLA). The 12-week leave period includes any accrued vacation. If vacation and medical leave is exhausted before the end of the 12-week period, the balance of the leave is considered leave without pay. For eligible part-time employees, who work at least 1,040 hours during the year preceding the FMLA leave, their leave is prorated as follows:

Half-time employees (0.50 full-time) may take up to 6 weeks FMLA leave.

Three-quarter time employees (0.75 full-time) may take up to 9 weeks FMLA leave.

Reasons for Using FMLA

Eligible employees may use FMLA for the following reasons:

Employee's own serious health conditions- Serious health conditions prevent the employee from performing the essential functions of the position within the meaning of the Americans with Disabilities Act. Employees may take FMLA leave to cover time that extends beyond all accrued leave.

Spouse, child, or parent's serious health conditions- Serious health conditions that affect a member of the employee's immediate family may require the employee's care. A spouse is defined as a husband or wife under state law. A child is defined as a son or daughter, including biological, adopted, or foster children, step child, or legal ward. A child is the responsibility of a person who has acted as a parent to support and care for the child. A child may also be a person who is under 18 years of age or who is incapable of self-care because of disability. A parent may be a biological parent or someone who acted as a parent by having day-to-day responsibility of care and support.

Serious health conditions are defined under FMLA as follows:

Inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a healthcare provider for a serious health condition. If medically necessary, an intermittent schedule or a reduced leave schedule may be arranged for an employee's own serious health condition or for care of a spouse, child, or parent with a serious health condition. If leave is requested on this basis, ENMU-Roswell may require employees to transfer temporarily to alternative positions that better accommodate recurring periods of absence or a part-time schedule, provided the positions have equivalent pay and benefits.

Childbirth, adoption, or foster care

Employees must take leave consecutively within the first 12 months following childbirth. Employees take FMLA leave after all annual leave and medical leave is depleted. If a husband and wife both work for ENMU-Roswell, the combined total leave for birth or placement of a child is 12 weeks.

Procedures for Obtaining FMLA Leave

Employees request leaves of absence by using a form available from Human Resources. Their supervisors send the request for the proper administrative approvals and forward the requests to Human Resources. The Director of Human Resources administers FMLA leave policy and notifies employees whether their requests are approved or denied.

Notification

When employees know in advance that they need FMLA leave, such as for the birth or adoption of a child or planned medical treatments, they must give at least 30 days advance notice of the starting date of the leave. If possible, effort should be made to schedule the leave so as not to disrupt ENMU-Roswell operations.

Medical Certification

All requests for family and medical leave of absence, for serious health conditions of the employee or the care of a spouse, child, or parent with serious health conditions, require employees to provide medical certificates from the attending physicians. The medical certificate describes the medical conditions and other pertinent information. These forms are available from Human Resources. Employees have 15 days to provide the certificate unless that is not possible with due diligence.

At its discretion and its expense, ENMU-Roswell may require a second medical opinion and periodic recertification. If the first and second opinions differ, at its own expense, ENMU-Roswell may require the binding opinion of a third healthcare provider, who is approved jointly by ENMU-Roswell and the employee. The employee's supervisor

processes a PAN to place the employee on leave for the authorized period of time and to indicate the reason for the leave.

Calculating Intermittent or Reduced Leave

Faculty Members

Faculty members are allowed reductions without jeopardizing their exempt status under the Fair Labor Standards Act. For example, exempt employees taking 2 days off per week can have their weekly salary reduced to 3/5 their regular pay.

Status of Employee Benefits During Leaves of Absence

Employees who are granted approved leaves of absence under the FMLA policy are advised to continue their group health insurance coverage. Employees can continue their group health insurance by arranging with the Payroll Office to pay their premium contributions during the period of unpaid absence. ENMU-Roswell continues to contribute the employer's portion of the group medical insurance premiums during the family leave. In the event that employees decide not to return to work after approved unpaid leaves of absence or return to work for less than 30 days, ENMU-Roswell may ask employees to pay for the cost of any payments for insurance coverage. The cost of any payments made to maintain the employee's coverage will not be recovered if the employee fails to return to work for reasons beyond the employee's control. Benefit entitlements based on length of service are calculated as of the last paid work day before the start of unpaid leave. In case of illness, employees are periodically required to report their intent to return to work to their supervisors. If employee gives a definite notice of intent not to return to work, ENMU-Roswell is no longer obligated to maintain their benefits (except COBRA) and/or to restore the employees.

Reinstatement

Employees returning from FMLA must contact the office of Human Resources before the end of their leave. Medical leave granted for an employee's serious health condition requires employees get medical certification of fitness for duty from the attending physician. The Human Resource Office has a form for this purpose. **No employee can return to work without being cleared by the office of Human Resources.** Once employees are cleared for reinstatement by Human Resources, the supervisors process a PAN to place the employees back on payroll.

Record Keeping and Notice

A notice explaining the FMLA provisions is posted throughout ENMU-Roswell campus and other ENMU-Roswell off-campus locations. The FMLA Leave of Absence Policy and Procedures is located in the Administrative and Governance Policies and

Procedures Manual. **All medical records are kept separate and confidential from other personnel files under state and federal laws.**

Appeals

Employees may appeal decisions related to FMLA as outlined in ENMU-Roswell's grievance procedures. **This policy complies with the Family and Medical Leave Act of 1993. The Act's governing regulations covering definitions and details apply to the University's policy.**

Medical Leave (Continued)

General Policy

It is recognized that employees will, from time to time, be sick or injured, and that time off with pay must be provided to protect employees during those periods. For the purpose of medical leave, employees who are ill, injured, or pregnant will be treated equally based on their ability or inability to work. It is not the intent, however, that medical leave benefits be used for any purpose other than sickness or injury.

Use of Medical Leave

Medical leave is used only for:

- Personal illness or injury.
- Pregnancy.
- Quarantine of employee's household.
- Partial days not worked when an employee, who has been on medical leave, returns to work on part-time basis while recovering from the sickness or injury.
- Medical examinations and treatment, dental and eye care.
- Illness of the immediate family including parents, children, grandparents, grandchildren, siblings, or spouse.

Accruing Medical Leave

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

Medical leave is earned during actual time worked, during paid medical leave, holidays and leaves of absence with pay. Medical leave is not earned during unpaid leave of absence.

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

Temporary and adjunct faculty do not accrue medical leave. Temporary or adjunct faculty who become full-time faculty will begin accruing medical leave on the day they become full-time faculty. The accrual rate will be based on the date the employee was last hired as a temporary faculty, provided there has been no break in employment between the temporary and regular assignment.

Payment for Medical Leave

Payment is made at the employee's current straight time rate of pay for the time lost within the employee's regularly scheduled work period. Conversions of medical leave accruals to cash are not permitted.

Medical Leave Practices

Notification

Any illness necessitating an absence must be reported as soon as possible to the supervisor, preferably before the start of the work period.

Physician's Statement

When an employee takes medical leave, a physician's statement may be required at the supervisor's discretion. The physician's statement should certify that the employee was under the doctor's care during the period of absence and was unable to work. ENMU-Roswell reserves the right to require a physician's statement that an employee is physically able to return to work.

Time Charged

Time charged to medical leave may not exceed the employee's accruals.

When medical leave is exhausted, the employee may elect to request leave without pay. The employee must submit a written request for leave without pay at least two weeks prior to the actual time taken as LWOP.

When a holiday falls during a time an employee is on medical leave, the holiday will be charged as a holiday and not as medical leave.

Rehire Provisions

All rehired employees will be considered new hires for purposes of computing accrual rate, medical leave and other benefits, including seniority.

Procedures for Calculating Faculty Medical Leave Benefit

Medical leave for full-time, nine-month faculty member is determined on the basis of a 40-hour workweek. If part of the duties of a given work week are missed, a proportionate share of the accrued sick leave shall be charged as medical leave. If all duties in a week are missed, 40 hours medical leave are to be reported.

If a full-time faculty member under contract is given a reduced load due to an illness that is not totally incapacitating, then a revised contract may be issued, at the option of the institution, if the employee's benefits have been depleted or if the employee requests such a reduction in writing. The revised contract will be pro-rated based on the faculty member's ability to carry out his/her normal activities. The institution has the right to determine that the faculty member who is not able to carry out his/her normal duties as described above is not meeting his/her contractual obligations.

Failure to submit timely and accurate illness reports can be cause for disciplinary action.

B. Bereavement for Full-Time Faculty

Faculty will be granted personal leave with pay for deaths in the immediate family up to a maximum of five working days. "Immediate family" means spouse, child, grandchild, parent, persons acting in loco parentis, grandparent, sibling, and the same relationships created by marriage.

C. Personal Leave for Full-Time Faculty

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

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

D. Leave without pay

A request for a leave of absence without pay and its approval shall be made through the Instructional Division Dean, the Provost for Academic and Student Affairs, and the ENMU-Roswell President. A person on leave of absence is without pay from ENMU-Roswell.

Group insurance may be continued while the faculty member is on leave, provided the full payment for the insurance is made with no contribution being

paid by the institution during the period and provided that continuance of the insurance while on leave is allowed by the insurance company.

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

E. Leave for Political Purposes

With respect to leaves of absence for political purposes, ENMU-Roswell will abide by the following:

1. According to the New Mexico Statutes, faculty members elected to the state legislature may not be compensated by ENMU-Roswell during their term(s) of office.
2. All political activity, except that clearly of a consultative nature or activity contracted through ENMU-Roswell, that is directly related to one's professional competency should be entirely dissociated from one's relationship to ENMU-Roswell. The faculty member should not create the impression that he/she is acting either for, in behalf of, or with the approval of ENMU-Roswell.

F. Other types of leave

In order to encourage faculty members to apply for outside grants and to stimulate academic achievement and scholarly activity of both inexperienced and experienced members, ENMU-Roswell provides the following types of leave:

1. General Guidelines

Application for sabbatical and faculty development leaves mentioned below is channeled through the regular faculty evaluation process. The general criteria in evaluation application for these leaves are as follows:

- 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 ENMU-Roswell;
- The suitability of arranging for others to assume responsibilities of persons while on leave or, the feasibility of eliminating course offerings while the person is on leave; and
- 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 Instructional Division Dean and Provost for Academic and Student Affairs to the ENMU-Roswell President and the ENMU system President within two months of the faculty member's return to the campus.

2. Sabbatical Leave

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

Sabbatical for two semesters will be at half pay; sabbaticals for one semester will be at full pay. In either instance, 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 regular summer school stipend to which the faculty member would be entitled if assigned to regular teaching for the summer session. Two summer sabbaticals will constitute the equivalent of a full sabbatical.

Other factors being equal, persons having the longest interval since the last sabbatical shall be given highest consideration. It is assumed that faculty members on sabbatical leave will continue as employees of ENMU-Roswell; thus, the policies regarding rights, privileges, and responsibilities of those on sabbatical are the same as those for faculty members on active duty. This means that those persons on sabbatical should give at least as much time to their study 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 ENMU-Roswell President and to the Provost for Academic and Student Affairs.

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

Two full contract years of service to ENMU-Roswell 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.

3. Faculty Development Leaves

Faculty members who have not completed terminal degrees may apply for faculty development leave which will be funded in the same manner as sabbatical leaves. The time spent working for an advanced degree does not apply toward tenure or increase the faculty member's seniority. Any faculty member may also apply for a faculty development leave in-service education that will enhance these faculty members' 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 member.

XIII. Retirement

The New Mexico Educational Retirement Act of 1957 ensures a sustained program of retirement benefits for faculty and other personnel. An explanation of the eligibility and benefits may be found in various sections of the New Mexico statutes and in a pamphlet prepared by the New Mexico Retirement Board, which is available in the Human Resources Office.

The following privileges are afforded retired faculty members:

- Library privileges are available on the same basis as those granted regular faculty except that loans are limited to one month terms.
- Publications printed by the University system or ENMU-Roswell may be obtained on the same basis as they are made available to regular faculty.
- All ENMU-Roswell-sponsored events and facilities will be made available on the same basis as they are made available to regular faculty.
- Retired faculty shall have free access to office and laboratory facilities when available
- A retired faculty member may enroll tuition-free for one course each semester and during the summer session.
- ENMU-Roswell shall contribute to ENMU-Roswell-sponsored health insurance premiums for retired faculty up to the maximum amount specified by law.

XIV. Emeritus Status

This policy is retroactive to any eligible retired ENMU-Roswell Faculty member.

Faculty Emeritus status shall be conferred only upon those persons whose contributions and services to ENMU-Roswell, in the judgment of other faculty and administrators, have been distinguished.

Faculty members who are retiring or retired from ENMU-Roswell are eligible for Faculty Emeritus status as granted by the ENMU Board of Regents and the President of the ENMU system. Requirements for consideration are ten years of full-time service in a faculty position, merit in teaching, and a history of exemplary service to ENMU-Roswell.

The Instructional Division Dean and/or full-time faculty through the Faculty Senate shall nominate candidates. The nomination shall include evidence of distinguished service to ENMU-Roswell. The Faculty Senate shall decide whether to recommend that the Provost for Academic and Student Affairs and ENMU-Roswell President consider designation of the faculty member as Faculty Emeritus. If the Provost for Academic and Student Affairs and ENMU-Roswell President endorse the nomination, it will be forwarded to the President of the ENMU system. The ENMU System President will evaluate the petition, and, if it is

approved, a recommendation to grant Emeritus status will be submitted to the ENMU Board of Regents for approval.

Emeritus faculty has a standing invitation to all school functions and is entitled to such privileges as are accorded to all retirees. These include, but are not limited to, faculty tuition waivers or educational assistance for spouses, access to the Learning Resource Center and its facilities, access to the campus e-mail, use of recreational facilities, copies of appropriate communications, and such other courtesies as deemed appropriate by ENMU-Roswell. Each faculty member will receive a permanent identification card that will serve as admission to all ENMU-Roswell -sponsored events at the Performing Arts Center. Any privileges and benefits afforded to Emeritus Faculty carry with them the same responsibilities as for regular faculty.

XV. Insurance

ENMU-Roswell offers a voluntary group insurance plan that provides both health and life insurance coverage. ENMU-Roswell shall contribute to the health insurance for the employee (including faculty members who have retired or who have been granted disability) up to the maximum allowable by law. Booklets providing complete information and schedules are available in the Human Resources Office. Benefits are subject to change as insurance contracts are negotiated periodically.

XVI. Annuities

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

XVII. Workman's Compensation

If injured on the job, ENMU-Roswell employees are protected under the workman's compensation law of the State. Premiums for this coverage are paid by ENMU-Roswell. The New Mexico Workers Compensation Act is set out at Chapter 52 of the New Mexico statutes.

XVIII. Social Security

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

XIX. Tuition Privileges

The Educational Assistance Program policy (40.9 Educational Assistance Program) in the ENMU-Roswell policy and procedure manual has been revised to reflect the following changes:

1. Purpose. The Educational Assistance Program is provided to encourage employees to take advantage of the educational opportunities available at Eastern New Mexico

University-Roswell (ENMU-Roswell) for purposes of personal and professional development.

2. Tuition Policy. ENMU-Roswell will waive regular tuition for all regular employees and dependents as defined by the Internal Revenue Service (I.R.S.) subject to the restrictions listed in paragraph 4. This policy pertains to the Roswell campus only. Other fees charged for enrollment such as additional fees for distance education classes are not covered.

The foregoing purpose and policy are implemented by the following:

PROCEDURES

3. Eligibility.

- A. Regular employees and dependents as defined by the I.R.S., who work at least half-time are eligible subject to the restriction in Section 4.
- B. Employees may be asked to provide verification of dependents based on the dependents claimed according to the most recent tax return that is filed with the I.R.S
- C. Regular full-time employees must comply with state rule 2.82.2.11 New Mexico Administrative Code (NMAC). In essence, this state rule reads that regular full-time employees may not be full-time students and still be eligible for ERB benefits.
- D. Retired employees shall have the same tuition waiver privilege as permanent full-time employees.
- E. Temporary employees are not eligible.
- F. The Waiver of Tuition forms should be completed following regular procedures. The individual's name and social security number should be included in addition to the employee's name and social security number.

4. Restrictions.

- A. Enrollment in credit courses is subject to availability of space and facilities. In case it is necessary to limit or reduce the size of a class, employees and dependents as defined by the I.R.S. receiving a tuition waiver will have low priority.
- B. As a general rule, employees may not enroll in courses that will interfere with regular working hours. An exception may be made in rare instances if the employee and the supervisor agree in advance, with approval of the appropriate Vice President, that enrollment will not significantly effect the performance the employee's regular assigned duties.
- C. The employee must, before registering for a credit course, be formally admitted as a student in some status by making proper application through the Admissions Office.
- D. The enrollee must pay lab, matriculation, or other fees required for the courses.
- E. Tuition waivers for classes taken from the Portales campus will not change from the previous edition of this policy and are not included in this revised policy. The Portales campus will waive tuition for either the employee or spouse (but not both) up to 4 credit 34

hours per semester. Dependents, as defined by the I.R.S., are not eligible for tuition waivers for classes taken through the Portales campus.

5. Education Assistance Procedures.

A. The employee obtains a "Waiver of Tuition" form from Office of Human Resources, completes it and submits it to his/her supervisor for review and approval.

B. The Waiver of Tuition form requires the approval from the employee's supervisor, administrative unit director or manager, Vice President, Director of Human Resources and the President.

C. Following final approval, the employee presents a copy to the cashier with tuition invoices in lieu of payment.

6. Summer Session. For the purpose of the Educational Assistance Program, Summer Session is defined as the first day after Spring Semester until the first day of Fall Semester.

This policy was approved by the ENMU Board of Regents on May 15, 2009

XX. Vacations

Faculty on regular nine-month or summer session contracts will observe vacations as established by the annual calendar of ENMU-Roswell. Non-teaching faculty on twelve-month contracts will have one month (22 working days) of vacation annually. A maximum of 44 days can be carried forward to a new fiscal year.

PART FOUR **FACULTY SEVERANCE**

I. Resignations

Any provision in regard to notification of resignation by a faculty member will depend on the condition of tenure that is in effect. ENMU-Roswell 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 ethical considerations.

It is desirable that, when feasible, the full-time faculty member who has been approached with the offer of another position inform the administration of ENMU-Roswell 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-Roswell.

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

Violation of these ethical considerations may result in immediate termination.

II. Disciplinary Action

A faculty member who commits a minor disciplinary infraction ordinarily will 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 (not exceeding two days). A faculty member who believes that he or she has unjustly or inappropriately received a minor disciplinary sanction may pursue a complaint through the Faculty Dispute Procedure (as outlined in this *Faculty Handbook*).

Serious misconduct may result in discharge from employment. Serious misconduct includes but is not limited to the following: (1) refusal or failure to perform core teaching duties; (2) professional incompetence; (3) sexual harassment or discrimination on the basis of race, gender, national origin or other legally-protected status; (4) conduct evincing moral turpitude; or (5) conviction of a felony or other infamous crime.

The following procedures will be followed in cases where there is a possibility of discharge from employment based upon a faculty member's misconduct:

A. Preliminary proceedings shall be conducted involving the faculty member and an administrator. These proceedings may result in a satisfactory adjustment, such as the faculty member's voluntary resignation or some other mutually-acceptable resolution.

B. Formal disciplinary proceedings shall be instituted by the ENMU-Roswell President, who shall appoint an administrator or faculty member to represent ENMU-Roswell and present its case against the accused faculty member. A hearing shall take place before a five-member ad hoc faculty hearing committee. The committee shall be elected from among the tenured faculty and shall include five faculty members, at least two of whom shall be from the academic division in which the faculty member holds his/her appointment. The election of committee members shall be conducted by the Faculty Senate. All faculty members eligible for participation in Faculty Senate elections are eligible to vote in this election.

C. Once convened, the committee shall elect a chair from among its members. The committee shall establish written procedural rules for the receipt of evidence and for the conduct of hearings. These rules will be communicated to the accused faculty member in writing well before the hearing or hearings to insure that he or she has adequate time to prepare his or her defense. The committee chair shall preside at all hearings. The chair shall also insure that a taped or written transcript is made of all hearing proceedings and that all documents submitted by both sides are compiled and preserved into a hearing record.

D. The committee must hold its hearing or hearings and reach a decision within 45 days after it is convened by the Faculty Senate. The committee shall transmit its written decision (along with the record of proceedings) to the ENMU-Roswell President, who shall make a recommendation to the ENMU University System President. The ENMU University System President shall transmit his or her recommendation (along with the record of proceedings) to the ENMU Board of Regents.

E. The ENMU Board of Regents shall make the final decision whether to uphold the discharge of a faculty member. The ENMU Board of Regents shall discharge the accused faculty member only in the event that the committee recommends discharge and the recommendation is upheld by the President of the ENMU University System. The ENMU Board of Regents will have discretion to limit its review to the record developed by the hearing committee, or the ENMU Board of Regents may permit the accused faculty member to make a presentation to the ENMU Board of Regents. The ENMU Board of Regents may limit the scope of any such presentation by the accused faculty member.

F. If a faculty member is suspended pending disciplinary proceedings, then such suspension ordinarily will be with pay.

G. Except as required by the State Open Meetings Act, publicity about a disciplinary proceeding shall be avoided until proceedings are completed. All public statements about such proceedings shall be made through the ENMU System President's office.

III. Other Reasons for Faculty Severance

A. Terminated by Discharge

Faculty members terminated by discharge are released from employment after corrective discipline has failed or when the seriousness of the conduct or situation so warrants, under ENMU-Roswell's Right to Manage, Discipline, and Discharge Employees Policies.

B. Removal by Action for Just Cause

Removal by action for just cause is termination of service for faculty members that results from the following:

1. Faculty member refusal or failure to perform the duties or to fulfill the responsibilities required by ENMU-Roswell as contained in the Faculty Handbook or continuing faculty contract appointment letter,
2. Faculty member inability or incompetence in performing duties for any cause, including, but not limited to, physical, mental, or emotional unfitness,
3. A faculty member's conduct that causes damage to ENMU-Roswell, its reputation, programs, property, employees, or students,
4. Faculty member excessive absenteeism for permanent and/or chronic disability, that seriously jeopardizes or prevents the faculty member from performing his or her assigned duties. Faculty members who are absent from duty without permission without notifying their Instructional Division Dean of the reason(s) for their absence and without indicating the date the faculty member intends to return to work are considered absent without leave. After 2 consecutive working days of a faculty member's absence without permission, the Instructional Dean will advise the faculty member of his or her termination, effective as of the last day on the job.
5. Any other just cause.

C. Removal for Just Cause Procedure

All justifications for removal of a faculty member are made in writing by the Instructional Division Dean and sent to the Provost for Academic and Student Affairs. Copies are sent to the faculty member and the Director of Human Resources. Justifications must include the informal procedures that were used in previous attempts to alleviate the situation with the faculty member or statements explaining why attempts to alleviate the situations would not be useful in view of the circumstances.

IV. Reduction in Force

A. General Guidelines

1. The economic and academic conditions prevailing in higher education may require a reduction in force. In order to make reduction in force as fair and orderly as possible and to protect faculty members, both probationary and tenured, against the effects of such action, reduction in force shall occur only under the following conditions:
 - a. Institutional financial problems that are demonstrably bona fide as determined by legislative funding (Financial Exigency see Policy and Procedures Manual).
 - b. A significant decline in general enrollment or shifting patterns of enrollment within the College requiring programmatic review.
2. The following priorities shall serve as guides in reduction of force. Only when reduction would create severe program dislocations and when no reorganization is possible, in the judgment of the Provost for Academic and Student Affairs, will the priorities be affected.

Within any academic discipline

- a. Faculty other than regular full-time faculty shall be reduced 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. Exceptions shall be clearly justified by the Provost for Academic and Student Affairs.
 - 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.
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 non-academic vacancy for which he/she is qualified or the right to transfer to any other discipline or to fill any vacancy therein for which he/she may be qualified. The Instructional Division Dean and the Provost for Academic and Student Affairs in consultation with the faculty will determine qualification.
- 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. This section is missing in on-line document although on approved copy. FHBC notified it was a typing/formatting error and could be reinstated per Dr. Chambers. The institution should provide all possible assistance to a separated faculty member in securing a position in another institution or location.

B. Reduction in Force Resulting from Programmatic Review

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

Procedures for Reduction in Force Resulting from Programmatic Review

- a. When the ENMU Board of Regents determines that a programmatic review is necessary, a reduction in force committee shall be formed which shall be called the Program Review Committee (PRC), and its membership shall be determined by the Provost for Academic and Student Affairs
- b. The committee shall consider special needs of any discipline to carry on a quality program and may recommend that a program be funded in excess of its student production.
- c. Should a possible reduction affect the existence of an academic program, the discipline and division will have three weeks in which to provide written and oral justification for its program to the

committee prior to the committee submitting its recommendations to the Provost for Academic and Student Affairs. The Provost for Academic and Student Affairs shall then make his/her recommendation to the ENMU-Roswell President.

- d. Faculty affected by reduction in force as a result of programmatic review will be given notification in accordance with the deadlines listed in Part Two, "Notice of Non-reappointment."

V. Procedures for Approval and Amendment of the Faculty Handbook

Any ENMU-Roswell faculty or administrator may submit proposals for changes in the ENMU-Roswell Faculty Handbook to the ENMU-Roswell Faculty Handbook Committee for review, selection and refinement. The ENMU-Roswell Faculty Handbook Committee is a standing committee composed of one member from each instructional division and one member elected at large. Members are elected by their respective constituencies.

This committee shall present proposed changes to the ENMU-Roswell faculty in a forum. The ENMU-Roswell Faculty Handbook Committee, after considering the forum discussion, shall further review proposals and submit its recommendation(s) to the ENMU-Roswell Faculty Senate. The Faculty Senate shall determine by a simple majority of the Senate membership which proposals it shall submit for referendum to the regular faculty of ENMU-Roswell. Those proposals receiving a favorable majority vote in the referendum shall be forwarded by the ENMU-Roswell Faculty Senate President to the ENMU-Roswell President.

The FHBC shall be responsible for updating changes to the handbook that reflect changes in BOR policy or clarifications due to grammatical and formatting problems that do not change the intent of that section.

The ENMU-Roswell President shall submit proposals that pass the referendum to the ENMU Board of Regents through the President of the ENMU system with his/her recommendations. The ENMU System President may elect to submit any proposed changes that do not pass this process provided that the Faculty Senate of ENMU-Roswell and the ENMU-Roswell President receive notice of this intent. The ENMU-Roswell Faculty Senate President shall have the opportunity to present recommendations to the ENMU Board of Regents.

The ENMU Board of Regents may amend this handbook without necessarily going through the aforementioned process but shall provide prior notice to the ENMU-Roswell Faculty Senate and ENMU-Roswell President. Amendments approved by the ENMU Board of Regents shall become effective at the beginning of the next contract year.