

# Gustavus Adolphus College

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Saint Peter, Minnesota

## **2022-23 Faculty Book**

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## Introduction

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### Letter to the Gustavus Community

We are pleased to share with you our All-College Policies. These policies were developed as a guide for members of the campus community.

As members of the College, we play an extremely important role in supporting the goals of the institution. These policies are not intended to be an implied or expressed contract but an informative document. The College may add to the policies or revoke or modify them from time to time. Administration will try to keep this material current, but there may be times when policy will change before this handbook can be revised.

The academic excellence of Gustavus comes about because of a concerted effort on the part of students, faculty and staff to maintain the highest standards and goals in all of our activities. Together we can nourish a campus environment that is respectful to all and is one that ensures that our commitment to the search for excellence will continue long into the future.

Sincerely,  
The Office of the Provost

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### All-College Policy Adoption and Administration

**Scope:** Consistent with our Shared Governance Principles, this procedure sets forth the framework for review, consideration, and adoption of policies applicable to the entire College community (All-College Policies). It specifically deals with All-College Policies proposed by the Faculty (through the Faculty Senate), Administration (through the President), or Board of Trustees (through the Board Chair).

**Academic Policies:** Proposals for new academic policies for the *Faculty Manual* and *Faculty Handbook* are administered through the Faculty Senate and approved by the full faculty. The Board of Trustees must approve any changes to the *Faculty Manual*. Academic policies which affect the *Faculty Manual* are within the scope of this framework.

**Non-Academic All-College Policies:** Proposals for new non-academic All-College Policies will generally originate with the Administration through the President. However, such policies may originate with the Faculty (through the Faculty Senate) or the Board of Trustees (through the Board Chair).

**Consultation Process:** Proposed non-academic All-College Policies and academic policies to be contained within the *Faculty Manual* should be shared with the Vice President for Equity and Inclusion to ensure alignment of the policy with inclusion and equity efforts and the Shared Governance Committee. Both bodies will review and comment prior to consideration for policy approval and adoption. All comments received should be thoughtfully considered by the proponent of the policy.

If the faculty representatives on the Shared Governance Committee deem that the proposed policy substantially impacts the compensation, benefits, responsibilities, or rights that are specific to faculty (as defined in the *Faculty Manual* and/or *Faculty Handbook*), the proposed policy will be forwarded for review and endorsement by the Faculty Senate.

Once endorsed by the Faculty Senate (if necessary), the proposed policy shall be finally reviewed and adopted by the Administration (i.e., President's Cabinet) and Board of Trustees (as necessary). If the policy is not approved, suggested revisions and/or concerns will be shared with the policy proponent who may choose to re-initiate the consultation process.

In the event that anything in this policy conflicts with state or federal law, the state or federal law takes precedence.

**Interim Policies:** Under extraordinary circumstances, a situation may arise in which an All-College Policy must be established, and the time required to act does not accommodate the process outlined above. In these instances, the Administration, through the President or Board of Trustees, may adopt an interim policy with immediate effect. Such interim policies shall not extend for more than one-year and shall, immediately after adoption be subject to the process described herein for adoption as an All-College Policy.

**Communication:** All policies adopted through this process shall be communicated broadly to the campus community and published as appropriate for the greatest awareness.

*Approved by the Gustavus Adolphus College Board of Trustees: February 11, 2022.*

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## College Organizational / General

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### Cancellation/Delay/Closure Policy

#### Purpose of Policy

This policy pertains to the decision-making process prior to the potential canceling or delaying of college-related activities due to threat of inclement weather or other catastrophic event. It also addresses cancellation of ongoing college activities when a potential threat is anticipated or discovered.

#### Owner(s)

CFO and VP for Finance and Treasurer (co-owner), Provost (co-owner), VP for Student Life and Dean of Students (backup), Director of Campus Safety, Director of Physical Plant, and Director of Environmental Health, Safety and Risk Management.

#### Scope

Over 2100 students reside in residential facilities on campus at Gustavus Adolphus College. Therefore, the campus is de facto always “open” even when certain extreme circumstances may force the College administration to cancel or delay College activities such as:

- Teaching conducted by faculty
- Work conducted by staff
- Other activities such as worship services, sporting events, concerts, lectures, performing arts, and/or civic events

This policy applies to all on-campus events, including those that are not included on the on-campus calendar and those arranged by on- and off-campus entities.

#### Process

**Information Gathering Phase<sup>1</sup>:** On-campus Campus Safety Staff will initiate the process of considering campus conditions. On-campus Physical Plant and Campus Safety staff shall report details of current campus environmental conditions to their respective department leaders (Director of Physical Plant and Campus Safety Director and/or Assistant Directors). Department leaders shall discuss conditions and communicate a common recommendation to the Director of Environmental Health, Safety and Risk Management. The Director of Environmental Health, Safety and Risk Management shall take this on-campus recommendation, along with information from external sources (i.e., weather radar, road conditions, etc.) and make a recommendation to the CFO and Provost.<sup>2</sup>

**Decision Making Phase:** The CFO and Provost will consider the final recommendation of the Director of Environmental Health, Safety and Risk Management and discuss the recommendation with the VP for Student Life and Dean of Students<sup>2,3</sup>. In the event of a cancellation, delay, or closing recommendation, the CFO and Provost shall take into account mandatory functions on campus, weather forecast and DOT recommendations. The CFO or Provost will discuss the deliberations with the President prior to issuing a final decision.

**Dissemination of Information Phase:** Once a decision has been made, the CFO or Provost will notify the VP for Marketing and Communication, including information garnered from the Associate VP of Auxiliary Services, Library Chair, and Athletics Director about the Marketplace, Lund Center, and Library hours and others as needed. The Office of Marketing and Communications shall broadcast the final decision within the Gustavus community and to other appropriate external media.

<sup>1</sup> For weather-related events, this process will generally begin approximately 3:30 a.m. and conclude with decision and communication, either way, by approximately 4:30 a.m., or as needed to monitor conditions throughout the day.

<sup>2</sup> If the CFO or Provost is off-campus or unavailable, the VP for Student Life and Dean of Students will serve as part of the primary decision-making team.

<sup>3</sup> The VP for Marketing and Communication is consulted as early as possible in the decision-making process.

### **Cancellation Categories**

#### **Type 1: Cancellation/Delay/Closing Due to Weather**

1. Certain employees' presence on campus is mandatory regardless of cancellation or delay of college functions (referred to as weather-essential employees). Each department leader shall maintain and regularly update a list of such individuals to assure timely communication during these circumstances.
2. Individuals normally scheduled to work during a time of canceled activities are expected to be paid for regularly scheduled hours. If the College activities are not canceled and individuals choose to leave early due to inclement weather, the time off should be taken as unpaid leave, vacation, or PTO time with supervisor approval.
3. In the interest of personal safety, with the exception of those weather-essential employees or those specifically called upon by a department leader, all other Faculty, Staff, and Administrators shall remain off campus until notified that buildings have reopened and classes and activities have resumed.
4. The target time to finalize weather-related decisions will be between 4:00 a.m. and 5:00 a.m., with announcements prior to the start of official college business hours.

#### **Type 2: Cancellation/Closing Due to Catastrophic Event**

1. When College facilities will be closed, classes cancelled or delayed during a work day due to catastrophic circumstances (e.g. chemical spill, major fire, building flooding, system outages, etc.), announcements will be made as outlined above under dissemination of information.
2. Certain departments or individuals may be requested or required to remain on duty at the College during emergency closures due to a catastrophic event. These individuals may be on the 'weather-essential' employee list or may be other individuals deemed essential, due to the nature of the event. In the interest of personal safety, with the exception of those individuals whose presence is mandatory or specifically called upon by a department leader, all other Faculty, Staff, and Administrators shall remain off campus until notified that buildings have reopened and classes and activities have resumed.

### **Policy Implementation Assistance**

Contact the Director of Environmental Health, Safety and Risk Management, CFO, Provost, or VP for Student Life and Dean of Students for questions and comments on this policy.

### **Policy Authority**

The President's Cabinet has responsibility for this policy and will obtain necessary approvals and changes to this policy.

### **Related Policies or References**

Administrative and Support Staff Handbook; All College Policies.

### **Attachments: Flow Chart Links**

- <https://drive.google.com/a/gustavus.edu/file/d/0B-9nvVX0deHvc1dHWDJUeXc2anY3al8xMmNFeVg4U2dvY2xj/view?usp=sharing>
- <https://drive.google.com/a/gustavus.edu/file/d/0B-9nvVX0deHvVXhXMUdxSGZaeUdWTzNhRUxaejQRldTdlc4/view?usp=sharing>

*Approved by the President's Cabinet: October 31, 2017; revised November 2019.*

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### **Condolence Policy**

Upon learning of the death of a current or retired member of the College community, including a faculty member, staff member, Board member, or donor, an employee should, as soon as possible, alert the Office of Human Resources and provide a link to the obituary, if available. Similar notification should be made when a spouse, child, or parent of members of the community pass away. In the case of a death of a current student or a student's immediate family member, an employee should, as soon as possible, alert the Dean of Students Office.

The Office of Human Resources will alert employees and offices who need to know of the death, including the Marketing and Communication Office for inclusion in appropriate publications. In addition, Campus Safety will be contacted by the Office of Human Resources, and the Gustavus Flag will be flown at half-staff for a period of three days in memory of deceased faculty and staff (current or retired) and current students. An announcement regarding a death will not be sent unless the person affected, or that person's family or representative, gives permission.

The Office of Human Resources or the Office of the President typically will send flowers or a fruit basket on behalf of the College when a current or retired faculty member, staff member, Board member, or significant donor passes. Floral arrangements shall be sent to the funeral home or location of the memorial service or a fruit basket will be sent to the immediate family. In some circumstances when a death has occurred, the family may request a donation in lieu of flowers or a fruit basket. College policy prohibits using institutional funds for charitable donations. The Dean of Students Office will coordinate all arrangements when a current student or a current student's immediate family passes.

If departments or individuals would like to send a condolence for a faculty or staff member or a member of their family in addition to the condolence being sent by the College, they are encouraged to do so by using funds personally contributed by members and friends of the department.

*Approved by the President's Cabinet: October 15, 2013. Revised August 27, 2019.*

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## **Fundraising Guidelines for Faculty, Staff, and Campus Organizations**

### **I. Purposes**

1. To distinguish between (a) fundraising efforts in which Gustavus Adolphus College (hereafter “the College”) is an intended beneficiary and (b) fundraising activities in which the College is not a beneficiary but members of the College community may be participants,
2. To set limits and offer assistance for members of the Gustavus Adolphus College community who wish to engage in fundraising activities outside those conducted in support of the College’s established priorities for philanthropic support,
3. To clarify the College’s legal, fiduciary and moral responsibilities for acknowledging and stewarding the gifts it receives, and
4. To provide education and guidance that will help prevent actions that could jeopardize Gustavus Adolphus College’s tax-exempt status.

### **II. Background**

#### **1. The Office of Institutional Advancement**

The purpose of the Office of Institutional Advancement is to enable Gustavus Adolphus College to fulfill its mission by communicating its distinctiveness, facilitating life-long relationships and securing human and financial resources. Accordingly, the Office of Institutional Advancement must strive at all times to ensure that its policies and procedures are in compliance with local, state and federal regulations in regard to the solicitation and acceptance of gifts. Any deviation from the Internal Revenue Code could result in fines, public embarrassment and/or the loss of the College’s tax-exempt status.

For these and many other reasons, all fundraising requests made in the name of Gustavus Adolphus College must be approved in advance by the Vice President for Institutional Advancement or the Vice President’s designate.

#### **2. Gustavus Adolphus College’s Tax-Exempt Status**

The ability of Gustavus Adolphus College to seek and receive philanthropic gifts and grants is dependent upon the continuing recognition of its tax-exempt status by the IRS. The College must protect this status by abiding by all relevant laws and regulations, including using its tax-exempt status solely for its own benefit and by not sharing it with other organizations. The Office of Institutional Advancement is charged by the College with responsibility for monitoring and protecting its tax-exempt status.

### **III. Policy**

This Policy shall apply to any and all members of the Gustavus Adolphus College community, as well as to any other individuals or organizations who may represent themselves to be members of the College community or who claim to be acting on behalf the College. This Policy does not apply to members of the College community when they are engaged in fundraising activities for other organizations and/or when they have explicitly stated that their fundraising activities are unrelated to the College.

#### **1. Definition of “College Fundraising” Activities**

A College fundraising activity is one that employs the name, image or reputation of Gustavus Adolphus College in an effort to secure financial contributions and also meets at least one of the following criteria:

- The activity claims to be for the benefit of Gustavus Adolphus College,
- The activity does in fact benefit the College,
- Checks will be made payable to Gustavus Adolphus College,
- Donors will expect gift receipt for tax purposes or will be promised a gift receipt.



2. **Advance Approval of Fundraising Activities**

All fundraising activities meeting the definition of “College fundraising activity” (see Section C1 above) must be approved in advance by the Vice President for Institutional Advancement or the Vice President’s designate.

3. **Gift Receipting**

The only College office authorized to issue an official gift receipt on behalf of Gustavus Adolphus College is the Office of Institutional Advancement. Such receipts will be issued only when a donor’s gift has been given for a purpose consistent with the College’s mission and when the donor has not retained any control over the gift’s use or demanded goods or services in consideration for their gift.

4. **Process for Seeking Approval**

Any potential fundraising activities on behalf of a College program or initiative must first be formally communicated to the appropriate divisional director or vice president before a request for assistance is directed to the Office of Institutional Advancement. Examples of proposed fundraising activities might include, but are not limited to: departmental grants, underwriting of conference participation, sponsorship of an on-campus symposium, student or faculty travel, equipment, or departmental awards and banquets.

If a divisional director or vice president, or their designate, endorses a proposed fundraising project, it may then proceed to the Office of Institutional Advancement.

5. **Appeal Process**

Any fundraising activity or solicitation that is not approved by the Office of Institutional Advancement may be appealed, in writing, to the Vice President for Institutional Advancement.

6. **Counsel and Training**

The Institutional Advancement staff will offer assistance to members of the College community interested in advancing the College through fundraising techniques; however, no formal planning for specific fundraising projects will be conducted without the approval of the appropriate vice president(s). Once approval for a fundraising activity is received, the Institutional Advancement team is available to consult with faculty, staff and student leaders on strategies and tactics for their College-endorsed initiatives. Responsibilities for follow through will also be assigned and an appropriate Institutional Advancement contact person may be identified.

7. **Lists of Donors and Potential Donors**

The Office of Institutional Advancement will not share lists of donors or other constituents with individuals and organizations. The lists will be processed and sent directly to the mailroom for completion. The College will honor the wishes of donors who ask that their giving to the College be anonymous.

8. **Processing of Gifts**

Contributions received in response to an approved fundraising initiative must be submitted to the Office of Institutional Advancement within 48 hours. Cash contributions must be accompanied by the original envelope in which they are received. The donor’s name and address must be clearly written on the envelope.

**IV. The College and Non-College Fundraising Initiatives**

The College is aware that students and employees often engage in fundraising activities for which the College is not the intended beneficiary. These activities may range from campus-based efforts to raise funds for groups such as the Susan G. Komen Breast Cancer Foundation or Habitat for Humanity to employee or student participation in their local churches or clubs.

As stated above, when the activities are intended to benefit Gustavus Adolphus College, they must be approved in advance by the Vice President for Institutional Advancement or the Vice President’s designate.

When an activity is not intended to benefit Gustavus Adolphus College, administrative approval is not required, but the utmost care must be taken to make that distinction clear and to not lead outsiders to believe the activity is a College-supported effort.

1. **Actions that suggest College participation and support:**

- Asking that checks be made payable to Gustavus Adolphus College
- Employing the College's name or logo in promotions or solicitations
- Using College stationery
- A volunteer stating, "As a Gustavus Adolphus College student/faculty/staff member, I am asking you..."

2. **Actions that avoid confusion:**

- Stating that "This is an event that will benefit [Name of Charity]"
- Asking that checks "Be made payable to [Name of Charity]"
- Stating that "This event is not affiliated with Gustavus Adolphus College"

3. **When is College Approval Needed?**

Here is a simple test to determine if College approval is needed: If it appears that the contemplated fundraising activity cannot be conducted without making contribution checks payable to Gustavus Adolphus College, then the activity is one that will require prior approval by the Vice President for Institutional Advancement or the Vice President's designate and organizers should follow the process outlined in Section C.4. above.

4. **Prohibited Activities**

Even when a fundraising activity is not one that benefits the College directly or is sanctioned by the College, members of the College community are prohibited from engaging in the following tactics and activities:

- Using home addresses from the College telephone directory to compile calling or mailing lists\*
- Using the Gustavus Adolphus College Alumni Directory to compile calling or mailing lists\*
- Using one's status as a Gustavus Adolphus College employee or student to secure a gift commitment
- Using "blast e-mails" on the campus intranet system to solicit gifts
- Conducting lotteries or similar games of chance, which the State of Minnesota defines as gambling.

\* Note: The publishers of these directories also consider these activities to be violations of their copyrights.

*Approved by the President's Cabinet: November 10, 2010.*

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## **Minor Protection Policy**

### **Purpose**

Gustavus Adolphus College is committed to the safety of all individuals in its community. The Policy for the Protection of Minors ("the Policy") establishes guidelines for all faculty, staff, students and volunteers in the College community who may work or interact with individuals under 18 years of age, with the goal of promoting the safety and well-being of minors. The Policy is applicable to College-affiliated programs. Non-College affiliated program requirements will be outlined in a facility use agreement (contract) with each respective program.

### **Definitions**

A Child is a person under the age of thirteen (13) years. A Minor is a person under the age of eighteen (18) years.

## **Policy Statement**

It is the policy of Gustavus Adolphus College that the behavior of all faculty, staff, students and volunteers of our community is expected to align, at all times, with the College's mission and appropriate documents that guide our community life. Any Gustavus Adolphus College event with minors involved must be pre-approved by the appropriate Vice President. Any Gustavus faculty, staff, student or volunteer participating in events with minors must complete an online Sexual Abuse Awareness Training. In addition, faculty, staff, student or volunteers with potential to have one-on-one contact with minors must successfully pass a background check prior to the event occurring. This Policy does not apply when minors attend an event open to the public, with their parents or guardian, and who are not left in the care of Gustavus Adolphus College employees or students.

This policy is not intended to apply to current, full-time Gustavus students who are not yet 18 years old. With regard to this policy, College faculty and staff on campus who only interact with Gustavus Adolphus College undergraduate students under the age of 18 in classes or other traditional academic settings are not required to undergo the training or background check. However, faculty and staff affiliated with the College who knows or suspects that an undergraduate student under the age of 18 has been abused or neglected MUST make reports as required by this Policy.

## **Procedures**

Faculty, staff, and volunteers affiliated with the College who host an event with minors in attendance must receive approval before hosting minors on campus or participating in a Gustavus Adolphus College event off campus with minors. The approval can be requested by submitting a **Request to Host Minors Form**. \* *This does not apply to students who are hosting family members*. Whenever possible, the request should be submitted at least two weeks prior to the event.

If the event is approved, the following steps must be completed:

1. All employees, students or volunteers participating in the event must complete the online Sexual Abuse Awareness Training prior to the event occurring.
2. The following categories of adults involved in a College-affiliated program or activity are required to undergo a background check prior to their participation in College activities or programs involving minors:
  - a. Directors, supervisors and faculty members for programs involving minors, including those who are responsible for supervising those who interact with minors;
  - b. Those who stay overnight with minors as part of their job responsibilities in a program or activity involving minors; and
  - c. Those who regularly spend time with minors as part of their job responsibilities or role in a program involving minors.

The Vice President of Student Life and/or the Title IX Coordinator can request that a background check be performed on any faculty, staff, student or volunteer involved with a College affiliated program that does not fit in the aforementioned categories.

The Office of Human Resources will oversee the processing of background checks for all College-affiliated programs and activities involving minors. Background checks should be completed every five years or re-checked if an employee separated employment for more than one year, unless they were working consecutive short-term or temporary assignments, in which case the five-year policy applies. The cost of the background check will be the responsibility of the department hosting the event.

3. The program director/instructor is responsible for collecting the **Parent Permission and Registration Form** and **Child Behavior Agreement** for every minor left in Gustavus's care for their program. If minors

are participating as part of a group, such as a school, the **Group Guest Policies and Behavioral Expectation Agreement** should be completed by the group instead of filling out a form for each child. If minors are attending an event and will be under the care of their parent or guardian, neither form needs to be completed. (The completed forms should be turned in to the Dean of Students Office).

4. An appropriate number of adult supervisors will be present at each event based upon the activity. Whenever possible, allow for two individuals to be present for circumstances such as taking a minor to the restroom or taking a minor aside if they get hurt.

### **Residential Camps, Conferences and Events**

- Residential camp, conference and event staff must successfully complete an approved background check.
- Residential camp, conference and event staff must fully complete online Sexual Abuse Awareness training.
- Event staff with access to room keys must be in compliance with appropriate laws.
- Residences will be staffed at a ratio recommended by Gustavus Adolphus College. (staff ratio 20:1)
- Posted signs in each residence hall will give clear direction on how to contact staff or Campus Safety if a guest feels unsafe.
- Residence hall bathrooms will be assigned by age when appropriate, as well as gender.
- Campers and guests will be directed and expected to lock rooms at night.
- Residential areas will be off limits to anyone who is not a camper/guest or appropriate staff.
- Program leaders must include a safety session during their event orientation meeting.

### **Prospective Student Admission Visits**

- All overnight admission guests must adhere to and comply with the College's behavioral expectations and rules.
- All overnight admission guests must complete an emergency contact form.
- Guests will be given clear direction on how to contact staff or Campus Safety if they feel unsafe.
- The Dean of Students Office must approve that a student can serve as a residential host, following a check of College records.
- All residential hosts must complete the online Sexual Abuse Awareness training prior to serving as a residential host.

### **One-to-one Instruction or Tutoring of Minors on Campus**

- All College employees or students who are giving lessons, instruction or tutoring to minors on campus must submit the **Request to Host Minors Form** for approval prior to starting lessons. If the lessons are approved, the Instructor must complete and satisfactorily pass an approved background check and complete the online Sexual Abuse Awareness Training.
- Rooms or studios used for instruction or tutoring must have a window that allows unobstructed views into the space. If no window is available, the door must remain open throughout the session.
- Tutoring should be conducted in a public area such as open library areas and should not be conducted in a residence hall or off-campus home.
- Parents or guardians will not be restricted from attending sessions with their minor children.

### **Oversight**

The Vice President for Student Life is the primary point of contact for this Policy. The following individuals are responsible for oversight of minors on campus in their applicable areas:

- Associate Vice President of Auxiliary Services: Events involving minors that run through the Summer Programs Office
- Vice President for Enrollment: Admission events and prospective student visits
- Provost of the College: Any academic department event involving minors

- Director of Campus Activities: Any student organization or event involving minors
- Director of Community Engagement: Related programs involving minors
- Church Relations: Related programs involving minors
- Director of Athletics: Any event related to athletics involving minors
- Vice President for Student Life: All other Gustavus Adolphus College events involving minors that are not listed above

**This oversight includes:**

- Approving or denying Requests to Host Minors
- Ensuring that online training is complete for all required individuals
- Ensuring any necessary background checks are completed and approved through the Office of Human Resources.
- Retaining all documents.

**Reporting of Sexual Abuse, Neglect or Misconduct**

Faculty, staff, students and volunteers affiliated with the College who are participating in a program or activity that involves minors, who know, suspect, or receive information indicating that a minor has been abused or neglected, MUST notify the Nicollet County Department of Human Services by calling 507-386-4528 or by calling the Nicollet County Sheriff at 507-931-1570.

Additionally, ANY reporter of known or suspected abuse or neglect of a minor must promptly inform the College’s Title IX Coordinator by phone at 507-933-6360 or email at [jwatter2@gustavus.edu](mailto:jwatter2@gustavus.edu). A written report must also be submitted to Nicollet County within 72 hours of the oral report. The Title IX Coordinator will assist the reporter in this process. For more information on reporting requirements or definitions of physical abuse, sexual abuse or neglect, please see the Minnesota Department of Human Services website: <https://mn.gov/dhs/people-we-serve/children-and-families/services/child-protection/>

Upon receipt of a report of alleged abuse or neglect of a minor in a College-affiliated program or activity, the College’s Title IX Coordinator (or designee), shall:

- Take immediate steps to prevent further harm to the alleged victim or other minors.
- Facilitate the College’s cooperation with any investigation conducted by the Nicollet County Sheriff, Nicollet County Department of Human Services, or other governmental agency.
- Investigate the report and resolve the matter in a way that safeguards the minor, protects the interests of victims and reporters and affords fundamental fairness to the accused.

If a report identifies/alleges that someone involved in an activity on campus who is not a member of the College faculty, staff, volunteer or student body has abused or neglected a minor, the person receiving the report shall report to the Title IX Coordinator, even if they believe the Coordinator has already been notified. The College’s Title IX Coordinator will coordinate with the reporting party the appropriate reporting structure as outlined above to ensure that all reporting obligations are accomplished.

Upon being notified of a sexual misconduct or abuse incident involving a minor, the College’s Title IX Coordinator shall notify the Gustavus Adolphus College Risk Manager who will in turn notify the liability insurance company of the incident.

**Enforcement**

Any report of abuse of a minor by any faculty, staff, volunteer or student of the Gustavus Adolphus College community will be investigated by the appropriate College campus authority. Sanctions for violations of this Policy will depend on the circumstances and the nature of the violation, but may include the full range of available College sanctions applicable to the individual including suspension, dismissal, termination, and,

where appropriate, exclusion from campus. The College may also take necessary interim actions before determining whether a violation has occurred.

*Approved by the Gustavus Adolphus College Board of Trustees: May 15, 2020.*

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## **Tax Exempt Bonds Policy**

### **Purpose of Policy**

Tax exempt debt used for the benefit of Gustavus Adolphus College (“the College”) by the Minnesota Higher Education Facilities Authority (“MNHEFA”) is a lower cost alternative to taxable debt and a valuable tool for financing capital projects. The interest on the bonds that is paid to bondholders is excluded from Federal and Minnesota income tax if applicable Federal tax laws are satisfied. The requirements fall under two categories – prior to issuance and after issuance. A signed bond counsel opinion at closing is assurance that the requirements that must be satisfied on or prior to issuance have been addressed. In order for the bonds to remain tax exempt through maturity, certain other requirements must be met.

### **Who Needs to Know This Policy**

College staff involved in some aspect of any bond issue who direct or influence the following processes:

- Pre-issuance processes and decision-making including identification of eligible projects and due diligence on tax aspects of the project(s)
- The use of bond proceeds and timing of expenditures
- Investing of bond proceeds and arbitrage yield restriction and rebate processes
- Private use of property financed by tax-exempt bonds, including leases, and management and services agreements
- The creation and retention of documentation relating to use of proceeds, investment restrictions and arbitrage rebate calculation, return filings, and private usage
- Recording and reporting of financial transactions related to tax-exempt bonds and bond financed projects

### **Definitions**

**Qualified 501 (c)(3) bonds** – Tax-exempt bonds, the proceeds of which are used by a 501 (c)(3) charitable organization in furtherance of its exempt purpose. The bonds are issued by a state or local government agency such as the Minnesota Higher Education Facilities Authority and are supported by a repayment obligation from the charitable organization to the governmental agency.

**Private business use** – Examples of private business use include: 1). Unrelated trade or business use and 2). Private use by parties other than the charitable organization of the tax-exempt debt-financed property. Generally, no more than 5% of the proceeds of tax exempt bonds may be used for private business use of the tax-exempt financed property. For purposes of the 5% limit on private business use, bond issuance costs financed with bond proceeds (approximately 2%) are included as private business use, so typically, private business use is limited to 3%.

**Arbitrage** – Investment earnings on bond proceeds in excess of bond interest paid to bondholders during the construction period, adjusted for certain expenses.

**Applicable Federal law** – Includes the Internal Revenue Code and regulations promulgated thereunder, including IRC sections 145-150 and related regulations. Note: IRS Publication 4077, Tax-Exempt Bonds for 501 (c)(3) Charitable Organizations Compliance Guide provides guidance and explanation for most areas of tax-exempt financing relevant to the College.

**Tax certificate** – The loan agreement and certificate as to tax matters signed by the College at the closing of the bond issue in which the College makes certain representations, warranties and covenants relating to its 501 (c)(3) status, the tax eligibility of the project(s) and the College’s operations.

**Treasurer’s Office** – The employee of the College holding the title of Vice President for Finance and Treasurer.

### **Policy**

It is the College’s policy to comply with applicable Federal tax laws to ensure that bonds issued for its benefit maintain their tax exempt status. The College will incorporate the guidelines of the office of Tax-Exempt Bonds of the Internal Revenue Service, Tax Exempt and Governmental Entities division, in Publication 4077 and the Article “TEB Post Issuance Compliance: Some Basic Concepts” to establish post issuance compliance procedures. The procedures will be reviewed annually and updated as needed to reflect changes in requirements or the IRS guidelines for post issuance compliance procedures.

Use of bond proceeds and project eligibility - The College will comply with all applicable Federal, State and contractual restrictions regarding the use and investment of bond proceeds. Bond proceeds shall be disbursed for:

- Project costs
- Capitalized interest
- Bond issuance costs, including arbitrage rebates

To be an eligible project, the property being funded must be owned or, under certain circumstances, leased by the College and the intended use must be consistent with the College’s 501 (c)(3) exempt purposes. In addition, the project’s address must be listed in the TEFRA notice. The Treasurer’s Office will apply additional technical criteria to determine eligibility of the project(s) (e.g. useful life of project(s)).

Timing of the use of bond proceeds – At the time that the bonds are issued, it must be intended and expected that the project(s) will be completed within three years of issuance.

Private business use of tax-exempt financed property – Five percent or less of bond issue proceeds may be used for private business purposes, and such use may only occur if in accordance with tax certificate provisions and in compliance with applicable Federal law. Costs of issuance are counted against the 5% limit. The Treasurer’s Office annually analyzes the status of the tax-exempt financing with regard to the private use limitations.

**Change of use** – Change of a project’s use or contemplated change of use must be reported to the Treasurer’s Office prior to the implementation of the proposed change in use to ensure compliance with applicable regulations.

**Arbitrage** – The Internal Revenue Code (Section 148 and the Regulations thereunder) provides that interest on bonds is not exempt from tax if the bonds are arbitrage bonds. To the extent required by applicable laws, regulations and bond covenants, the College will comply with all arbitrage rebate requirements. The Treasurer’s Office will annually determine any accrued rebate liability, record the liability in the financial statements, and make provisions for reserving funds for rebate purposes.

**Sale of property involving bond proceeds** – Prior to the time that property involving bond proceeds is sold, the Treasurer’s Office will contact the Executive Director of MNHEFA and bond counsel of the College to discuss potential ramifications.

**Filing of returns** – The Treasurer’s Office works with Springsted Incorporated, the financial advisor for the MNHEFA, to prepare and file returns with the IRS relating to arbitrage.

**Annual monitoring** – The Treasurer’s Office will monitor for compliance of College debt with bond covenants and Minnesota and Federal laws and regulations. A debt covenant spreadsheet is updated on an annual basis by the Treasurer’s Office.

**Education** – The Treasurer’s Office will seek education and training on updates to Federal tax law regarding tax-exempt bonds from MNHEFA.

**Record retention** – The records relating to tax-exempt bonds (use and investment of proceeds) shall be maintained for the entire term of the bonds issue plus three years, or in the case of an issue refunded by one or more subsequent issues, for the combined term of the issues plus three years.

**Noncompliance** – If discovery that any applicable tax restrictions regarding use of bond proceeds and bond-financed assets may be violated, the College will consult promptly with bond counsel and the Executive Director of MNHEFA to determine a course of action to remediate all non-qualified bonds, if such counsel advises that a remedial action is necessary.

*Approved by the President’s Cabinet: December 17, 2013.*

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## **Unpersoned Aircraft Systems (Drones and Model Aircraft) Policy**

### **I. Scope**

This policy applies to:

- Gustavus Adolphus employees and students operating Unpersoned aircraft systems (UAS) in any location as part of their College employment or as part of College activities;
- The operation by any person of Unpersoned aircraft system or model aircraft on or above Gustavus Adolphus property;
- The purchase of Unpersoned aircraft systems with funding through Gustavus Adolphus, including College accounts, grants, or foundation accounts and;
- The hiring for or contracting for any Unpersoned aircraft services by a Gustavus Adolphus unit.

### **II. Purpose of Policy**

Gustavus Adolphus must comply with Federal Aviation Administration (FAA) requirements, Gustavus Adolphus College policy, and any other locally applicable laws or regulations regarding Unpersoned aircraft systems. Inherent risks in the operation of such equipment require additional insurance provisions and policy considerations.

### **III. Policy Statement**

The operation of Unpersoned aircraft systems including drones and model aircraft is regulated by the FAA and relevant state law. Therefore, all individuals who operate UAV or UAS systems on the Gustavus Adolphus College campus are personally responsible for complying with FAA regulations, state and federal laws, and College policies regarding use of Unpersoned aircraft systems. Gustavus Adolphus has established procedures to ensure compliance with those legal obligations and to reduce risks to safety, security and privacy considerations.

### **IV. Procedures**

- A. The operation of a drone, UAV or UAS over and/or inside Gustavus Adolphus College property is prohibited without the written approval of the Gustavus Director of Campus Safety (or his/her designee).
- B. Individuals wishing to operate an UAS as part of their College employment or as part of a College program must obtain a 333 exemption or Certification of Waiver or Authorization (COA) issued by the FAA and submit it with an application for UAS use\*. Application forms may be obtained at the Campus Safety Office, 035 Norelius Hall.



C. Any College employee, student, or unit purchasing a UAS (or parts to assemble a UAS), or UAS services with College funds or funds being disbursed through a College account, or grant funds, must contact the Director of Campus Safety in order to assess the College's ability to obtain a COA, other necessary FAA exemptions, or meet local compliance requirements.

D. College owned UAV's and UAS's need to be registered with the campus safety office and reported to the College's insurance carrier. Application forms may be obtained at the Campus Safety Office, 035 Norelius Hall.

E. Any third party or hobbyist wishing to use a UAS or model aircraft over and/or inside Gustavus College property must first receive approval through the Director of Campus Safety. In order to obtain approval, any operator that is not a College employee or student conducting work on behalf of a College program, must file an application and submit a \$1,000,000.00 general liability insurance certificate to the Director of Campus Safety at least 72 hours prior to the planned operation.\*\* Application forms may be obtained at the Campus Safety Office, 035 Norelius Hall.

F. Third parties or hobbyists planning the use of UAS must also provide proof of FAA approval. In addition, operation of UAS by a third party or hobbyist over College property must be under a contract which holds the College harmless from any resulting claims or harm to individuals and damage to College property and provides insurance as required by the Director of Campus Safety. In operating a UAS for purposes of recording or transmitting visual images, operators must take all reasonable measures to avoid violations of areas normally considered private. Minnesota law provides that a person who surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or other aperture of a sleeping room in a hotel, as defined in section [327.70, subdivision 3](#), a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts, as defined in section [609.341, subdivision 5](#), or the clothing covering the immediate area of the intimate parts; and commits a gross misdemeanor.

G. Once approved for the use of a UAS device by the Director of Campus Safety, Campus Safety should ensure proper notification of local law enforcement and aviation agencies.

H. All data collected from a UAS through an agreement between Gustavus Adolphus College and a third party, is the intellectual property of Gustavus Adolphus.

I. Any operator of a UAS (i.e., person actually flying the UAS, whether College employee, student, hobbyist or third party) must be at least 17 years old, passed an aeronautical knowledge test (to be taken every 24 months to maintain certification) and has an FAA UAS operator certificate. In addition,

- a. Flights are limited to daylight hours and in good weather.
- b. Flights are limited to 500 feet altitude and no faster than 100 mph.
- c. UAS must weigh less than 55 pounds.
- d. Operator is responsible for ensuring an aircraft is safe before flying (i.e., perform a preflight inspection that includes checking the communications link between the control station and the UAS, assess weather conditions, location of people, etc.).
- e. Operator must maintain visual line of sight of the UAS with unaided vision (except for eyeglasses).
- f. Operator must discontinue the flight when continuing would pose a hazard to other aircraft, people or property.
- g. UAS cannot be flown over people, except for those directly involved in the flight.
- h. Operating the UAS in a careless or reckless manner is prohibited.
- i. Dropping any objects from the UAS is prohibited.

- j. Operator must respect the privacy of others- avoid flying over private property or taking photos or videos without permission.

\* The Gustavus Director of Campus Safety is the FAA account holder for COAs for the College; the Director reviews and processes all applications on a case-by-case basis.

\*\* An application may be denied if an individual fails to provide proof of insurance, FAA registration of their device (if required) or proof of a remote pilot certificate.

#### **V. Appropriate and Prohibited Uses**

A. UAS shall not be used to monitor or record areas where there is a reasonable expectation of privacy in accordance with accepted social norms. These areas include but are not limited to restrooms, locker rooms, individual residential rooms, changing or dressing rooms, and health treatment rooms.

B. UAS shall not be used to monitor or record residential hallways or residential lounges.

C. UAS shall not be used to monitor or record sensitive institutional or personal information that may be found, for example, on an individual's workspace, on computer or other electronic displays.

#### **VI. Definitions**

**Gustavus Adolphus Property** – Buildings, grounds, and land that are owned by Gustavus Adolphus College or controlled by Gustavus Adolphus College via leases or other formal contractual arrangements to house ongoing Gustavus operations.

**COA** – Certificate of Authorization or Waiver. According to the FAA, the COA is an authorization issued by the Air Traffic Organization to a public operator for a specific UA activity. After a complete application is submitted, FAA conducts a comprehensive operational and technical review. If necessary, provisions or limitations may be imposed as part of the approval to ensure the UAS can operate safely with other airspace users. In most cases, FAA will provide a formal response within 60 days from the time a completed application is submitted.

**333 Exemption** – FAA exemption based on Section 333 of the FAA Modernization and Reform Act of 2012 (FMRA) which grants the Secretary of Transportation the authority to determine whether an airworthiness certificate is required for a UAS to operate safely in the National Airspace System.

**Unmanned Aircraft Systems (UAS)** – UAS are also known as or may be characterized as Drones. According to the FAA, a UAS is the Unmanned aircraft and all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate the Unmanned aircraft. UAS may have a variety of names including quadcopter, quadrotor, etc. FAA regulation applies to UAS regardless of size or weight. Model aircraft are not considered by the FAA as UAS and have different regulations.

**Model Aircraft** – Model aircraft are considered differently by the FAA than other UAS and have different regulations. Model aircraft are not for business purposes, only for hobby and recreation. (Use of UAS related to Gustavus Adolphus College does not qualify as model aircraft regulations.) Model aircraft must be kept within visual sightline of the operator, and should weigh under 55 pounds unless certified by an aeromodeling community-based organization. Model aircraft must be flown a sufficient distance from populated areas.

#### **VII. Sanctions**

Any violations of College policies by an individual will be dealt with in accordance with applicable College policies and procedures, which may include disciplinary actions up to and including termination from the College. Students who violate this policy may be subject to discipline through the Gustavus Adolphus College disciplinary conduct system. Disciplinary action for employees who are in violation this policy will be

determined by their supervisor, in consultation with the Director of Campus Safety and any other affected parties.

Legal prohibitions regarding physical presence on campus/trespassing and other legal action may also be pursued against third parties that operate UAS in violation of this policy.

Fines or damages incurred by individuals or units that do not comply with this policy will not be paid by Gustavus Adolphus College and will be the responsibility of those persons involved.

*Approved by the President's Cabinet: October 11, 2016.*

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## **Complaints**

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### **Institutional Complaint Policy and Procedure**

A Gustavus Adolphus College student, parent, employee or guest may feel the need to lodge a formal complaint with the College, which they wish to have addressed.

To be considered a formal complaint, the complaint must meet the following criteria:

1. Be Written; (Complaints received via email would qualify as written)
2. Be received by the College President, Provost, or one of the Vice Presidents; and
3. Include a complainant's name and signature.

All formal complaints will be reviewed by the senior administrator to whom it was sent for credibility. Senior administrators may respond to the complaint or forward it on to appropriate parties within the College for response. All formal complaints will be responded to by written answer to the complaining party within one week. If the response to the complaint takes longer to answer than one week, a written timeline will be sent to the complaining party outlining when they could expect a response. All answers shall be deemed final and shall have no appeal process.

When applicable, responses to formal complaints will inform the complaining party of how the institution will integrate the complainant's concerns into plans for college process and/or improvement.

All formal complaints and documentation of responses will be maintained within the Office of the Provost for a period of ten years.

This Institutional Complaint Policy is not a substitute for the more specific grievance and appeal processes maintained by college offices (such as the Office of the Registrar, Academic Affairs, Human Resources, etc.), Faculty Personnel Files policy 2.1.3 in the Faculty Handbook or the Student Conduct Policies and Procedures.

*Cabinet Approved: January 8, 2013.*

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## **Conduct and Discipline**

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### **Consensual Relationships Policy**

#### **1. Employee-Student**

Due to the inherent risk of favoritism, conflicts of interest, sexual harassment, and coercion, Gustavus Adolphus College employees are prohibited from engaging in any dating, romantic, or sexual relationship with a currently enrolled Gustavus student. This policy applies even to relationships considered to be

consensual. This policy does not apply to previously existing employee/student marriages or domestic partnerships, as defined by College policy, or to a student worker in a consensual relationship with another student over whom they exercise no supervisory or evaluative authority.

An employee who violates this all-college policy will be subject to discipline up to and including dismissal. Furthermore, should any legal claims arise out of a relationship violation of this policy, Gustavus Adolphus will not indemnify the offending employee and will seek to recover its legal fees and expenses incurred to defend such claims.

As with other violations of college policies, anyone who becomes aware of such a relationship is expected to use one of the following reporting mechanisms to share this information:

- Contact the Director of Human Resources (507-933-7304)
- Contact the Campus Conduct hotline (866-943-5787)
- Make a report through Campus Safety (<https://gustavus.edu/safety/silentwitness/>)

## **2. Employee-Employee**

To the extent possible, dating, sexual, or romantic relationships between employees working within the same department or unit should be avoided even when the relationship is considered to be consensual.

Consensual dating, romantic, or sexual relationships between Gustavus Adolphus College employees in a supervisory relationship are prohibited. Where an amorous relationship previously exists or develops during the course of employment, the person in the position of greater authority or power will bear the primary burden of accountability. The superior must ensure that he or she does not exercise any supervisory or evaluative function over the other person in the relationship. In such instances, the superior must promptly notify his or her supervisor or dean in writing of the relationship and the dean or supervisor must implement alternative supervisory or evaluative arrangements.

An employee who fails to follow this policy will be subject to discipline up to and including dismissal. Furthermore, should any legal claims arise out of a relationship violation of this policy, Gustavus Adolphus College will not indemnify an employee accused of harassment or other unlawful conduct and will seek to recover its legal fees and expenses incurred to defend against such claims.

*Approved by the Gustavus Adolphus College Board of Trustees: April 22, 2016.*

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## **Disclosure of Misconduct (Whistleblower Policy)**

### **Purpose and Applicability**

The purpose of this policy is to set forth the policy of Gustavus Adolphus College (“Gustavus” or “the College”) on disclosure of misconduct and to protect individuals from retaliation in the form of an adverse employment action for disclosing what they believe evidences certain unlawful or unethical practices. This policy is applicable to all employees of Gustavus and to applicants for jobs at the Gustavus.

### **Statement of Policy**

It is the policy of Gustavus that employees and applicants shall be free without fear of retaliation to report conduct within the College that they reasonably believe may constitute misconduct including, but not limited, to the following: wire fraud, mail fraud, bank fraud, securities fraud or questionable accounting and internal controls, auditing matters, harassment, discrimination, hostile workplace, safety and security issues, illegal or unethical business practices, wrongful termination, hate messages, faculty manual violations, administrative and staff manual violations, violations of laws, mismanagement, waste of College resources, and abuse of authority.

A representative of Gustavus shall not take or refuse to take any employment action in retaliation against an employee or applicant who reports possible misconduct under this policy in good faith, or who, following such disclosure, seeks a remedy provided under this policy or any law or College policy. However, employees or applicants who knowingly file false or misleading reports, or without a reasonable belief as to truth or accuracy, will not be protected by this policy, and in the case of an employee, may be subject to discipline, including termination of employment.

#### **Process for Disclosure**

1. An employee or applicant shall disclose all relevant information regarding evidenced misconduct to the President or his/her designee in a signed written document within ninety (90) days of the day on which he or she first knew of the misconduct. If the employee or applicant would rather contact a source outside of the College, he or she may contact the confidential Campus Conduct Hotline service as established by the College (866-943-5787).
2. The President or his/her designee shall consider the disclosure and take whatever action he or she determines to be appropriate under the law and circumstances of the disclosure.
3. In the case of disclosure of misconduct involving the President, the disclosure shall be directed to the Chair of the Board of Trustees. The Chair shall consider the disclosure and take whatever action he or she determines to be appropriate under the law and circumstances of the disclosure.
4. The disclosure recipient will be responsible for:
  - a. Ensuring all investigations are carried out in a fair and unbiased manner.
  - b. Ensuring that those making complaints and/or reporting compliance concerns are treated fairly, their confidentiality is protected to the extent the law allows, and no retaliation takes place.

#### **Complaints of Retaliation as a Result of Disclosure**

1. If an employee or applicant believes that he or she has been retaliated against in the form of adverse employment action for reporting possible misconduct under this policy, he or she may file a written complaint requesting an appropriate remedy.
2. For purposes of this policy, an adverse employment action shall be defined as actions including: discharge, demotion, suspension, being threatened or harassed, or in any other manner discriminated against with respect to compensation, terms, conditions or privileges of employment. This policy does not prohibit an employment action that would have been taken regardless of a disclosure of information.

#### **Process for Adjudication of Complaints Stemming from Disclosure**

1. An employee or applicant must file a complaint with the President or his/her designee with ninety (90) days from the effective date of the adverse employment action or from the date on which the employee or applicant should reasonably have had knowledge of the adverse employment action.
2. Complaints shall be filed in writing and shall include:
  - a. Name and address of the complainant;
  - b. Name and title of the College's official(s) against whom the complaint is made;
  - c. The specific type(s) of adverse employment action(s) taken;
  - d. The specific date(s) on which the adverse employment action(s) were taken;
  - e. A clear and concise statement of the facts that form the basis of the complaint;
  - f. A clear and concise statement of the complainant's explanation of how his or her report of possible misconduct is related to the adverse employment actions; and

- g. A clear and concise statement of the remedy sought by the complainant.
3. Within sixty (60) calendar days of receipt of complaint, the President or his/her designee (or the Chair of the Board of Trustees of Gustavus Adolphus College in the case involving the President) shall consider the written complaint, shall conduct or have conducted an investigation which, in his or her judgment, is consistent with the circumstances of the complaint and disclosure, and shall report to the complainant the conclusions of the investigation absent overriding legal or public interest reasons. The identity of the complainant and the subject of the complaint shall be kept confidential to the extent possible within the legitimate needs of law and the investigation.
4. The determination shall be in writing and shall include the findings of fact, the conclusions of the investigation, and if applicable, a specific and timely remedy consistent with the findings. The decision of the President or Chair of the Board of Trustees shall be final.

### **False Allegations of Wrongful Conduct**

Any employee who knowingly makes false allegations of alleged wrongful conduct shall be subject to discipline, up to and including termination of employment, in accordance with College rules, policies and procedures.

### **Policy is Not a Contract**

This policy is not a contract and it can be modified at any time, with or without notice. It does not provide greater or lesser rights than applicable law provides.

*Approved by the Gustavus Adolphus College Board of Trustees: June 21, 2009.*

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### **Non-Discrimination, Harassment, and Other Unwelcome Misconduct**

Gustavus Adolphus College aspires to be a community of persons from diverse backgrounds who respect and affirm the dignity of all people, where mutual respect, courtesy, kindness, and cooperation prevails. As such, and consistent with our core values and responsibilities, respect for each individual is central to how we conduct our work and build relationships within our community. Behavior that fails to respect the dignity of others is not compatible with this shared vision of our identity and our mission.

The policy of Gustavus Adolphus College is that every employee has the right to work and every student has the right to study and live in an environment free from unlawful discrimination, harassment, and other unwelcome behaviors that cause harm to another individual or group.

### **To Whom This Policy Applies**

This Policy applies to all Gustavus students, employees (including faculty and staff) and volunteers. This Policy pertains to acts of prohibited conduct committed by students or employees when:

- The conduct occurs on College grounds or other property owned or controlled by the college; or
- The conduct occurs in the context of a College-sponsored employment, education program, or other activity, including, but not limited to, College-sponsored study away, research, online, or in internship programs; or
- The conduct occurs outside the context of a College employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for students, employees, or third parties while on College grounds or other property owned or controlled by the College or in any college employment or education program or activity.

The College will also take appropriate steps to remedy situations when students or employees are the subject of harassment by third parties on College grounds or associated with the College.

## **Prohibited Conduct Under This Policy**

Gustavus, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this Policy in accordance with the following definitions and guidelines:

**Discrimination:** Gustavus prohibits discrimination on the basis of actual or perceived race, color, ethnicity, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, familial status, military service and veteran status, physical or mental disability, genetic information, status with regard to public assistance, local human rights commission activity, or any other characteristic protected by applicable federal, state, or local law (“Protected Characteristics”) with regards to all aspects of an individual’s employment (recruiting, hiring, placement, promotion, transfer, training, compensation) and access to educational opportunities.

- Discriminatory behavior is behavior that involves biased treatment of an individual or group based upon their characteristics (see aforementioned list).
- Some examples of discriminatory behaviors include:
  - Hiring practices that exclude an individual or group due their protected characteristics
  - Compensation practices that favor an individual or group due to their protected characteristics
  - Grading practices that favor an individual or group due to their protected characteristics

**Harassment:** The College will not tolerate harassment of any member of the College community based on that member’s Protected Characteristics. “Harassment” consists of unwelcome or offensive conduct, whether verbal, physical, or visual, that is based on a protected group status. The College will not tolerate harassing conduct that:

1. Affects tangible job or academic benefits;
2. Interferes unreasonably with an employee’s work performance or a student’s academic progress or success;
3. Creates an intimidating, hostile, or offensive environment.

Such harassment may include, for example:

1. Epithets, slurs, or negative stereotypes;
2. Intimidating or hostile acts based upon protected classification;
3. Written or graphic material that denigrates or shows hostility or aversion to persons of a protected classification and that is posted or circulated on College property.

“Harassment” may also include sexual harassment or sexual misconduct, and such prohibitions are addressed under the College’s Sexual Harassment and Sexual Misconduct Policy (under Title IX)

(<https://gustavus.edu/facultybook/allcollegepolicies/#con>).

**Bullying.** Bullying involves aggressive, typically repetitive, and often deliberate behavior which imparts physical, mental, or emotional harm to a person or group through intimidation, coercion, force, hurtful teasing, threat, abuse, or causing discomfort. These types of bullying behaviors will not be tolerated. The College encourages constructive and thought-provoking dialogue and seeks to promote the open exchange of ideas and the independent pursuit of learning. The prohibition against bullying is not intended to prohibit individuals from raising concerns, either collectively or individually to College leadership, or individuals in leadership positions, and is not intended to create a “civility code” on campus.

- In some cases, but not all, bullying may also rise to a level that is deemed unlawful harassment or discrimination. In other cases, bullying may be based upon differences not protected by law (e.g.,

body size, socioeconomic class, political affiliation, etc.), yet still work to undermine an individual's sense of belonging at the College.

- Bullying can occur as a single, severe incident or repeated incidents, has the purpose or effect of unreasonably causing harm to, interfering with or sabotaging an individual's work or academic performance, reputation, and/or career, and may manifest itself in a form including, but not limited to, the following:
  - Physical bullying includes pushing, shoving, kicking, poking, and/or tripping another; assaulting or threatening a physical assault; damaging a person's work area or personal property; and/or damaging or destroying a person's work/academic product.
  - Verbal and written bullying can come in the form of slandering, ridiculing, insulting or maligning a person or their family; persistent name calling that is hurtful, insulting or humiliating; abusive, threatening, derogatory or offensive remarks to a person; demeaning or dismissing an individual's academic work due to disciplinary or sub-disciplinary area; and/or attempting to exploit an individual's known intellectual or physical vulnerabilities.
  - Nonverbal bullying includes directing threatening gestures toward a person; invading personal space after being asked to move or step away; continual disrespectful facial expressions and glances that may convey a threatening message.
  - Cyber bullying is defined as bullying an individual using electronic forms, including, but not limited to, the Internet, interactive and digital technologies, or mobile phones.
- Bullying does not include, for example:
  - A supervisor addressing unsatisfactory job performance; or
  - Employee concerted activity protected under the National Labor Relations Act; or
  - A professor addressing unsatisfactory academic performance.

### **Reporting and Addressing a Suspected Violation**

If a member of the campus community believes he or she has experienced or witnessed a violation of this Policy, he or she should contact one of the following:

**Human Resources Department, 507-933-6075**

**Office of the Provost, 507-933-7541**

**Office of the Dean of Students, 507-933-7526**

While, generally, students will report concerns to the Dean of Students, faculty will report concerns to the Office of the Provost, and staff will report concerns to the Office of Human Resources, all three avenues are available to any member of the campus community.

The complaint should be as detailed as possible so that the College may take appropriate steps to look into the facts and circumstances of all claims of a perceived violation of this Policy. The College reserves the right to enforce this Policy related to off-campus behavior when affiliated with a college-sponsored event and/or circumstances that are related to other on-campus conduct.

The College will take prompt and appropriate steps to both investigate the allegations and implement a remedy, as appropriate, when a complaint is made. An investigation may range anywhere from a simple fact-finding inquiry to a formalized exploration process involving an external investigator. The timeline for the College actions will be governed by the complexity of the matter, including the time of year when the complaint is brought forward. The investigation and remedial steps will vary depending on the circumstances of the complaint.

Such steps may include: facilitating an informal resolution between the parties, making interim accommodations where applicable, redirecting the complaint to another policy/procedure at the college,



conducting an internal investigation, or bringing in an outside third-party to assist with investigating the allegations. Each situation is unique, and the College retains discretion to determine how best to proceed under the circumstances:

- **Title IX:** If the allegation is based on gender or sexual harassment or sexual misconduct, the College will review the initial complaint and make a determination as to whether the allegations meet the definition of Sexual Harassment and Sexual Misconduct Policy (under Title IX) and, if so, will proceed under the Sexual Harassment and Sexual Misconduct Policy for conducting an investigation.
- **Accused Faculty Members:** When a formal investigation warranted and completed, and the fact-finding report is shared with the Provost, if the Office of the Provost concludes that a faculty member's alleged conduct justifies a minor sanction or may be sufficiently grave to merit a major sanction, the Office of the Provost will initiate proceedings outlined in the Faculty Manual (Section 3.2.4) (<https://gustavus.edu/facultybook/>).
- **Accused Staff, Volunteer, or other Non-Faculty Personnel:** The Office of Human Resources will determine if an investigation is warranted, and if so, the method of investigation, the manner in which a complaint will be addressed, and the level of applicable progressive discipline to apply to bring the complaint to resolution.
- **Accused Students:** The Office of the Dean of Students will utilize the College Student Conduct Procedures (<https://gustavus.edu/deanofstudents/policies/gustieguide/>) to bring a complaint to resolution. The College reserves the right to invoke the College Student Conduct System for student behavior occurring off-campus.

### **No Retaliation**

See the College's Retaliation Policy (<https://gustavus.edu/facultybook/allcollegepolicies/#con>).

Gustavus is committed to enforcing this Policy against all forms of unlawful harassment, unlawful discrimination, and other allegations under this Policy. However, the effectiveness of the College's efforts depends largely on employees, students, and other members of the campus community to report inappropriate workplace and campus conduct. If a member of our campus community feels that they or someone else may have been subjected to conduct that violates this Policy, they should report it immediately. If individuals do not report discriminating, harassing, bullying or other unwelcome misconduct, the College may not become aware of a possible violation of this Policy, and appropriate corrective action cannot be taken.

*Approved by the President's Cabinet: April 16, 2013; updated August 14, 2018; revised and approved by the Gustavus Adolphus College Board of Trustees: October 7, 2022.*

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### **Hazing Policy**

#### **Minnesota Statute**

Subdivision 1. Definitions. (a) "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization.

(b) "Student organization" means a group, club, or organization having students as its primary members or participants.

#### **Introduction**

From a legal perspective, hazing is a crime. From an individual student's perspective, hazing damages the self-esteem of those being hazed. From an organizational perspective, hazing degrades the values of the

organization. From a campus community perspective, hazing creates an environment of disrespect that contradicts the College's values of excellence, community, justice, service, and faith in our community. For all these reasons, the College takes a strong position against any and all forms of hazing.

Hazing is typically understood to be activity in which high-status group members require or suggest that members engage to join or continue affiliation with the group. Individuals, organizations and groups affected by this policy are expected to take primary responsibility for implementing the policy and for periodically reviewing their activities with respect to compliance with it. Officers and members of the organization may be held individually responsible for violation.

### **College Policy**

Gustavus Adolphus College does not tolerate hazing in any form by any individual, group, or organization. Hazing is defined as any action taken or situation created, intentionally or unintentionally, whether on or off campus premises, to produce mental or physical discomfort, fatigue, humiliation, intimidation, embarrassment, harassment or ridicule or that disrupts community life or academic commitments regardless of the intent or end result. Such actions may be perpetrated by an individual, group, or organization against an individual or individuals.

This list of examples is not exhaustive because many things can be hazing or non-hazing activities depending upon the context and many other factors.

- Break laws or college policies
- Compromise personal morals or values
- Endure physical abuse or harm
- Endure psychological abuse or harm, such as deception of members which is designed to convince a member that s/he will not be accepted to the organization or that s/he will be hurt during the activity
- Submit to abuse of power or power differential
- Undergo branding, tattooing, or any mutilation of the skin
- Have substances thrown at, poured on, or otherwise applied to the body
- Consume alcohol, drugs, food or beverages
- Undergo exposure to the environment without appropriate dress
- Exercise that serves no purpose (e.g., calisthenics)
- Undergo physical detention, kidnapping, being held against one's will, or abandonment
- Perform or participate in dangerous, degrading, or embarrassing public stunts, dares, displays, games, or activities
- Undergo prevention or deprivation of sleep, normal amounts of food or water, or adequate study time
- Perform an excessive number of tasks such that they encroach upon time needed for sleeping, studying, and attending to personal matters
- Participate in activities that interfere with scheduled class meetings, study sessions, or school-sponsored extracurricular activities
- Wear uncomfortable or inappropriate apparel or otherwise alter appearance which is conspicuous and/or atypical
- Experience public degradation
- Experience verbal harassment (such as degrading nicknames, derogatory references, yelling or screaming)
- Create or use explicit songs or perform sexist or racist acts
- Assume a submissive role

- Perform acts of personal servitude (such as cleaning, buying gifts, or making meals)
- Make excessive purchases (such as gifts, food, and clothing)
- Implementing ambiguous rules that serve no purpose, including but not limited to:
  - Keep silent or refrain from visiting non-group members
  - Not permitting members to talk for extended amounts of time
  - Carrying items for any period of time
- Having members line up to report facts, count off, or perform other unnecessary acts
- Learn trivia about members and about the group; ask members to learn chapter history or information if such a request interferes with academic study

Hazing can take place with or without the consent of the hazed. The consent of those hazed will not be accepted as a justification for hazing activities. Apathy or acquiescence in the presence of hazing are not neutral acts.

### **Consequences**

Gustavus Adolphus College takes violations against the college hazing policy very seriously. Individuals, groups, and organizations are held accountable for acts of hazing. Furthermore, the College will treat the hazing action of even one member of a group as constituting hazing by the group. Those found responsible for hazing may be subject to severe sanctions including suspension or expulsion of the individual, group, or organization from the College.

Additionally, anyone who knew or who reasonably should have known of the hazing and did not make an attempt to prevent it may be adjudicated through the College's conduct system. Every member of the campus community is required to report any incidents of hazing or suspicions of hazing that come to their attention.

### **Reporting**

Campus community members are expected to report any practice or action believed to constitute hazing immediately. Reports may be made 24 hours a day to the Dean of Students (507-933-7526) or Campus Safety (507-933-8888). In addition, online reporting capabilities are available at [gustavus.edu/safety/silentwitness/](http://gustavus.edu/safety/silentwitness/). The college will not tolerate harassment of or retaliation towards individuals who have reported hazing incidents and will investigate any allegations of hazing that are reported.

*Adopted Fall 2005; Revised Spring 2014.*

### **Nondiscrimination Policy**

Within the limits of its facilities, the College shall be open to all applicants who are qualified according to its admission requirements.

1. The College shall make clear to all applicants the characteristics and expectations of students that it considers relevant to its program.
2. Under no circumstances may an applicant be denied admission or financial aid because of race, color, creed, religion, age, sex, sexual orientation, national origin, marital status, disability, veteran status, status with regard to public assistance or other categories protected by federal, state or local anti-discrimination laws.
3. Financial aid administered by the College shall be disbursed on the basis of financial need and academic promise and/or academic ability.

*Approved by the Gustavus Adolphus College Board of Trustees: June 21, 2009.*

### **Retaliation Policy**

Gustavus Adolphus College expressly prohibits retaliation against any individuals who make complaints (e.g., discrimination) against the College, their witnesses, supporters, and any advisors regardless of the outcome of the complaint. If a member of the campus community believes that he or she is experiencing retaliation (e.g., discipline, reprisal, intimidation, etc.), the individual may pursue a grievance through the Office of Human Resources, Dean of Students, Office of the Provost, or other appropriate senior supervisor, as appropriate.

*Approved by the Administrative Council July 15, 1999; revised and approved by the Board of Trustees, October 7, 2022.*

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## **Sexual Harassment and Sexual Misconduct Policy**

*Nothing in this Policy is intended to create a contract between Gustavus Adolphus College and any student, employee, independent contract, vendor, or other individual or entity.*

### **I. Introduction**

Members of Gustavus Adolphus College community (“Gustavus” or the “College”), guests and visitors have the right to be free from all forms of sex/gender harassment, discrimination and misconduct. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The College will not tolerate any violation of this policy. This Policy outlines the College’s expectations to ensure a campus free from Sexual Misconduct, the steps for recourse for those individuals who have been subject to Sexual Misconduct, and the procedures for determining whether a violation of College Policy has occurred.

This Policy applies to the following forms of sex discrimination, which are referred to collectively as “Sexual Misconduct”: Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation.

### **II. Non-Discrimination**

In accordance with applicable federal and state laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, and the Americans with Disabilities Act and ADA Amendments, Gustavus does not discriminate on the basis of sex, race, color, national origin, religion, age, disability, gender identity, sexual orientation, marital status, familial status, pregnancy, citizenship, creed, genetic information, veteran status, status with regard to public assistance, or any other legally protected status in its education programs and activities, employment policies and practices, or any other areas of the College.

Within the limits of its facilities, the College shall be open to all applicants who are qualified according to its admission requirements. The College shall make clear to all applicants the characteristics and expectations of students that it considers relevant to its program. Financial aid administered by the College shall be disbursed on the basis of financial need and academic promise and/or academic ability.

Violations of this policy that fall within the scope of sexual harassment and misconduct will be adjudicated using the college sexual misconduct processes. Alleged violations of this policy not related to sexual harassment and misconduct that are committed:

by students will be adjudicated using the process identified in the Student Rights, Responsibilities and Conduct Procedures of the *Gustie Guide*;

by faculty will be adjudicated using the process identified in the *Faculty Manual*, 3.2.4 Grievance, Disciplinary, and Appeal Procedures;

by non-faculty employees will be adjudicated using the Progressive Discipline Process found on the Human Resources webpage under the heading of Employee Policies. Contact Human Resources for a copy of this policy.

Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, which provides that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” The College is required by Title IX and its regulations not to engage in sex discrimination in its education program or activity, including admissions and employment. Sex discrimination is conduct based upon an individual’s sex that excludes an individual from participation in, denies the individual the benefits of, or treats the individual differently in, an education program or activity. Sexual Harassment is a form of sex discrimination.

Gustavus strictly prohibits sexual discrimination and Sexual Misconduct in any form. The College will promptly and equitably respond to all reports of sexual discrimination and Sexual Misconduct.

Questions or concerns about the application of Title IX, sex discrimination, Sexual Harassment, or other forms of Sexual Misconduct may be directed to the College’s Title IX Coordinator.

**Julianne Watterson, Title IX Coordinator**

Gustavus Adolphus College  
Campus Center, 201A  
800 W. College Ave  
Saint Peter, MN 56082  
507-933-6360

[jwatter2@gustavus.edu](mailto:jwatter2@gustavus.edu)

Questions or concerns may also be directed to the U.S. Department of Education’s Office for Civil Rights:

**The Office of Civil Rights**

U.S. Department of Education  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661-4544  
312-730-1560  
TDD: 877-521-2172

[OCR.chicago@ed.gov](mailto:OCR.chicago@ed.gov)

<http://www.ed.gov/ocr>

**III. Scope**

This policy applies to all members of the College community, including but not limited to, students, employees, faculty, staff, administrators, applicants for admission or employment, Board of Trustee members, and third parties such as volunteers, vendors, independent contractors, visitors, and any individuals and entities that do business with Gustavus or are regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with Gustavus or on Gustavus property. This Policy may also apply to individuals who interact with College community members under certain circumstances. All Gustavus community members are required to follow College policies and local, state, and federal law.

This Policy applies to Sexual Misconduct committed by or against a Gustavus community member, including conduct occurring on campus or Gustavus property like a residence hall, classroom or on-campus event, conduct that occurs at Gustavus-sanctioned events or programs that take place off campus, such as study abroad and internships, and off campus conduct that may (1) have continuing adverse effects on campus, Gustavus property, or in a Gustavus program or activity, (2) substantially and unreasonably interfere with a community member’s employment, education or environment on campus, Gustavus property, or in a

Gustavus program or activity, or (3) create a hostile environment for community members on campus, Gustavus property, or in a Gustavus program or activity.

This Policy applies to Sexual Misconduct within the scope of Title IX, as well as Sexual Misconduct committed by or against a College community member that does not fall within the scope of Title IX. More information about what Sexual Misconduct falls within the scope of Title IX is provided in the section VI. Prohibited Conduct below and more information about the process applicable to different types of Sexual Misconduct is provided in the section X. General Provisions for Complaint Resolution Process below.

This Policy applies regardless of the sexual orientation or gender identity of any of the parties.

#### **IV. Title IX Coordinator and Title IX Team**

The Title IX Coordinator is responsible for the coordination of the College's Title IX compliance efforts, including the College's efforts to end Sexual Misconduct, prevent its recurrence, and address its effects. The Title IX Coordinator oversees and monitors the College's overall compliance with Title IX-related policies and developments and the administration of this Policy; the implementation of complaint resolution processes, including investigation and adjudication of all formal complaints of Sexual Misconduct; the provision of educational materials and training for the campus community; and all other aspects of the College's Title IX compliance. These responsibilities include, but are not limited to:

- Ensuring Gustavus policies and procedures and relevant state and federal laws are followed;
- Informing any individual, including a complainant, a respondent or another individual, about the procedural options and processes used by Gustavus and about resources available at Gustavus and in the community;
- Training and assisting Gustavus employees regarding how to respond appropriately to a report of sex discrimination or Sexual Misconduct;
- Monitoring full compliance with all procedural requirements and time frames outlined in this Policy;
- Evaluating allegations of bias or conflict of interest relating to this Policy;
- Determining whether grounds for appeal under this Policy have been stated;
- Ensuring that appropriate training, prevention and education efforts, and periodic reviews of the College's climate and culture take place;
- Coordinating Gustavus's efforts to identify and address any patterns or systemic problems revealed by reports and formal complaints;
- Recordkeeping of all incidents reported to the Title IX Coordinator;
- Complying with written notice requirements of the Violence Against Women Act; and
- Assisting in answering any other questions related to this Policy.

Questions regarding this policy should be directed to the Title IX Coordinator.

The Deputy Title IX Coordinators assist with case management, training, and prevention. Other trained individuals may also be called upon to investigate or adjudicate formal complaints of Sexual Misconduct, review appeals, and/or facilitate informal resolutions to formal complaints.

The Title IX Coordinator may appoint a designee to fulfill the functions of the Coordinator under this Policy. When this Policy refers to actions of the Title IX Coordinator, these actions may be fulfilled by the Title IX Coordinator or the Title IX Coordinator's designee.

#### **Title IX Coordinator**

Julianne Watterson, Title IX Coordinator

507-933-6360

[jwatter2@gustavus.edu](mailto:jwatter2@gustavus.edu)

## **Deputy Coordinators**

Tommy Valentini

507-933-6446

[tvalentini@gustavus.edu](mailto:tvalentini@gustavus.edu)

Martin Lang

507-933-6899

[mlang3@gustavus.edu](mailto:mlang3@gustavus.edu)

## **V. Definitions**

**Complainant** refers to an individual who is alleged to be the victim of conduct that could violate this Policy.

**Respondent** refers to an individual who has been reported to be the perpetrator of conduct that could constitute a violation of this Policy.

A **report** is an account of the Sexual Misconduct that has allegedly occurred that has been provided to the College by the complainant, a third party, or an anonymous source.

A **formal complaint** is a document filed by a complainant or signed by the Title IX Coordinator alleging a violation of this Policy and requesting that the College investigate the allegation of the Policy violation. A formal complaint begins the complaint resolution process as set forth in section X. General Provisions for Complaint Resolution Process below.

**Sexual Misconduct** as used in this Policy means the following forms of sex discrimination and other misconduct: Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Assault, Stalking, Domestic Violence, Dating Violence, and Sexual Exploitation.

**Inculpatory evidence** is a statement or other evidence which tends to establish that a respondent has engaged in Sexual Misconduct in violation of this Policy.

**Exculpatory evidence** is a statement or other evidence which tends to establish that a respondent has not engaged in Sexual Misconduct in violation of this Policy.

## **VI. Prohibited Conduct**

The College prohibits the following forms of Sexual Misconduct: Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Exploitation, Sexual Assault, Domestic Violence, Dating Violence, and Stalking, as each term is defined below. Aiding others in acts of Sexual Misconduct also violates this Policy.

### **A. Title IX Sexual Harassment**

As used in this Policy, Title IX Sexual Harassment includes conduct on the basis of sex that satisfies one or more of the following definitions, when the conduct occurs (1) in the College's education program or activity and (2) against a person in the United States.

i. **Title IX Quid Pro Quo Harassment:** Title IX Quid Pro Quo Harassment occurs when an employee of the College, including a student-employee, conditions the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct. Such unwelcome sexual conduct could include, but is not limited to, sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal, nonverbal, or physical conduct or communication of a sexual nature.

ii. **Title IX Hostile Environment Harassment:** Title IX Hostile Environment Harassment is unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity.

For the purposes of the definition of Title IX Hostile Environment Harassment, reasonable person means a reasonable person in the shoes of the complainant, considering the ages, abilities, and relative positions of authority of the individuals involved in an incident.

Multiple instances of the following conduct, or other unwelcome conduct on the basis of sex, may constitute Title IX Hostile Environment:

- Unwelcome sexual flirtations, advances, or propositions;
- Requests for sexual favors;
- Punishing or threatening to punish a refusal to comply with a sexual-based request;
- Offering a benefit (such as a grade, promotion, or athletic participation) in exchange for sexual favors or other verbal or physical conduct of a sexual nature;
- Verbal abuse of a sexual nature, obscene language, gender- or sexually-oriented jokes, verbal commentary about an individual's body, sexual innuendo, and gossip about sexual relations;
- The display of derogatory or sexually suggestive posters, cartoons, drawings, or objects, or suggestive notes or letters or e-mails or text messages or in a public space;
- Visual conduct such as leering or making gestures;
- Sexually suggestive comments about an individual's body or body parts, or sexual degrading words to describe an individual;
- Unwanted kissing;
- Unwelcome touching of a sexual nature such as patting, pinching or brushing against another's body;
- Unwelcome verbal or physical conduct against an individual related to the individual's gender identity or the individual's conformity or failure to conform to gender stereotypes;
- Cyber or electronic harassment.

The circumstances that may be considered when determining whether conduct was so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity include, but are not limited to:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the victim's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct was merely a discourteous, rude, or insensitive statement;
- Whether the speech or conduct deserves the protection of academic freedom.

iii. **Sexual Assault, Domestic Violence, Dating Violence, and Stalking:** as those terms are defined below (when such conduct occurs (1) in the College's education program or activity and (2) against a person in the United States).

For the purposes of the Title IX Sexual Harassment definition, conduct is **unwelcome** when the individual did not request or invite and regarded it as undesirable or offensive. The fact that an individual may have accepted the conduct does not mean that they welcomed it. On the other hand, if an individual actively participates in conduct and gives no indication that they object, then the evidence generally will not support a conclusion that the conduct was unwelcome. That a person welcomes some conduct does not necessarily mean that person welcomes other conduct. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion. Whether conduct was unwelcome may be determined based on the context and circumstances of the encounter or incident.



At a minimum, the College's **education program or activity** includes all of the operations of the College, including (1) locations on campus or otherwise owned or controlled by the College, such as residence halls and learning spaces, (2) locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the alleged Sexual Misconduct occurred, such as College athletic events and other College-sponsored off-campus activities, and (3) any building owned or controlled by a student organization that is officially recognized by the College. Whether alleged conduct occurred in the College's education program or activity is a fact specific analysis.

### **B. Non-Title IX Sexual Harassment**

While Title IX requires that the alleged conduct meet a certain threshold before it is considered Title IX Sexual Harassment, the College also prohibits unwelcome conduct of a sexual nature or based on sex (1) that may not rise to the level of Title IX Sexual Harassment (as defined above), (2) that did not occur in the College's education program or activity, but may nevertheless cause or threaten to cause an unacceptable disruption at the College or interfere with an individual's right to a non-discriminatory educational or work environment, or (3) that did not occur against a person in the United States.

As used in this Policy, Non-Title IX Sexual Harassment is unwelcome conduct of a sexual nature, including sexual advances, requests for sexual favors, offensive comments or other conduct based on sex, sexually motivated physical contact, or other verbal, nonverbal, or physical conduct or communication of a sexual nature, when:

- submission to that conduct is made, either explicitly or implicitly, a term or condition of an individual's educational experience or employment, or the individual's submission or rejection of such conduct is used as the basis of an educational program or activity decision or employment decision affecting such individual ("quid pro quo" harassment); or
- such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's employment or education, or of creating an intimidating, hostile, or offensive employment or educational environment ("hostile environment" harassment).

Examples of Non-Title IX Hostile Environment Harassment may include the same type of conduct listed above for Title IX Hostile Environment Harassment, when such conduct (1) does not rise to the level of being so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; (2) does not occur in the College's education program or activity; or (3) does not occur against a person in the United States.

For the purposes of the Non-Title IX Sexual Harassment definition, conduct is **unwelcome** when the individual did not request or invite it and regarded the conduct as undesirable or offensive. The fact that an individual may have accepted the conduct does not mean that they welcomed it. On the other hand, if an individual actively participates in conduct and gives no indication that they object, then the evidence generally will not support a conclusion that the conduct was unwelcome. That a person welcomes some conduct does not necessarily mean that person welcomes other conduct. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion. Whether conduct was unwelcome may be determined based on the context and circumstances of the encounter or incident.

Non-Title IX Sexual Harassment does not include conduct covered under the definition of Title IX Sexual Harassment.

### **C. Sexual Exploitation**

Sexual Exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of Sexual Exploitation may include, but are not limited to:

- Intentional and repeated invasion of sexual privacy (e.g., walking into the other person's room or private space);
- Prostituting another person;
- Taking of or distribution of photographs/images, video or audio recording, or electronically broadcasting (e.g., with a web cam) a sexual activity without consent;
- Intentional removal or attempted removal of clothing that exposes an individual's bra, underwear, or intimate body part, or that is otherwise sexual in nature, without consent;
- Intentionally allowing others to view/hear a sexual encounter (such as letting individuals hide in the closet or watch consensual sex) without consent;
- Viewing or permitting someone else to view another's sexual activity or intimate body parts, in a place where that person would have a reasonable expectation of privacy, without consent;
- Engaging in voyeurism without consent;
- Exposing one's genitals or breasts in non-consensual circumstances;
- Inducing another to expose his or her genitals or breasts in non-consensual circumstances;
- Knowingly transmitting a sexually transmitted disease or sexually transmitted infection to another person without his or her knowledge;
- Ejaculating on another person without consent;
- Distributing or displaying pornography to another without that individual's consent.

Sexual Exploitation does not include conduct covered under the definition of Title IX Sexual Harassment.

### **D. Sexual Assault**

Sexual Assault is any actual or attempted sexual contact, including penetration and contact with any object, with another person without that person's consent. As used in this Policy, sexual contact includes intentional contact by the accused with the victim's intimate parts (genital area, groin, inner thigh, buttocks, or breasts), whether clothed or unclothed; touching another with any of these body parts, whether clothed or unclothed; coerced touching by the victim of another's genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed; or forcing another to touch oneself with or on any of these body parts. Sexual Assault includes but is not limited to an offense that meets any of the following definitions:

- Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, oral penetration by a sex organ of another person, or oral contact with the sex organ of another person, without the consent of the victim.
- Fondling: the touching of the intimate parts (genital area, groin, inner thigh, buttocks, or breast) of another person for the purpose of sexual gratification, without the consent of the victim.
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory rape: sexual intercourse with a person who is under the statutory age of consent; in Minnesota, the age of consent is 16.

While Title IX requires that the alleged conduct occurs in a College program or activity against a person in the United States, the College also prohibits Sexual Assault that did not occur in the College's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, College property, or in a College program or activity, (2) substantially and unreasonably

interfere with a community member's employment, education or environment on campus, College property, or in a College program or activity, or (3) create a hostile environment for community members on campus, College property, or in a College program or activity.

Sexual Assault also is prohibited by Minnesota law. See Minnesota Statutes Section 609.341 et seq. or the State Law Definitions section below for applicable criminal law definitions of criminal sexual conduct.

## **Consent**

Consent is words or overt actions by a person clearly communicating a freely given present agreement to perform a particular sexual act. Words or overt actions clearly communicate consent when a reasonable person in the circumstances would believe those words or actions indicate a willingness to participate in a mutually agreed-upon sexual activity. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent. It is the responsibility of the person initiating the specific sexual activity to obtain consent for that activity.

The definition of consent is subject to the following:

- Consent is active, not passive. Silence or the absence of resistance or saying “no,” in and of themselves, cannot be interpreted as consent.
- Consent to one form of sexual activity does not, by itself, constitute consent to any other forms of sexual activity.
- Previous relationships or prior consent do not, by themselves, constitute consent to future sexual acts. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may be factors in determining whether there was consent.
- Consent can be withdrawn at any time. When consent is withdrawn, the sexual activity for which consent was initially provided must stop.
- Whether an individual actively and willingly participates in conduct may be a factor in determining whether there was consent.
- An existing sexual, romantic, or marital relationship does not, by itself, constitute consent.
- Prior sexual activity with other individuals does not imply consent.
- Consent cannot be procured, expressly or implicitly, by use of force, intimidation, threats, or coercion, as that term is defined below.
- An individual known to be – or who should be known to be – incapacitated, as defined by the Policy, cannot consent to sexual activity initiated by another individual.
- Use of alcohol or other drugs will never function to excuse behavior that violates this Policy.
- In order to give consent, one must be of legal age (16).

## **Coercion**

Coercion is conduct or intimidation that would compel an individual to do something against their will by: (1) the use of physical force, (2) threats of severely damaging consequences, or (3) pressure that would reasonably place an individual in fear of severely damaging consequences. Coercion is more than an effort to persuade or attract another person to engage in sexual activity. Coercive behavior differs from seductive behavior based on the degree and type of pressure someone uses to obtain consent from another.

## **Incapacitation**

Incapacitation means the physical and/or mental inability to understand the fact, nature, or extent of the sexual situation. Incapacitation may result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of drugs or alcohol. With respect to incapacitation due to the influence of drugs or alcohol, incapacitation requires more than being under the influence of drugs or

alcohol; a person is not incapacitated just because they have been drinking or using drugs. Where drugs and/or alcohol are involved, incapacitation is determined based on the facts and circumstances of the particular situation looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation, whether the individual was able to communicate decisions regarding consent, non-consent, or the withdrawal of consent, and whether such condition was known or reasonably known to the respondent or a reasonable sober person in respondent's position.

Use of drugs or alcohol by the accused is not a defense against allegations of Sexual Misconduct. Regardless of their own level of intoxication, individuals who are initiating sexual contact are always responsible for obtaining consent before proceeding with sexual activity.

### **E. Dating Violence**

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined with consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating Violence includes, but is not limited to, sexual or physical abuse, such as physical harm, bodily injury, or criminal assault, or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

Examples of dating violence include, but are not limited to:

- Physical violence, which involves the intentional use of physical force with the potential for causing injury, harm and even death. This can include scratching, pushing, shoving, throwing, grabbing, biting, choking, slapping, or use of restraints or one's body size or strength against you.
- Sexual violence.
- Threats of physical or sexual violence, which include the use of words, gestures, or weapons to communicate intent to cause death, disability, injury, physical harm, or sexual violence.

While Title IX requires that the alleged conduct occurs in a College program or activity against a person in the United States, the College also prohibits Dating Violence that did not occur in the College's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, College property, or in a College program or activity, (2) substantially and unreasonably interfere with a community member's employment, education or environment on campus, College property, or in a College program or activity, or (3) create a hostile environment for community members on campus, College property, or in a College program or activity

### **F. Domestic Violence**

Domestic Violence is a felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim.
- A person with whom the victim shares a child in common.
- A person who is a current or former cohabitant of the victim as a spouse or intimate partner.
- A person similarly situated to a spouse of the victim under Minnesota's domestic or family violence law.
- Any other person against an adult or youth victim who is protected from that person's acts under applicable domestic or family violence laws of Minnesota (or, if the crime occurred outside of Minnesota, the jurisdiction in which the crime of violence occurred). In addition to the relationships described above, Minnesota law defines Domestic Violence to include violence committed between parents and children, blood relatives, persons who are presently residing together or who have

resided together in the past, persons who have a child together, persons involved in a significant romantic or sexual relationship, and a man and woman, if the woman is pregnant and the man is alleged to be the father.

While Title IX requires that the alleged conduct occurs in a College program or activity against a person in the United States, the College also prohibits Domestic Violence that did not occur in the College's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, College property, or in a College program or activity, (2) substantially and unreasonably interfere with a community member's employment, education or environment on campus, College property, or in a College program or activity, or (3) create a hostile environment for community members on campus, College property, or in a College program or activity.

Domestic Violence also is prohibited by Minnesota law. See Minnesota Statutes Section 518B.01; 609.2242 or the State Law Definitions section below for applicable criminal law definitions relating to Domestic Violence. While not exhaustive, the following are examples of conduct that can constitute Domestic Violence: (1) physical harm, bodily injury or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or (3) terroristic threats, criminal sexual conduct, or interference with an emergency call.

### **G. Stalking**

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.

**Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through others (by any action, method, device, or means), follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.

**Reasonable person** means a reasonable person in the victim's circumstances.

**Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counseling.

Stalking behavior may include, but is not limited to:

- Repeated, unwanted and intrusive communications by phone, mail, text message, and/or email or other electronic communications, including social media;
- Repeatedly leaving or sending the victim unwanted items, presents, or flowers;
- Following or lying in wait for the victim at places such as home, school, work, or recreational facilities;
- Making direct or indirect threats to harm the victim, or the victim's children, relatives, friends, or pets;
- Damaging or threatening to damage the victim's property;
- Repeatedly posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth, that would cause a person to feel threatened or intimidated;
- Unreasonably obtaining personal information about the victim.

Stalking is also prohibited by Minnesota law. See Minnesota Statutes Section 609.749 or the State Law Definitions section below for applicable definitions of criminal Stalking.

While Title IX requires that the alleged conduct occurs in a College program or activity against a person in the United States, the College also prohibits Stalking that did not occur in the College's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, College property, or in a College program or activity, (2) substantially and unreasonably interfere

with a community member's employment, education or environment on campus, College property, or in a College program or activity, or (3) create a hostile environment for community members on campus, College property, or in a College program or activity.

#### **H. Retaliation and Interference with Process**

Retaliation and Interference with Process is any act of intimidation, threat, coercion, or discrimination or any other adverse action or threat thereof against any individual for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Encouraging or assisting others to engage in retaliation or to interfere with the process are also considered Retaliation/Interference with Process and violate this Policy. While the College does not prohibit the parties from discussing the allegations in a formal complaint, acts that could constitute Retaliation and Interference with Process may include, but are not limited to: acts or comments that are intended to discourage a person from engaging in activity protected under this Policy or that would discourage a reasonable person from engaging in activity protected under this Policy; acts or comments that are intended to influence whether someone participates in the complaint resolution process, including the live hearing; acts or comments intended to embarrass the individual; adverse changes in employment status or opportunities; adverse academic action; and adverse changes to academic, educational, and extra-curricular opportunities. Retaliation and Interference with Process may be in person, through social media, email, text, and other forms of communication, representatives, or any other person. Retaliation and Interference with Process may be present against a person even when the person's allegations of Sexual Misconduct are unsubstantiated.

The College is committed to protecting the rights of the complainant, the respondent, and anyone else involved in the complaint resolution process. Any conduct constituting Retaliation or Interference with Process is a violation of this Policy, which is subject to disciplinary action up to and including termination of employment or expulsion. Concerned individuals should report acts of retaliation to the Title IX Coordinator. For more information, see section XII. Complaints of Related Misconduct below.

#### **I. Consensual Relationships**

In light of the power differential inherent in the relationship between faculty and students and between a supervisor and subordinate, and in light of the potential for either intentional or unintentional misuse of that professional power differential, College employees (faculty and staff) are prohibited from engaging in any dating, romantic, or sexual relationship with a currently enrolled Gustavus student. Similarly, consensual dating, romantic, or sexual relationships between College employees who are in a supervisory relationship are also prohibited. It should be noted that in such cases "consent" may not constitute a defense if a Title IX issue arose. Even if the prohibited relationship does not implicate a Title IX issue, the relationship itself may violate other College policies including, but not limited to, the College's Consensual Relationships Policy. Such relationships pose a risk of real or perceived favoritism among other potential issues. Here you will find the Gustavus Consensual Relationships Policy (<https://gustavus.edu/facultybook/allcollegepolicies/#con>).

#### **VII. Confidentiality**

Gustavus encourages individuals who have experienced Sexual Misconduct to talk to someone about what happened. Privacy and confidentiality have distinct meanings under this Policy. Different people on campus have different legal reporting responsibilities, and different abilities to maintain privacy or confidentiality, depending on their roles at Gustavus.

In making a decision about whom to contact for support and information, it is important to understand that most Gustavus employees are not confidential resources, and are therefore obligated to report to Gustavus

any information they receive about Sexual Misconduct. Persons who have experienced Sexual Misconduct are encouraged to consider the following information in choosing whom to contact for information and support, and are encouraged to ask about a person's ability to maintain confidentiality before offering any information about alleged Sexual Misconduct.

### **A. Confidential Resources**

Gustavus recognizes that some individuals may wish to keep their concerns confidential. Confidential communications are those communications which cannot be disclosed to another person, without the reporter's consent, except under very limited circumstances such as allegations involving the physical or sexual abuse of a child (under the age of 18) or vulnerable adult or an imminent threat to the life of any person. Individuals who desire the details of Sexual Misconduct to be kept confidential should speak with a medical professional, professional counselor, minister or other pastoral counselor, or trained victims' advocate.

Individuals that desire the details of the incident be kept confidential should contact any of the following confidential resources:

- Advocates with the Gustavus Sexual Assault Response team (SART/CADA)  
507-933-6868
- Counselors with the Gustavus Counseling Center  
507-933-7027 (*students only*)
- Health professionals with the Gustavus Health Service  
507-933-7630
- Campus Chaplains  
507-933-7446
- Committee Against Domestic Abuse (CADA)  
800-630-1425

A person who speaks to a confidential resource should understand that if the person does not report the concern to a non-confidential resource at Gustavus, Gustavus will be unable to provide certain supportive/interim measures that would require involvement from Gustavus (such as issuing a no-contact order), conduct an investigation into the particular incident, or pursue disciplinary action. Individuals who first speak with a confidential resource may later decide to file a formal complaint with Gustavus or report the incident to local law enforcement.

### **B. Non-Confidential Communications**

Non-confidential communications are those communications with any Gustavus employee who is not a confidential resource. Only confidential resources can promise confidentiality. All other Gustavus employees who become aware of incidents or allegations of Sexual Misconduct have a responsibility to report the matter to the Title IX Coordinator. College employees who are not confidential resources will strive to remind an individual of their reporting obligations before the individual has disclosed a situation that requires reporting to the Title IX Coordinator.

Although most College employees cannot promise confidentiality, the College is committed to protecting the privacy of individuals involved in a report of Sexual Misconduct. Allegations of Policy violations will be considered private and will only be shared with other Gustavus employees on a need to know basis, as permitted by law, even if the individuals involved do not specifically request confidentiality. The College will keep confidential the identity of any individual who has made a report or filed a formal complaint alleging a violation of this Policy, as well as any complainant, respondent, and witness, except as permitted by law or to

carry out the complaint resolution process pursuant to this Policy. Allegations of Sexual Misconduct will not be shared with law enforcement without the consent of the individual who has alleged the Sexual Misconduct, unless the allegations relate to physical abuse, sexual abuse, or neglect of a child under the age of 18 (see section IX(C) Mandatory Reporting Concerning Minors below for more information) or unless Gustavus is compelled to do so pursuant to a subpoena or court order.

In addition, although the College will strive to protect the privacy of all individuals involved to the extent possible consistent with the College's legal obligations, the College may be required to share information with individuals or organizations outside the College under reporting or other obligations under federal and state law, such as reporting of Clery Act crime statistics and mandatory reporting of child abuse and neglect. In addition, if there is a criminal investigation or civil lawsuit related to the alleged misconduct, the College may be subject to a subpoena or court order requiring the College to disclose information to law enforcement and/or the parties to a lawsuit. In these cases, personally identifying information will not be reported to the extent allowed by law and, if reported, affected students will be notified consistent with the College's responsibilities under FERPA, as allowed by law.

### **C. Requests for Confidentiality or Non-Action**

When Gustavus receives a report of Sexual Misconduct, it has a legal obligation to respond in a timely and appropriate manner. Making a report to Gustavus does not require an individual to begin or participate in a complaint resolution process or to report to local law enforcement. However, based on the information gathered, Gustavus may determine that it has a responsibility to move forward with the complaint resolution process (even without the participation of the complainant). In a situation in which the complainant requests that their name or other identifiable information not be shared with the respondent, or that no action be taken against the respondent, Gustavus will evaluate the request considering the following factors: the seriousness of the alleged misconduct, the respective ages and roles of the complainant and respondent, whether there have been other Sexual Misconduct complaints about the same respondent, whether the respondent has a history of arrests or records from a prior school indicating a history of Sexual Misconduct, whether the respondent threatened further Sexual Misconduct or other violence against the complainant or others, whether the Sexual Misconduct was committed by multiple respondents, whether the Sexual Misconduct was perpetrated with a weapon, whether Gustavus possesses other means to obtain relevant evidence of the Sexual Misconduct (e.g., security footage, eyewitness, physical evidence), whether the report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol, at a given location, or by a particular group), and the extent of any threat to the Gustavus community.

Gustavus will take all reasonable steps to investigate and respond to the report consistent with the request for confidentiality or request not to pursue an investigation made by the complainant, however, the scope of the response by Gustavus may be impacted or limited based on the nature of the complainant's request. The College will likely be unable to conduct an investigation into the particular incident or to pursue disciplinary action against the respondent and also maintain confidentiality. Action while honoring the complainant's request could include steps to limit the effects of the alleged Sexual Misconduct and prevent its recurrence that do not involve an investigation or disciplinary action against the respondent or reveal the identity of complainant.

The College will strive to accommodate the complainant's requests for confidentiality or non-action in most cases, to the extent possible consistent with the College's legal obligations. There may be times when, in order to provide a safe, non-discriminatory environment for all students and employees, the College may not be able to honor a complainant's request for confidentiality or non-action. The presence of one or more of the factors above could lead Gustavus to move forward with a complaint resolution process (even without the participation of the complainant). In this instance, the Title IX Coordinator will inform the complainant and



may, at the complainant's request, communicate to the respondent that the complainant asked Gustavus not to investigate and that Gustavus determined it needed to do so. A complainant can choose not to participate in any complaint resolution process.

In instances where the College moves forward with a complaint resolution process without the participation of the complainant, the complainant will have the same rights as provided to a complainant under this Policy even if the complainant did not sign the formal complaint.

#### **D. Clery Act Reporting and Timely Warning**

Pursuant to the Clery Act, Gustavus includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education and Minnesota Office of Higher Education in a manner that does not include any personally identifying information about individuals involved in an incident. In addition, the Clery Act requires Gustavus to issue a crime alert (timely warning) to the campus community about certain reported offenses which may represent a serious or continuing threat to students and employees. The timely warning may include that an incident has been reported, general information surrounding the incident, and how incidents of a similar nature might be prevented in the future. The timely warning will not include any identifying information about the complainant. In addition, publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report and daily crime log, will not include names or other information that may personally identify either party, to the extent permitted by law. To ensure that a complainant's and respondent's personally identifying information will not be included in publicly available recordkeeping, the Title IX Coordinator describes the alleged incidents by removing the complainant's and respondent's names and any other identifiers that would enable the public to identify either party in the context of the incident report.

All Gustavus complaint resolution processes are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and state and federal law. No information shall be released from such processes except as required or permitted by law and Gustavus Policy.

Minnesota law requires institutions to collect statistics, without inclusion of any personally identifying information, regarding the number of reports of Sexual Assault received by an institution and the number of types of resolutions. See Minnesota Statute Section 135A.15. Data collected for purposes of submitting annual reports containing those statistics to the Minnesota Office of Higher Education under Minn. Stat. 135A.15 shall only be disclosed to the complainant, persons whose work assignments reasonably require access, and, at the complainant's request, police conducting a criminal investigation. Nothing in this paragraph is intended to conflict with or limits the authority of Gustavus to comply with other applicable state or federal laws.

Employees who are confidential resources contribute to College statistical reporting requirements by reporting non-identifying information about reports they have received.

#### **VIII. Immediate and Ongoing Assistance Following an Incident of Sexual Misconduct**

Gustavus will support any person adversely impacted by Sexual Misconduct. Both Gustavus and the Saint Peter community provide a variety of resources to assist and support individuals who have experienced Sexual Misconduct or are affected by allegations of Sexual Misconduct. These resources, both immediate and ongoing, are available to all persons irrespective of their decision to report to the College or to law enforcement.

Support services that may be available include, but are not limited to, connecting the individual with appropriate, fair and respectful on-campus and off-campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and support services; making

changes to academic, living, transportation, and/or working arrangements; assistance in filing a criminal complaint; and providing information about restraining orders and other available protections and services. Additional information about ongoing assistance is in the section X(G) Supportive/Interim Measures below. To receive information about obtaining support services, individuals should contact the Title IX Coordinator or a confidential resource.

Gustavus will provide written notification to affected individuals about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the College and in the community.

A complete description of Gustavus and community resources, both confidential and non-confidential, and additional information regarding what to do if you experience Sexual Misconduct is provided in the section XV. Resources at the end of this Policy and on the College's website. Individuals who believe they have been subjected to any form of Sexual Misconduct are encouraged to seek support from these resources.

## **IX. Reporting Sexual Misconduct**

### **A. Reporting to the College**

The College encourages anyone who has experienced or knows of Sexual Misconduct to report the incident to the College. An individual may report Sexual Misconduct to the College by contacting the following:

- **Julianne Watterson**  
Title IX Coordinator  
Phone: 507-933-6360  
Email: [jwatter2@gustavus.edu](mailto:jwatter2@gustavus.edu)
- **Tommy Valentini**  
Deputy Title IX Coordinator  
Phone: 507-933-6446  
Email: [tvalentini@gustavus.edu](mailto:tvalentini@gustavus.edu)
- **Martin Lang**  
Deputy Title IX Coordinator  
Phone: 507-933-6899  
Email: [mlang3@gustavus.edu](mailto:mlang3@gustavus.edu)

Gustavus Adolphus College takes all reports seriously. Reports can be made by telephone, via email, via mail, or in person. Reports may be made at any time, including non-business hours by phone, email, mail, or the College's website.

Reports to the College should include as much information as possible, including the names of the complainant, the respondent, and any other involved individuals, and the date, time, place, and circumstances of the incident, to enable the College to respond appropriately.

When the College receives a report of Sexual Misconduct, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures with or without the filing of a formal complaint and to explain the process of filing a formal complaint. When a student or employee reports to the College that they have been a victim of Sexual Misconduct, whether the offense occurred on or off campus, the College will provide the student or employee with a written explanation of the student's or employee's rights and options and procedures victims should follow.

If an individual has made a report to a College employee who is not a confidential resource and has not yet heard from the Title IX Coordinator, please report directly to the Title IX Coordinator.

## **B. Employee Reporting Obligations**

All Gustavus Adolphus College employees who are not confidential resources and who obtain or receive information regarding possible Sexual Misconduct must report that information to the Title IX Coordinator. Student leaders (including Collegiate Fellows, Gustie Greeters, and other students in a leadership role) also must report any information they obtain or receive regarding possible Sexual Misconduct to the Title IX Coordinator. Student leaders have a reporting obligation regardless of whether they are a College employee. Individuals who are unsure whether they are a student leader with an obligation to report under this Policy should contact the Title IX Coordinator.

Incidents that must be reported by College employees and student leaders include:

- Incidents personally observed;
- Incidents that are reported to the employee or student leader; and
- Incidents of which the employee or student leader otherwise becomes aware

Such report should be made as soon as possible and should include all relevant details needed to assess the situation. This includes, to the extent known, the names of the complainant, respondent, and other individuals involved in the incident, as well as relevant facts, including the date, time, and location.

Employees and student leaders who receive such reports should not attempt to “investigate” the allegation or require the reporting individual to provide all of the details surrounding the alleged Sexual Misconduct. To the extent the reporting individual provides detail, that information should be provided to the Title IX Coordinator. Upon receiving a report of alleged or possible Sexual Misconduct, the Title IX Coordinator will evaluate the information received and determine what further actions should be taken consistent with the complaint resolution process and this Policy.

College employees who are not confidential resources and student leaders who receive a report of Sexual Misconduct should bring the report directly to the Title IX Coordinator and should not share information about the report with any other individual. If the individual is uncertain whether the information should be reported to the Title IX Coordinator, the individual should seek guidance from the Title IX Coordinator before providing the Title IX Coordinator with any identifiable information regarding the report. Failure of a College employee who is not a confidential resource or a student leader to report allegations of Sexual Misconduct to the Title IX Coordinator may result in disciplinary action.

If an individual has made a report to a College employee who is not a confidential resource and has not yet heard from the Title IX Coordinator, they should make the report directly to the Title IX Coordinator.

## **Mandatory Reporting Concerning Minors**

Any Gustavus employee who becomes aware of the abuse (physical or sexual) or neglect of a child under the age of 18 on campus or in connection with any Gustavus event, program, or activity must report it immediately to the Title IX Coordinator. In addition, as a mandatory reporter under Minnesota law, such individuals must also immediately report the abuse or neglect to the local welfare agency, agency responsible for assessing or investigating the report, police department, or county sheriff. The Gustavus Minors on Campus Policy (<https://gustavus.edu/facultybook/allcollegepolicies/#cog>) and reporting obligations can be found there.

## **C. Anonymous Reports**

The College will accept anonymous reports of Sexual Misconduct. Reports may be filed anonymously using the College’s [online reporting form](#). The individual making the report is encouraged to provide as much detailed information as possible to allow the College to investigate the report and respond as appropriate. The

College will likely be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the College to conduct a meaningful investigation. The Title IX Coordinator will receive anonymous reports and meet with the Title IX team to determine the best way to respond.

#### **D. Reporting to Law Enforcement**

Some types of Sexual Misconduct prohibited by this Policy, such as Sexual Assault, also constitute criminal conduct. Individuals who believe they may have been subjected to criminal Sexual Misconduct are strongly encouraged to notify local law enforcement authorities or Campus Safety. The College will comply with an individual's request for assistance in notifying authorities. Gustavus will, at the direction of law enforcement, provide complete and prompt assistance in obtaining, securing, and maintaining evidence in connection with criminal conduct that violates this Policy. Individuals also have the option to decline to notify law enforcement.

Individuals may file a criminal complaint and a formal complaint under this Policy simultaneously. Reporting to law enforcement is not necessary for the College to proceed with a complaint resolution process.

If you would like to report Sexual Misconduct to law enforcement, the Saint Peter Police Department can be contacted by calling 911 or 507-931-1550. A member of the Saint Peter Police Department will meet with you in the location of your choosing to take an initial report. The College is available to support you during this process.

Minnesota law provides individuals who report crimes to law enforcement with certain rights. For further information, consult [Crime Victim Rights](#), a publication of the Minnesota Department of Safety, or Minnesota Statutes Chapter 611A.

#### **E. Harassment Orders, Protective Orders and No-Contact Orders**

Individuals who would like to avoid contact with another individual have several options available to them, including seeking a harassment restraining order or protective order from a civil court or requesting a no-contact order from the College.

Harassment restraining orders and orders for protection are legal orders issued by a state court which forbid someone from harassing and/or making contact with another. A harassment restraining order is a court order issued against an alleged harasser, regardless of the relationship between the alleged harasser and the alleged victim, which orders the harasser to stop harassing the victim and/or to have no contact with the victim. An order for protection is a civil court order that protects one family or household member from domestic abuse by another family or household member. The College does not issue harassment restraining orders or orders for protection, but one can be obtained through making an application to the Nicollet County District Court. Petition forms to apply for Harassment Restraining Orders or to seek an Order for Protection are available at the Nicollet County Government Center, 501 S. Minnesota Avenue, St. Peter, MN 56082. Forms are also available on-line from the Minnesota Judicial Branch website at [www.mncourts.gov](http://www.mncourts.gov), but forms must be submitted to the Court Administrator at the Nicollet County Government Center during business hours. Individuals seeking an order for protection may obtain assistance from the Court Administrator's Office at 507-934-7850.

A no-contact order is a College-issued directive that prohibits both parties from communication or contact with another. Generally, no-contact orders issued prior to the conclusion of the complaint resolution process will be mutual and serve as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another. To request a no-contact order from the College, individuals should contact the Title IX Coordinator.

The College is responsible for honoring requests for information about available options for orders for protection, restraining orders, and no-contact orders and has a responsibility to comply with and enforce such orders. To request additional information about available options for orders for protection, restraining orders, and no-contact orders, contact the Title IX Coordinator. An order of protection and/or harassment restraining order can be enforced by contacting local law enforcement. A College-issued no-contact order may be enforced by contacting Campus Safety or the Title IX Coordinator. The College will fully cooperate with any harassment restraining order and/or order for protection issued by a criminal, civil, or tribal court.

## **F. Crime Victims Bill of Rights**

Pursuant to state law, victims of crime must be informed of their rights under the Crime Victims Bill of Rights. The following is a summary of crime victims' rights under Minnesota law.

- When a crime is reported to law enforcement, victims have the right to:
- Request that their identity be kept private in reports available to the public;
- Be notified of crime victim rights and information on the nearest crime victim assistance program or resource;
- Apply for financial assistance for non-property losses related to a crime;
- Participate in prosecution of the case, including the right to be informed of a prosecutor's decision to decline prosecution or dismiss their case;
- Protection from harm, including information about seeking a protective or harassment order at no cost;
- Protection against employer retaliation for taking time off to attend protection or harassment restraining order proceedings; and
- Assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety.

Victims of domestic abuse also have the right to terminate a lease without penalty. Victims of Sexual Assault have the right to undergo a confidential Sexual Assault examination at no cost, make a confidential request for HIV testing of a convicted felon, and are not required to undergo a polygraph examination in order for an investigation or prosecution to proceed. In cases of domestic abuse and violent crime where an arrest has been made, victims also have the right to be provided notice of the release of the offender, including information on the release conditions and supervising agency.

Complete information about crime victims' rights can be found at:

<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx>

Information about victims' rights is also available from the Title IX Coordinator or from the Minnesota Department of Public Safety, Office of Justice Programs, and in Minnesota Statutes Chapter 611A.

## **G. Amnesty**

The College community encourages the reporting of Sexual Misconduct by complainants and other individuals. The integrity of the process is dependent upon the honesty of all involved in the compliant resolution process. Sometimes, individuals are hesitant to report to College officials or participate in complaint resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking, that may have been occurring at the time of the incident. To encourage transparency, individuals who make a good faith report of Sexual Misconduct, and individuals who participate in a Sexual Misconduct complaint resolution process, will not be disciplined by Gustavus for any violation of its drug and alcohol policies in which they might have engaged in connection with the reported incident, except as outlined in this section.

Gustavus, however, reserves the right to require individuals to participate in training or educational programming designed to reduce risk and promote health and wellbeing. The participation in such training or educational programming will not be reflected on a community member's official records. In addition, Gustavus may still pursue disciplinary action for the alleged violation of Gustavus drug and alcohol policies in instances where any other individual is harmed by the conduct constituting a violation of the Gustavus drug and alcohol policies, where an employee who engaged in a violation of College policy holds a leadership role on campus, including a leadership role over students or employees, or where an employee is engaged in a violation of College policy with a student. In those cases the College may still pursue disciplinary action for the alleged violation of other College policies.

### **Emergency Removal**

The College reserves the right to remove a student respondent, in whole or in part, from the College's education program or activity on an emergency basis. Prior to removing the student respondent on an emergency basis, the College will undertake an individualized safety and risk analysis and will determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct justifies removal. If a student respondent is removed on an emergency basis, the College will provide the student respondent with notice and an opportunity to challenge the decision immediately following the removal.

### **H. Administrative Leave**

The College reserves the right to place a non-student employee respondent on administrative leave during the pendency of the complaint resolution process.

An employee may also be assigned other duties during the pendency of the complaint resolution process.

### **X. General Provisions for Complaint Resolution Process**

When Gustavus receives a formal complaint of a potential Policy violation, Gustavus will promptly and equitably respond to the formal complaint pursuant to the guidelines and procedures set forth below. The College will provide a fair and impartial complaint resolution process. A fair process is one that treats the parties equitably, provides complainant an opportunity to file a formal complaint alleging a violation of the Policy and an opportunity to present evidence of the allegations prior to a decision on responsibility, provides respondent notice of the allegations and an opportunity to respond to and present evidence related to those allegations prior to a decision on responsibility, and provides both parties an opportunity to challenge the credibility of the other party and any witnesses prior to a decision on responsibility. In cases involving allegations of Sexual Misconduct that is not Title IX Sexual Harassment, the ability to challenge credibility is accomplished through the parties' ability to suggest questions to be asked of the other party and witnesses during the investigation, through the Written Response Statements in response to the investigation report, and through the Written Rebuttal Statements in response to the other party's Written Response Statement as discussed in section XI. Procedures for Sexual Misconduct Complaint Resolution below.

Each complaint resolution process will require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties. The College will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. The College will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and

which are made and maintained in connection with the provision of treatment to the party, unless the recipient obtains that party's voluntary, written consent to do so for a complaint resolution process.

This Policy provides different procedures depending on the particular circumstances of a case, including the type of Sexual Misconduct that is alleged. Upon receiving a formal complaint, the Title IX Coordinator will make a preliminary determination of the procedures that will apply to the complaint resolution process. The procedures in the formal process for all cases of Sexual Misconduct are the same through the investigation phase. Prior to providing access to information at the end of the investigation phase, the Title IX Coordinator will make a final determination as to the procedures that will apply to the access to information phase and the adjudication phase.

If a formal complaint includes both an allegation of Title IX Sexual Harassment and an allegation of Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment, the College reserves the right to process the allegations in the same complaint resolution process or to separate the allegations into separate complaint resolution processes.

### **A. Trained Officials**

Each complaint resolution process will be conducted by individuals, including coordinators, investigators, Title IX Hearing Panel/Sexual Misconduct Board members, and any person who facilitates an informal resolution process, who do not have a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent. In addition, those individuals will receive annual training on the definition of Title IX Sexual Harassment; the scope of the College's education program or activity; how to conduct an investigation and complaint resolution process, including hearings, appeals, and informal resolution processes, as applicable; how to serve impartially, including by avoiding prejudgment of the facts at interest, conflicts of interest, and bias; issues related to sexual harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking; and how to conduct an investigation and decision-making process that protects the safety of all and promotes accountability. Investigators will receive training on issues of relevance to create an investigator report that fairly summarizes relevant evidence. Title IX Hearing Panel members will receive training on any technology to be used at a live hearing and issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. The training is free of bias such as sex stereotypes or generalizations, promotes impartial investigations and adjudications, and includes the following topics, as applicable: relevant evidence and how it should be used, proper techniques for questioning witnesses, basic rules for conducting proceedings, avoiding actual or perceived conflicts of interest, and the College's policies and procedures.

### **B. Equal Rights of the Complainant and Respondent**

In all Sexual Misconduct complaint resolution processes under this Policy, the complainant and respondent are entitled to:

- be treated with respect, sensitivity, and dignity;
- appropriate support from the College;
- privacy to the extent possible based on applicable law and College Policy;
- information on the Policy and procedures;
- written explanation of available resources;
- the right to participate or decline to participate in the complaint resolution process, with the acknowledgement that not participating, either totally or in part, may not prevent the process from proceeding with the information available;
- be free from retaliation as defined in this Policy;

- equitable procedures that provide both parties with a prompt and equitable complaint resolution procedure conducted by officials who receive annual training on conduct prohibited by the Policy;
- notice of the allegations and defenses and an opportunity to respond;
- an equal opportunity to identify relevant witnesses and other evidence and to suggest possible topics to be covered with witnesses during the formal complaint resolution process;
- written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings at which the party's participation is invited or expected, with sufficient time for the party to prepare to participate;
- timely notice of meetings that are part of the complaint resolution process at which the complainant or respondent may be present;
- the right to appeal the decision and/or the sanctions in certain circumstances as discussed in the section XI(F)(7) Appeal below;
- the right to notification, in writing, of the resolution, including the outcome of any appeal;
- the right to the assistance of campus personnel (during and after the complaint process), in cooperation with the appropriate law enforcement authorities, in shielding the complainant or respondent, at their request, from unwanted contact with the complainant or respondent, including but not limited to a College issued no-contact order, transfer to alternative classes or to alternative College-owned housing (if alternative classes or housing are available and feasible), change in work location or schedule, or reassignment (if available and feasible); and to receive assistance with academic issues;
- the complainant has the right to decide when to repeat a description of an incident of Sexual Assault, Dating Violence, Domestic Violence, or Stalking, and the respondent has the right to decide when to repeat a description of a defense to such allegations;
- the right to the complete and prompt assistance of campus authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with a Sexual Assault incident;
- the right to the assistance of campus authorities in preserving materials relevant to a campus complaint proceeding;
- the right to be provided access to their description of the incident, as it was reported to the College, including if the individual transfers to another post-secondary institution, subject to compliance with FERPA, the Clery Act, Title IX, and other federal or state law. Requests for an individual's description of the incident should be made to the Title IX Coordinator.

### **C. Additional Rights in Cases Involving Allegations of Title IX Sexual Harassment**

In cases involving allegations of Title IX Sexual Harassment the following additional rights will be afforded to the complainant and the respondent:

- The parties have the right to be accompanied to any complaint resolution process meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The College will not limit the choice or presence of advisor for either the complainant or respondent in any meeting related to the complaint resolution process. See the section X(E) Advisors below for additional information and requirements regarding the conduct of advisors.
- The parties will be provided an equal opportunity to inspect and review a copy of any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, as set forth in the section XI(F)(2) Access to Information below.
- The parties will be provided a copy of the investigation report for their review and written response, as set forth in the section XI(F)(2) Access to Information below.



- The complaint resolution process will include a live hearing, at which each party’s advisor may ask the other party and any witnesses all relevant questions and follow-up questions, as set forth in the section XI(F)(3)(a) Live Hearing below.

In addition, a complainant who alleges Title IX Sexual Harassment, has the following rights:

- To be informed by the College of options to notify proper law enforcement authorities of a Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident, and the right to report to law enforcement at any time or to decline to notify such authorities;
- Not to be questioned or have evidence considered regarding the complainant’s prior sexual conduct with anyone other than the respondent, unless such questions or evidence are to prove that someone other than the respondent committed the alleged Sexual Misconduct;
- Not to be treated by campus authorities in a manner that suggests that they are at fault for the Sexual Misconduct or that they should have acted in a different manner to avoid the Sexual Misconduct;
- To the complete and prompt assistance of campus authorities, at the complainant’s request, in notifying the appropriate law enforcement officials and College officials of a Sexual Assault Dating Violence, Domestic Violence, or Stalking incident and filing criminal charges with local law enforcement officials in Sexual Assault, Dating Violence, Domestic Violence, or Stalking cases;
- To be offered fair and respectful health care, counseling services, or referrals to such services and notice of the availability of campus or local programs providing Sexual Assault advocacy, Dating Violence, Domestic Violence, or Stalking services;
- To be offered assistance from the Crime Victim Reparations Board and the Commissioner of Public Safety.
- For students who choose to transfer to another post-secondary institution, at the student’s request, the right to receive information about resources for victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking at the institution to which the victim is transferring.

**D. Additional Rights in Cases Involving Allegations of Sexual Assault, Domestic Violence, Dating Violence, or Stalking, *Occurring Outside* of the Education Program or Activity or Against a Person *Outside* of the United States**

In cases involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, the following additional rights will be afforded to the complainant and the respondent:

- The parties have the right to be accompanied to any complaint resolution process meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The College will not limit the choice or presence of advisor for either the complainant or respondent in any meeting related to the complaint resolution process. See the section X(E) Advisors below for additional information and requirements regarding the conduct of advisors.
- The complainant and respondent have the right to timely and equal access to information that will be used during informal and formal disciplinary meetings during the adjudication phase of the complaint resolution process, as set forth in the section XI(F)(2) Access to Information below.

In addition, a complainant who alleges Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, has the following rights:

- To be informed by the College of options to notify proper law enforcement authorities of a Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident, and the right to report to law enforcement at any time or to decline to notify such authorities;

- Not to be questioned or have evidence considered regarding the complainant’s prior sexual conduct with anyone other than the respondent, unless such questions or evidence are to prove that someone other than the respondent committed the alleged Sexual Misconduct;
- Not to be treated by campus authorities in a manner that suggests that they are at fault for the Sexual Misconduct or that they should have acted in a different manner to avoid the Sexual Misconduct;
- To the complete and prompt assistance of campus authorities, at the complainant’s request, in notifying the appropriate law enforcement officials and College officials of a Sexual Assault Dating Violence, Domestic Violence, or Stalking incident and filing criminal charges with local law enforcement officials in Sexual Assault, Dating Violence, Domestic Violence, or Stalking cases;
- To be offered fair and respectful health care, counseling services, or referrals to such services and notice of the availability of campus or local programs providing Sexual Assault advocacy, Dating Violence, Domestic Violence, or Stalking services;
- To be offered assistance from the Crime Victim Reparations Board and the Commissioner of Public Safety.
- For students who choose to transfer to another post-secondary institution, at the student’s request, the right to receive information about resources for victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking at the institution to which the victim is transferring.

### **E. Advisors**

The complainant and the respondent in the complaint resolution process involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, and Stalking *occurring outside* of the College’s education program or activity or against a person *outside* of the United States, have the right to be accompanied to meetings by an advisor of their choice, who may be, but is not required to be, an attorney. Generally, the advisor selected by the complainant or respondent should be free of conflicts of interest in the resolution process and, if a member of the Gustavus community, the advisor should be free of conflicts in his or her position in the community. An individual has the right to decline a request to serve as an advisor in Gustavus’s complaint resolution process.

Guidelines for advisors are:

- The purpose of the advisor is to support an individual during the complaint resolution process. An advisor is permitted to accompany the individual to interviews or other meetings or proceedings during the complaint resolution process. In selecting an advisor, each party should consider the potential advisor’s availability to attend interviews and meetings which may occur in person. As a general matter, the College will not delay its proceedings to accommodate the schedules of advisors.
- Advisors may confer with their advisee, but, with the exception of live hearings for cases involving allegations of Title IX Sexual Harassment (discussed below), advisors may not actively participate in the complaint resolution process. The advisor may accompany the complainant or respondent to all meetings relating to the complaint resolution process. The advisor may not appear in lieu of the complainant or respondent or speak on their behalf in either in-person or written communications to the College. The advisor may not communicate directly with the investigator, Title IX Hearing Panel/Sexual Misconduct Board, Sexual Misconduct Appeals Board, Title IX Coordinator or any other school official involved in the complaint resolution process and may not interrupt or otherwise delay the complaint resolution process.
- In complaint resolution processes involving allegations of Title IX Sexual Harassment:
  - At the live hearing, advisors will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions. Additional information about an advisor’s role at the live hearing is included in the section XI(F)(3)(a) Live Hearing below.

- Advisors will receive a copy of all directly-related evidence and the investigation report, as set forth in the section XI(F)(2) Access to Information below.
- In complaint resolution processes involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the College’s education program or activity or against a person *outside* of the United States:
  - Advisors may have access to information as is described further below in the section XI(F)(2) Access to Information.
- If a party selects an attorney as an advisor, the advisor’s participation in the complaint process is in the role of an advisor and not as an attorney representing a party. The advisor will have access to highly confidential information and is prohibited from sharing information obtained as an advisor during the complaint process with anyone, including other individuals who may be part of an attorney-client relationship with the party.
- Parties must notify the Title IX Coordinator who they have selected as their advisor. The College will notify a party to a complaint resolution process if another party involved in the complaint resolution process has obtained an advisor. The notice shall indicate if the other party’s advisor is an attorney.
- Advisors will be required to sign an Advisor Agreement acknowledging receipt and understanding of these requirements. Failure to comply with these requirements, including violations of confidentiality, or other forms of interference with the complaint resolution process by the advisor may result in disqualification of an advisor. The College reserves the right to dismiss an advisor.

#### **F. Requests for Reasonable Accommodations**

Individuals who need a reasonable accommodation should contact the Title IX Coordinator. The College will consider requests for reasonable accommodations submitted to the Title IX Coordinator on a case-by-case basis. Accommodations the College may provide include:

- Providing reasonable accommodations as required by law to an individual with a disability who requests an accommodation necessary to participate in the complaint resolution process.
- Providing an interpreter for individuals who are limited English-language proficient.

#### **G. Supportive/Interim Measures**

After receiving a report of alleged Sexual Misconduct, the Title IX Coordinator will consider whether supportive/interim actions, accommodations, or protective measures are reasonably necessary or appropriate to protect the parties and the broader College community. Such supportive/interim measures will be available without fee or charge to the complainant, respondent, and others adversely impacted by the complaint resolution process, if requested and reasonably available. Such measures will be designed to restore or preserve equal access to the College’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or to deter sexual harassment.

The College will provide written notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The College is obligated to comply with a student’s reasonable request for a living and/or academic situation change following an alleged incident of Sexual Misconduct. The College will make appropriate accommodations and provide appropriate supportive/interim measures with or without a formal complaint, even when an individual asks to keep a reported violation of this Policy confidential, when a request is made to not investigate the matter, and regardless of whether an individual chooses to report to law enforcement.

Examples of supportive/interim measures include, without limitation:

- Establishing a no-contact order prohibiting the parties involved from communicating with each other.
- Changing an individual's dining arrangements.
- Assistance in finding alternative housing.
- Special parking arrangements.
- Changing an individual's student or employee status or job responsibilities.
- Changing an individual's work or class schedule.
- Providing academic accommodations or providing assistance with academic issues.
- Providing security escorts.
- Access to counseling and medical services.
- Making information about orders for protection and harassment restraining orders available to a complainant.
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.
- For students who choose to transfer to another institution: At the student's request, providing information about resources for victims of Sexual Assault at the institution to which the student is transferring.

The College determines which measures are appropriate for a particular individual on a case-by-case basis. Such measures will vary based on the particular facts and circumstances, including but not limited to the specific need expressed by the individual, the age of the individuals involved, the severity or pervasiveness of the allegations, any continuing effects on the individual, whether the complainant and respondent share the same residence hall, dining hall, class, transportation, or job location, and whether other judicial measures have been taken to protect the complainant. The Title IX Coordinator will be responsible for determining what measures will be put in place.

To request supportive/interim measures, individuals should contact the Title IX Coordinator.

The College will maintain as confidential any supportive/interim measures provided to an individual, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the accommodations or protective measures. The College will only disclose information necessary to provide the accommodations or protective measures in a timely manner to individuals who need to know the information in order to effectively provide the accommodations or protective measures. The Title IX Coordinator will determine what information about an individual should be disclosed and to whom this information will be disclosed based on the facts and circumstances of the specific situation and the accommodation to be provided. The College will inform the individual before sharing personally identifying information that the College believes is necessary to provide an accommodation or protective measure. The College will tell the individual which information will be shared, with whom it will be shared, and why it will be shared.

Any concern about a violation of a supportive/interim measure should be reported to the Title IX Coordinator promptly. Complaints of a violation of a supportive/interim measure will be handled as discussed in the section XII. Complaints of Related Misconduct below.

#### **H. Obligation to Act in Good Faith**

Reports and formal complaints of alleged Sexual Misconduct should be made only in good faith. Reports and formal complaints that are not made in good faith may be a form of retaliation under this Policy and/or may violate other Gustavus policies.

An allegation that a person has violated the obligation to act in good faith will be handled through the procedures identified below in section XII. Complaints of Related Misconduct.

## **I. Conflicts of Interest and Bias**

If a complainant or respondent has any concern that any individual acting for the College under this Policy has a conflict of interest or bias, for or against complainants or respondents generally or for or against the individual complainant or respondent, such concern should be reported in writing to the Title IX Coordinator. Any concern regarding a conflict of interest or bias must be submitted in writing within two (2) calendar days after receiving notice of the person's involvement in the process. The Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest or bias exist on the part of anyone investigating or adjudicating a complaint under this Policy.

If complainant or respondent has any concern that the Title IX Coordinator has a conflict of interest or bias, such concern should be reported in writing to the Vice President for Student Life]. If the Title IX Coordinator has a conflict of interest with respect to a complaint, the Vice President for Student Life shall appoint an alternate person to oversee adherence to the Sexual Misconduct Policy with respect to the formal complaint at issue.

The parties should be mindful that the College has a small and close-knit campus community. That a party simply knows an individual acting for the College under this Policy or has had some limited interaction with such individual generally will not be deemed a disqualifying conflict of interest or bias in most instances. However, the College encourages the parties to bring any concern of conflict of interest or bias to the Title IX Coordinator's attention for consideration.

## **J. Obligation to be Truthful**

All parties and witnesses have an obligation to be truthful in this process. Engaging in dishonesty may be considered retaliation or interference with process under this Policy and/or violate other College policies. An allegation that a person has violated the obligation to be truthful will be handled through the procedures identified in section XII. Complaints of Related Misconduct below.

## **K. Non-Participation and Silence**

Either party may decline, at any time, to provide information or participate further in the complaint resolution process. If at any time the complainant declines to participate in the process, the College's ability to meaningfully investigate and adjudicate a formal complaint may be limited. In such cases, the College will proceed with the complaint resolution process, if possible to do so without the complainant's participation, and will make a determination based upon the information available. The respondent also has the right to decline to participate in the complaint resolution process. In such cases, the College will proceed with the complaint resolution process and will make a determination based upon the information available. A respondent's silence in response to a complainant's allegation will not necessarily be viewed as an admission of the allegation, but may leave the complainant's allegations undisputed. Similarly, a complainant's silence in response to a respondent's denials or defenses will not necessarily be viewed as an admission of the denials or defenses, but may leave the respondent's denials or defenses undisputed.

Even if a party decides not to participate or chooses to stop participating at a phase of the process, the party will still be given the option to participate during additional phases of the process.

In cases involving allegations of Title IX Sexual Harassment, the Title IX Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross-examination or other questions.

## **L. Time Frames for Resolution**

Gustavus is committed to the prompt and equitable resolution of allegations of Sexual Misconduct. As is discussed in more detail above and below, different procedures apply to cases involving allegations of Title IX Sexual Harassment than to other cases of alleged Sexual Misconduct. The time frames for each phase of the different procedures are as follows:

### **i. Cases Involving Allegations of Title IX Sexual Harassment**

Specific time frames for each phase of the complaint resolution process for formal complaints involving allegations of Title IX Sexual Harassment are set forth in the section XI. Procedures for Sexual Misconduct Complaint Resolution below. Each phase of the process will generally be as follows:

- Review of formal complaint and notice of allegations to the parties: ten (10) calendar days
- Investigation: forty-five (45) calendar days
- Review of directly-related evidence and investigator consideration of evidence response statements: seventeen (17) calendar days
- Review of investigation report and written response: five (5) calendar days
- Live Hearing and Determination: twenty-five (25) calendar days
- Time to submit appeal: two (2) calendar days
- Consideration of appeal: twenty (20) calendar days

### **ii. Cases Involving Allegations of Other Forms of Sexual Misconduct**

Specific time frames for each phase of the complaint resolution process for formal complaints involving allegations of any other form of Sexual Misconduct are set forth in the section XI. Procedures for Sexual Misconduct Complaint Resolution below. Each phase of the process will generally be as follows:

- Review of formal complaint and notice of allegations to the parties: ten (10) calendar days
- Investigation: forty-five (45) calendar days
- Review of investigation report and written response/rebuttal, if applicable: ten (10) calendar days
- Adjudication: twenty-five (25) calendar days
- Time to submit appeal: two (2) calendar days
- Consideration of appeal: twenty (20) calendar days

In any Sexual Misconduct complaint resolution process, the process may include additional days between these phases as the College transitions from one phase to another. The parties will be notified when each listed phase begins and when it ends. If any transition period will last longer than five (5) calendar days, the parties will be notified of the delay and the reason for it.

Circumstances may arise that require the extension of time frames based on the complexity of the allegations, the number of witnesses involved, the availability of the parties and witnesses involved, the addition of new parties or new allegations to an amended notice of allegations, the effect of a concurrent criminal investigation, unsuccessful attempts at informal resolution, any intervening school break, the need for language or assistance or accommodation of disabilities, or other unforeseen circumstance.

In cases where conduct that violates this Policy has also been reported to the police, Gustavus will not delay its complaint resolution process in order to wait for the conclusion of a criminal investigation or proceeding. The College will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation. As such, the College may need to delay temporarily an investigation under this Policy while law enforcement is in the process of gathering evidence. This process typically takes 7-10 days. Once law enforcement has completed its gathering of evidence, the College will promptly resume and complete its investigation and resolution procedures.

To the extent additional time is needed during any of the phases of the process discussed above or below, the College will notify all parties of the delay and the reasons for it. When a time frame for a specific phase of the process, as set forth below, is less than five (5) calendar days, Gustavus may, in its discretion, use business days to calculate the time frame deadline. Efforts will be made to complete the process in a timely manner balancing principles of thoroughness, fundamental fairness, and promptness.

Complainants are encouraged to begin the complaint resolution process as soon as possible following an alleged incident of Sexual Misconduct. The College does not impose a time limit for reporting an incident of Sexual Misconduct; however, the College's ability to respond may diminish over time, as evidence may erode, memories may fade, and respondents may no longer be affiliated with the College. If a formal complaint is brought forward more than four (4) calendar years after an alleged incident, the College, in its discretion, may decline to process a formal complaint under these procedures, but reserves the right to take other administrative action as appropriate depending on the specific circumstances of the formal complaint, and will provide reasonably appropriate supportive/interim measures, assist the complainant in identifying external reporting options, and take reasonable steps to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. If respondent is still a member of the College community as a student or employee, the complaint generally will be processed under these procedures.

#### **M. Presumption of Non-Responsibility**

The presumption is that the respondent is not responsible for a policy violation. The respondent is presumed not responsible until a determination regarding responsibility is made at the conclusion of the complaint resolution process. The respondent will be deemed responsible for a policy violation only if the appointed Title IX Hearing Panel/Sexual Misconduct Board concludes that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent more likely than not engaged in Sexual Misconduct.

#### **N. Application of Policy**

When the College receives a report or formal complaint of a violation of this Policy, the College will apply the complaint resolution procedures from the Policy that is in effect at the time that the report or formal complaint is made and generally will apply the Sexual Misconduct definitions from the Policy that was in effect at the time the alleged misconduct occurred. For cases involving allegations of Title IX Sexual Harassment, the College will apply the definitions from the policy that is in effect at the time the formal complaint is made to determine what procedures apply and the definitions from the policy that was in effect at the time the alleged misconduct occurred to determine whether a policy violation occurred.

#### **O. Reservation of Flexibility**

The procedures set forth in this Policy reflect the College's desire to respond to formal complaints in good faith and in compliance with legal requirements. The College recognizes that each case is unique and that circumstances may arise which require that it reserve some flexibility in responding to the particular circumstances of the matter. The College reserves the right to modify the procedures or to take other administrative action as appropriate under the circumstances.

In instances where a formal complaint is made against an individual who is not a student or employee of the College, the College reserves discretion to use a process or procedures other than those outlined below, as appropriate under the circumstances.

#### **XI. Procedures for Sexual Misconduct Complaint Resolution**

When the College receives a formal complaint of a potential Sexual Misconduct Policy violation, the College will promptly and equitably respond, investigating and adjudicating the formal complaint pursuant to the guidelines and procedures set forth below.

As discussed above in the section X. General Provisions for Complaint Resolution Process above, different procedures apply to the complaint resolution process depending on the particular circumstances of a case, including the type of Sexual Misconduct that is alleged. Further information about the different procedures is provided below.

### **A. Meeting Between Complainant and Title IX Coordinator**

In most cases, the first step of the complaint resolution process is a preliminary meeting between the complainant and the Title IX Coordinator. The purpose of the preliminary meeting is to allow the Title IX Coordinator to gain a basic understanding of the nature and circumstances of the report or formal complaint; it is not intended to be a full investigation interview.

As part of the initial meeting with the complainant, the Title IX Coordinator will:

- assess the nature and circumstances of the allegation;
- address immediate physical safety and emotional well-being of the complainant;
- notify the complainant of the right to contact law enforcement and seek medical treatment;
- notify the complainant of the importance of preservation of evidence;
- provide the complainant with information about on- and off-campus resources;
- notify the complainant of the range of supportive/interim measures with or without filing a formal complaint;
- provide the complainant with an explanation of the procedural options, including how to file a formal complaint, if not already filed, and the complaint resolution process;
- advise the complainant of the right to have an advisor of choice, as applicable under this Policy;
- discuss the complainant's expressed preference for the manner of resolution and any barriers to proceeding; and
- explain the College's policy prohibiting retaliation.

All reports and formal complaints of Sexual Misconduct will be reviewed by the Title IX Coordinator to determine the risk of harm to individuals or to the campus community. Steps will be taken to address these risks in consultation with the members of the Title IX Team.

If the Title IX Coordinator determines that the report or formal complaint, even if substantiated, would not be a violation of this Policy, they may dismiss the matter or refer it to another applicable disciplinary procedure. The parties will be notified of that determination and the complainant will be informed of other procedures for resolving the complaint and of other resources that may be available to the complainant.

### **B. Formal Complaint and Notice of Allegations**

The filing of a formal complaint begins the complaint resolution process under this procedure. In most cases, formal complaints are made by the complainant. However, the College reserves the right to move forward with the complaint resolution process to protect the safety and welfare of the community, even if a complainant chooses not to make or move forward with a formal complaint. Generally, the Title IX Coordinator will make a determination of whether the College will move forward with a complaint resolution process when the complainant has not filed a formal complaint. If the College decides that it has an obligation to move forward with the complaint resolution process, the Title IX Coordinator will sign the formal complaint and the College will notify the complainant before proceeding. See section VII(C) Requests for Confidentiality or Non-Action above for more information. The Title IX Coordinator signing the formal



complaint does not make the Title IX Coordinator a party to the complaint resolution process or adverse to the respondent.

Formal complaints of Sexual Misconduct should be made through the Title IX Coordinator.

When the Title IX Coordinator has received a formal complaint, the Title IX Coordinator will assess the formal complaint to determine if it states any allegations of Sexual Misconduct. If the formal complaint alleges Sexual Misconduct, the Title IX Coordinator will provide a written notice of allegations to the parties who are known. The written notice will include:

- Notice of the College's complaint resolution process, including the informal resolution process;
- Notice of the allegations, including the identities of the parties involved in the incident(s), if known, the conduct allegedly constituting Sexual Misconduct, and the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the complaint resolution process;
- Notice that the parties have the right to an advisor of choice, as applicable under this Policy, who may be, but is not required to be, an attorney;
- Notice that the parties have the right to inspect and review evidence, as applicable under this Policy; and
- Notice of policy provisions that prohibit knowingly making false statements or knowingly submitting false information during the complaint resolution process, including the section X(H) Obligation to Act in Good Faith and the section X(J) Obligation to be Truthful above.

If the College decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the notice will be updated to provide notice of the additional allegations to the parties whose identities are known.

In addition, upon receiving a formal complaint, the Title IX Coordinator will make a preliminary determination of the procedures that will apply to the complaint resolution process.

When the Title IX Coordinator has received a formal complaint of Sexual Misconduct, the Title IX Coordinator will also meet with the respondent and will:

- notify the respondent of the complaint and alleged Policy violation(s);
- provide the respondent an explanation of the complaint resolution process;
- notify the respondent of the importance of preservation of evidence;
- notify the respondent of any supportive/interim measures that have been put in place that directly relate to the respondent (i.e., no-contact order);
- notify the respondent of available supportive/interim measures;
- provide the respondent with information about on- and off-campus resources;
- advise the respondent of the right to have an advisor of choice, as applicable under this Policy; and
- explain the College's Policy prohibiting retaliation.

This stage of initial review of the formal complaint by the Title IX Coordinator and initial notice of the allegations to the parties generally will take no more than ten (10) calendar days. In some cases, more time may be required.

### **C. Investigation of Other College Policy Violations**

If a formal complaint of Sexual Misconduct also implicates alleged violations of other Gustavus policies, the Title IX Coordinator, in coordination with other appropriate school officials, will evaluate the allegations to determine whether the investigation of the alleged Sexual Misconduct and the other alleged policy violations

may be appropriately investigated together without unduly delaying the resolution of the Sexual Misconduct formal complaint. Where the Title IX Coordinator, in coordination with other appropriate school officials, determines that a single investigation is appropriate, the determination of responsibility for each of the alleged policy violations will be evaluated under the applicable policy. The adjudication may be conducted in accordance with this Policy or the adjudication of the other policy violation may be conducted separately from the adjudication of the alleged Sexual Misconduct.

#### **D. Consolidation of Formal Complaints**

The College reserves the right to consolidate formal complaints into one complaint resolution process as to allegations of Sexual Misconduct against more than one respondent, by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Sexual Misconduct arise out of the same facts or circumstances.

#### **E. Informal Resolution Process**

Following a formal complaint, at any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process. In cases involving allegations of Sexual Assault or more serious Sexual Misconduct, informal resolutions may not be appropriate. In addition, in cases involving allegations that an employee engaged in Title IX Sexual Harassment against a student, informal resolution is not appropriate.

If the complainant, the respondent, and the College all agree to pursue an informal resolution, trained mediators appointed by the Title IX Coordinator will attempt to facilitate a resolution that is agreeable to all parties. The appointed mediator will not be an advocate for either the complainant or the respondent in the informal resolution process, but rather will aid in the resolution of formal complaints in a non-adversarial manner. Under the informal process, the College will only conduct such fact-gathering as is useful to resolve the formal complaint and as is necessary to protect the interests of the parties, the College, and the College community.

The College will not compel a complainant or respondent to engage in mediation, to directly confront the other party, or to participate in any particular form of informal resolution. Participation in informal resolution is voluntary, and the complainant and respondent have the option to discontinue the informal process and request a formal complaint resolution process at any time prior to reaching an agreed upon resolution. In addition, the College also always has the discretion to discontinue the informal process and move forward with a formal complaint resolution process. If at any point during the informal resolution process prior to reaching an agreed upon resolution, the complainant or respondent or the College wishes to cease the informal resolution process and to proceed through the formal resolution process, the informal resolution process will stop and the formal resolution process outlined below will be invoked.

Prior to engaging in an informal resolution process, the College will provide the parties with a written notice disclosing: the allegations, the requirements of the informal resolution process, including the circumstances under which the informal resolution process precludes the parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. In addition, the College will obtain the parties' voluntary, written consent to the informal resolution process.

Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the College to stop, remedy, and prevent Policy violations. In its effort to stop, remedy, and prevent Policy violations, the College will take prompt and corrective action which may involve the imposition of individual and community remedies designed to maximize the complainant's access

to the educational and extracurricular activities of the College. Examples of potential remedies are provided in the section X(G) Supportive/Interim Measures above. The proposed resolution may also include other institutional responses, requirements, or sanctions imposed on the respondent.

The informal resolution process ends when a resolution has been reached or when the complainant, the respondent, or the College terminates the process. A successful informal resolution results in a binding agreement between the parties. If the parties to the formal complaint and the College agree in writing to the terms and conditions of a proposed resolution within five (5) calendar days of the Title IX Coordinator presenting the proposed resolution to the parties, the case will be resolved without further process under this procedure. If all parties to the formal complaint and the College do not agree in writing to the terms and conditions of the proposed resolution within five (5) calendar days of the Title IX Coordinator presenting the proposed resolution to the parties, the formal complaint will be referred to the formal complaint resolution process.

Appeals are not allowed in cases where the parties have agreed to a voluntary alternative resolution of the matter.

The informal resolution process generally will take no more than fifteen (15) calendar days. In some cases, more time may be required.

## **F. Formal Resolution Process**

If the formal complaint is not processed or resolved through the informal resolution process discussed above, the formal complaint will be processed according to the formal resolution process outlined below.

### **i. Investigation**

Gustavus will appoint one or more trained and impartial investigators to conduct a prompt and equitable investigation. Gustavus reserves the right to appoint any trained investigator who is free of conflict of interest and bias. The parties will receive written notice of the investigator appointed. If a party has a concern that the investigator has a conflict of interest or bias, the party should report the concern in writing as set forth in section X(I) Conflicts of Interest and Bias above.

The investigator will conduct the investigation in a manner appropriate to the circumstances of the case. The investigation will typically involve interviews of the complainant and respondent and may also involve questioning of other witnesses and/or review of other information. The investigator will audio record interviews. The parties will have the opportunity to advise the investigator of any witnesses they believe should be interviewed, other evidence they believed should be reviewed by the investigator, and questions they believe the investigator should ask the other party or witnesses, including questions challenging credibility. The investigator, in consultation with the Title IX Coordinator, has discretion to assess the relevancy of any proposed witnesses, evidence, and questions, and, in their discretion, may decline to interview witnesses suggested by the parties and may interview witnesses who were not suggested by either party. The investigator may also determine whether to ask some or all of the questions suggested by the parties. The complainant and respondent will be given an equal opportunity to present witnesses they believe should be interviewed, and other inculpatory and exculpatory evidence, as part of the investigation. In cases involving allegations of Title IX Sexual Harassment, any witness that a party wishes to call at a hearing must be suggested as part of the investigation process, prior to the issuing of the investigation report, unless extraordinary circumstances exist as determined by the Title IX Hearing Panel, in consultation with the Title IX Coordinator.

The parties will be informed of a close of evidence date before the end of the investigation phase. The parties must submit any and all information and evidence they would like considered as part of the investigation by

the close of evidence date. After the close of evidence date, the parties will not be permitted to submit new or additional evidence that existed prior to the close of evidence date, unless the investigator, in consultation with the Title IX Coordinator, determines otherwise. In cases involving allegations of Title IX Sexual Harassment, all evidence a party wishes to offer or refer to at the hearing must have been provided as part of the investigation process, prior to the close of evidence, unless extraordinary circumstances exist as determined by the Title IX Hearing Panel, in consultation with the Title IX Coordinator.

At the conclusion of the investigation, the investigator will prepare a report that fairly summarizes the relevant evidence. The investigation report may consist of any information, documents, or other evidence that will be provided to the Title IX Hearing Panel/Sexual Misconduct Board. At the investigator's discretion, such information may include, as applicable: the formal complaint, the notice of allegations, any other evidence obtained during the investigation, and the investigator's report of the investigation. The investigation report shall be forwarded to the Title IX Coordinator who will review the investigation report and has the discretion to ask the investigator for clarification, additional investigation, and/or to have information added, removed, or redacted from the investigation report.

The College will strive to complete the investigation within (i) forty-five (45) calendar days from the date the investigator is appointed or (ii) if, after the date the investigator is appointed, the parties receive an amended notice of allegations that includes new allegations or new parties, forty-five (45) calendar days from the date of the amended notice of allegations. This time frame may be extended depending on the circumstances of each case. In cases involving allegations of Title IX Sexual Harassment, the College will strive to complete the initial investigation in this 45-day time frame, but the final investigation report will not be completed until after the review of directly related evidence. See the section XI(F)(2) Access to Information below for more information

## ii. Access to Information

The procedures in the formal process for all cases of Sexual Misconduct are the same through the investigation phase. Prior to providing access to information, the Title IX Coordinator will make a final determination as to the procedures that will apply to the access to information phase and the adjudication phase.

### a. Cases Involving Allegations of Title IX Sexual Harassment

#### *Review of Directly Related Evidence*

For formal complaints involving allegations of Title IX Sexual Harassment, the parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source. The Title IX Coordinator will send such evidence to each party and each party's advisor in electronic format or hard copy. The parties will have a ten (10) calendar day period to review the evidence and prepare a written response to the evidence (the "Evidence Response Statement"). Each party's Evidence Response Statement may not exceed 2,000 words in length. The Evidence Response Statement must be submitted to the Title IX Coordinator within the ten (10) calendar day period described above. The Evidence Response Statement may be used as an opportunity to clarify information contained in the directly related evidence, to present the party's viewpoint about whether the evidence directly related to the allegations is relevant and therefore whether it should be included in the investigation report, and to identify evidence previously provided to the investigator that was not included in the directly related evidence which the party believes is directly related and relevant. While the parties may be assisted by their advisors in preparation of the Evidence Response Statement, the Evidence Response Statement must be submitted by

the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Evidence Response Statement.

The parties and parties' advisors may use the evidence reviewed at this step only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the evidence with any other individual. Prior to being provided the evidence obtained as part of the investigation that is directly related to the allegations, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Title IX Coordinator will review the parties' Evidence Response Statements and may remove or redact any portions of the parties' Evidence Response Statements that exceed the word limit of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent or information subject to a legal privilege without a waiver).

The investigator will consider the parties' Evidence Response Statements prior to completion of the investigation report.

All the evidence made available for the parties' review will be available during the hearing.

#### *Review of Investigation Report*

For complaints involving allegations of Title IX Sexual Harassment, the Title IX Coordinator will send the investigation report to each party and each party's advisor in electronic format or hard copy at least ten (10) days prior to the live hearing. The parties will have a five (5) calendar day period to review the investigation report and prepare a written response to the report (the "Written Response Statement"). Each party's Written Response Statement may not exceed 2,000 words in length. The Written Response Statement must be submitted to the Title IX Coordinator within the five (5) calendar day period described above. The Written Response Statement may be used as an opportunity to clarify points in the investigation report, identify information previously given to the investigator that is not included in the investigation report which the party believes should have been included, or raise other concerns regarding the evidence. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Response Statement.

The parties and parties' advisors may use the investigation report only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the investigation report with any other individual. Prior to being provided the investigation report, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Title IX Coordinator will review the parties' Written Response Statements. Based on the statements, the Title IX Coordinator has the discretion to ask the investigator for clarification, additional investigation, and/or to have information removed or redacted from the investigation report. In addition, the Title IX Coordinator may remove or redact any portions of the parties' Written Response Statements that exceed the word limits of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

b. Cases Involving Allegations of Sexual Assault, Domestic Violence, Dating Violence, or Stalking *Occurring Outside* the Education Program or Activity or Against a Person *Outside* of the United States

For complaints involving allegations of Sexual Assault, Dating Violence, Domestic Violence or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, the investigation report will be made available for review by the complainant and respondent. The Title IX Coordinator will provide a five (5) calendar day period for the complainant and respondent to have access to review the investigation report and prepare a response to the investigation report, as discussed below. The parties' review of the investigation report generally will be provided during normal business hours in a designated on-campus location. The investigation report cannot be removed from that location, nor can copies be made or pictures taken of the report. At the Title IX Coordinators' discretion, the party may be granted electronic access to the investigation report.

Both parties will have the opportunity to provide a written response to the report (the "Written Response Statement"). To do so, the party must submit Written Response Statement, which shall not exceed 4,000 words in length, to the Title IX Coordinator. The Written Response Statement must be submitted by the conclusion of the 5-day period described above. The Written Response Statement may be used as an opportunity to clarify points in the investigation report, identify information previously given to the investigator that is not included in the investigation report which the party believes should have been included, identify questions a party believes the other party has not yet answered or evidence the other party has not explained, raise other concerns regarding the evidence, and to challenge the credibility of the other party and witnesses. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Response Statement.

The parties shall have an opportunity to review the Written Response Statement submitted by the other party and, if desired, may submit a rebuttal statement (the "Written Rebuttal Statement"), not to exceed 2,500 words. The Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the other party's Written Response Statement and submit a Written Rebuttal Statement. The parties' access to the Written Response Statement generally will be provided during normal business hours in a designated on-campus location. The Written Response Statement cannot be removed from that location, nor can copies be made or pictures taken of the contents. At the Title IX Coordinators' discretion, the party may be granted electronic access to the Written Response Statement.

The Written Rebuttal Statement may only be used to respond to arguments made or concerns raised in the other party's Written Response Statement and to challenge the credibility of the other party and any witnesses. While the parties may be assisted by their advisors in preparation of the Written Rebuttal Statement, the Written Rebuttal Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Rebuttal Statement.

The parties shall have an opportunity to review the Written Rebuttal Statement submitted by the other party. The Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the other party's Written Rebuttal Statement. The parties' access to the Written Rebuttal Statement generally will be provided during normal business hours in a designated on-campus location. The Written Rebuttal Statement cannot be removed from that location, nor can copies be made or pictures taken of the contents. At the Title IX Coordinators' discretion, the party may be granted electronic access to the Written Rebuttal Statement. While the parties have the opportunity to review the Written Rebuttal Statement of the other party, no further responses are permitted by either party.

The parties and parties' advisors may use the investigation report and written statements of the other party reviewed at this step only for purposes of participating in the complaint resolution process and are prohibited

from disseminating or otherwise sharing the report and written statements with any other individual. Prior to being provided the report and written statements, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Title IX Coordinator shall review the Written Response Statement and Written Rebuttal Statements. Based on the statements, the Title IX Coordinator has the discretion to ask the investigator for clarification, additional investigation, and/or to have information added, removed, or redacted from the investigation report. In addition, the Title IX Coordinator may remove or redact any portions of the parties' written statements that exceed the word limit of the statements as set forth above or that otherwise exceed the scope of information that may be considered in the complaint resolution process (e.g., treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

### iii. Adjudication

Upon completion of the investigation, the Title IX Coordinator will compile the adjudication file which will be shared with the Title IX Hearing Panel/Sexual Misconduct Board. In cases involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Domestic Violence, Dating Violence, or Stalking *occurring outside* of the College's education program or activity or against a person *outside* of the United States, the parties will be given access to any information that is included in the adjudication file to the extent that it includes additional information that the parties did not review as part of the Access to Information step discussed above in section XI(F)(2) Access to Information.

In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, or Stalking *occurring outside* of the College's education program or activity or against a person *outside* of the United States, actual names will be redacted or replaced with pseudonyms in all written documents to protect the identities of parties and witnesses in the matter.

#### a. Cases Involving Allegations of Title IX Sexual Harassment

Upon completion of the investigation in cases involving allegations of Title IX Sexual Harassment, the matter will be submitted to a Title IX Hearing Panel to hold a live hearing and to make a determination regarding responsibility and, if appropriate, sanctions.

The Title IX Hearing Panel will conduct a prompt and equitable live hearing and adjudication.

#### *Appointment of the Title IX Hearing Panel*

The Title IX Coordinator will designate a panel of three adjudicators to serve as the Title IX Hearing Panel. Generally, the Title IX Hearing Panel shall be chosen from a pool of trained faculty and administrators. . The College reserves the right to appoint any trained individuals who are without conflict or bias to the Title IX Hearing Panel. The Title IX Hearing Panel will not include the Title IX Coordinator or the investigator from the same matter. If any party has a concern that a member of the Title IX Hearing Panel has a conflict of interest or bias, the party should report the concern in writing as indicated in section X(I) Conflicts of Interest and Bias above.

#### *Live Hearings*

At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such questions will be conducted directly, orally, and in real time by the party's advisor and will never be conducted by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a question at the hearing, the Title IX Hearing Panel must first determine

whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant in the formal complaint, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

All evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint will be made available at the hearing.

The hearing will generally be held by video-conference with the parties, witnesses, and Title IX Hearing Panel located in separate locations and technology enabling the Title IX Hearing Panel and parties to simultaneously see and hear the party or the witness answering questions. The College reserves the right to determine that a hearing will instead be conducted with all participants, including the parties, witnesses, and the Title IX Hearing Panel physically present in the same location. In the event that the live hearing is held with the participants in the same location, at the request of either party, the College will provide for the parties to be located in separate rooms with technology enabling the Title IX Hearing Panel and parties to simultaneously see and hear the party or witness answering questions.

The College will create an audio or audiovisual recording, or transcript, of any live hearing and, upon request, will make it available to the parties for inspection and review.

#### *College Appointed Advisors*

If a party does not have an advisor present at the live hearing, the College will provide an advisor to the party, without fee or charge to that party, to conduct cross-examination on behalf of that party. If a party will not have an advisor present at the hearing, the party must inform the Title IX Coordinator at least three (3) calendar days prior to the live hearing so that the College may appoint an advisor for the hearing. The appointed advisor's role will be limited to relaying the party's questions to be asked of other parties and witnesses. The appointed advisor shall not perform any function beyond relaying the party's desired questions. The College reserves the right to appoint any individual as the College deems appropriate to act as an advisor at a live hearing. The College's appointment of an advisor is final and a party who refuses to work with an appointed advisor at the live hearing will forfeit his or her right to conduct cross-examination or other questioning at the hearing.

#### *Live Hearing Procedures*

Additional information about live hearings can be found by contacting the Title IX Coordinator.

#### *Decision-Making Process*

The presumption is that the respondent is not responsible for a policy violation. The respondent will be deemed responsible for a policy violation only if the Title IX Hearing Panel concludes that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent engaged in Sexual Misconduct. If the Title IX Hearing Panel determines that the respondent is responsible for a policy violation, the Title IX Hearing Panel will then determine what sanctions and remedies are warranted.

The Title IX Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Lie detector test results will not be considered credible by the Title IX Hearing Panel in the decision-making process. Character evidence and allegations of prior bad acts by a party without a finding of responsibility by



the College or a court of law will generally be given little weight, if any, by the Title IX Hearing Panel in the decision-making process.

When a respondent is found not responsible for a policy violation, but nevertheless is found to have engaged in inappropriate conduct—for example, inappropriate remarks that do not rise to the level of a violation of this Policy—the College may, in its discretion, require the respondent to receive appropriate education and/or training. The College may also recommend counseling or other support services for the respondent.

#### b. Cases Involving Allegations of Other Forms of Sexual Misconduct

Upon completion of the investigation in matters involving allegations of Sexual Misconduct that are not Title IX Sexual Harassment, the Title IX Coordinator will appoint appropriate adjudicators to the Sexual Misconduct Board. Generally, a three-person Sexual Misconduct Board will be appointed from a group of trained faculty and staff members. However, the College reserves the right to appoint any trained adjudicators who are free from conflict of interest or bias. If any party has a concern that a member of the Sexual Misconduct Board has a conflict of interest or bias, the party should report the concern in writing as indicated in section X(I) Conflicts of Interest and Bias above.

The Sexual Misconduct Board will review the adjudication file. The Sexual Misconduct Board may, in their discretion, seek additional information from the investigator, the parties, or another individual, or request additional investigation by the investigator. In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking (that *occurred outside* of the education program or activity or against a person *outside* of the United States), if such information is shared with the Sexual Misconduct Board, the parties will be notified and provided access to that information.

The respondent is presumed to be not responsible for violating this Policy. The Sexual Misconduct Board will use a preponderance of the evidence standard to determine whether there is sufficient evidence to conclude it is more likely than not that the respondent violated the Policy. If the Sexual Misconduct Board determines that the respondent is responsible for a policy violation, the Sexual Misconduct Board will impose remedies and/or sanctions as necessary to end the misconduct, prevent its recurrence, and address its effects.

Lie detector test results will not be considered credible by the Sexual Misconduct Board in the decision-making process. Character evidence and allegations of prior bad acts by a party without a finding of responsibility by the College or a court of law will generally be given little weight, if any, by the Sexual Misconduct Board in the decision-making process.

As part of the determination of sanctions and remedies, the Title IX Coordinator may, in their discretion, provide the Sexual Misconduct Board with information regarding previous violations of the Sexual Misconduct Policy or other College policies by the respondent, if any. In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking (that *occurred outside* of the education program or activity or against a person *outside* of the United States), if such information is shared with the Sexual Misconduct Board, the parties will be notified and provided access to that information.

When a respondent is found not responsible for a Policy violation, but nevertheless is found to have engaged in inappropriate conduct—for example, inappropriate remarks that do not rise to the level of a violation of this Policy—the College may, in its discretion, require the respondent to receive appropriate education and/or training. The College may also recommend counseling or other support services for the respondent.

#### iv. Sanctions and Remedies

The Title IX Hearing Panel/Sexual Misconduct Board will impose remedies and/or sanctions as necessary to end the misconduct, prevent its recurrence, and address its effects. The College reserves the right to take whatever measures deemed necessary in response to an allegation of Sexual Misconduct in order to protect

the rights and personal safety of the complainant and Gustavus community members. In determining sanctions, the Title IX Hearing Panel/Sexual Misconduct Board will consider the following factors, among others: the nature and severity of the misconduct, the need to protect the safety and educational/employment environment of the campus community, the particular facts and circumstances of the matter, any previous conduct violations by respondent, any aggravating or mitigating factors, and sanctions imposed in similar cases by the College.

Individuals who are found responsible under this Policy may face sanctions as appropriate for students, employees, visitors, or others, including, but not limited to the following sanctions. Each of these sanctions and other sanctions may be imposed alone or in combination for a respondent found responsible for Sexual Misconduct, as defined by this Policy:

- verbal warning;
- written warning;
- disciplinary censure;
- disciplinary probation;
- suspension, ranging from 1 semester to 5 years with reinstatement requirements that could include behavioral contracts, required attendance at educational programs, required assessment or counseling, and other potential conditions on reinstatement;
- expulsion;
- suspension or withdrawal of privileges;
- withholding of diploma or degree for a defined period of time or until the completion of assigned sanctions;
- temporary revocation of degree;
- revocation of admission to Gustavus;
- temporary or permanent restricted access to areas of campus, and campus events, activities, organizations or courses;
- temporary or permanent removal from class or living or housing assignment;
- conditions upon presence on campus or at College events;
- no trespass or no-contact orders;
- required attendance at an educational training or meetings;
- behavioral contracts;
- required assessment or counseling;
- community service hours;
- unpaid suspension;
- loss or reduction of salary or benefit such as travel funding;
- suspension of promotion and salary increments ranging from 1 semester to 5 years, with reinstatement requirements that could include behavioral contracts, required attendance at educational programs, required assessment or counseling, and other potential conditions on reinstatement;
- removal or non-renewal of scholarships or honors;
- transfer or change of job or responsibilities;
- demotion;
- termination of employment;
- payment of restitution or costs incurred.

Any concern about a violation of an imposed sanction should be reported to the Title IX Coordinator promptly.

When an investigation reveals that a campus organization (such as a student club, athletic team, campus academic department, staff/faculty committee) has committed or promoted behavior involving Sexual Misconduct, the organization may be sanctioned. Sanctions to the organization may include, but are not limited to, loss of College privileges (including, but not limited to, prohibition on the organization's participation in certain activities and the use of College facilities), educational requirements for organization members, required additional oversight of organization activities, temporary loss of organization recognition and/or funding, and permanent loss of organization recognition, in addition to individual members of the organization who are determined responsible for a Policy violation being subject to the sanctions listed above. All campus organizations/departments are responsible for the actions of its members when they are operating on behalf of the organization/department.

Remedies for the complainant are designed to restore or preserve equal access to the College's education program or activity. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. Remedies, accommodations, and protective measures for the complainant include implementing or extending remedial or protective measures, including, without limitation, the following examples:

- A mutual no-contact order;
- Restricted contact;
- Prohibiting an individual involved from being on Gustavus property;
- Prohibiting an individual involved from participating in Gustavus-sponsored events;
- Changing an individual's living or housing, or dining arrangements;
- Changing an individual's student or employee status or job responsibilities.
- Changing an individual's work or class schedule;
- Providing academic accommodations or providing assistance with academic issues;
- Providing security escorts;
- Access to counseling;
- Making information about orders for protection and harassment restraining orders available to a complainant;
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.

Remedies designed to address the Gustavus community include increased monitoring, supervision, and/or security at locations or in connection with activities where the prohibited conduct occurred or is likely to reoccur and targeted or broad-based educational programming or training for relevant persons or groups.

The Title IX Coordinator is responsible for effective implementation of any remedies.

#### **v. Notice of Determination**

The complainant and respondent will simultaneously receive a written notice of the determination.

Prior to being provided the notice of determination, the parties and parties' advisors will be required to sign a non-disclosure agreement. The parties and parties' advisors are prohibited from disseminating or otherwise sharing the notice of determination with any other individual, except as permitted in the non-disclosure agreement.

For complaints involving (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of an education program or activity or against a person *outside* the United States, the written notice shall include the allegations potentially constituting Sexual Misconduct, a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather

other evidence, and hearings held), findings of fact supporting the determination, conclusions regarding the application of the College's policy to the facts, the determination regarding responsibility as to each allegation, any imposition of sanctions, whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant, and the rationales for the determination and sanctions (including how the evidence was weighed, how the information supports the result, and the standard of evidence applied). The written notice will also include information about the procedures and permissible bases for appeal, as set forth below, and when the result becomes final. In addition, the written notice shall include any other steps the College has taken to eliminate the conduct and prevent its recurrence.

For all other complaints of Sexual Misconduct, the written notice shall include the determination of the Sexual Misconduct Board.

In cases involving allegations of Title IX Sexual Harassment, the written notice of determination will generally be received within twenty-five (25) calendar days from the date the live hearing concluded. In cases involving allegations of other forms of Sexual Misconduct, the written notice of determination will generally be received within twenty-five (25) calendar days from the date the Sexual Misconduct Board receives the adjudication file. In some cases, more time may be required.

The determination of the Title IX Hearing Panel/Sexual Misconduct Board may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final and the sanctions, if any, will be effective.

#### **vi. Dismissal of Formal Complaint Prior to Adjudication**

If the allegations in a formal complaint are initially included in the notice of allegations as allegations of Title IX Sexual Harassment, but facts are gathered during the course of the complaint resolution process that indicate that the alleged conduct does not meet the definition of Title IX Sexual Harassment, the College will dismiss the formal complaint as to those allegations. Even if a formal complaint or any allegations of Title IX Sexual Harassment are dismissed, the College reserves the right to move forward with a complaint resolution process using the other Sexual Misconduct definitions and the other procedures in this Policy, as applicable.

In cases involving allegations of any Sexual Misconduct, the College may, at its discretion, dismiss the case prior to adjudication in certain circumstances. Circumstances that may lead to dismissal prior to adjudication, include, but are not limited to: the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein, the respondent is no longer enrolled or employed by the College, or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. If the College dismisses a formal complaint, the College will promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties. A dismissal of a formal complaint may be appealed as provided below.

#### **vii. Appeal**

Either the complainant or the respondent may appeal a decision to dismiss a formal complaint or any allegations therein, as discuss above in the section XI(F)(6) Dismissal of Formal Complaint Prior to Adjudication. The parties may also appeal the Title IX Hearing Panel's/Sexual Misconduct Board's decision regarding responsibility.

Grounds for appeals are as follows:

- Procedural irregularity that affected the outcome of the matter;

- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator, or Title IX Hearing Panel/Sexual Misconduct Board had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

#### a. Submitting an Appeal

Either party may request an appeal by submitting a written appeal statement, which may not exceed 2,000 words, challenging the outcome of the complaint resolution process. The written appeal statement must be submitted to the Title IX Coordinator within two (2) calendar days of receiving the notice of determination and must explain which of the above grounds the party is invoking for the appeal. While the parties may be assisted by their advisors in preparation of the appeal, the appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

The Title IX Coordinator will review the appeal statement to determine whether the appeal states a permissible ground for appeal (as set forth above), such that the appeal will be considered. The Title IX Coordinator may remove or redact any portions of the appeal statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution proceeding (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

If the Title IX Coordinator determines that the appeal states a permissible ground for appeal, the non-appealing party will be notified of the appeal and provided an opportunity to review the appeal statement and submit a written response in support of the outcome. Any written response from the non-appealing party in support of the outcome must not exceed 2,000 words and must be submitted to the Title IX Coordinator within two (2) calendar days of receiving notice of the appeal. While the party may be assisted by their advisors in preparation of the responsive appeal statement, the responsive appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf.

The Title IX Coordinator will review any responsive appeal statement and may remove or redact any portions of the statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

The Title IX Coordinator generally will compile an appeal file, which may consist of any information, documents, or other evidence that is provided to the Sexual Misconduct Appeals Board. Such information may include, the written appeal statement, the responsive appeal statement, the notice of determination, the adjudication file in its entirety or in part, any previously undiscovered evidence (if discovery of new evidence is a ground for the appeal), and any other information determined to be necessary for the Sexual Misconduct Appeals Board's decision, at the Title IX Coordinator's discretion.

For complaints involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, the appeal file will be made available for review by the complainant and respondent. The Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the appeal file and such access generally will be provided during normal

business hours in a designated on-campus location. The appeal file cannot be removed from that location, nor can copies be made or pictures taken of the contents.

In cases where the appeal file is made available for review as discussed above, the parties and parties' advisors may use the appeal file reviewed at this step and any additional information reviewed during the consideration of the appeal (see below), only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the appeal file or additional information with any other individual. Prior to being provided access to the appeal file or any additional information, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

Appeals will be considered by a Sexual Misconduct Appeals Board appointed by the Title IX Coordinator. Generally, the Sexual Misconduct Appeals Board will consist of the Associate Provost (or a designee) and two trained College employees. The College reserves the right to appoint any trained individual who is free of conflict of interest or bias to the Sexual Misconduct Appeals Board. The Sexual Misconduct Appeals Board will not be one of the Title IX Hearing Panel/Sexual Misconduct Board members, the investigator, or the Title IX Coordinator on the same matter. The parties shall receive written notice of the Sexual Misconduct Appeals Board appointed. If any party has a concern that a member of the Sexual Misconduct Appeals Board has a conflict of interest, the party should report the concern in writing as indicated in the section X(I) Conflicts of Interest and Bias above.

#### b. Consideration of Appeal

The Sexual Misconduct Appeals Board will not rehear the case, but will review the appeal file and consider whether it is more likely than not that the above-listed grounds for appeal have been satisfied. The Sexual Misconduct Appeals Board may choose to meet with the parties and consider other additional information, in the Sexual Misconduct Appeals Board's sole discretion. For cases of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, if the Sexual Misconduct Appeals Board receives any additional information, the parties shall have an opportunity to review the additional information.

If the Sexual Misconduct Appeals Board determines that there is sufficient evidence to conclude that it is more likely than not that one or more of the above grounds for appeal is satisfied, generally, the matter will be remanded for further investigation and/or deliberations by the Title IX Hearing Panel/Sexual Misconduct Board and/or an additional live hearing, as determined by the Sexual Misconduct Appeals Board.

When the matter is remanded, the Sexual Misconduct Appeals Board, in consultation with the Title IX Coordinator, will determine whether the matter should be remanded to the original Title IX Hearing Panel/Sexual Misconduct Board or whether new Title IX Hearing Panel/Sexual Misconduct Board should review the matter. The Sexual Misconduct Appeals Board may not change Title IX Hearing Panel's/Sexual Misconduct Board's determination of whether the respondent was responsible or not responsible for a Policy violation. Only the Title IX Hearing Panel/Sexual Misconduct Board reviewing the matter on remand from an appeal may change the determination of the original Title IX Hearing Panel/Sexual Misconduct Board of whether the respondent was responsible or not responsible for a Policy violation. If the reasons for remand relate to the investigation or warrant additional investigation, the Sexual Misconduct Appeals Board, in consultation with the Title IX Coordinator, will determine whether the matter should be remanded to the previous investigator or whether a new investigator should be appointed.

Upon remand, the investigator and Title IX Hearing Panel/Sexual Misconduct Board shall utilize the same process as required for all complaint processes under this Policy. If the matter is remanded, the determination made on remand will be appealable under the procedures discussed in this Section.

If the Sexual Misconduct Appeals Board determines that there is insufficient evidence to conclude that it is more likely than not that one or more grounds for appeal have been satisfied, the Sexual Misconduct Appeals Board will dismiss the appeal. This decision is final and is not appealable. If the Sexual Misconduct Appeals Board dismisses the appeal, the sanctions will be effective on the date the Sexual Misconduct Appeals Board's decision is provided to the parties.

The Sexual Misconduct Appeals Board will simultaneously issue to the parties a written decision describing the result of the appeal and the Sexual Misconduct Appeals Board's rationale for the result. The College will strive to complete the appeal within twenty (20) calendar days following the Sexual Misconduct Appeals Board's receipt of the appeal file from the Title IX Coordinator; however, in some cases, more time may be required.

Appeals arising out of alleged violations of this Policy must be made under this appeal process and are not eligible for consideration under faculty, staff or student grievance policies or processes.

## **XII. Complaints of Related Misconduct**

Any complaint relating to retaliation or interference with process in violation of this policy or violations of supportive/interim measures, sanctions, the obligation to be truthful, the obligation to action in good faith, or a nondisclosure agreement should be reported promptly to the Title IX Coordinator. The College will provide a prompt and equitable process for the resolution of complaints alleging retaliation or interference with process or a violation of supportive/interim measures, sanctions, the obligation to be truthful, the obligation to action in good faith, or a nondisclosure agreement.

When the College receives a complaint of retaliation or interference with process or of violations of supportive/interim measures, sanctions, the obligation to be truthful, the obligation to action in good faith, or a nondisclosure agreement, the Title IX Coordinator may exercise discretion to determine an appropriate responsive process based on the facts and circumstances. At the Title IX Coordinator's discretion, options for resolution include, but are not limited to: informal discussions and resolution facilitated by the Title IX Coordinator, investigation and/or determination by the Title IX Coordinator, or assignment of a designated individual to investigate the complaint and/or determine an appropriate response. This process will be separate and distinct from the Complaint Resolution Process outlined above for addressing Sexual Misconduct complaints. The Title IX Coordinator will document the complaint received, the process used, and the outcome. In instances where the outcome of the process results in a suspension longer than one year, expulsion, or termination of employment, the impacted individual may appeal the decision in accordance with the appeal rights as set forth in this Policy. The College will notify the parties of the outcome of the complaint.

## **XIII. Recordkeeping**

The Title IX Coordinator is responsible for maintaining the official College records of Sexual Misconduct reports and formal complaints. When a formal complaint is pending, each official having a role in the response and resolution process is responsible for handling records appropriate to their role. When the process is complete, the official records relating to the formal complaint will be provided to the Title IX Coordinator, who will maintain such records in accordance with the College's record retention requirements and applicable law. Records related to Sexual Misconduct reports and formal complaints will be treated as confidential and shared only on a need-to-know basis, as required by law, or to conduct a complaint resolution process.

## **XIV. Alternative Procedures**

Nothing in this Policy is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but are not limited to, filing a complaint with the United States Department of Education's Office for Civil Rights (OCR).

The OCR office for institutions located in Minnesota is:

**U.S. Department of Education**

Office for Civil Rights

Citigroup Center

500 W. Madison Street, Suite 1475

Chicago IL 60661-4544

Tel: (312) 730-1560; TDD: (877) 521-2172

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

**XV. Resources**

All members of the Gustavus community should read and be familiar with the College Sexual Misconduct Policy and the Policy Against Harassment. If you are not sure whether you have experienced Sexual Misconduct, speak with a Sexual Assault Response Team member (SART/CADA).

**Where to Report**

**To the College:**

- **Julianne Watterson**, Title IX Coordinator  
**Phone:** 507-933-6360  
**Email:** [jwatter2@gustavus.edu](mailto:jwatter2@gustavus.edu)  
**Website:** [gustavus.edu/titleix/](http://gustavus.edu/titleix/)

**To Law Enforcement:**

- **Saint Peter Police Department**  
**Phone:** 911 or 507-931-1550

**Confidential Resources**

- Advocates with Gustavus SART (Sexual Assault Response Team)  
[gustavus.edu/sart/](http://gustavus.edu/sart/)  
507-933-6868
- Counselors with Gustavus Counseling Center (students only)  
[gustavus.edu/counseling/](http://gustavus.edu/counseling/)  
507-933-7027
- Health Professionals with the Gustavus Health Service  
[gustavus.edu/healthservice/](http://gustavus.edu/healthservice/)  
507-933-7630
- Gustavus Chaplains  
[gustavus.edu/chaplain/](http://gustavus.edu/chaplain/)  
507-933-9446
- CADA (Committee Against Domestic Abuse)  
[cadamn.org/](http://cadamn.org/)  
800-477-0466

**Healthcare Options**

- Gustavus Health Service  
507-933-7630
- Mayo Clinic – Mankato  
Sexual Assault Resource Team



[mayoclinichealthsystem.org/locations/mankato/services-and-treatments/emergency-medicine/sexual-assault-resource-team](https://mayoclinichealthsystem.org/locations/mankato/services-and-treatments/emergency-medicine/sexual-assault-resource-team)  
507-594-4745

### **Visa and Immigration Assistance**

- Gustavus Center for International and Cultural Education  
<https://gustavus.edu/cice/students/>

### **Student Financial Aid**

- Gustavus Financial Aid  
[gustavus.edu/financialaid/](https://gustavus.edu/financialaid/)  
507-933-7527
- Federal Student Financial Aid  
<https://studentaid.gov/h/apply-for-aid/fafsa>

### **Additional Resources**

- Campus Safety  
507-933-8888  
[gustavus.edu/safety/](https://gustavus.edu/safety/)
- Dean of Students  
507-933-7526  
[gustavus.edu/deanofstudents](https://gustavus.edu/deanofstudents)
- Human Resources  
507-933-6315  
[gustavus.edu/humanresources](https://gustavus.edu/humanresources)
- National Domestic Violence Hotline  
[thehotline.org/](https://thehotline.org/)  
1-800-799-7233
- National Sexual Assault Hotline  
[hotline.rainn.org/](https://hotline.rainn.org/)  
1-800-656-HOPE (4673)

### **XVI. Minnesota Criminal Law Definitions**

Some of the conduct prohibited by this Policy may be crimes. Links to relevant Minnesota criminal law definitions are provided below. The Minnesota criminal law citations are provided for informational purposes only. The definitions set forth in Section VI: Prohibited Conduct above will be used for all purposes under this Policy.

#### **Sexual Assault:**

See [Minnesota Statutes Section 609.341](#) et seq. for applicable criminal law definitions relating to sexual assault. Minnesota law prohibits criminal sexual conduct in the first through fifth degrees as set forth in Minnesota Statutes Sections 609.342-609.3451; criminal sexual conduct includes non-consensual sexual contact and non-consensual sexual penetration as those terms are defined in Minnesota Statutes Section 609.341.

### **Dating Violence:**

See [Minnesota Statutes Sections 518B.01; 609.2242](#) for applicable criminal law definitions relating to dating violence. Minnesota law does not specifically define dating violence; however, Minnesota law prohibiting domestic abuse includes physical harm, bodily injury, or assault committed between persons involved in a significant romantic or sexual relationship.

### **Domestic Violence:**

See [Minnesota Statutes Sections 518B.01; 609.2242](#) for applicable criminal law definitions relating to domestic violence. Minnesota law prohibits domestic abuse committed against a family or household member by a family or householder member, as those terms are defined in Minnesota Statutes Section 518B.01.

### **Stalking:**

See [Minnesota Statutes Section 609.749](#) for applicable criminal law definitions relating to stalking. Minnesota law prohibits stalking as defined in Minnesota Statutes Section 609.749.

*Approved by the President's Cabinet: April 16, 2013. Updated and approved by the Board of Trustees: April 20, 2018, August 12, 2020, and February 12, 2021.*

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## **Conflicts of Interest**

### **Policy**

This conflict of interest policy is designed to help officers and employees of Gustavus Adolphus College (“the College”) identify situations that present potential conflicts of interest and to provide the College with a procedure which, if observed, will allow a transaction to be treated as valid and binding even though an officer or employee has or may have a conflict of interest with respect to the transaction. The policy is intended to comply with the procedure prescribed in Minnesota Statutes, Section 317A.255, governing conflicts of interest for nonprofit corporations. In the event that there is an inconsistency between the requirements and procedures prescribed herein and those in section 317A.255, the statute shall control. All capitalized terms are defined in Part 2 of this policy.

### **Guidelines**

1. Conflict of Interest Defined. For purposes of this policy, the following circumstances shall be deemed to create Conflicts of Interest:
  - a. Outside Interests.
    - i. A Contract or Transaction between the College and a Responsible Person or Family Member.
    - ii. A Contract or Transaction between the College and an entity in which a Responsible Person or Family Member has a Material Financial Interest or of which such person is a trustee, officer, agent, partner, associate, trustee, personal representative, receiver, guardian, custodian, conservator or other legal representative.
  - b. Outside Activities.
    - i. A Responsible Person competing with the College in the rendering of services or in any other Contract or Transaction with a third party.
    - ii. Responsible Persons having a Material Financial Interest in; or serving as a trustee, officer, employee, agent, partner, associate, trustee, personal representative, receiver,

guardian, custodian, conservator or other legal representative of, or consultant to; an entity or individual that competes with the College in the provision of services or in any other Contract or Transaction with a third party.

- c. Gifts, Gratuities and Entertainment. A Responsible Person accepting gifts, entertainment or other favors from any individual or entity that:
  - i. does or is seeking to do business with, or is a competitor of the College; or
  - ii. has received, is receiving or is seeking to receive a loan or grant, or to secure other financial commitments from the College;
  - iii. is a charitable organization operating in Minnesota;
  - iv. under circumstances where it might be inferred that such action was intended to influence or possibly would influence the Responsible Person in the performance of his or her duties. This does not preclude the acceptance of items of nominal or insignificant value or entertainment of nominal or insignificant value that are not related to any particular transaction or activity of the College.

## 2. Definitions.

- a. A “Conflict of Interest” is any circumstance described in Part 1 of this Policy.
- b. A “Responsible Person” is any person serving as an officer or employee of the College.
- c. A “Family Member” is a spouse, domestic partner, parent, child or spouse of a child, brother, sister, or spouse of a brother or sister, of a Responsible Person.
- d. A “Material Financial Interest” in an entity is a financial interest of any kind, which, in view of all the circumstances, is substantial enough that it would, or reasonably could, affect a Responsible Person’s or Family Member’s judgment with respect to transactions to which the entity is a party. This includes all forms of compensation.
- e. A “Contract or Transaction” is any agreement or relationship involving the sale or purchase of goods, services, or rights of any kind, the providing or receipt of a loan or grant, the establishment of any other type of pecuniary relationship, or review of a charitable organization by the College. The making of a gift to the College is not a Contract or Transaction.

## 3. Procedures.

Responsible Persons who are not members of the Board of Trustees of the College, or who have a Conflict of Interest with respect to a Contract or Transaction that is not the subject of Board or committee action, shall disclose to the Chair or the Chair’s designee any Conflict of Interest that such Responsible Person has with respect to a Contract or Transaction. Such disclosure shall be made as soon as the Conflict of Interest is known to the Responsible Person. The Responsible Person shall refrain from any action that may affect the College’s participation in such Contract or Transaction. In the event it is not entirely clear that a Conflict of Interest exists, the individual with the potential conflict shall disclose the circumstances to the Chair or the Chair’s designee, who shall determine whether there exists a Conflict of Interest that is subject to this policy.

## 4. Confidentiality.

Each Responsible Person shall exercise care not to disclose confidential information acquired in connection with such status or information the disclosure of which might be adverse to the interests of the College. Furthermore, a Responsible Person shall not disclose or use information relating to the

business of the College for the personal profit or advantage of the Responsible Person or a Family Member.

5. Review of Policy.

- a. Each new Responsible Person shall be required to review a copy of this policy and to acknowledge in writing that he or she has done so.
- b. Each Responsible Person shall annually complete a disclosure form identifying any relationships, positions or circumstances in which the Responsible Person is involved that he or she believes could contribute to a Conflict of Interest arising. Such relationships, positions or circumstances might include service as a trustee of or consultant to a nonprofit organization, or ownership of a business that might provide goods or services to the College. Any such information regarding business interests of a Responsible Person or a Family Member shall be treated as confidential and shall generally be made available only to the Chair, the President, and any committee appointed to address Conflicts of Interest, except to the extent additional disclosure is necessary in connection with the implementation of this Policy.
- c. This policy shall be reviewed annually by the Board of Trustees. Any changes to the policy shall be communicated immediately to all Responsible Persons.

*Approved by the Gustavus Adolphus College Board of Trustees: June 21, 2009.*

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## **Conflict of Interest and Disclosure of Certain Interest**

### **Policy**

This conflict of interest policy is designed to help officers and employees of Gustavus Adolphus College (“the College”) identify situations that present potential conflicts of interest and to provide the College with a procedure which, if observed, will allow a transaction to be treated as valid and binding even though an officer or employee has or may have a conflict of interest with respect to the transaction. The policy is intended to comply with the procedure prescribed in Minnesota Statutes, Section 317A.255, governing conflicts of interest for nonprofit corporations. In the event that there is an inconsistency between the requirements and procedures prescribed herein and those in section 317A.255, the statute shall control. All capitalized terms are defined in Part 2 of this policy.

### **Guidelines**

1. Conflict of Interest Defined. For purposes of this policy, the following circumstances shall be deemed to create Conflicts of Interest:
  - a. Outside Interests.
    - i. A Contract or Transaction between the College and a Responsible Person or Family Member.
    - ii. A Contract or Transaction between the College and an entity in which a Responsible Person or Family Member has a Material Financial Interest or of which such person is a trustee, officer, agent, partner, associate, trustee, personal representative, receiver, guardian, custodian, conservator or other legal representative.
  - b. Outside Activities.
    - i. A Responsible Person competing with the College in the rendering of services or in any other Contract or Transaction with a third party.

- ii. Responsible Persons having a Material Financial Interest in; or serving as a trustee, officer, employee, agent, partner, associate, trustee, personal representative, receiver, guardian, custodian, conservator or other legal representative of, or consultant to; an entity or individual that competes with the College in the provision of services or in any other Contract or Transaction with a third party.
- c. Gifts, Gratuities and Entertainment. A Responsible Person accepting gifts, entertainment or other favors from any individual or entity that:
  - i. does or is seeking to do business with, or is a competitor of the College; or
  - ii. has received, is receiving or is seeking to receive a loan or grant, or to secure other financial commitments from the College;
  - iii. is a charitable organization operating in Minnesota;
  - iv. under circumstances where it might be inferred that such action was intended to influence or possibly would influence the Responsible Person in the performance of his or her duties. This does not preclude the acceptance of items of nominal or insignificant value or entertainment of nominal or insignificant value that are not related to any particular transaction or activity of the College.

## 2. Definitions.

- a. A “Conflict of Interest” is any circumstance described in Part 1 of this Policy.
- b. A “Responsible Person” is any person serving as an officer or employee of the College.
- c. A “Family Member” is a spouse, domestic partner, parent, child or spouse of a child, brother, sister, or spouse of a brother or sister, of a Responsible Person.
- d. A “Material Financial Interest” in an entity is a financial interest of any kind, which, in view of all the circumstances, is substantial enough that it would, or reasonably could, affect a Responsible Person’s or Family Member’s judgment with respect to transactions to which the entity is a party. This includes all forms of compensation.
- e. A “Contract or Transaction” is any agreement or relationship involving the sale or purchase of goods, services, or rights of any kind, the providing or receipt of a loan or grant, the establishment of any other type of pecuniary relationship, or review of a charitable organization by the College. The making of a gift to the College is not a Contract or Transaction.

## 3. Procedures.

Responsible Persons who are not members of the Board of Trustees of the College, or who have a Conflict of Interest with respect to a Contract or Transaction that is not the subject of Board or committee action, shall disclose to the Chair or the Chair’s designee any Conflict of Interest that such Responsible Person has with respect to a Contract or Transaction. Such disclosure shall be made as soon as the Conflict of Interest is known to the Responsible Person. The Responsible Person shall refrain from any action that may affect the College’s participation in such Contract or Transaction. In the event it is not entirely clear that a Conflict of Interest exists, the individual with the potential conflict shall disclose the circumstances to the Chair or the Chair’s designee, who shall determine whether there exists a Conflict of Interest that is subject to this policy.

## 4. Confidentiality.

Each Responsible Person shall exercise care not to disclose confidential information acquired in connection with such status or information the disclosure of which might be adverse to the interests of the College. Furthermore, a Responsible Person shall not disclose or use information relating to the business of the College for the personal profit or advantage of the Responsible Person or a Family Member.

5. Review of Policy.

- a. Each new Responsible Person shall be required to review a copy of this policy and to acknowledge in writing that he or she has done so.
- b. Each Responsible Person shall annually complete a disclosure form identifying any relationships, positions or circumstances in which the Responsible Person is involved that he or she believes could contribute to a Conflict of Interest arising. Such relationships, positions or circumstances might include service as a trustee of or consultant to a nonprofit organization, or ownership of a business that might provide goods or services to the College. Any such information regarding business interests of a Responsible Person or a Family Member shall be treated as confidential and shall generally be made available only to the Chair, the President, and any committee appointed to address Conflicts of Interest, except to the extent additional disclosure is necessary in connection with the implementation of this Policy.
- c. This policy shall be reviewed annually by the Board of Trustees. Any changes to the policy shall be communicated immediately to all Responsible Persons.

*Approved by the Gustavus Adolphus College Board of Trustees: June 21, 2009.*

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### **Conflict of Interest for Committee Participation**

Gustavus Adolphus College is committed to ensuring that personnel and other institutional decisions affecting present or prospective faculty, staff, administrators, or students be made fairly and impartially. Faculty, staff, administrators, and students frequently participate in personnel and other institutional decisions by serving on advisory committees. With respect to employees, the recommendations of such committees affect such matters as hiring, retention, promotion, and (with respect to faculty) tenure. In the case of students, such recommendations significantly affect admission to, or continued matriculation at, the College.

All members of the Gustavus community participating in such advisory committees must exercise integrity and objectivity when making decisions. Committee members must be certain that conflicts of interest or other biases do not exist which may interfere with their ability to make an impartial decision. A conflict of interest or bias occurs when a committee member has a financial or personal relationship or interest which impairs the member's ability to be fair and impartial. For example, a conflict of interest may well exist where a committee member will receive an individual financial benefit from a decision or where a committee member has a familial or similar relationship with an individual who may be affected by a decision.

A person serving on a committee may conclude that he or she has an actual (or perceived) conflict of interest or bias and may remove himself or herself from involvement in a particular decision to be made by the committee. A committee member who is not certain whether a conflict of interest or bias exists may bring his or her concern about the conflict or bias to the attention of the appropriate dean, committee chair, or supervisor; in this event, the committee member must disclose enough information to enable the dean, committee chair, or supervisor to consider the matter fairly and openly. If the dean, committee chair, or supervisor determines either that a conflict of interest or other bias (or the appearance of a conflict of interest or other bias) may exist, the committee member shall be excused from participating in making that decision.

A member of the committee or an individual who is the subject of a decision to be made by the committee may also raise a question as to whether a committee member has a conflict of interest or bias which may interfere with that committee member's impartiality. The concerned individual shall bring the matter to the attention of the appropriate dean, committee chair, or supervisor. The dean, committee chair, or supervisor shall discuss the matter with the affected committee member; if the dean, committee chair, or supervisor determines that a conflict of interest or other bias (or the appearance of a conflict of interest or other bias) may exist, the member of the committee shall be excused from participating in making the decision at issue.

A member of a committee who is excused from participating in making a decision in accordance with this policy does not forfeit his or her position as a member of the committee. The fact that an individual has been excused from participation pursuant to this policy shall not prejudice any personnel or other institutional decision made with respect to the committee member.

*Adopted by the Gustavus Adolphus College Board of Trustees: January 17, 1994.*

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## **Financial Conflict of Interest Policy**

### **1. Introduction**

Federal regulations require the disclosure of Significant Financial Interests (SFI) from all Investigators upon submission of a proposal for funding to any Public Health Service (PHS) entity, which includes the National Institutes of Health (NIH), and prior to expenditure of any funds under an award from the National Science Foundation (NSF). Gustavus Adolphus College (the College) is responsible for determining whether any SFI represents a Financial Conflict of Interest (FCOI) and managing such conflicts.

It is the policy of the College to require Investigators seeking external funding from any government entity, or any other entity that has implemented these federal standards, to disclose SFI that reasonably appear to be related to their institutional responsibilities when applying for grant funds, as well as during the award period.

### **2. Definitions**

*Investigator* refers to any person who is responsible for the design, conduct or reporting of research or educational activities funded or proposed for funding. In this context the term "Investigator" includes the Investigator's spouse and dependent children.

A *significant financial interest* consists of financial interests that reasonably appear to be related to the investigator's institutional responsibilities:

a) with regard to any *publicly traded entity*, a SFI exists if the remuneration received in the 12 months preceding the disclosure, and the value of any equity interest as of the date of disclosure, exceeds \$5,000.

"Remuneration" includes (i) salary, and any payments for services such as consulting fees or honoraria, paid authorship, reimbursed or sponsored travel and (ii) equity interest includes any stock, stock option, or other ownership interest.

b) with regard to any *non-publicly traded entity*, a SFI exists if the value of any remuneration received in the 12 months preceding the disclosure, and the value of any equity interest as of the date of disclosure, exceeds \$5,000, or when the investigator holds *any* equity interest.

c) intellectual property rights and interests such as patents or copyrights, upon receipt of income related to such rights and interests.

An investigator also must disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of and not reimbursed to the investigator so that the exact monetary value may not be readily available) related to their institutional responsibilities, provided, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by excluded sources provided in the federal regulation.

Significant financial interest *does not* include:

- a. salary, royalties, or other remuneration paid by the institution to the investigator if the investigator is currently employed or appointed by the Institution;
- b. intellectual property rights assigned to the institution and agreements to share in royalties related to such rights;
- c. income from seminars, lectures, teaching engagements, or service on advisory committees or review panels sponsored by a governmental agency, an Institution of higher education, or a research institute affiliated with a higher education Institution.

A *Financial Conflict of Interest* exists if SFI could directly and significantly affect the design, conduct, or reporting on federally-funded research.

### **3. Policy**

#### **Disclosure of Significant Financial Interests**

Each Investigator who is planning to participate in a federally funded project must complete the **Disclosure of Significant Financial Interests** form and attach required supporting documentation. This form must be completed and submitted to Research and Sponsored Programs by the time a proposal is submitted.

Investigators are required to update their financial disclosures within thirty (30) days of discovering or acquiring (e.g., through purchase, marriage, or inheritance) any new Significant Financial Interest; and, if awarded, annually by the anniversary date of any identified FCOI.

#### **Collaborators**

Any collaborator who can be defined as Investigator must either comply with Gustavus policies or certify to the College that their institution has policies that are in compliance with applicable regulations and agree to provide associated documentation.

#### **Review of Financial Disclosures and Management of Financial Conflicts of Interest**

The Director of Research and Sponsored Programs will review all financial disclosures reported by each Investigator and, in consultation with the External Funding Advisory Council and, as needed, others with relevant expertise, determine whether a conflict of interest exists. If a determination is made that a conflict of interest exists, the Director of Research and Sponsored Programs, in consultation with the External Funding Advisory Council, other experts as needed, and the Investigator, will determine what actions should be taken by the College to manage, reduce or eliminate any identified conflict of interest.

Conditions or restrictions that might be imposed by the College to manage, reduce or eliminate actual or potential conflicts of interest include:

- Public disclosure of Significant Financial Interests;
- Monitoring of research by independent reviewers;
- Modification of the research plan;
- Disqualification from participation in the portion of the funded research that would be affected by the Significant Financial Interests;
- Divestiture of Significant Financial Interests; or
- Severance of the relationships that create actual or potential conflicts.

To address complex situations, oversight committees may be established by the Director of Research and Sponsored Programs to periodically review the ongoing activity, to monitor the conduct of the activity, to ensure open and timely dissemination of the research results, and otherwise oversee compliance with the College's imposed management plan.



## **Training**

Investigators funded by PHS entities must complete training related to this policy:

- prior to engaging in research;
- at least every four years thereafter; and
- immediately, if:
  - the College amends the policy,
  - an Investigator is new to the College, or
  - an Investigator is not in compliance with the policy or management plan.

Investigators should consult with the Director of Research and Sponsored Programs about training options accepted by the College.

## **Reporting**

The College will follow reporting guidelines set forth in the regulations of the federal funding agency. For example, all FCOI will be reported to the PHS sponsoring agency within 60 days of the original disclosure. The College will make information concerning FCOIs held by Investigators publically accessible as required by federal regulations.

## **Non-Compliance**

Sanctions for non-compliance with the requirement to disclose Significant Financial Interests will be:

- notice of non-compliance with Gustavus policy placed in the employee's permanent personnel file;
- employee will be barred from seeking external funding for a period up to 2 years; and
- employee will be ineligible for internal grants for a period up to 2 years.

Additional sanctions may be imposed, depending upon circumstances.

Sanctions for non-compliance with any management plan put in place for a Financial Conflict of Interest will be:

- notice of non-compliance with Gustavus policy placed in the employee's permanent personnel file;
- employee will be barred from seeking external funding for a period up to 2 years;
- employee will be ineligible for internal grants for a period up to 2 years;
- notification of non-compliance sent to the sponsoring agency as required; and
- termination of the award.

Additional sanctions may be imposed, depending upon circumstances. In such cases, the Director of Research and Sponsored Programs and the External Funding Advisory Council will submit recommended sanctions to appropriate members of Cabinet for approval.

## **Records**

Research and Sponsored Programs shall maintain records of all financial disclosures, completed trainings, and of all actions to resolve conflicts of interest for at least three years beyond the close of the grant, or until the resolution of any action involving those records, whichever is longer.

*Approved by the President's Cabinet: November 27, 2018.*

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## **Employment and Benefits**

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### **Bereavement Policy**

When a death occurs in an employee's immediate family, all regular full-time and part-time employees may take up to three (3) days off with pay, commensurate and prorated with the employee's work schedule, to attend the funeral or make funeral arrangements. Please make arrangements with your supervisor regarding days off. Immediate family members are defined as an employee's spouse, domestic partner, parents, stepparents, sisters, brothers, children, stepchildren, grandparents, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, legal guardian, or grandchild. Gustavus understands the deep impact that death can have on an individual or a family, therefore additional non-paid time off may be granted upon supervisor approval.

*Approved by the President's Cabinet: September 5, 2017.*

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## **Family and Medical Leave Act**

(See also the **Parental Leave Policy**)

Under the provisions of the Family and Medical Leave Act (FMLA) the College provides eligible employees with up to 12 weeks of unpaid leave in a 12-month period for the purpose of birth, adoption, or foster care placement; medical care of a child, spouse, or parent, or when the employee has a serious health problem. Gustavus Adolphus College also reserves the right to run FMLA concurrently with absences falling under Workers Compensation.

The College administers a "rolling" 12-month period measured backward from the date of any FMLA leave usage. (Each time an employee takes FMLA leave, the remaining leave is the balance of the 12 weeks not used during the 12 months immediately before the FMLA leave is to start.)

To be eligible for an FMLA leave, an employee must have been employed for a total of 12 months and must have worked at least 1250 hours during the 12-month period preceding the commencement of the leave. Employees exempt from overtime requirements of the Fair Labor Standards Act are presumed to have worked the required hours unless the College clearly demonstrates that the employee did not work the required amount during the preceding 12 months.

The College will require a medical certification to support requests for a medical leave. For an employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of his or her position. In cases of illness, the employee may be required to report periodically on his or her leave status and intention to return to work, and may require periodic recertification of the medical condition. An employee taking leave due to the employee's serious health condition is required to obtain certification that the employee is able to resume work prior to the return from the medical leave. For leave to care for the medical needs of a child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care.

Employees who have paid leave available may be required to use their paid leave during a FMLA leave.

Any employee who is granted a FMLA leave is advised to provide for the retention of his or her group insurance coverage by arranging to pay the premium contributions during a period of unpaid absence. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the College may recover from the employee the cost of any payments made to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control. Paid leave accruals will be calculated as of the last paid work day prior to the start of the unpaid leave of absence.

A request for Family and Medical Leave of Absence should be originated by the employee and communicated to their immediate supervisor and the Human Resources department. If possible, the form should be submitted 30 days in advance of the effective date of the leave. All agreements on the leave, including

extensions, should be in writing. Upon return to work at the end of the leave, the employee will be reinstated to the same or a comparable position without loss of status, pay, or accrued benefits.

*Revised by the Gustavus Adolphus College Board of Trustees: January 21, 2021.*

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## **Parental Leave**

Gustavus Adolphus College is committed to supporting faculty and staff in managing their professional and parental responsibilities. A primary goal of the parental leave policy is to allow both the faculty or staff member and the College the opportunity to maintain the integrity of the classroom and supporting services while avoiding an undue burden on either the individual or the department. All provisions and applications of this policy are meant to be consistent with federal and state law and the Family and Medical Leave Act (FMLA).

### **Eligibility**

Full-time employees, part-time employees who have worked an average of 20 hours or more per week for 12 months, and part-time faculty employed for at least 12 months preceding the commencement of a parental leave, are eligible for six weeks of paid parental leave for maternity, paternity, or adoption. If a female employee needs a leave longer than six weeks due to medical complications of pregnancy and/or childbirth, she has the right to additional paid leave on the same basis as others with temporary health-related disabilities.

### **Terms and Conditions**

Under the provisions of the Family and Medical Leave Act (FMLA), the College provides eligible employees with up to six weeks of paid leave and an additional six weeks of unpaid leave for the purpose of birth, adoption, or foster care placement; medical care of a child, spouse, or parent, or when the employee has a serious health problem.

Parental Leave may be completed anytime within a twelve-month period following the birth or adoption. Parental Leave will run concurrently with leaves available under the FMLA and Minnesota Parental Leave Law. An employee who has already used FMLA leave for purposes other than birth or adoption may be eligible for up to six weeks of unpaid leave.

Parental leave shall count as time in service toward salary determination and eligibility for sabbatical leave. The College's contribution for health, disability and life insurance premiums shall be paid in full during all parental leave arrangements. Retirement benefits will be proportionate to salary or wages earned.

### **Application Process**

A request for Parental Leave of Absence should be originated and signed by the employee as soon as the need for a leave is identified, submitted to the immediate supervisor or chair, and forwarded through the appropriate Vice President or Dean to the Human Resources Department. All agreements on the leave, including extensions, should be in writing. Upon return to work at the end of the leave, the employee will be reinstated to the same or a comparable position without loss of status, pay, or accrued benefits.

***Faculty members should refer to the additional policies below.***

### **Terms and Conditions**

Eligible faculty members who welcome a child in the summer may take leave anytime within nine months of the resumption of their contract period to be arranged with the department and the Provost's Office. Parental Leave will run concurrently with leaves available under the FMLA and Minnesota Parental Leave Law. A faculty member, who has used FMLA leave for purposes other than birth or adoption, may be eligible for up to six weeks of unpaid leave.

The *Faculty Manual* governs the timing of tenure decisions.

## **Menu of Possible Options**

The following is a sample of several past parental leave arrangements with full benefits. This list is not comprehensive, nor is it guaranteed that all of these past arrangements will be possible in every instance. The Provost's Office recognizes that circumstances may necessitate arrangements not covered by this list; faculty should work with their Department Chair and Dean to develop a mutually agreeable leave plan.

- six weeks paid and an additional 6 weeks unpaid
- one semester leave at 2/3 salary
- one course release at full salary
- combination of one course release and shifting remaining course load to January or a different semester at full salary
- teaching courses on an accelerated schedule at full salary (must be approved by the AOC)
- co-teaching courses that will allow the faculty member going on leave to be absent for a portion of those courses
- six weeks paid leave and administrative duties for the remainder of the semester
- intermittent leave arrangements

*Adopted by the Gustavus Adolphus College Board of Trustees: April 24, 2015.*

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## **Post-Employment Medical Benefits Plan**

*NOTE: Post-employment medical benefits will no longer be available as of January 1, 2023.*

### **Article I. Establishment and Purpose of Plan**

**Section 1.1 Establishment.** Gustavus Adolphus College (hereinafter the "College"), established, effective as of June 1, 1990, a plan of medical benefits for the benefit of eligible long-term employees of the College, known as the GUSTAVUS ADOLPHUS COLLEGE POST-EMPLOYMENT MEDICAL BENEFITS PLAN (the "Plan"). The Plan is hereby restated effective January 1, 2010. The Plan is administered by the Benefits Committee of the College as required for a plan to have the status of "church plan" under the Internal Revenue Code.

**Section 1.2 Purpose.** The purpose of the Plan is to provide eligible long-term employees with a plan of medical benefits following employment.

### **Article II. Definitions**

**Section 2.1 Definitions.** Whenever used in the Plan, the following words and phrases shall have the meanings set forth below unless the context plainly requires a different meaning, and when the defined meaning is intended, the term is capitalized:

"**College**" means Gustavus Adolphus College, a Minnesota nonprofit corporation, located in Saint Peter, Minnesota.

"**Effective Date**" means the date on which the Plan became effective, i.e. June 1, 1990. The Effective Date of this restatement of the Plan is January 1, 2010.

"**Eligibility Date**" means the date an Eligible Employee terminates employment from the College or if earlier, the date the Eligible Employee no longer works in service described in the definition of "Eligible Employee."

"**Eligible Employee**" means an employee of the College who is a full-time member of the faculty, a faculty member serving with a joint appointment, a librarian working three-fourths or more of a full-time assignment, an administrator working three-fourths or more of a full-time assignment, or a member of the noncontract working staff working thirty or more hours per week for nine or more months, provided, however, that the term Eligible Employee shall not include (i) student employees; (ii) temporary employees;

(iii) part-time employees including limited part-time faculty members; or (iv) any person employed by the College who is a part of a unit of employees covered by a collective bargaining agreement, unless such collective bargaining agreement expressly provides for the inclusion of such person. In the case of spouses employed by the College under a joint faculty appointment, such spouses jointly shall be entitled to the benefits of one (1) Eligible Employee under this Plan.

“Plan” means the “Gustavus Adolphus College Post-Employment Medical Benefits Plan” as set forth herein and as may be amended or restated from time to time.

Section 2.2 Gender and Number. Except as otherwise indicated by context, masculine terminology used herein also includes the feminine and neuter, and terms used in the singular may also include the plural.

### **Article III. Plan Benefit**

Section 3.1 Plan Benefit. Each participant (and eligible spouse, if any) shall be entitled to medical coverage under a group medical arrangement of the College. The Plan may be fully insured or self-funded or fully insured in part and self funded in part. It is intended that the Plan benefits be of the type commonly referred to as a comprehensive major medical plan, which can include a Medicare supplement arrangement that coordinates with Medicare, but the College reserves the right to change the plan benefits in accordance with Article VI of this document. The documents describing the medical benefits are incorporated by reference into this Plan.

### **Article IV. Participation**

Section 4.1 Participation Requirements. An Eligible Employee must meet the following participation requirements in order to participate in the Plan:

- a. The Eligible Employee must be covered by the College’s medical plan as of the Eligibility Date;
- b. The Eligible Employee must complete an application for Plan benefits;
- c. The Eligible Employee must be at least 60 years of age as of the Eligibility Date (65 years of age for Eligible Employees whose Eligibility Date occurred before June 1, 1996);
- d. The Eligible Employee must have accumulated at least 20 years of satisfactory service to the College as an Eligible Employee as of the Eligibility Date (25 years of satisfactory service to the College as an Eligible Employee for Eligible Employees whose Eligibility Date occurred before June 1, 1996);
- e. An Eligible Employee who has attained age 65 must provide evidence of acceptance that Plan benefits will be coordinated with Medicare, whereby Medicare is the primary coverage, and must agree to apply for Part B Medicare benefits when eligible for such benefits.
- f. An Eligible Employee who has not attained age 65 must agree to provide evidence of acceptance as set forth in the previous subsection at such time as the Eligible Employee attains age 65, and must agree to apply for Part B Medicare benefits when eligible for such benefits.
- g. An eligible spouse who has attained age 65 must provide evidence of acceptance that Plan benefits for the spouse will be coordinated with Medicare, whereby Medicare is the primary coverage, and must agree to apply for Part B Medicare benefits when eligible for such benefits.
- h. An eligible spouse who has not attained age 65 must agree to provide evidence of acceptance as set forth in the previous subsection at such time as the eligible spouse attains age 65, and must agree to apply for Part B Medicare benefits when eligible for such benefits.
- i. The Eligible Employee must agree that spousal coverage will be limited to the spouse of the Eligible Employee at the time the Eligible Employee first becomes a Participant in the Plan.

- j. The Eligible Employee and any eligible spouse must agree to pay any portion of the premiums for the coverage required to be paid by the Eligible Employee and eligible spouse through an automatic payment directly to the College from a checking, savings or other financial institution account.

Section 4.2 Commencement of Participation. Eligible Employees who meet the Participation Requirements may enter on the entry date after first becoming eligible. Entry dates shall be the first day of each month, and such other dates that the College may establish.

Section 4.3 Delayed Participation. Each Eligible Employee shall have the option of delaying participation in the Plan by electing to continue their current plan of medical benefits to the extent permitted by the College under the College's medical plan. Plan entry following such continuation coverage shall be subject to the same rules of eligibility that would have applied if the employee had not elected continuation coverage.

Section 4.4 Termination of Participation

- i. A Participant shall terminate participation in the Plan on the first to occur of the following events:
  - 1. The Participant's death;
  - 2. The Participant's failure timely to pay the Participant's portion of contributions required under the Plan, including a failure to establish or maintain automatic payment of premiums as required under Section 4.1.j;
  - 3. The Participant's failure to provide satisfactory evidence of Medicare Parts A and B coverage at age 65;
  - 4. The effective date of an Amendment to the Plan that eliminates coverage for the Participant;
  - 5. The effective date of the termination of the Plan.
- ii. The spouse of a Participant shall terminate participation in the Plan on the first to occur of the following events:
  - 1. The effective date of the Participant's termination of participation in the Plan, except that termination of the spouse's coverage shall not occur under this subsection if the Participant's coverage terminated because of the Participant's death;
  - 2. The spouse's death;
  - 3. The spouse's divorce or legal separation from the Participant;
  - 4. The spouse's remarriage after the death of the Participant;
  - 5. The spouse's failure to pay the spouse's portion of contributions required under the Plan, including a failure to establish or maintain automatic payment of premiums as required under Section 4.1.j;
  - 6. The spouse's failure to provide satisfactory evidence of Medicare Parts A and B coverage at age 65;
  - 7. The effective date of an Amendment to the Plan that eliminates coverage for the spouse;
  - 8. The effective date of the termination of the Plan.

**Article V. Contributions**

Section 5.1 College Contributions. The amount of the College contribution to the Plan shall be determined by the Benefits Committee of the College on an annual basis for the Plan year, and such determination shall be made prior to June 1 of each year.

Section 5.2 Employee Contributions. The amount and frequency of the contribution to the Plan shall be determined by the Benefits Committee of the College on an annual basis for the Plan year, and such determination shall be made prior to June 1 of each year.

## **Article VI. Amendment, Modification and Termination of the Plan**

**Section 6.1 Amendment, Modification and Termination of the Plan.** The College expects to continue the Plan indefinitely; however, the College reserves the right to amend or terminate the Plan at any time and for any reason. If the Plan is amended or terminated, retired employees may not receive benefits as described in the Plan. It is possible that all benefit coverage under the Plan could terminate for any or all retirees. There is no vesting of benefits under the Plan. Unless and until changed by the College, the College delegates to the Finance Committee the authority to amend or terminate the Plan, concurrent with the authority of the College also to amend or terminate the Plan.

## **Article VII. Administrative Provisions**

**Section 7.1 Plan Administrator.** The administration of the Plan shall be under the supervision of the Benefits Committee of the College. It shall be a principal duty of the Benefits Committee to see that the Plan is carried out, in accordance with its terms, for the benefit of persons entitled to participate in the Plan. The Benefits Committee will have full power to administer the Plan. For this purpose, the Benefits Committee's powers will include, but will not be limited to, the following authority, in addition to all other powers provided by this Plan:

- a. To make and enforce such rules and regulations as it deems necessary or proper for the efficient administration of the Plan, including the establishment of any claims procedures for the Plan;
- b. To interpret the Plan, which interpretation will be final and conclusive on all persons claiming benefits under the Plan;
- c. To decide all questions concerning the Plan and the eligibility of any person to participate in the Plan;
- d. To compute the amount of benefits which will be payable to a Participant or other person in accordance with the provisions of the Plan and any benefits payable thereunder, and to determine the person or persons to whom benefits will be paid;
- e. To authorize the payment of benefits;
- f. To determine contribution levels for the College and Plan participants;
- g. To appoint such agents, counsel, accountants, consultants, actuaries, and other persons as may be required to assist in administering the Plan; and
- h. To allocate and delegate its responsibilities under the Plan and to designate other persons to carry out any of its responsibilities under the Plan.

**Section 7.2 Examination of Records.** The Benefits Committee will make available to each Participant such of its records under the Plan as pertain to the Participant, for examination at reasonable times during normal business hours.

**Section 7.3 Reliance on Tables, etc.** In administering the Plan, the Benefits Committee will be entitled to the extent permitted by law to rely conclusively on all tables, valuations, certificates, opinions and reports which are furnished by accountants, counsel or other experts employed or engaged by the Benefits Committee.

**Section 7.4 Indemnification of Benefits Committee.** The College agrees to indemnify and to defend to the fullest extent permitted by law any employee assisting or serving as a member of the Benefits Committee (including any employee or former employee who formerly assisted or served as a member of such Committee) against all liabilities, damages, costs and expenses (including attorney's fees and amounts paid in settlement of any claims approved by the College) occasioned by any act or omission to act in connection with the Plan, if such act or omission is in good faith.

**Section 7.5 Plan Year.** The Plan Year shall be the period from June 1 to May 31 each year.

## **Article VIII. Claims and Review Procedure**

**Section 8.1 Applicability.** Claims for medical benefits shall be determined under the certificate of coverage or other benefit document applicable to the participant's claim. Other claims for benefits shall be determined under this claims procedure.

**Section 8.2 Initial Claim for Benefit.** If any person believes he or she is being denied any rights or benefits under the Plan, such person may file a claim in writing with the Benefits Committee. If any such claim is wholly or partially denied, the Benefits Committee will notify such person of its decision in writing. Such notification will be written in a manner calculated to be understood by such person and will contain (i) specific reasons for the denial, (ii) specific reference to pertinent Plan provisions, (iii) a description of any additional material or information necessary for such person to perfect such claim and an explanation of why such material or information is necessary and (iv) information as to the steps to be taken if the person wishes to submit a request for review. Such notification will be given within 90 days, after the claim is received by the Benefits Committee (or within 180 days, if special circumstances require an extension of time for processing the claim, and if written notice of such extension and circumstances is given to such person within the initial 90-day period).

**Section 8.3 Appeal of Claim Denial.** If the Benefits Committee determines that the participant is not eligible for benefits, or if the participant believes that the participant is entitled to greater or different benefits, the participant may have the claim reviewed by following the claims review procedure of this paragraph. A participant who wishes to have a claim reviewed must file a written petition for review with the Benefits Committee within 60 days after the participant has been given the notice of claim denial from the Benefits Committee. The petition shall state the specific reasons the participant believes that the participant is entitled to benefits or greater or different benefits and should include any information that the participant believes relevant to the petition. The Benefits Committee shall give notice to the participant of its decision in writing within 60 days after receipt of the petition for review, stating specifically the basis of the decision written in a manner calculated to be understood by the participant and the specific provisions of the plan on which the decision is based. If because of special circumstances, the 60-day period is not sufficient, the decision may be deferred for up to another 60-day period at the election of the Benefits Committee but notice of this deferral must be given to the participant.

**Section 8.4 Claims Generally.** The Benefits Committee has full discretion to determine benefit claims under the plan. Any interpretation, determination or other action of the Benefits Committee shall be subject to review only if it is arbitrary or capricious or otherwise an abuse of discretion. Any review of a final decision or action of the Benefits Committee shall be based only on such evidence presented to or considered by the Benefits Committee at the time it made the decision that is the subject of review. If a participant wishes to seek review of the Benefits Committee's decision in court, the participant must first exhaust the administrative reviews and appeals procedures under the plan before bringing a lawsuit in state or federal court. Such a lawsuit must be brought before the earlier of 30 months after the claimant knew or reasonably should have known of the principal facts on which the claim is based or six months after the claimant has exhausted the claims procedure under the plan.

*Approved by the Gustavus Adolphus College Board of Trustees: October 9, 2009.*

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## **Technology Use Policy for Employees**

### **Purpose of Policy**

Computers and other information technology resources are essential tools in accomplishing the work of the College. Information technology resources are valuable community assets to be used and managed responsibly to ensure their integrity, confidentiality, and availability for appropriate research, education,



outreach, and administrative objectives of Gustavus. College employees are granted access to these resources in support of advancing the College's mission. This policy is constructed in a way to allow for complete academic freedom to exist, as outlined in the Faculty Manual Appendix A, while maintaining the integrity of the college's technology resources. In the use of technology resources, College employees must follow College policies and federal, state and local laws. These include but are not limited to policies and laws related to information security, data privacy, commercial use, and those that prohibit harassment, theft, copyright and licensing infringement, and unlawful intrusion and unethical conduct.

### **Owner(s)**

Director of Gustavus Technology Services and CFO, VP of Finance and Treasurer, Provost and faculty, staff and students employed by Gustavus Adolphus College.

### **Scope**

The purpose of this policy is to outline the acceptable use of technology resources at the College in order to comply with legal and contractual requirements, safeguard these resources, and protect the College against damaging legal consequences that could result from unacceptable use.

### **1.0 Acceptable Use**

Technology resources provided by Gustavus Adolphus College are intended to be used for the work and activities directly associated with employment. In their use of technology resources, employees should respect the rights of other users, avoid actions that jeopardize the integrity and security of information technology resources, and comply with all pertinent licensing and legal requirements.

Employees must comply with applicable contractual agreements and licensing agreements.

Gustavus Technology Services will determine and authorize use of technology resources in collaboration with Gustavus Vice Presidents or designees. Employees must use only technology resources they are authorized to use and only in the manner and to the extent authorized. Ability to access information technology resources does not, by itself, imply authorization to do so.

Users are responsible for protecting their College-assigned accounts and authentication (e.g., password) from unauthorized use. User passwords should be unique, secure, and never shared with others, including other Gustavus Adolphus College users.

Employees are responsible for the content of their personal communications and may be subject to liability resulting from those communications. The College accepts no responsibility or liability for any personal or unauthorized use of its resources by employees. Employees should be aware that communications sent from Gustavus Adolphus College-owned devices or accounts could be construed as representing a College position.

### **Copyright**

Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of original works of authorship including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Employees should assume materials found on the Internet are copyrighted unless a disclaimer or waiver is expressly stated or the material that is clearly in the public domain (e.g. published before 1923 or a U.S. federal 43 document).

Some examples of copyright violations would include:

- Displaying pictures or graphics you have not created yourself.
- Offering sound recordings you have not produced yourself.
- Using programs to distribute copyrighted files.

- Placing any materials owned by others on your web page (or any other medium) without the expressed permission of the original owner.

## **Fair Use**

In some circumstances the use of a copyrighted work may be considered a 'fair use.' For more information see:

- <https://www.copyright.gov/fair-use/more-info.html>
- <http://cmsimpact.org/program/fair-use/>
- <https://www.lib.umn.edu/copyright/fairthoughts>

## **2.0 Unacceptable Use**

Employees are not permitted to share authentication details or provide access to their College accounts to anyone else.

Employees must not circumvent, attempt to circumvent, or assist another in circumventing the security controls in place to protect information technology resources and data.

Employees must not knowingly download or install software onto College information technology resources which may interfere with or disrupt service, or does not have a clear business or academic use.

Employees are prohibited from willingly engaging in activities that interfere with or disrupt network users, equipment or service; intentionally distribute viruses or other malicious code; or install software, applications, or hardware that permits unauthorized access to information technology resources.

Employees must not engage in inappropriate use, including but not limited to:

- Activities that violate state or federal laws, regulations or College policies.
- Widespread dissemination of unsolicited and unauthorized electronic communications.

Employees must avoid excessive use of system information technology, including but not limited to network capacity.

Excessive use means use that is disproportionate to that of other users, or is unrelated to academic or employment-related needs, or that interferes with other authorized uses. Individual divisions within the College (e.g., academic affairs) may require employees to limit or refrain from certain activities in accordance with this provision.

Gustavus discourages the installation of personal software and files on College technology resources that are not directly associated with the work and activities of the College. Gustavus Technology Services is unable to support any personally installed software unrelated to work and activities of the College. Gustavus Technology Services assumes no obligation to transfer or retain any personally licensed software, personal files, or other non-college information or materials.

## **3.0 Privacy and Security Measures**

Employees must not violate the privacy of other technology users. Technical ability to access others' accounts does not by itself imply authorization to do so.

The College takes reasonable measures to protect the privacy of its information technology resources and accounts assigned to individuals. However, the College does not guarantee absolute security and privacy. Users should be aware that any activity on information technology resources may be monitored, logged and reviewed by College-approved personnel, or may be discovered in legal proceedings. Circumstances under which such review and discovery may occur are described immediately below.

Responsibility for protecting the College's resources and data is a shared responsibility by all employees and Gustavus Technology Services. Gustavus Technology Services treats the contents of individual assigned accounts and personal communications as private and does not examine or disclose the content except:

- as required for system maintenance, including security measures;
- when there exists reason to believe an individual is violating the law or College policy; and/or
- as permitted by applicable policy or law.

Before disclosing the contents of individual files or reassigning the ownership of a user's account, GTS is required to receive authorization from two Gustavus Vice Presidents that a credible reason exists to take this action.

Employees may add additional measures for protection of information if required by grants or research agreements. If additional protection is added to College technology resources, system administrators must be given access to those resources upon request.

Employees should ensure the security and confidentiality of Gustavus' data and student information. Student records are subject to heightened confidentiality requirements through legislation such as the Family Educational Rights and Privacy Act (FERPA). College-owned computers are issued with software tools that encrypt data stored on the machines; employees should not disable these tools. When sharing confidential and protected data, all employees should do so using a secure method approved by the College. Confidential Gustavus data or student records should not be created, downloaded or saved to any device in an unprotected format.

The College reserves the right to employ security measures. When it becomes aware of violations, either through routine system administration activities or from a complaint, it is the College's responsibility to investigate as needed or directed, and to take necessary actions to protect its resources and/or to provide information relevant to an investigation.

#### **4.0 Enforcement**

Individuals who use information technology resources to violate a College policy, law(s), contractual agreement(s), or violate an individual's rights, may be subject to limitation or termination of user privileges and appropriate disciplinary action, legal action, or both. Alleged violations will be referred to the appropriate College office or law enforcement agency.

The College may temporarily deny access to information technology resources if it appears necessary to protect the integrity, security, or continued operation of these resources, or to protect itself from liability.

#### **Help with this Policy**

Contact the Director of Gustavus Technology Services for questions and comments on this policy.

#### **Policy Authority**

The Director of Gustavus Technology Services has responsibility for this policy and will obtain necessary approvals and changes to this policy.

#### **Related Policies or References**

Administrative and Support Staff Handbook; All College Policies.

*Approved by the President's Cabinet: August 29, 2017.*

## External Funding / Grants

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### **Compensation Certification Policy**

As a recipient of federal funds, Gustavus Adolphus College must comply with the Office of Management and Budget's 2 CFR 200 Uniform Guidance. This regulation provides guidance on the allowability of costs on federal awards and sets forth criteria for charging salaries and wages to grants. Under these federal guidelines, Gustavus must certify compensation on externally funded sponsored activities and document committed cost share.

To comply with these federal regulations, it is the policy of Gustavus Adolphus College to conduct compensation certification for all exempt employees participating in externally funded sponsored activities. Non-exempt employees, including students, certify their compensation by completing their payroll time entry and approval process.

### **Compensation Certification Process**

Research and Sponsored Programs (RSP) will distribute compensation certification forms twice per year, once for work that occurred during the academic year and once for work that occurred during the summer. Academic year certification will occur in early summer; summer certification will occur in early fall.

Principal Investigators and Program Directors (PI/PDs) are responsible for ensuring that the salaries charged to their federal awards and other sources are allowable, allocable, and reasonable. An individual's institutional base salary must be used to calculate salaries charged to sponsored programs unless a sponsor limits salary charges. The Grant Offices can provide guidance to PI/PDs on these matters.

PI/PDs are responsible for communicating compensation certification requirements to all individuals employed on their sponsored projects, and for helping to ensure that compensation certification for all employed on their sponsored projects is completed in a timely manner. If personnel employed on a sponsored project during a given reporting period are no longer employed by Gustavus, the PI/PD must certify the former employee's compensation.

The first step in the compensation certification process is the completion of a compensation declaration form prior to undertaking externally funded sponsored activities. This form is a planning document used to estimate effort, monitor budgets, and allocate payroll. Payroll will be based on this estimate.

The second step is the completion of a compensation certification form. This compensation certification form is an official document used to certify that each individual worked on sponsored activities at least as much as they were compensated for by the sponsored funding. This form includes all other activities compensated by the College during each reporting period. All grant-funded employees must certify their own compensation, indicating any deviation in actual effort from that for which they were compensated, and sign the form. In addition, PI/PDs sign a form to certify the compensation of all employees who worked on their externally funded project. If necessary, reallocations or adjustments will be made following receipt of the official compensation certification forms.

### **Consequences of Non-Compliance**

Inaccurate or incomplete compensation certification may result in funding disallowances and lead to sanctions against the responsible individuals, including PI/PDs and all others compensated by sponsored funding who are required to complete compensation certification. Consequences for late submissions of compensation certification documents are as follows:

14 Days Late: The PI/PD and relevant individual will receive an email that includes the consequences of further delay. A copy of the email will be sent to the Director of RSP and, as relevant, their Dean or Vice President (VP), or the Provost or President.

30 Days Late: The PI/PD and relevant individual will receive an email from the Director of RSP and a copy will be sent, as relevant, to their Dean or VP, or the Provost or President. This email will formally outline sanctions for non-compliance with Gustavus policy and indicate that sanctions will be in place at 60 days past due.

60 Days Late: The Provost, relevant VP, or President will send the PI/PD or relevant individual formal notification of non-compliance with Gustavus policy that details sanctions effective upon receipt of the letter.

Sanctions for violations of this policy will be:

- notice of non-compliance with Gustavus policy placed in the employee's permanent personnel file;
- employee will be barred from seeking external funding for a period up to 2 years; and
- employee will be ineligible for internal grants for a period up to 2 years.

Additional sanctions may be imposed, depending upon circumstances.

*Approved by the President's Cabinet: March 20, 2018.*

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## **Faculty Time and Reassignment Requests**

### **Background**

#### **Percentage of Time per Duties Assigned**

As a matter of policy, Gustavus Adolphus has not historically established faculty contracts based on a percentage of work per duties assigned, while many other schools publish how much of a faculty's member's time should be spent on teaching, research, advising, service to the institution, and so forth. Instead, when faculty are evaluated and/or reappointed, the following are considered-in order of importance:

- Excellence as a teacher
- Emerging pattern of excellence in scholarship and/or creative pursuits
- Emerging pattern of involvement with the college and its activities
- Continuing evidence of sympathy with aim and purpose of the college
- (Gustavus Adolphus College *Faculty Manual*)

#### **Faculty Time and External Funding**

Gustavus has a strong tradition of seeking and being awarded external funding through grants and contracts, whether that funding comes through government, private, or corporate sources. However, the college has not had a standard policy for charging faculty time for these grants. To compensate, individual faculty members have been devising formulas-based on their employment contracts-to charge for their time. This system is flawed in that it demands impeccable record keeping in order to understand budgets-and, by default, it accepts that some people's time is "worth more" than others'.

As external compliance demands grow, it is essential that the College both adopt and follow a policy for charging for faculty time. This policy will help ensure that the process of applying for a grant is systematized, in that each faculty member's time is considered of equal value relative to base salary. More importantly, a policy will ensure that all future grant and contract budgets can easily pass external audits.

It is important to note that no policy for charging faculty time is a perfect representation of how all faculty actually spend their time. Rather, a policy for charging faculty time is meant to be a representation across the institution: one that is reasonable and fair to both faculty and to external funders. Having taken these factors

into consideration, the External Funding Advisory Council has created this aspirational policy that recognizes the College's increasing emphasis on intellectual engagement, research, scholarship, creativity and dialogue as part of the new Gustavus Acts Strategic Plan (2016). This policy is but one representation of the value among Gustavus faculty to be active scholars who are committed to submitting highly competitive proposals for external funding.

## **Policy**

### **Policy Understanding**

- This policy covers all 9-month faculty contracts.
- This policy uses base salary in its calculations. Benefits must also be charged.
- This policy accounts for: 1) the variety of ways in which faculty actually use their time; 2) funders' expectation that faculty are using a portion of their academic year time toward research and scholarship; and 3) the possibility of using this academic year time as a portion of any required match on external grant applications.
- Externally funded research, scholarship, and creative activities sometimes require a level of effort that does not fit within a faculty member's typical academic year time allocations. All faculty requests for reassignment time as part of an application for external funds for research or other sponsored projects including grants, service agreements, contracts, and other similar agreements must follow this policy.

### **Policy for Charging for Faculty Time during the Academic Year - 70/20/10**

When charging for faculty time on external grants and/or contracts, the College agrees to the following relative to how faculty time is spent:

- 70%: teaching and teaching-related activities. Percentage based on contractual six-course load per academic year.
- 20%: research, scholarship, and creative pursuits. This percentage is in line with the 8 hours per week that may be set aside on faculty schedules (May 2016 faculty meeting).
- 10%: service to the college. This percentage acknowledges that all faculty dedicate time to the institution through committee work and other service via their contract each year.

Since faculty load is six courses per academic year, reassignment time for one course is equivalent to 11.67% of a faculty member's time, or base salary, for those on a nine-month contract (70%/6).

Examples:

- Faculty member A earns \$60,000/year. The cost to buy out the salary portion of one course, then, is \$7,002 (60,000 x .1167 (11.67%)) plus benefits.
- Faculty member B earns \$80,000/year. The cost to buy out the salary portion of one course, then, is \$9,336 (80,000 x .1167) plus benefits.

### **Policy for Charging Faculty Time during Summer**

Summer appointments will be charged at a rate commensurate with the faculty member's institutional base salary plus benefits. Example:

- One summer month is equivalent to 1/9 of a faculty member's academic year salary. Faculty member A earns \$60,000/year. The cost for one summer month, then, is \$6,667 (60,000/9) plus benefits.

Consult a Grants Office Director for release time equivalencies for faculty on appointments other than the 9-month term.

### **Procedure for Requesting Reassignment Time**

Check sponsor guidelines to determine whether reassignment time is allowed. In some instances, a sponsor may need to approve a reassignment time prior to submission of a proposal. The Grants Offices can assist with interpreting sponsor guidelines prior to requesting reassignment time.

1. Discuss the proposed reassignment time with relevant Dean and Department Chair.
2. The Dean must approve the reassignment time by signing the Reassignment/Course Release Approval Form.
3. The Department Chair or designee must acknowledge the reassignment time, provide information regarding which course(s) would be removed from the faculty member's load, and whether the department plans to remove the course(s) or offer the course(s) as an internal overload or external hire during the period of the grant. This information should be provided on the Reassignment/Course Release Approval Form and sent to the appropriate Grants Office no later than 7 business days prior to the submission deadline.
4. The grant budget must include a line item associated with the reassignment time, based on the faculty member's salary and benefits, equivalent to the percentage of reassignment time requested. This budget must be reviewed by either the Director of Faculty Grants or the Director of Government, Corporate and Foundation Relations prior to submission of the package to the Provost's Office for final approval.
5. The appropriate Grants Office will forward the Reassignment/Course Release Request Form, the proposal summary or abstract, and the budget to the Provost's Office no later than 7 business days prior to the submission deadline.
6. Approval from the Provost's Office, via signed Reassignment/Course Release Approval Form, must be submitted to the Grants Office no later than 3 business days prior to the sponsor's submission deadline.

Approval is made on condition that the reassignment time is properly budgeted for and will only be granted if an award is made.

### **Salary Distribution Guidelines**

Salary savings will be distributed as follows:

1. The Provost Office will receive funds to cover the costs for instruction of course(s) that will be offered during the faculty member's release time, including salary and benefits (if applicable).
2. 15% of any remaining funds will be distributed to the College's unrestricted budget.

85% of any remaining funds will be distributed to the Provost's Office to be used for activities related to strategic efforts to support research, scholarship and creative activities on campus, for example toward Presidential Faculty-Student Collaboration Grants or Capacity Building Grants. A faculty member may submit a proposal to the Provost's Office requesting a portion of these funds be reallocated to their sponsored project or program.

*Approved by the President's Cabinet: March 28, 2017.*

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## **Indirect Cost Recovery and Distribution Policy**

### **I. Policy**

This policy sets forth guidelines for requesting facilities and administrative costs reimbursement on externally funded projects and programs.

## **II. Purpose**

Externally funded research, scholarship, and creative activities enhance the reputation of the College, benefitting both the careers of faculty and staff and the education of students who participate or are impacted by the externally funded work. These projects and programs incur both direct and indirect costs, the latter of which are recovered by applying a rate to the budget request portion of a funding proposal.

## **III. Scope**

This policy applies to all faculty, staff, and students who apply for and receive external funds for research or other sponsored projects including grants, service agreements, contracts and other similar agreements.

## **IV. Definitions and Rates**

Facilities and Administrative Costs (F&A) are real costs incurred by the College. These indirect costs represent the expenses of doing business that are not readily identified with a particular grant, contract, project function or activity, but are necessary for the general operation of the College and the conduct of activities it performs. The Facilities portion of F&A includes costs such as those associated with facility operation and maintenance costs, depreciation, and library expenses. The Administrative portion of F&A includes costs such as those associated with campus safety, human resources, finance, sponsored programs administration, and offices of the Provost and President.

The US Office of Management and Budget – 2 CFR 200 – outlines the cost principles under which institutions recover indirect costs incurred from sponsored projects. Gustavus Adolphus College's F&A rate is periodically negotiated with our cognizant Federal agency, the Department of Health and Human Services.

The College's F&A rate agreement specifies salaries and wages (excluding benefits) as the base on which the rate is charged. There are two rates, one for on campus programs and another for off campus programs. The off campus rate is reserved for instances in which more than 50% of a project is performed off campus in facilities not owned by the institution and to which rent is directly allocated to the project.

## **V. Guidelines**

It is the expectation of the College that all externally funded sponsored program budgets will include a request for reimbursement of F&A costs regardless of whether or not the sponsor is a federal entity. Some exceptions apply (see section VI). Any request for a reduction in the rate or a waiver must be approved in advance by the Provost and the Vice President for Finance and Treasurer. The Principal Investigator or Project Director (PI/PD) should submit and Facilities and Administrative Cost Recovery Reduction Request form to the Grants Office no later than 10 business days prior to the submission deadline. Requests will not be granted for the following reasons:

- the award does not provide adequate direct costs for the scope of work;
- failure to include F&A in a proposal budget without obtaining required prior approval;
- to make the College's application more competitive.

In instances where prior approval was not received and an award includes a reduced F&A rate the PI/PD will be responsible for the unrecovered indirect costs. These may be covered by a via a department budget, an unrestricted endowed line associated with the PI/PD, or other means. If being paid by a Gustavus restricted or unrestricted fund, approval by the Provost's Office or supervisor is required and should be submitted to the Grants Office prior to spending any grant funds.

## **VI. Exceptions**

The following are exceptions for which the federally negotiated F&A rate does not apply. In these cases, a base other than salaries and wages may be used based on sponsor guidance, for example total direct costs, or modified total direct costs.



- The sponsor has a published rate that is either lower than the College's rate or a rate that is applied to an alternative base, for example 15% of total direct costs. This rate must appear in the sponsor's written guidelines, published on their website, or confirmed in a letter from an authorized official. This rate must be uniformly applied to all entities seeking funding from that agency for the relevant funding opportunity.
- The program limits the F&A. A common example would be training grants issued by the US Department of Education.
- When an award is transferred to Gustavus Adolphus College from another institution and Gustavus' F&A rate is higher, the College will adjust the rate, as needed, so funds designated for direct costs in the original budget remain available to the project.

*Approved by the President's Cabinet: October 11, 2016.*

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## **Responsible Conduct of Research (RCR) Policy**

### **Policy**

Gustavus Adolphus College requires all students, as well as those with post-baccalaureate and post-doctoral research positions, who are conducting research paid for by local, state, or federal grant funds to complete training in the responsible conduct of research (RCR). Principal Investigators and Project Directors (PI/PD) are responsible for ensuring that these researchers who are working on their government funded projects complete all required trainings on time. The Director of the Office of Government Grants and Sponsored Programs serves as the RCR Administrator for Gustavus.

As part of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science (COMPETES) Act, the National Science Foundation introduced RCR training requirements in 2010. Subsequently the United States Department of Agriculture and the National Institutes of Health have implemented training requirements. Though this Gustavus RCR policy meets and exceeds the standards of many government agencies, it does not meet the requirements of the National Institutes of Health. If a researcher is participating in NIH funded work, please consult the Director of Government Grants and Sponsored Programs to develop a compliant training plan.

Areas of training at Gustavus will include authorship, collaborative research, conflicts of interest, data management, mentoring, peer review, research misconduct, and plagiarism. Training for research involving animal care and use, and research involving human subjects is also required as relevant. Training is valid for four years, however refresher courses are recommended after three years. This training, as well as other trainings required by Gustavus such as lab safety training, are in place to protect the College, PI/PDs, students, and other employees conducting research at Gustavus.

### **Requirements**

1. All relevant web-based training requirements must be met prior to beginning work on the government-funded project.
  - Online RCR Course: All student, post-bac and post-doc researchers must complete an online Responsible Conduct of Research course. Instructions for completing this training can be found at <https://gustavus.edu/grants/policies/>.
  - Human Subjects: Those conducting research involving human subjects must complete the supplemental online training module. Consult the Gustavus Institutional Review Board regarding any additional training requirements.
  - Animal Subjects: Those conducting research with animals must complete the supplemental online training module. Consult Gustavus Institutional Animal Care and Use Committee regarding any additional training requirements.

2. In-person training must be completed either before the employment start date, or within the term the researcher begins work (January or spring semester, summer, fall semester). This training will be offered at least three times each calendar year. A training schedule can be found at <https://gustavus.edu/grants/policies/>.
3. Certificates or other documentation of training completion shall be provided to the PI/PD and the Director of Government Grants and Sponsored Programs within 7 days of finishing each training requirement.

### **Non-Compliance**

If it is determined that a researcher has been working without completing the required trainings, the researcher faces possible suspension or termination of employment at Gustavus, and the PI/PD faces possible funding disallowances and sanctions. Notification of and sanctions associated with non-compliance will follow the timeline outlined below:

Within seven days of determination of Non-Compliance, the researcher and PI/PD will receive an email notification that proof of training has not been received, including the consequences of continued non-compliance with College policy.

If a researcher has been out of compliance for 14 days, the researcher and PI/PD will receive a warning email that formally outlines the sanctions associated with non-compliance with Gustavus policy. The relevant Dean or VP will be copied.

After 30 days or more of non-compliance, employment of the researcher will be suspended until the researcher is in compliance with College policy. The PI/PD will be required to discuss the circumstances surrounding the non-compliance with the relevant Dean/VP and the Director of Government Grants and Sponsored Programs. Within the subsequent seven days, the PI/PD will receive formal notification that details any funding disallowances and sanctions in effect upon receipt of the letter.

Sanctions will include:

- notice of non-compliance with Gustavus policy will be placed in the permanent personnel file of the PI/PD;
- the PI/PD will be barred from seeking external funding for a period up to 2 years; and
- the PI/PD will be ineligible for internal grants for a period up to 2 years.

*Approved by the President's Cabinet: August 21, 2017.*

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### **Submission of Proposals for External Funding**

At Gustavus Adolphus College, the Director of Corporate and Foundation Relations in Advancement (CFR) and the Director of Faculty Grants in the Office of Government Grants and Sponsored Programs (GGSP) are the College's authorized representatives for the submission of proposals for external funding. The offices of GGSP and CFR are committed to facilitating the submission of highly competitive proposals that conform to government regulations, agency guidelines, and College policies. They work closely with Principal Investigators and Project Directors (PI/PD), assisting throughout the process of seeking and managing external funding – from the point of having an idea through to closing out the grant and submitting final reports. As part of this process, they review and submit proposals on behalf of the College, and facilitate the acceptance and management of awards for sponsored projects on behalf of the College in collaboration with the Offices of Finance, the Provost, Advancement, and the President.

All external funding proposals must be reviewed and approved by GGSP or CFR before submission to the external sponsor, or before submission of Gustavus' materials to a collaborating institution for inclusion in their proposal to an external sponsor. This includes applications, pre-proposals, letters of intent, concept

papers, contracts, subcontracts, and fellowships, regardless of funding source or whether funds are awarded to the College or to the individual. Prior to approving a submission, GGSP or CFR will review all proposal materials and assist with collecting internal approvals. At times GGSP or CFR may request changes to bring a proposal into compliance with guidelines and policies, or suggest changes that will enhance competitiveness. The signature of either the Director of GGSP or CFR on the required External Funding Approval Form certifies that commitments made on grants, contracts, and agreements can be honored, verifies the accuracy of information provided on grant proposals or contract agreements, and ensures that all sponsored agreements conform to relevant policies. When the proposal is complete and all approvals have been secured, GGSP or CFR submits the proposal or authorizes the PI/PD to submit the proposal to the sponsor.

### **Internal Deadlines for Proposal Review**

The offices of GGSP and CFR can provide the highest level of service to faculty and staff when adequate lead time is given to review and approve a proposal prior to submission. The following timeline represents a minimum for GGSP or CFR to provide feedback and a thorough review of an application. A more detailed list of steps, along with other resources, can be found at <https://gustavus.edu/grants/>. Remember your submission date might be the day your materials are due to a collaborator, not necessarily the grant deadline.

1. **Discuss your idea with GGSP or CFR.** Some projects will require internal vetting which will be required at least one month prior to the submission deadline. Longer lead times will be necessary if your project involves collaborators, institutional commitments or course reassignments, or is a limited submission opportunity, for example.
2. **As soon as possible, at least 12 full working days prior to the planned submission date – Confirm timeline and plan upcoming submission with GGSP or CFR.** This allows staff to allocate time for providing feedback and reviewing proposal components.
3. **At least 7 full working days prior to the submission date – Provide GGSP or CFR with a project budget and budget justification, along with a draft version of the narrative that is suitable for review.**
4. **At least 3 full working days prior to the submission date – Provide GGSP or CFR with all final proposal documents and a completed External Funding Approval Form.** Following a final review of the proposal GGSP or CFR will then submit the application or authorize the PI/PD to do so.

### **Late Submission to Internal Deadlines and Unauthorized Submissions**

Proposals submitted after the internal deadlines will be processed on a first-come-first-served basis. Priority is given to complete proposals that are submitted on time and to proposals components submitted for review based on the agreed upon timelines. The PI/PD assumes the risk that late or incomplete proposals may not be approved for submission, may not meet external submission deadlines, or may be submitted without adequate review. Such a proposal may be withdrawn from funding consideration upon full review should it contain errors or lack internal approvals that would preclude Gustavus Adolphus College's acceptance of an award.

When a proposal is submitted without review and approval by GGSP or CFR, the following consequences or repercussions may occur:

1. If improperly budgeted, the PI/PD will be responsible for covering required budget components or any over spending that may result. These may be covered by a PI/PD via a department budget, via an unrestricted endowed line associated with the PI/PD, or via other means. If being paid by a Gustavus restricted or unrestricted fund, approval by the Provost's Office is required for faculty PI/PDs and approval by the primary supervisor is required for staff or administrator PI/PDs.

2. Award terms and conditions may preclude Gustavus from accepting the award.
3. Unauthorized signatures or inadequate negotiation of award terms and conditions may render the award invalid and result in immediate termination of the project.
4. The College and the PI may not be able to negotiate salary, benefits, leaves or other institutional commitments that were included in the proposal, thus resulting in declining or terminating an award.

*Approved by the President's Cabinet: November 8, 2016.*

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## **Health and Safety**

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### **Drug and Alcohol Policy**

Gustavus Adolphus College is concerned for the well-being of all members of its academic community and for the quality of their relationships. One area of that concern involves the use of alcohol and other drugs.

The College does not condone the use of alcohol when prohibited by law. On the contrary, it seeks to foster an atmosphere in which abstinence from alcohol is accepted, respected, and supported. The College also expects individuals and groups to make responsible choices with regard to alcohol use. Careful consideration must be given if alcoholic beverages are to be available at College-sponsored off-campus activities or events where underage individuals are present. While the alcohol and drug policy makes provisions for the consumption of alcohol in conjunction with some special events, participants should be able to participate in all activities planned. Activities with alcohol may segregate those not of legal age from those who are, and this could be counter-productive to the development of community.

The College takes the position that chemical abuse is neither socially nor morally acceptable. It also recognizes the reality of chemical dependency and is aware of its presence in the academic community. We are obliged to help those who could be harmed or inconvenienced as a result of the irresponsible behavior of others. As a part of encouraging responsible lifestyles, Gustavus will strive to provide education about alcohol and other drug use, to encourage responsible choices, and to intervene in situations where it has knowledge of individual misuse and abuse of chemicals.

The College will encourage and provide reasonable help for members of the community who seek treatment for chemical dependency.

The College expresses the following objectives with regard to alcohol and other drugs:

1. To support and encourage those who choose to abstain from the use of alcohol and other drugs.
2. To undertake to educate members of the College community regarding the effects of use, misuse, and abuse of alcohol and other drugs.
3. To formulate and maintain guidelines for appropriate response to the misuse and abuse of alcohol and other drugs.
4. To expect individuals who use alcohol to act responsibly and respect the rights, needs, and lifestyles of other members of the community.
5. To sensitize Collegiate Fellows, Head Residents, Peer Assistants, faculty, staff, and students to the implications of chemical use, and especially to the needs of those who misuse or abuse alcohol.
6. To provide direct assistance and/or referral for those with substance-abuse problems.

Each member of the community is encouraged to support the objectives of this policy. The Dean of Students shall have the primary responsibility for monitoring it for the student body, with primary enforcement provided by Safety and Security and the Residential Life staff. The Dean of Students shall continue to study, develop, and evaluate the program of education for the campus community dealing with the implications of

alcohol and drug use. This policy shall be subject to periodic review by the Board of Trustees working together with students, faculty, and administrators for this purpose. Refer also to the Residential Life Policy section on “Alcohol and Other Drugs” for further information on the application of this policy for residence hall living.

### **Statement of Rules**

Any violation of the following rules shall be considered an offense subject to disciplinary action by appropriate authorities. The College reserves the right to request assistance from law enforcement officials where State or local laws are being violated.

1. Minnesota law and college policy prohibit the possession or consumption of alcoholic beverages by persons under the age of 21. Providing alcohol to a minor, or assisting a minor in any way in obtaining alcohol, is specifically included as inappropriate behavior and is also a violation of State law.
2. Possession, use, sale or solicitation of illegal substances is prohibited.
3. State and local laws prohibit the purchase and resale of alcoholic beverages without a license. College policy prohibits the sale of alcoholic beverages on campus.
4. Promotion on campus (including, but not limited to circulars, posters, campus publications) of consumption of large amounts of alcohol, or of events where drinking is the primary focus, is prohibited.
5. Consuming or possessing alcohol in an open container in any public campus location is not permitted. The Gustavus Alcohol and Drug Policy allows the serving of alcoholic beverages on campus only under the following conditions:
  - a. Designated areas shall be determined and reviewed by the appropriate Vice President or Dean, subject to approval by the President.
  - b. The sponsor(s) must sign a request form detailing their event and indicating that they have received the statement: “Responsibilities of a Sponsor of a Social Event at which Alcoholic Beverages are Served.”
  - c. The request for use of a designated area must be submitted to the appropriate Vice President or Dean at least seven (7) days prior to the event.
  - d. The event must be confined to the designated area.
  - e. The event must be confined to the times listed on the application, and the type and amount of alcoholic beverage limited to what is specified beforehand. Non-alcoholic beverages must be continuously available in a similar manner as the specified alcoholic beverage for underage guests and those wishing to abstain.
  - f. Serving of alcoholic beverages must be in conjunction with a reasonable amount of food.
  - g. Those sponsoring the event are responsible for insuring that only those of legal age consume alcohol, and that consumption takes place in the designated area only.
  - h. The sponsors will be responsible for returning the area to its prior condition.

For application forms or more information about the designated area policy, contact the Dean of Students Office.

*Alcohol Policy revised and approved by the Board of Trustees, June 28, 1985; revised July 2, 1986, and July 21, 1987, to comply with changes in State law; revised and approved by the Board of Trustees, June 27, 1994.*

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### **Drug-Free Workplace Policy**

In accordance with the “Drug-Free Workplace Act of 1988” (Public Law No. 100-690, 5151-5160), effective March 18, 1989, Gustavus Adolphus College is hereby notifying its employees that the unlawful manufacture,

distribution, dispensing, possession or use of a controlled substance is prohibited at Gustavus Adolphus College and in the course of any activities performed in conjunction with the employee's work-related responsibilities. Although the "Drug-Free Workplace Act" requires that only those employees "Directly engaged in the performance of work pursuant to the provisions of the federal grant or contract" abide by this policy, Gustavus Adolphus College has elected to include all employees under this policy.

(Controlled substances are defined in schedules I through V. of section 202 of the Controlled Substances Act (21 U.S.C. 812) and are further defined by the regulation at 21 DFR1300.11 through 1300.15). It is important to note that not only is the use of illegal drugs unlawful, but also the illegal dispensing of legal (prescription) drugs. Alcohol and tobacco are not included in this law.

As a condition of employment at Gustavus Adolphus College, all employees will abide by the terms of the College's "Drug-Free Workplace Policy" and will notify the College of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Employees found in violation of the prohibitions set forth in the policy will be subject to disciplinary actions which may include suspension or dismissal.

Employees who are convicted of a violation in the workplace or while engaged in work-related responsibilities may be required to participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency. Appropriate personnel action shall be taken against such convicted employee up to and including termination of employment within 30 days of receiving notice of conviction.

Employees are also urged to attend one of the drug-free awareness programs which will be available at different times throughout the year. Other parts of the drug-free program may include drug counseling and employee assistance programs.

*Implemented: March 18, 1989. Reviewed by the Gustavus Adolphus College Board of Trustees: June 28, 1993.*

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## **Pet Policy**

**Purpose:** The purpose of this policy is to promote the wellbeing and safety of Gustavus Adolphus College students, faculty, staff, and visitors and to protect the College's property/assets. This policy is intended to provide clear guidelines for the allowance of pet/service animals on campus.

**Scope:** This policy applies to all on-campus, College-controlled properties, including the arboretum and all athletic facilities. This policy standardizes the College's position on the management of animals on Gustavus property. Campus Safety is charged with enforcement of this policy.

**Rationale:** Pets can pose various health and safety risks to the campus community including allergic reactions to animal dander, excessive noise, discomfort around animals, fear of animal bites, and disease transmission. Individuals that require the use of a service animal are at particular risk. For example, a dog running at large poses a hazard to an individual using a service dog, should there be a confrontation between the two animals.

### **Definitions**

1. College-Controlled Property: Property that is owned, operated, and/or maintained by the College.
2. Service Animal: trained animals that assist an individual with a disability by performing specific tasks. Service animals are allowed everywhere their handler needs to go on campus. Under the Americans with Disabilities Act and the Minnesota Human Rights Act, a service animal is defined as a dog or miniature horse. Service animals do not have to wear an identifying vest or patch, nor do their handlers need to register or make their presence known to staff.
3. Emotional support animals (ESA): animals that provide support, companionship, or comfort to an individual, but they are not specifically trained to perform tasks to assist an individual with a

disability. Emotional support animals do not have the same broad legal protections service animals do, but the Fair Housing and Equal Opportunity Act allows an individual with a disability to request as a reasonable accommodation that their ESA reside with them in on-campus housing.

4. Working Emergency Personnel animals: St. Peter Police K-9s and other animals working on campus for emergency personnel will be treated as exemptions to the college pet policy when working with their handler.
5. Research and Teaching Animals: Approved animals used directly in support of the College's mission of teaching, research, and/or clinical programs as used in accordance with guidelines established by the Office of the Provost and the Institutional Animal Care and Use Committee.
6. Pets at Large: An animal that is either unattended and/or unrestrained by its owner.

### **Inside/Outside Facility Guidelines**

It is prohibited to bring dogs, cats, or other pets inside any College-controlled buildings, except for the animals listed in the exemption section of this policy. While on College-controlled properties, pets must be maintained on a leash of six feet or shorter, on a restraining harness, or in a caged enclosure. With the exception of the animals listed in the exemption section, pets are not allowed in the arboretum, or at/on any indoor or outdoor athletic facilities. Pets will not be allowed (leashed or unleashed) at any special events or College functions (e.g., Nobel Conference, Homecoming, athletic venues) with the exception of any specific event that has been approved 45 days in advance by the Vice President for Finance and Treasurer, who serves as the college's officer for risk management issues.

Pet owners are responsible for cleaning up any messes made by their pet. Anyone who brings a pet on College-controlled property assumes all financial responsibility for any damages to property or injury to individuals caused by the animal.

Pets may not be tethered to College buildings, structures, motor vehicles, trees, railings, light poles, benches, posts, or other structures.

### **Prohibited Animals (Non-Service)**

Animals such as poisonous reptiles, constricting snakes (e.g., boas, pythons, and anacondas) and other potentially dangerous or aggressive animals are prohibited from all College-controlled property (inside and outside) at all times, except those used for approved academic or experimental purposes.

### **Failure to Comply**

1. **Prohibited Animals on College-Controlled Property:** Any prohibited animals on a College-controlled property must be removed immediately. If a prohibited animal is observed on a College-controlled property, the owner may face disciplinary measures by appropriate authorities, which may include Campus Safety, Residential Life, Provost, or Human Resources.
2. **Unattended or Unrestrained Animals:** If an unrestrained/unattended animal is observed, a reasonable attempt will be made to locate the animal's owner. If the owner is located, they may face disciplinary measures by the appropriate disciplinary authorities (see above). If attempts to find the animal's owner are unsuccessful, the animal will be relinquished to or removed by the City of Saint Peter Community Service /Animal Control Officer.
3. **Property Damage:** The College will seek restitution for any animal-related damage to College-controlled property, facilities, or grounds. The repair or replacement cost of damaged property is the sole responsibility of the owner of the animal that caused the damage.

### **Exempted Pets and Other Animals**

The animals listed below are permitted inside College-controlled property:

1. Service animals.

2. Working emergency personnel animals.
3. Research and testing animals.
4. Fish in containers of fifteen (15) gallons or less.
5. Pets at/in the President's House or residence hall professional staff apartments.
6. Emotional Support Animals (ESA): ESAs are only allowed in a student's room, in direct transit to/from the student's room to the building exit or outside on College grounds. ESAs are not allowed in the Arboretum nor in any other buildings on campus.

Although these aforementioned animals are permitted within all or some buildings and facilities, these animals must remain under the control of the owner at all times. The care or supervision of an exempted animal is solely the responsibility of its owner. The College reserves the right to exclude an exempted animal whose behavior poses a threat to the wellbeing or safety of others.

*Cabinet Approved: February 2016. Revised August 23, 2022.*

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## Safety Policy

The Gustavus Adolphus College Safety and Health Program is based on the premise that each and every one of our employees is entitled to a safe and healthful working environment. Our Safety and Health Program is designed specifically for the protection of our employees, the campus community and visitors. All employees are directed to make safety a matter equal in importance to that of other job functions.

The College shall have an active Safety and Health Committee with diverse area representation that meets regularly. All employee injuries and accidents will be reviewed by the committee with minutes available to all employees on the Environmental Health, Safety and Risk Management website (<https://gustavus.edu/finance/osh/>). All employees are encouraged to make suggestions which will assist in maintaining safe working conditions and to immediately bring to the attention of their manager/supervisor any unsafe working conditions. It is through our joint participation in safety efforts that accidents and injuries can be prevented.

All employees, including faculty, staff and students, must follow the safe practices and rules contained in this document and any other such rules and procedures communicated on the job regarding employee safety and health during the course of employment. It is important that all employees maintain a safe workplace and always practice safe work habits. Working safely is a condition of employment.

Our policy toward safety is in no way limited to the rules that follow. Any unsafe practice, whether listed here or not, will be addressed. **No job is so important that we cannot take time to perform our work safely.**

1. **Expectations** - Employees are expected and empowered to work safely and responsible for the safety of co-workers. If co-workers are observed working in an unsafe manner, employees must communicate their concerns to their co-workers and/or their supervisor/manager.
2. **Emergency Procedures** - Employees will fully understand all work area emergency procedures and participate in drills when requested. Supervisors/managers shall ensure that their employees are familiar with emergency notification systems, emergency contact numbers, evacuation routes, emergency equipment locations and assembly areas.
3. **Injury Reporting** - All injuries and illnesses, no matter how slight, must be reported to the direct supervisor/manager of the employee so that arrangements can be made for medical or first aid treatment, if necessary. Any head, neck, eye or back injury must be evaluated by a medical provider. An accident/incident/illness report will be completed and submitted to Risk Management within 24 hours. Supervisors/managers will ensure that the injured employee provides updates on their work status and if they have any work restrictions defined by their medical provider in a report of



workability prior to returning to work. [Injury Reporting Procedures](#) and the [Injury Report Form](#) can be found at the Environmental Health, Safety and Risk Management website: <https://gustavus.edu/finance/osh/>.

4. **Housekeeping** - Good housekeeping must be practiced at all times in work areas and offices to prevent slips, trips and falls. Wastes must be cleaned up daily to eliminate any dangers in work areas. Notify the appropriate supervisor/manager immediately of any unsafe work areas. Exits, fire suppression equipment, emergency eyewash/showers, electrical panels, etc., must always be kept clear of obstructions in the event of an emergency.
5. **Personal Protective Equipment (PPE)** – PPE shall be worn whenever necessary and/or required. Inspect PPE prior to use and notify the appropriate supervisor/manager immediately of any defects. More information regarding PPE can be found at the Environmental Health, Safety and Risk Management website (<https://gustavus.edu/finance/osh/>).
6. **Drugs & Alcohol** - There will be absolutely no use of intoxicants or illegal drugs during working hours. Anyone suspected of being under the influence of intoxicants or illegal drugs, which may impair their skills and/or judgment, shall not be permitted on the job. Employees shall notify the appropriate supervisor/manager of prescription medications being taken that may affect job safety. No one shall be permitted to work while the employee's ability or alertness is so impaired by fatigue, illness, and/or other causes that may cause injury to the employee, or others. For more information, refer to the Drug and Alcohol policy (<https://gustavus.edu/facultybook/allcollegepolicies/#has>).
7. **Vehicles** - It is important for all drivers to recognize their responsibilities for operating Gustavus Adolphus College vehicles in a safe and responsible manner. We require each driver to comply with all applicable federal, state and local regulations, including Gustavus Adolphus College policies. When operating any vehicle for Gustavus Adolphus College business. The Vehicle Safety Policy and Vehicle Accident Report Form can be found at: <https://gustavus.edu/telecom/motor-pool/rules/>
8. **Unsafe Behavior** - Horseplay, scuffling, fighting, practical jokes, throwing tools or materials carelessly and other unsafe acts which have an adverse influence on employee safety, or the safety of others, is strictly prohibited.
9. **Training** - All employees will participate in regular safety meetings and/or trainings when required. Safety-related training suggestions should be submitted to the appropriate supervisor/manager.
10. **Proper Lifting** - Work shall be pre-planned to avoid injuries in the handling of heavy materials and use of equipment. Supervisors/managers shall encourage team lifts and the use of lift equipment. Always use proper lifting techniques when lifting heavy objects.
11. **Machine Guarding** - Employees will ensure that all guards and other protective devices are in their proper places and in good working order. If the guard or protective device is not in place or defective, the equipment should not be used. Never use defective tools or equipment. Report damaged equipment to your supervisor/manager immediately.
12. **Electrical Hazards** - Only authorized employees can work with electrical equipment or machinery and only after they have been trained in proper procedures and use of the equipment. Supervisors/managers shall ensure that employees receive proper training on this equipment.
13. **Safety Orientation** - Employees will ensure they have received adequate safety instruction when undertaking a new task or using new or unfamiliar equipment. Supervisors/managers will ensure that their employees are properly trained.

14. **Chemicals** - When using any type of chemical, employees must fully know and understand:
  - a. Safety Data Sheets and hazardous chemical properties (if any).
  - b. Types of precautions required to work with chemicals in a safe manner.
  - c. Proper Personal Protective Equipment needed to be worn.
  - d. All emergency procedures.
15. **Fire Prevention** - Observe all fire prevention regulations. The campus and all campus vehicles are tobacco free. Fire extinguishers that have been used or that have a broken seal must be turned in for replacement.
16. **Appropriate Attire** - Work clothing must be appropriate for the work area as to not present a safety hazard. Submit questions regarding proper attire to the appropriate supervisor/manager.
17. **Lockout/Tagout** - Lockout/tagout all equipment before maintenance and/or repair. Supervisors/managers shall ensure that employees are properly trained.
18. **Enforcement** - Failure to follow established safety rules and procedures may lead to disciplinary procedures which may include: reprimand, suspension or employment termination.

More information regarding safety programs can be found on the Environmental Health, Safety and Risk Management website (<https://gustavus.edu/finance/osh/>).

*Approved by the President's Cabinet: November 9, 2021.*

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### **Smoking and Tobacco Policy**

As of July 1, 2018, Gustavus Adolphus College is a tobacco free college (<https://gustavus.edu/tobaccofree/>). Tobacco use is prohibited within all college campus grounds, college owned or leased properties, and in campus-owned, leased, or rented vehicles even when used outside campus grounds.

Tobacco products include but are not limited to cigarettes, cigars, pipes, water pipes (hookah), bidis, kreteks, smokeless tobacco, chewing tobacco, snus, snuff, electronic cigarettes and any non-FDA approved nicotine delivery device.

*Approved by the Administrative Council: September 14, 1993. Reviewed by the Gustavus Adolphus College Board of Trustees: June 27, 1994. Revised by the President's Cabinet: March 6, 2018.*

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### **Weapons**

The personal possession of firearms in all campus buildings and on all campus property is strictly prohibited. This prohibition applies to all students, employees, independent contractors, and visitors, including those who have a valid permit to carry a concealed weapon. Individuals who possess a valid permit to carry a firearm may however, keep it locked in the trunk or glove compartment their vehicle in a campus parking lot. This prohibition does not apply to authorized security or law enforcement personnel. Individuals wishing to store firearms and ammunition at Gustavus can do so by bringing them to the Office of Safety and Security, Room 35A, Norelius Hall basement.

Except under circumstances noted above, students and employees are prohibited from using, storing or possessing weapons, fireworks or explosives on property owned or controlled by the College and/or in the course of any College program or employment. Weapons may include, but are not limited to: firearms, pellet guns, air rifles or BB guns, paintball guns, bows and arrows, sling shots, water balloon launchers, martial arts equipment, swords, switchblade and large knives, and clubs.

If you are aware that an individual possesses a firearm, or other weapon or explosives in violation of this policy, please contact Safety and Security (933-8888) immediately.

*Approved by the Gustavus Adolphus College Board of Trustees: June 23, 1993.*

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## **Privacy and Records Access**

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### **Family Educational Rights and Privacy Act**

Gustavus Adolphus College accords its students all rights under The Family Educational Rights and Privacy Act (FERPA) of 1974, and will annually notify students and their parents of their rights pursuant to FERPA through notifications in the College Catalog, Gustavus Guide, and on WebAdvisor. The College will not disclose information from students' education records without the written consent of students except to personnel within the institution, to officials of other institutions in which students seek to enroll, to persons or organizations providing students financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, and to persons in an emergency in order to protect the health or safety of students or other persons.

At Gustavus only those persons acting in the students' educational interest are allowed access to student education records. These include personnel in the offices of the Dean of Students, Provost, Registrar, Admission, Academic Support Center, Student Financial Assistance, Career Development, and to faculty members within the limitations of their need to know.

At its discretion, the institution may provide directory information in accordance with the provisions of the Act to include: student name, mailing address, email address, telephone number, date and place of birth, major field of study, dates of attendance, degrees and awards received, the most recent previous educational institution attended, participation in officially recognized activities and sports, and weight and height of members of athletic teams.

Students may withhold directory information by filing the appropriate form with the Registrar. This agreement of nondisclosure will remain in effect unless a written request is submitted to end the suppression.

Students may inspect their education records, challenge any contents, have hearing if the outcome of the challenge is unsatisfactory, and submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panel are unsatisfactory.

Student education records at Gustavus are maintained in the offices of the Dean of Students, Registrar, Student Financial Assistance, and Career Development.

Students wishing to examine their education records must make written requests to the appropriate office listing the item or items of interest. Only records covered by the Act will be made available, within thirty days of the requests. Students may take notes of the record, but may not make copies or take photographs of their records.

Education records do not include records of instructional, administrative, and educational personnel which are the sole possession of the maker and are not accessible or revealed to any individual except a temporary substitute, records of the security department, student health records, employment records, or alumni records. Health records, however, may be reviewed by physicians of the students' choosing.

Students may not inspect the following as outlined by the Act: financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment, job placement, or honors to which they have waived their rights of inspection; or education records containing information

about more than one student, in which case the College will permit access only to that part of the record which pertains to the inquiring student.

The College is not required to permit students to inspect and review confidential letters and recommendations placed in their files prior to January 1, 1975.

Students who believe that their education records contain information that is inaccurate or misleading may discuss the matter with the chief administrator of the office involved. If that person is in agreement with the students' requests, the appropriate records will be amended. If not, the students will be notified within a reasonable period of time that the records will not be amended and be informed of their rights to a formal hearing.

Requests for a formal hearing must be made in writing to the Dean of Students who, within a reasonable period, will inform students of the date, place, and the time of the hearing. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearing by one or more persons of their choice, including attorneys, at the students' expense. The hearing panel will be comprised of the students' faculty adviser, a representative of the Dean of Students, and the Provost.

Decisions of the hearing panel will be based solely on the evidence presented at the hearing, will consist of written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned. The education records will be corrected or amended in accordance with the decisions of the hearing panels, if the decisions are in favor of the students. If the decisions are unsatisfactory to the students, the students may place with the education records statements commenting on the information in the records, or statements setting forth any reasons for disagreeing with decisions of the hearing panels. The statements will be released whenever the records in question are disclosed.

Students who believe that their rights have been abridged, may file complaints with The Family Educational Rights Privacy Act Office (FERPA), Family Policy Compliance Office, Department of Education, Washington, D.C. 20201, concerning the alleged failures of Gustavus to comply with the Act.

*Approved by the Gustavus Adolphus College Board of Trustees: June 28, 1993; revised September 26, 2019.*

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## **Identity Theft Prevention Program**

### **Program Adoption**

Gustavus Adolphus College (the "College") developed this Identity Theft Prevention Program (the "Program") pursuant to the Federal Trade Commission's Red Flags Rule (the "Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. This program was developed with oversight and approval of the Finance Committee of the Board of Trustees. In addition, the Board of Trustees determined that the Program was appropriate for the College, and approved this Program on April 24, 2009.

### **Purpose**

The purpose of this policy is to establish a Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account (defined below) or an existing covered account and to provide for continued administration of the Program. The Program shall include reasonable policies and procedures to:

1. Identify relevant red flags (defined below) for covered accounts it offers or maintains and incorporate those red flags into the program;
2. Detect red flags that have been incorporated into the Program;
3. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and

4. Ensure the Program is updated periodically to reflect changes in risks to students and to the safety and soundness of the creditor from identity theft.

The Program shall, as appropriate, incorporate existing policies and procedures that control reasonably foreseeable risks.

### **Definitions**

**Identity theft** means fraud committed or attempted using the identifying information of another person without authority.

A **covered account** means:

1. An account that a creditor offers or maintains, primarily used for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions.
2. A **red flag** means a pattern, practice or specific activity that indicates the possible existence of identity theft.

### **Covered Accounts**

A covered account includes all student accounts or loans that are administered by the College or administered by a service provider.

### **Identification of Relevant Red Flags**

The Program considers the following risk factors in identifying relevant red flags for covered accounts:

- i. The types of covered accounts as noted above;
- ii. The methods provided to open covered accounts—acceptance to the College and enrollment in classes require some or all of the following information:
  1. Common application with personally identifying information
  2. High School Transcript
  3. Official ACT or SAT scores (required or optional)
  4. Two letters of recommendation
  5. Medical and insurance information
- iii. The methods provided to access covered accounts:
  1. Disbursement obtained in person requires picture identification
  2. Disbursement obtained by mail can only be mailed to an address on file
- iv. The College's previous history of identity theft.

The Program identifies the following red flags:

1. Documents provided for identification appear to have been altered or forged;
2. The photograph or physical description on the identification is not consistent with the appearance of the student presenting the identification;
3. A request made from a non-College issued E-mail account;
4. A request to mail something to an address not listed on file; and
5. Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts.

### **Detecting Red Flags**

In order to detect red flags in connection with the opening of covered accounts and existing covered accounts, it is the policy of the College to:

1. Obtain identifying information about, and verify the identity of, a person opening a covered account, and
2. Authenticate covered account holders, monitor transactions, and verify the validity of change of address requests, in the case of existing covered accounts.

### **Responding to Detected Red Flags**

The Program shall provide for appropriate responses to detected red flags to prevent and mitigate identity theft. The appropriate responses to the relevant red flags may include the following:

1. Deny access to the covered account until other information is available to eliminate the red flag;
2. Contact the student;
3. Change any passwords, security codes or other security devices that permit access to covered accounts;
4. Notify law enforcement; or
5. Determine no response is warranted under the particular circumstances.

### **Oversight of the Program**

Responsibility for developing, implementing and updating this Program lies with the Vice President for Finance and Treasurer (the “Program Administrator”). The Program Administrator will be responsible for Program administration, for ensuring appropriate program-related training of College staff, and for reviewing any reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

### **Updating the Program**

This Program will be periodically reviewed and updated to reflect changes in risks to students and the security of the College from identity theft. At least once per year in April, the Program Administrator will consider the College’s experiences with identity theft, changes in identity theft methods, changes in identity theft detection and prevention methods, changes in types of accounts the College maintains and changes in the College’s business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red flags, are warranted. If warranted, the Program Administrator will update the Program.

### **Staff Training**

College staff responsible for implementing the Program shall be trained by the Program Administrator in the detection of Red Flags, and the responsible steps to be taken when a Red Flag is detected.

### **Oversight of Service Provider Arrangements**

The College shall take steps to ensure that the activity of service providers is conducted in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft whenever the College engages a service provider to perform an activity in connection with one or more covered accounts.

Currently, the College uses Tuition Management Systems (a member of KeyBank National Association) to administer a tuition payment plan, and University Accounting Service LLC to administer the Perkins Loan program.

*Approved by the Gustavus Adolphus College Board of Trustees: April 24, 2009.*

## Record Retention and Destruction

Gustavus Adolphus College (“the College”) takes seriously its obligations to preserve information relating to litigation, audits, and investigations. The information listed in the retention schedule below is intended as a guideline and may not contain all the records the College may be required to keep in the future. Questions regarding the retention of documents not listed in this chart should be directed to the President. From time to time, the President may issue a notice, known as a “legal hold,” suspending the destruction of records due to pending, threatened, or otherwise reasonably foreseeable litigation, audits, government investigations, or similar proceedings. No records specified in any legal hold may be destroyed, even if the scheduled destruction date has passed, until the legal hold is withdrawn in writing by the President.

File Category	Item	Retention Period
<b>Corporate Records</b>	By-laws and Articles of Incorporation	Permanent
	Corporate resolutions	Permanent
	Board and committee meeting agendas and minutes	Permanent
	All-College Policies	Permanent
	Conflict-of-interest disclosure forms	4 years
<b>Finance and Administration</b>	Financial statements (audited)	Permanent
	Auditor management letters	7 years
	Payroll records	7 years
	Check register and checks	7 years
	Bank deposits and statements	7 years
	Chart of accounts	7 years
	General ledgers and journals (includes bank reconciliations)	7 years
	Investment performance reports	7 years
	Equipment files and maintenance records	7 years after disposition
	Contracts and agreements	7 years after all obligations end
Correspondence — general	3 years	
<b>Insurance Records</b>	Policies — occurrence type	Permanent
	Policies — claims-made type	Permanent
	Accident reports	7 years
	Safety (OSHA) reports	7 years
	Claims (after settlement)	7 years
	Group disability records	7 years after end of benefits
<b>Real Estate</b>	Deeds	Permanent
	Leases (expired)	7 years after all obligations end
	Mortgages, security agreements	7 years after all obligations end
<b>Tax</b>	IRS exemption determination and related correspondence	Permanent
	IRS Form 990s	Permanent

<b>File Category</b>	<b>Item</b>	<b>Retention Period</b>
	Charitable Organizations Registration Statements (filed with Minnesota Attorney General)	Permanent
<b>Human Resources</b>	Employee personnel files	Permanent
	Retirement plan benefits (plan descriptions, plan documents)	Permanent
	Employee handbooks and <i>Faculty Manuals</i>	Permanent
	Workers compensation claims (after settlement)	7 years
	Employee orientation and training materials	7 years after use ends
	Employment applications	3 years
	IRS Form I-9 (store separate from personnel file)	Greater of 1 year after end of service, or three years
	Withholding tax statements	7 years
	Timecards, including electronic time reports	3 years
<b>Technology</b>	Software licenses and support agreements	7 years after all obligations end

### **Electronic Documents and Records**

Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types on the above schedule will be maintained for the appropriate amount of time. If a user has sufficient reason to keep an e-mail message, the message should be printed in hard copy and kept in the appropriate file or moved to an “archive” computer file folder. Backup and recovery methods will be tested on a regular basis.

### **Emergency Planning**

The College’s records will be stored in a safe, secure, and accessible manner. Documents and financial files that are essential to keeping the College operating in an emergency will be duplicated or backed up.

### **Document Destruction**

The President is responsible for the forgoing process of identifying College records, that have met the required retention period, and overseeing their destruction. Destruction of financial and personnel-related documents will be accomplished by shredding.

Document destruction will be suspended immediately, upon any indication of an official investigation or when a lawsuit is filed or appears imminent. Destruction will be reinstated upon conclusion of the investigation.

### **Compliance**

Failure on the part of employees to follow this policy can result in civil and criminal sanctions against the College and its employees and disciplinary action against responsible individuals. The Vice President for Finance and the Audit Committee will periodically review these procedures with legal counsel or the College’s certified public accountant to ensure that they are in compliance with new or revised regulations.

*Approved by the Gustavus Adolphus College Board of Trustees: June 21, 2009.*



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## Student Records Access

Federal law generally prohibits release of student academic records without prior written consent of the student. Without prior consent, however, access is permitted to employees in the same institution who have “a legitimate educational interest.” This is interpreted at Gustavus Adolphus College to mean that employees may access personally identifiable information in student education records in order to fulfill their institutionally assigned professional responsibilities.

Employees seeking such access make application to the Registrar of the College, stating the need for and scope of access and the security procedures in place to protect against unauthorized internal or external use after release. Employees granted access are responsible for treating the information with confidentiality.

*Approved by the Gustavus Adolphus College Board of Trustees: June 28, 1993.*

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## Travel and Entertainment

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### Alcohol Serving Policy

The College seeks to discourage alcohol abuse and to model the responsible use of alcohol beverages. To this end, alcoholic beverages are served at College-sponsored events only in designated locations and at designated functions.

Alcohol provided for on-campus events (and for off-campus events, whenever possible) will be purchased and supplied by the College Dining Service. Non-alcoholic beverages will generally also be available in sufficient amounts at such events, and care will be taken to ensure that applicable state, federal and local laws and regulations concerning the serving of alcohol are observed. Functions and locations at which alcoholic beverages are served must be approved at least two weeks in advance by the Director of Dining Service and the appropriate divisional vice president. Final approval by the Vice President for Finance is required for all events. Alcohol serving application forms are available from the Dining Service.

*Approved by the Administrative Council: February 17, 2004.*

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### Travel and Entertainment Policy

#### Overview

Travelers seeking reimbursement from the College are responsible for ensuring that travel-related expenses are for valid College business-related purposes, are in accordance with College policies and procedures and are a prudent use of College funds. All travel-related expenses should be approved by the traveler’s department chairperson, supervisor or budget officer prior to making arrangements. Expenses incurred outside of this policy may not be reimbursed. **It is expected that the traveler selects the most economical means when incurring travel-related expenses.** Entertainment, including food and refreshment expenses associated with Gustavus-sponsored business meetings may be covered by College funds if they are actual, reasonable, and necessarily incurred in the discharge of official business-related duties.

Travel supported by grants may have more restrictive requirements than this policy. Contact the Research and Sponsored Programs staff in the Grants Offices for additional details.

#### IRS Requirements

Reimbursement procedures must comply with IRS Accountable Plan rules in order for advances and reimbursements to be considered non-taxable income to employees (from IRS Pub 17):

1. An individual must have paid or incurred expenses that are deductible while performing services for the college.
2. An individual must adequately account for these expenses within a reasonable time period, and
3. An individual must return any excess reimbursement or allowance within a reasonable time period.

Gustavus does not have a per diem policy. Without proper documentation, advances and reimbursements must be reported as income on an employee's W-2 form.

### **Documentation Requirements/Reimbursement**

- Employees are expected to use their Wells Fargo purchase card for all College-related expenses. For additional detailed information on the use of the Purchase card please see the Purchase Card Procedure Manual (<https://gustavus.edu/finance/payable.php#purchasecard>)
- Reimbursement support must indicate dates and a bona fide business purpose.
- All expenses should be supported by an original receipt that contains the amount and description of the expense incurred.
- In the case of meals and entertainment expenses, the names and titles of those being entertained must be included (large groups may be described categorically). The unspecified total receipt is not sufficient.
- If an individual is traveling longer than 7 days on a combined business/personal international trip please contact the Finance Office. There may be personal income tax implications.
- The Federal mileage reimbursement rate can be found on the Finance Office webpage (<https://gustavus.edu/finance/payable.php#mileage>). Only mileage above and beyond the normal commute distance from your primary residence (where you spend the majority of your time) will be considered reimbursable. Personal mileage reimbursement requests should not exceed the cost of an airline ticket unless there is an approved business reason for vehicle travel.
- All reimbursement requests should be submitted via an RFP within 30 days of the conclusion of the event unless prior arrangements have been made with the Finance Office. Requests after 90 days will not be accepted.
- By submitting a reimbursement request for approval, you are attesting that the charges are correct and in compliance with College policies.
- Noncompliant requests will be returned for corrections and/or additional information as required, which could delay reimbursement.

### **Airline Travel**

- All travelers are expected to travel coach or economy class at the best available fare at the time of booking.
- Seat upgrades and/or seat selection fees are at the traveler's own expense.
- Flight deviation fees are at the expense of the traveler unless dictated by the College. In this case, documentation should be included with the reimbursement request.
- Airline club memberships are at the traveler's own expense.
- Reimbursement for the use of personal travel vouchers in purchasing airline tickets used for College travel is not allowed.
- The traveler is allowed reimbursement for one bag only.

### **Ground & Rental Transportation**

- Taxis, Uber/Lyft, shuttles and public transportation are allowed between terminals, hotels, places of business, etc., whenever necessary. Special care should be taken when tipping with Uber/Lyft. In some cases the tip is included with the cost of the fare.

- Due to the business relationship and preferential pricing discount the College has with Enterprise and National, they should be used for auto rentals when available. For more information regarding this process, please contact the Gustavus MotorPool (motorpool@gustavus.edu) at 507-933-8000.
- When the traveler is on College-related business in the U.S., the driver must “decline” the optional insurance coverage. Domestic collision damage waiver and liability insurance supplement are provided through the College’s auto physical damage and auto liability insurance policies.
- When a vehicle is rented in connection with international travel, the optional travel insurance must be purchased.

### **Vehicle Accident Reporting**

In case of an accident involving a staff member traveling on College business, immediately contact 911 in emergencies as well as the Gustavus Department of Campus Safety. For additional details on accident reporting, please refer to the motor pool vehicle policy (<https://gustavus.edu/telecom/motor-pool/rules/>).

### **Lodging**

- It is expected that whenever possible, travelers will use reasonably priced facilities.
- An itemized listing of expenses must accompany your reimbursement request.
- Meals charged to your room account must include an original itemized receipt.
- WiFi purchase while staying at a hotel is allowed only when necessary for business related activity.
- Purchase of in-room movies or mini-bar purchases are at the traveler’s expense.
- In the event that cancellations are necessary, travelers should contact the hotel immediately. Advise the hotel about early departures to avoid penalties.

### **Meals/Refreshments (light snack or drink) – During Travel**

- *Meal/Refreshments, including gratuities, will be reimbursed at actual costs up to established maximums as listed below:*

*Daily maximum of \$60 with a suggested breakdown as follows:*

1. *Breakfast \$15*
  2. *Lunch \$15*
  3. *Dinner \$30*
  4. *In cities with populations exceeding 1 million the maximum allowance is \$80 (Dinner goes up \$50). Exceptions to maximums may be allowed with the approval of the employee’s supervisor.*
- When meals/refreshments are included in the cost of a conference, meals/refreshments taken elsewhere are not considered valid travel expenses unless there is a business or health reason.
  - Allowable meals/refreshments are associated with extended workday travel, business meetings or events.
  - Gratuities should be limited to 15-20%, unless automatically charged. Depending on the severity, gratuities in excess of 20% may be the responsibility of the traveler.

### **Meals/Refreshments (light snack or drink) – Non-Travel**

Employee-only meetings less than 3 hours should not include a meal; however, refreshments (light snack or drink) at employee-only meetings less than 3 hours may be available on a limited basis.

Examples where meals/refreshments may be reimbursable include:

- At search committee meetings, hosting a search committee representative, or hosting a job candidate.
- When an employee hosts a visiting lecturer, potential donor, or other guest on official College business.

- At events hosted by the President, Provost, Vice Presidents, or Deans recognizing work-related achievements or milestones by employees (e.g., retirement after significant service years, service award events, etc.).
- During official business-related meetings involving a combination of College employees and external individuals, such as a meeting with Board of Trustees members, an external task force or advisory group, or volunteers.
- During college-wide events such as the opening of the year college gatherings, holiday parties, etc.
- The purchase of coffee and accompanying condiments (sugar, creamer, etc.) for offices if the primary consumer(s) are external individuals (i.e., prospective students, job candidates, etc.).

Certain types of expenses generally are not considered reasonable and necessary for the College, and therefore, may not be paid or reimbursed with College funds. Non-allowable expenses include payments or reimbursements for:

- Office/departmental/division parties or employee/student worker meals and entertainment.
- Holiday and/or end of year celebrations for employees and/or student workers.

### **Alcohol Expenses**

Alcohol consumption is strictly prohibited before the end of your workday. The College may in certain circumstances reimburse for alcohol as a beverage with a meal. In addition to the IRS reimbursement requirements listed above, the following conditions must also be met:

- Employees must use prudence in these circumstances and may not purchase an unreasonable amount of alcohol (one drink per person is typically considered reasonable) nor at an unreasonable cost as compared to the overall cost of the meal.
- Alcoholic beverages consumed by travelers between or after mealtimes are not reimbursable, except when they qualify as necessary entertainment for donor solicitation. Receipts submitted to substantiate such purchases should note the name of the donor and the nature of the meeting.

There may be other occasions when it is necessary for alcohol to be reimbursed. These instances will be rare and must be pre-authorized by the President, Provost, or appropriate Vice President. Please include the approval with the reimbursement request.

Employees are reminded that use of College money to purchase alcohol can expose the College to additional liability should injuries occur as the result of alcohol consumption.

### **Other Allowable Travel Expenses**

Reasonable expenses incurred by the employee may be reimbursed and may include:

- Laundry and Dry Cleaning: Laundry and dry cleaning is only allowed on extended trips of more than seven days, when it is not practical to bring enough clothing for the whole trip.
- Telephone: Telephone calls for business purposes are allowed. Personal phone calls are only allowed on extended trips.

### **Non-Reimbursable Travel Expenses**

- Costs for meals, travel or lodging of spouses, dependents and/or other guests
- Valet parking service
- Health spa fees
- Theft or loss of personal belongings
- Personal entertainment or excursions
- Toiletries, medicine, magazines, etc.
- Traffic & toll violations/fines

- Personal property insurance premiums

### Approval/Authorizations

Listed below are the approvers' responsibilities:

- Review documentation for completeness in support of the charges.
- Ensure the charges are in accordance with College and IRS policies.
- Resolve missing or inadequate documentation prior to submission to Finance.
- Obtain additional approval if charges are going to another department.
- Include written approval by the appropriate Vice President or the President when required to allow exceptions to this policy.

### Exception Process

Written approval by the appropriate Vice President or the President is required to allow exceptions to this policy. Please include the approval with the reimbursement request.

### Equipment Loss Prevention & Security While Traveling

Gustavus employees using personal or College owned laptops or related devices while traveling should only use secured Wi-Fi connections while accessing Gustavus and related cloud-based systems that may contain sensitive information. A secure network requires a user to agree to the legal terms, register an account, or type in a password before connecting to the network.

Gustavus can provide a secure Mi-Fi (Hotspot) device or other secure remote access solutions for use during travel if necessary. **If you believe that your laptop has been compromised, it is YOUR responsibility to immediately contact Campus Safety (507-933-8888).**

Employees should never leave their laptop or related devices unattended while traveling. Equipment should be locked in a secure location (*ex. hotel room, safe, locked office space, etc.*) while away and/or outside of normal business hours.

**If a Gustavus phone, laptop or other device is stolen, it is YOUR responsibility to immediately contact Campus Safety (507-933-8888).**

*Approved by the President's Cabinet: October 14, 2008. Revised July 20, 2021.*

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## **Vehicle Safety Policy**

### Introduction

A basic component of the Gustavus Adolphus College's risk management program is a vehicle safety policy that establishes the safety guidelines for its authorized drivers when driving for Gustavus business. The administration of the college's vehicle policy requires the consistent implementation of strong policies and procedures to ensure that drivers and departments know their responsibilities and carry them out. The following guidelines have been established to help control the operation of Gustavus owned, rented or personal vehicles driven for college business purposes. Gustavus owned vehicles include: all motor pool vehicles, large vans, trucks, minivans and cars.

### Driver Qualification

To help ensure only well-qualified drivers, Gustavus will adhere to the following procedures:

1. **Driver's License**
  - a. All Gustavus faculty, staff and students whose duties may require them to operate a Gustavus vehicle will have a valid driver's license appropriate for the type of vehicle they will be driving.

- b. The employee will provide a copy of the driver's license during the hiring process or it will be obtained at the time the Gustavus owned vehicle is requested.
- c. Driver's license validity will be checked periodically or upon request thereafter. Gustavus will maintain a copy of the license in the employee's personnel file and Gustavus will maintain these files. Driver qualification criteria can be found at the EHES Risk Management Website under Safety & Health Policies titled [Vehicle Driver Qualification](#).

## 2. Assigned Vehicles

Some vehicles may be assigned to departments to complete job duties, such as Facilities, Campus Safety, Athletics, etc. The employees should operate and maintain these vehicles as though they were their own.

Gustavus vehicles may be operated by faculty, staff or students, depending on the need. Control of these vehicles will be maintained through Gustavus Adolphus College.

- a. When a department wishes to use a vehicle for a specific purpose, the requestor will complete a Vehicle Use Request form and submit it to [Gustavus Adolphus College Motor Pool](#) as soon as possible. If the requesting department plans to provide the driver, the names of all drivers should be provided with the Vehicle Use Request form and the drivers should be verified against the Gustavus Adolphus College's list of eligible drivers.
- b. Vehicles will not be loaned, leased or rented to others.

## Training

### 1. Driver Training

In order to understand the responsibilities and techniques for driving safely, all drivers must be able to demonstrate their skills in the operation of their assigned college-owned vehicles. If they are not able to demonstrate their driving skills, they will be trained in the appropriate techniques. For example, if a driver needs to be able to drive a 10-passenger van or a vehicle with an attached trailer, but does not have experience in such a vehicle, he/she must be trained until he/she can demonstrate mastery of that vehicle's operation. This training will be provided by Gustavus Adolphus College, which may include classroom, individual instruction and audio-visual methods, or online courses, as appropriate.

- a. New Gustavus Adolphus College drivers are authorized after successful completion of an online safety program at time of hire or initial authorization and refreshed periodically as required by Gustavus Adolphus College.
- b. Drivers will be responsible for taking new courses as they become available.

## Pre-Post Trip Safety

### 1. Trip Forms

- a. The driver will complete and sign a Pre-/Post-Trip Vehicle Inspection form indicating that they have inspected the vehicle. The driver will always keep a copy with him/her while operating the vehicle and will complete the post-trip section upon return to campus.
- b. Headlights, taillights, wipers and windows must be operational and clean before operating the vehicle.
- c. The driver should also verify that a copy of the accident report form and current insurance card are available in the glovebox of vehicle.

- d. Upon return from the trip, the driver will return the completed copy of the Pre-/Post-Trip Vehicle Inspection form when turning in the vehicle keys. The driver will complete a brief vehicle inspection using the Pre-/Post-Trip Vehicle Inspection form and document any mechanical problems with the vehicle, service required, new damage, the amount of gas added, the number of miles driven and any service that may have been provided to the vehicle. Gustavus Adolphus College will return the signed copy of the Pre-/Post-Trip Vehicle Inspection form to the driver and retain the original copy along with the Vehicle Use Request form in the vehicle file.

## 2. **Maintenance**

In order for Gustavus vehicles to have a long and useful life, they must be maintained regularly. Accordingly, the college has established a Preventive Maintenance Program to include all Gustavus vehicles and equipment and should be performed in compliance with manufacturer specifications.

- a. Gustavus Adolphus College will maintain a list of all College vehicles. The list will include the manufacturer's recommended intervals for preventive maintenance services, as well as the dates/times and types of services that have been performed on the vehicles.
- b. Facilities will review the list to determine which vehicles are due for maintenance services. The College will then designate a person to either perform that service or take the vehicle to the designated service provider.
- c. For vehicles assigned to one person or department for their exclusive use, such as Campus Safety or Dining Service, Facilities will notify that person or department when the service is due. That user will then be responsible for having the maintenance services completed and documented with Gustavus.
- d. If a vehicle has operational problems while off-campus, the driver will notify Facilities during normal office hours and Campus Safety after hours. If the vehicle cannot be operated safely, the Facilities department will make the necessary arrangements to bring the driver back to campus and have the vehicle transported to a designated service location.

## **Trip Safety**

### 1. **Seat Belts**

Seat belts are one of the most important pieces of safety equipment installed on a motor vehicle. It should be noted that the use of seat belts is entirely under the control of the driver. All drivers should follow the procedures listed below as a condition of driving any vehicle for Gustavus business purposes:

- a. When going on a trip, including on campus and even a short trip across town, ensure that there is a seat belt for every passenger. If not, limit the number of passengers to the number of seat belts available.
- b. Before shifting from "Park", the driver must secure his/her seat and shoulder belt and verify that all passengers are appropriately secured by their seat and shoulder belt.

### 2. **Drug and Alcohol Use**

No driver authorized by Gustavus should be under the influence of any drug or alcohol while operating a vehicle while on college business. Please see the Gustavus [Drug and Alcohol policy](#).

### 3. **Smoking Prohibited**

All campus vehicles must remain smoke-free. Use of tobacco or vape-related products in campus vehicles is prohibited. Please see the [Smoking and Tobacco policy](#).

#### 4. **Cell Phones**

Cell phone and other electronic device use in any vehicle used for college business while it is in motion may only be used to make calls through the assistance of Bluetooth or other hands-free options. Headphones that reduce hearing should not be used. For navigation devices, program the destination before starting the vehicle, pull off the road to make changes and rely on the voice directions or the front seat passenger to guide you.

#### 5. **Vehicle Accidents/Incidents**

In the event a vehicle accident:

- Protect vehicle occupants from hazards and the vehicle from further damage.
- Call police or Campus Safety if on campus. Campus Safety may be reached 24 hours a day at: (507) 933-8888.
- Request medical assistance, if required.
- Be sure to get the name and address of each driver, passenger, and witness, and insurance company and policy number for each vehicle involved.
- Do not assume responsibility for accident.

Only discuss the accident with police officers or Travelers Insurance representatives. The [Accident and Incident Form](#) should be in each vehicle in case there is a need to complete it. Please fill it out and send a copy to Risk Management within 24 hours of an incident.

Primary insurance will follow ownership of the vehicle. Therefore, when an employee is driving a personal vehicle for college business, personal insurance information should be provided in the event of an accident or incident. When renting a vehicle for college business, additional insurance should only be purchased if travelling internationally. Otherwise, the Gustavus insurance policy will be primary when an accident or incident occurs.

More information regarding Vehicle Safety programs can be found on the Environmental Health, Safety and Risk Management website (<https://gustavus.edu/finance/osh/>).

*Approved by the President's Cabinet: November 9, 2021.*



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*NOTE: The information in this Section I-B is a listing of persons elected or appointed to serve on faculty committees and/ or special faculty assignments. Information about specific functions and procedures is given in that part of Section I-A designated in each listing.*

*Student Representatives listed are appointed by the Student Senate.*

## 1.2.4 Faculty Senate Membership 2022-23

### [Faculty Senate Website](#)

[faculty-senate@gustavus.edu](mailto:faculty-senate@gustavus.edu)

- Julie Bartley (2021-2024)
- Seán Easton (2021-2023) **Co-Chair**
- Casey Elledge (2021-2023)
- Yurie Hong (2021-2024) **Vice Chair**
- Sun Hee Lee (2020-2023) **Co-Chair**
- Maddalena Marinari (2020-2023)
- Carlos Mejia Suarez (2022-2025)
- Heidi Meyer (2022-2025)
- James Patrick Miller (2022-2025)
- Joaquin Villanueva (2021-2024)
- Esther Wang (2020-2023)
- OPEN (2022-2025)
- Non-voting ex officio: Faculty Secretary: Mark Braun (2020-2023)
- Non-voting ex officio: President Rebecca Bergman
- Non-voting ex officio: Provost Brenda Kelly
- Non-voting ex officio: Vice President for Equity and Inclusion Doug Thompson

### Subcommittees

#### Compensation Committee Membership

##### [Compensation Committee Website](#)

[faculty-compensation-com@gustavus.edu](mailto:faculty-compensation-com@gustavus.edu)

- Joshua Brown (2021-2024)
- Casey Elledge (2021-2025)
- Vita Faychuk (2022-2026)
- Tom LoFaro (2019-2023)

#### Nominations Committee Membership

- Julie Bartley
- Yurie Hong, **Convenor**
- Carlos Mejia Suarez
- James Patrick Miller
- Joaquin Villanueva
- Esther Wang

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## 1.2.5 Faculty Review Committee Membership 2022-23

### Regular Members:

- Gregory Kaster (2022-2025)
- Kjerstin Moody (2020-2023)
- Phillip Voight (2021-2024)

Alternate Members:

- Peg O'Connor (2021-2024)
- 

## 1.2.6 Curriculum Committee Membership 2022-23

[Curriculum Committee Website](#)  
[cc-com@gustavus.edu](mailto:cc-com@gustavus.edu)

- Education Division: Katrina Imison-Mazy (2020-2023)
- Fine Arts Division: Scott Moore (2020-2023)
- Humanities Division: Darío Sánchez-González (2021-2023)
- Natural Sciences and Math: Dwight Stoll (2022-2025)
- Social Science Division: OPEN (2021-2024)
- At Large: Mary Westby (2022-2023)
- At Large: Rory McFadden (2021-2024)
- At Large: Ana Adams (2022-2024) **Chair**
- At Large: Jillian Downey (2022-2025)
- Student representative: George Giannou '24
- Student representative: Bryn Swiston '25
- Student representative: Kelsey Walock '23

Voting ex officio:

- Provost Brenda Kelly or designee (Sarah Ruble)

Non-voting ex officio:

- College Assessment Director: Sarah Ruble
- Director of First Term Seminar: Lauren Hecht
- Director of General Education: Sarah Ruble
- Director of January Term: Sarah Ruble
- Director of the Center for International and Cultural Education: Bryan Messerly
- Director of Three Crowns Curriculum: Yurie Hong
- Director of Writing Across the Curriculum: Nissa Parmar
- Library Chair: Michelle Twait
- Registrar: Deann Schloesser / Assistant Registrar: Jenny Rosin

### Subcommittees

#### Course Approval Subcommittee (CAPSUB) Membership

[capsub@gustavus.edu](mailto:capsub@gustavus.edu)

- Education Division: Lisa Ortman (2022-2025)
- Fine Arts Division: Hagar Attia (2022-2025)
- Humanities Division: Lianying Shan (2021-2023)
- Natural Sciences and Mathematics Division: Melissa Lynn (2021-2024)
- Social Science Division: Shu-Ling Wang (2021-2024)
- Student representative: Aubrey Kusters '25

- **CAPSUB Chair**, Elected member of the Curriculum Committee: Jillian Downey (fall 2022 only) and Katrina Imison-Mazy (AY)
  - Voting ex officio: Provost or designee: Brenda Kelly (Sarah Ruble)
  - Non-voting ex officio: Curriculum Committee Chair: Ana Adams
  - Non-voting ex officio: Registrar: Deann Schloesser
  - Non-voting ex officio: Director of General Education: Sarah Ruble
  - Non-voting ex officio: Director of January Term: Sarah Ruble
  - Non-voting ex officio: Director of Three Crowns Curriculum: Yurie Hong
  - Non-voting ex officio: Director of Writing Program: Nissa Parmar
  - Non-voting ex officio: Director of First Term Seminar: Lauren Hecht
  - Non-voting ex officio: Library faculty representative: Michelle Twait
- 

### 1.2.7 Academic Operations Committee (AOC) Membership 2022-23

[Academic Operations Committee \(AOC\) Website](#)  
[faculty-aoc-com@gustavus.edu](mailto:faculty-aoc-com@gustavus.edu)

- Baili Chen (Spring 2022- 2025)
  - Mary McHugh (2020-2023)
  - Karrin Meffert-Nelson (2020-2023)
  - Marta Podemska-Mikluch (Spring 2022-2024)
  - Dave Stamps (2021-2024) **Chair**
  - Student representative: Justin Schriever '23
  - Student representative: Eliza Scherschligt '23
  - Non-voting ex officio: Provost or designee: Kyle Chambers
  - Non-voting ex officio: Dean of Students or designee: Megan Ruble
  - Non-voting ex officio: Registrar: Deann Schloesser
  - Non-voting ex officio: Library Chair: Michelle Twait
  - Non-voting ex officio: Director of Athletics designee: Jared Phillips
  - Non-voting ex officio: Executive Director of Career Development or designee: Julie Rudolf
  - Non-voting ex officio: Director of Academic Support Center or designee: Thomas McHugh
- 

### 1.2.8 Academic Technology Committee (ATC) Membership 2022-23

[Academic Technology Committee \(ATC\) Website](#)  
[faculty-atc-com@gustavus.edu](mailto:faculty-atc-com@gustavus.edu)

- Education Division: Amy Vizenor (2021-2024) **Co-Chair**
- Fine Arts Division: Dave Stamps (2021-2024)
- Humanities Division: Matt Panciera (2022-2025)
- Natural Sciences and Mathematics Division: OPEN (2022-2024)
- Social Science Division: Patrick Heath (2020-2023) **Co-Chair**
- Student representative: Abigail Doran '23
- Student representative: Evan Johnson '24
- Voting ex officio: Provost or designee: Kyle Chambers

- Voting ex officio: Library Chair or designee: Michelle Twait
  - Voting ex officio: Associate Director of Instructional Services: Marni Dunning
- 

### 1.2.9 Global Engagement Committee (GEC) Membership 2022-23

[Global Engagement Committee \(GEC\) Website](#)  
[faculty-gec-com@gustavus.edu](mailto:faculty-gec-com@gustavus.edu)

- Sara Conrad (2022-2025) **Co-Chair**
  - Lisa Dembouski (2020-2023)
  - Jon Grinnell (2022-2025) **Co-Chair**
  - Kjerstin Moody (2022-2023)
  - Stan Shetka (2022-2023)
  - Student representative: Carley Swanson Garro '23
  - Student representative: Emma Shumaker '24
  - Non-voting ex officio: Provost or designee: Sarah Ruble
  - Non-voting ex officio: Director of January Term or designee: Sarah Ruble
  - Non-voting ex officio: Director of Center for International and Cultural Education or designee: Bryan Messerly
  - Non-voting ex officio: Director of Inclusive Excellence or designee: Tom Flunker
- 

### 1.2.10 Faculty Development Committee (FDC) Membership 2022-23

[faculty-dev-com@gustavus.edu](mailto:faculty-dev-com@gustavus.edu)

- Betsy Byers (2021-2024) **Co-Chair**
  - Jeff Dahlseid (2022-2023)
  - Anna Hulseberg (2022-2025)
  - Daniel Moos (2022-2025)
  - Matt Rasmussen (2020-2023) **Co-Chair**
  - Non-voting ex officio: President Rebecca M. Bergman
  - Non-voting ex officio: Provost or designee: Pamela Conners
  - Non-voting ex officio: Director of Research and Sponsored Programs: Sarah Bridges
  - Non-voting ex officio: Kendall Center Director Pamela Conners
- 

### 1.2.11 Faculty Personnel Committee (PC) Membership 2022-23

[Faculty Personnel Committee \(PC\) Website](#)  
[faculty-personnel-com@gustavus.edu](mailto:faculty-personnel-com@gustavus.edu)

- Scott Bur (2020-2023) **Chair**
- John Cha (2022-2025)
- Kayla De Lorme (2021-2024)
- Mary Gaebler (2022-2023)
- Jon Grinnell (2022-2025)

- Kristen Lowe (2022-2023)
- Amanda Nienow (2021-2024)
- Jessica Stadick (2021-2024)
- Valerie Walker (2022-2025)
- Non-voting ex officio: President Rebecca M. Bergman
- Non-voting ex officio: Provost Brenda Kelly

### Subcommittee

#### Third-Year Review Subcommittee Membership

[tyr-sub@gustavus.edu](mailto:tyr-sub@gustavus.edu)

- Committee not constituted in 2022-23

### 1.2.12 Academic Affairs Coordinating Council (AACC) Membership 2022-23

[faculty-academic-affairs-com@gustavus.edu](mailto:faculty-academic-affairs-com@gustavus.edu)

- Chair of Academic Operations Committee: Dave Stamps
- Chair of Academic Technology Committee: Amy Vizenor and Patrick Heath
- Chair of Curriculum Committee: Ana Adams
- Chair of Department Chairs and Program Directors Committee: Phil Voight and Kjerstin Moody
- Chair of Diversity, Equity, and Inclusion Committee: So Young Park or Marisa Kalbermatten
- Co-Chairs of Faculty Senate: Seán Easton or Sun Hee Lee
- Chair of Faculty Development Committee: Matt Rasmussen or Betsy Byers
- Chair of Global Engagement Committee: Jon Grinnell and Sara Conrad
- Non-voting ex officio: President Rebecca Bergman
- Non-voting ex officio: Provost or designee: Provost Brenda Kelly
- Non-voting ex officio: Associate Provost or designee: Sarah Bridges
- Non-voting ex officio: Associate Provost or designee: Sarah Ruble
- Non-voting ex officio: Dean of Students or designee: JoNes VanHecke

### 1.2.13 Diversity, Equity, and Inclusion Committee (DEIC) 2022-23

[Diversity, Equity, and Inclusion Committee \(DEIC\) Website](#)

[DEIC-com@gustavus.edu](mailto:DEIC-com@gustavus.edu)

- Education Division: Valerie Walker (2022-2023)
- Fine Arts Division: Esther Wang (2020-2023)
- Humanities Division: Maria Kalbermatten (2020-2023) **Co-chair**
- Natural Sciences and Mathematics Division: Louis Yu (2021-2024)
- Social Science Division: Marie Walker (2020-2023)
- At Large: Kate Aguilar (2022-2025)
- At Large: So Young Park (2021-2024) **Co-chair**
- Student representative: Lindsay James '24
- Student representative: Annalise Lundeen-Detisch '23

- Non-voting ex officio: Provost or designee: Pamela Conners
- Non-voting ex officio: Director of Human Resources or designee: Jacque Christensen
- Non-voting ex officio: Vice President for Equity and Inclusion or designee: Doug Thompson
- Non-voting ex officio: Director of Center for International and Cultural Education or designee: Jeff Anderson
- Non-voting ex officio: Director of Kendall Center for Engaged Learning or designee: Pamela Conners

## 1.2.14 Special Faculty Assignments 2022-23

### Appointed by Faculty Senate

- Faculty Secretary: Mark Braun (2020-2023)
- Faculty Marshal: Richard Leitch (2021-2024)
- Assistant Faculty Marshal: Lucie Holmgreen (2022-2025)
- Chair of Lecture Series: Joaquin Villanueva (2022-2024)
- Chair of Artist Series: Patricia Snapp (2022-2025)
- Faculty Athletics Representative: Jeff Owen (2022-2025)

### Faculty to Serve on Committees and Subgroups of the Board of Trustees Groups

Note: Board appointments run for one year, July through June

#### *Academic Affairs Committee*

- Faculty Senate Representative: Heidi Meyer (2022-2025)
- Curriculum Committee Representative: Darío Sánchez-González (2021-2023)
- DCPDC Representative: Becky Fremo
- Student Representative: Zachary “Zach” Gbor ’23
- Student Representative: Tessa Yeager ’24
- Non-voting ex officio: Faculty Senate Co-Chair: Seán Easton and Sun Hee Lee
- Non-voting ex officio: Faculty Senate Vice Chair: Yurie Hong

#### *Advancement Committee*

- Faculty Senate Representative: Carlos Mejía Suárez (2022-2025)
- At large: Lisa Heldke (2020-2023)

#### *Budget Committee*

- Internal Budget Committee Representative: Brandy Russell (2022-2025)

#### *Enrollment Management Committee*

- Faculty Senate Representative: Casey Elledge (2021-2024)
- At large: James Patrick Miller (2022-2025)

#### *Marketing and Communication Committee*

- Faculty Senate Representative: Esther Wang (2020-2023)
- At Large: Steve Mellema (2020-2023)

#### *Student Experience Committee*

- Faculty Senate Representative: Maddalena Marinari (2021-2024)
- At Large: Kate Knutson (2022-2025)

#### Faculty Representatives to the Benefits Committee

- Vita Faychuk (2020-2023)
- Bonnie Reimann (2020-2023)
- OPEN (2022-2025)

#### Faculty Representatives to the President’s Environmental Sustainability Council

- Darsa Donelan (2020-2023)
- Ian Hill (2022-2025)

#### Faculty Representatives to the Internal Budget Committee

- Vita Faychuk (2020-2023)
- Brandy Russell (2022-2025)
- OPEN (2021-2024)

#### Honor Board Membership

- Faculty member: Martin Lang (2020-2023)
- Faculty member: David Obermiller (2020-2023)
- Faculty member: Katrina Imison-Mázy (2022-2023)
- Faculty member: Patricia Snapp (2020-2023)
- Faculty member Jennifer Ackil (2022-2025)
- Faculty member Brandy Russell (2022-2025)
- Student representative: George Giannou ’24
- Student representative: Aubrey Kusters ’25
- Student representative: Eliza Scherschligt ’23
- Student representative: Elizabeth “Ellie” Hartmann ’23
- Student representative: Lindsey Westerberg ’23
- Student representative: Tessa Yeager ’24
- Ex officio: Provost or designee: Sarah Ruble

#### Grade Appeals Board Membership

- Education Division: Jeff Jenson (2020-2023)
- Fine Arts Division: Colleen Stockmann (2020-2023)
- Humanities Division: Lisa Heldke (2020-2023)
- Natural Sciences and Mathematics Division: Heather Haemig (2022-2025)
- Social Science Division: Laura Hildreth (2022-2025)
- Non-voting ex officio: Provost or designee: Sarah Ruble

#### Academic Petitions Board Membership

- Trish Snapp (2020-2023)
- Amanda Nienow (2021-2024)
- Voting ex officio: Provost or designee: Sarah Ruble
- Voting ex officio: Registrar: Deann Schloesser

#### Academic Probations Board Membership

- Faculty member: Anna Versluis (2022-2023)
- Faculty member: Richard Leitch (2021-2024)



- Faculty member: Lisa Ortmann (2022-2025)
- Voting ex officio: Provost or designee: Sarah Ruble
- Voting ex officio: Dean of Students or designee: JoNes VanHecke
- Voting ex officio: Registrar: Deann Schloesser / Assistant Registrar: Jenny Rosin
- Voting ex officio: Academic Support Center Director: Thomas McHugh / Associate Director Jane Lalim
- Voting ex officio: Counseling Center Director: Hannah Godbout
- Voting ex officio: Chaplain: Maggie Falenschek
- Voting ex officio: Vice President of Enrollment Management or designee: Alan Meier
- Voting ex officio: Director of Inclusive Excellence: Thomas Flunker

#### **Elected by the Faculty**

- None

### **1.2.15 Department Chairs and Program Directors Committee (DCPDC) Membership 2022-23**

#### **[Department Chairs and Program Directors Committee \(DCPDC\) Website dept-chairs@gustavus.edu](mailto:dept-chairs@gustavus.edu)**

- Art and Art History: Betsy Byers
- Biology: Yuta Kawarasaki & Pamela Kittelson
- Chemistry: Scott Bur & Brandy Russell
- Communication Studies: Pamela Connors and Phil Voight, Co-Chairs
- Economics and Management: Jeff Owen
- Education: Amy Vizenor
- English: Becky Fremo & Rob Kendrick, Co-Chairs
- Environment, Geography, and Earth Sciences: Julie Bartley and Joaquin Villanueva, Co-Chairs
- Greek, Latin, and Classical Studies: Seán Easton
- Health and Exercise Science: Stephanie Otto
- History: Maddalena Marinari
- Library: Michelle Twait
- Mathematics, Computer Science, and Statistics: Thomas LoFaro
- Modern Languages, Literatures, and Cultures: Carlos Mejia Suarez
- Music: Justin Knoepfel
- Nursing: Heidi Meyer
- Philosophy: Josh Brown
- Physics: Paul Saulnier
- Political Science: Kate Knutson
- Psychological Science: Marie Walker
- Religion: Thia Cooper
- Scandinavian Studies: Kjerstin Moody
- Sociology and Anthropology: Suzanne Wilson
- Theatre and Dance: Henry MacCarthy and Melissa Rolnick, Co-Chairs
- African Studies: Kate Keller (Fall 2022), Mimi Gerstbauer (Spring 2023)
- Arts Administration: Dave Stamps
- Biochemistry and Molecular Biology: Jeffrey Dahlseid
- Comparative Literature: Ursula Lindqvist

- Film and Media Studies: Sean Cobb
- Gender, Women, and Sexuality Studies: Sharon Marquart
- Japanese Studies: Richard Leitch
- Latin American, Latinx, and Caribbean Studies: Angelique Dwyer
- Peace, Justice, and Conflict Studies: Mimi Gerstbauer and Joaquin Villanueva, Co-Directors
- Public Health: Sarah Ruble
- Russian and Eastern European Studies: Annalise Rivas
- First Term Seminar: Lauren Hecht
- Three Crowns Curriculum: Yurie Hong
- Writing Across the Curriculum: Nissa Parmar
- Non-voting ex officio: Provost Brenda Kelly
- Non-voting ex officio: Sarah Bridges
- Non-voting ex officio: Sarah Ruble

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### 1.2.16 College Accreditation Committee 2022-23

(convened by the President; Provost presides)

- Faculty Senate designee: Seán Easton (2021-2023)
- Curriculum Committee designee: Mary Westby (2021-2023)
- Student representative: Madison Bailey '23
- Student representative: Harrison Wold '23

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### 1.2.17 Emergency Planning Committee (EPC) Membership 2022-23

[Faculty Emergency Planning Committee Website](mailto:g-faculty-emergency-com@gustavus.edu)  
[g-faculty-emergency-com@gustavus.edu](mailto:g-faculty-emergency-com@gustavus.edu)

- Faculty Senate Chair (or designee): Julie Bartley, **Chair**
- Academic Operations Committee Chair (or designee): Dave Stamps
- Department Chairs and Program Directors Committee Chair (or designee): Melissa Rolnick
- Diversity Equity and Inclusion Committee Chair (or designee): Louis Yu
- At Large: Gregory Kaster
- Non-voting ex officio: Provost or designee: Provost Brenda Kelly

# Faculty Handbook, 2022-23

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*The Faculty Handbook is a summary of the organization, policies, and procedures involved with internal faculty governance. It is not part of the employment contract between the College and the Faculty. Items in this section require approval of only the Faculty.*

## **I. Faculty Organization and Policies**

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### **1.0 Faculty Organization**

#### **1.1 General Faculty Organization**

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##### **1.1.1 Faculty Meetings**

###### **1.1.1.1 Call for Meetings.**

Faculty meetings shall be convened at least once each semester in accordance with the calendar established by the AACC and at a place determined by the Provost. Meetings may be called on three days' notice by the President or the President's designated representative, by the Provost, by the Faculty Senate, or by the written request of ten faculty. The Provost or designated representative shall preside at faculty meetings. All faculty members with regular appointments are expected to attend.

###### **1.1.1.2 Quorum, Privilege of the Floor, Voting.**

A quorum shall consist of at least seventy-five (75) full-time faculty members. All faculty with regular, joint, and special appointments have the privilege of the floor and the right to vote. Members sharing a joint appointment shall each be counted for determining a quorum and in voting. Part-time faculty members shall have the privilege of the floor but not the right to vote.

###### **1.1.1.3 Rules of Procedure.**

Faculty meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.

###### **1.1.1.4 Records.**

The faculty shall elect a secretary who shall keep proper records of meetings of the faculty.

###### **1.1.1.5 Emergency Suspension of Rules of Procedure.**

A. If normal operations of the College and/or the ability of the Faculty to meet and conduct its business are disrupted significantly due to a national, state, or local emergency declared by civil authorities, or other force majeure, the Faculty Senate will call for an emergency vote (in-person, or by electronic means) of the full faculty to convene a Faculty Emergency Planning Committee (FEPC). The voting members of FEPC will include: the Chair of the Faculty Senate, the Chairs (or designees) of the Academic Operations Committee (AOC), the Department Chairs and Program Directors Committee (DCPDC), and the Diversity, Equity, and Inclusion Committee (DEIC), a full-time member of the faculty elected from the faculty at-large. The Provost of the College or Provost's Designee will be a non-voting member of the committee. The FEPC will collaborate with appropriate emergency planning groups from other divisions of the college (e.g. Registrar, Gustavus Technology Services, etc.).

B. The FEPC shall have authority to conduct the business of the Faculty (except for tasks assigned to the Personnel Committee) and to act on any significant changes to the academic program in a timely manner. The FEPC shall seek comments and suggestions from the Faculty to the extent feasible during the emergency before taking actions regarding the academic program. If feasible, input from faculty shall be through

synchronous virtual meetings or asynchronous electronic means that allow for faculty discussion and anonymous electronic voting. Quorum, Privilege of the Floor, and voting shall be in accordance with the Faculty Handbook section 1.1.1.2. The Faculty will be informed of any changes made to the academic program by the FEPC.

C. The Faculty will resume oversight of the academic program when the President, in consultation with the FEPC, determines that the College can resume normal operation, or the Faculty disbands the FEPC by majority vote.

D. Emergency academic authority given to the FEPC is initially granted for no more than three months but may be renewed by majority vote of the full faculty if the emergency persists. A policy change made by the FEPC shall persist for at most one semester unless the Faculty vote to make the policy permanent through regular Faculty Meeting procedures.

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## 1.1.2 Divisions of the College

### 1.1.2.1 Divisional Organization

Divisions of the College shall consist of the following departments:

- Division of Education: Elementary and Secondary Education; Health and Exercise Science; Library; Nursing.
- Division of Fine Arts: Art and Art History; Music; Communication Studies; Theatre and Dance.
- Division of Humanities: Classics, Greek and Latin; English; History; Modern Languages, Literatures, and Cultures; Philosophy; Religion; Scandinavian Studies.
- Division of Natural Sciences and Mathematics: Biology; Chemistry; Environment, Geography and Earth Sciences; Mathematics, Computer Science, and Statistics; Physics.
- Division of Social Sciences: Economics and Management, Political Science, Psychological Science, Sociology and Anthropology.

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## 1.1.3 Departments

The departments profess their disciplines and seek to further the aims and purposes of the College.

### 1.1.3.1 Responsibilities

Each department shall promote and encourage a high standard of teaching, scholarship and research, and academic achievement.

Subject to the approval of the faculty and the Provost or designee, each department is responsible for its course offerings, its major requirements, the determination of the size of individual class sections, and regular assessment of student learning.

Each department shall participate in the making of recommendations for appointments to its staff, in the internal evaluations of its probationary appointees, and in making recommendations for retention, promotion, and appointments with continuous tenure where members of its staff are concerned.

### 1.1.3.2 Department Chairs

The department chair serves as the principal liaison between the department and the rest of the college. The department chair is typically a full-time faculty member who serves in this additional capacity by appointment of the Provost. This appointment carries responsibilities for departmental leadership and management and for liaison to administrative offices, faculty groups, and students. The authority of the chair derives from the mutual confidence expressed by their recommendation by election of the department faculty and by the appointment of the Provost. The chair's appointment is recognized by access to a department chair fund and/or released time for administrative duties.



All department chairs share a common set of responsibilities to their colleagues, administrative staff, and students. In addition, the position description for the chair of each department carries specific responsibilities and conditions that may be unique to that department and which constitute a part of the chair's and College's contractual agreement for the position. Each department is responsible for developing and following a collegial model of internal governance, consistent with the *Faculty Handbook* and *Manual* and with all applicable laws and regulations.

- 1.1.3.2.1 Responsibilities of the Department Chair

The department chair serves as the principal interface between their department and administrative offices, other departments, outside agencies and organizations, vendors of goods and services, other academic institutions and employers, and students. In their role in the leadership and management of the department's affairs, the chair carries principal responsibility for carrying out or delegating the following tasks:

1. Facilitating the academic and pre-professional programs of the department
2. Promoting the academic quality of the department and discipline
3. Conducting searches for faculty positions
4. Evaluating faculty
5. Mentoring junior faculty
6. Supervising and evaluating support staff
7. Developing the departmental budget request
8. Monitoring the departmental budget
9. Submitting department course schedules to Registrar
10. Managing the program for faculty leaves
11. Managing the work-study program within the department
12. Supervising departmental assistants
13. Processing paperwork for various committees and offices (January term proposals, area proposals, course proposals, etc.)
14. Following regulations and guidelines from all manner of sources
15. Managing external grants, special programs and development projects
16. Conducting periodic departmental reviews
17. Managing specialized facilities, laboratories, equipment
18. Organizing and presiding at department meetings
19. Encouraging faculty professional development
20. Providing liaison, information, and evaluations to administrative offices
21. Providing liaison and information to faculty committees, *ad hoc* committees, accrediting organizations, and other groups
22. Providing liaison to other departments
23. Representing the department at the meetings of the department chairs
24. Responding to student petitions, degree applications, complaints, requests, etc.

The dual role of the chair includes both administrative and departmental leadership functions. The chair functions as a member of the academic administration when acting on behalf of the College in carrying out assigned management responsibilities such as recruiting, supervising, and evaluating faculty and staff. The chair functions as a first among equals when acting on behalf of their department in carrying out internal management and liaison responsibilities such as allocating resources, submitting course schedules, managing facilities, and communicating department views. In order to carry out these responsibilities on behalf of the department and college, the chair will be kept informed by all administrators, committees, and other groups and individuals who share responsibilities for the efficient management of the college's programs. Those offices, groups and

individuals requesting the department chair's assistance need to be mindful of the fact that the chair is a member of the faculty with their own teaching, research, professional responsibilities and other commitments. Academic departments have very limited support staffs and typically operate on the academic calendar.

- 1.1.3.2.2 Authority of the Department Chair

The department chair has the primary responsibility for communicating the department's views to the college community and college community concerns to the department. Because the chair acts on behalf of the department, the chair must distinguish between personal views and those that reflect the consensus of the department. In consultation with departmental members, the department chair has the primary responsibility and authority for:

1. Formulating and communicating recommendations for hiring, tenure, promotion, retention, and evaluation of faculty and departmental support staff
2. Establishing departmental budget priorities and allocations
3. Recommending teaching assignments to the Provost and regulating faculty workloads
4. Recommending leaves and special assignments to the Provost
5. Developing and articulating departmental goals

- 1.1.3.2.3 Appointment and Term of the Department Chair

The department chair is appointed upon recommendation of the department faculty. The recommendation of the department for the appointment or reappointment of a chair is determined by a majority vote in an election conducted by the Provost or the Provost's representative. A majority vote of regular and joint appointment department faculty will constitute the recommendation of the department. In those cases in which a recommendation reflecting departmental consensus cannot be achieved, the Provost will make an offer of appointment to a member of the faculty. The term of the chair is normally three years and chairs may be reelected for successive terms. The meeting of the department to elect the chair should be held during the last year of the current appointment.

- 1.1.3.2.3.1 Special Chair Assignments

The Chairs of the Department of Education and the Department of Nursing have specialized administrative responsibilities that extend beyond those listed above.

- 1.1.3.2.3.2 The Provost carries a special obligation to encourage effective and independent leadership of departments through the chairs, while at the same time maintaining a sensitivity to the needs of all faculty. In those unusual cases in which the department chair is clearly unwilling or unable to represent a department and manage its affairs in a professional manner, or where conflicts within a department have become irreconcilable, the Provost may appoint a new chair or make other arrangements for the temporary management of the department's affairs.

---

## 1.2 Faculty Committees

### 1.2.1 Elections to Committees

Except as otherwise provided, election to standing committees shall be held by electronic ballot as described in section 1.2.1 from nominations submitted by the Faculty Senate. Additional nominations may be made from the floor at a faculty meeting. Faculty members shall be given the opportunity to state preferences for

committee assignments, and, insofar as possible, the Faculty Senate shall honor such preferences in nominating for committees.

The Academic Affairs Coordinating Council shall also have the status of a standing committee.

#### A. Electronic Ballot Procedures:

Faculty who have been nominated for election to committees are introduced at the faculty meeting immediately prior to the elections. Additional nominations may be made from the floor. As soon as possible after the faculty meeting at which the nominations are presented, ballots are distributed to all full-time faculty via current distribution method.

Voting must be completed within a specified period of time, usually one week but in all cases announced at the time of ballot distribution. The Vice-Chair of the Senate and/or designees authenticate and tally the returned ballots and determine the results of the election based on a majority of votes cast. Every precaution is taken to ensure the secrecy of the ballots and the integrity of the election. A description of election procedures will be available for review upon request.

If not all open seats are filled by candidates receiving more than 50% of votes cast, a runoff ballot to fill the remaining open seats will be prepared and distributed as soon as possible.

In cases where there is only one person on the ballot, the Faculty may choose to elect that person at the Faculty meeting, without distributing ballots. The full results (including vote tallies) of all elections and runoff elections will be reported by e-mail and at the next faculty meeting.

#### B. Faculty Committee Service:

While all tenured and tenure track faculty are expected to share in committee service, continuous service is not expected, as such service will naturally be cyclical throughout a career. With the understanding that the primary role of a Gustavus Adolphus College faculty member is that of a teacher-scholar, reasonable exemptions from committee service will be granted by the Provost. Such requests should be submitted with rationale to the Provost.

#### C. Vacated Positions

When a faculty member goes on a leave of absence, sabbatical, or is otherwise off campus for at least a semester, that person's position on any faculty committee or special faculty assignment will be declared vacant. When a position is vacated in this manner or any other, another faculty member will be elected or appointed (whichever is normal for the position) for the remainder of that term. If there is less than a year remaining in a multiple-year term, the replacement should normally be chosen for a full term plus the remainder.

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### **1.2.2 Committee officers**

1. Each faculty committee shall elect a chair or co-chairs and select/elect a secretary.
2. The chair of the faculty committee shall convene the committee meetings, develop and distribute an agenda in advance of the meeting and run efficient and productive meetings. The chair or one of the co-chairs shall be a tenured member of the faculty, if at all possible.
3. The committee secretary shall keep and maintain proper records of meetings of the committee. The secretary or chair will see that full copies are placed in the College Archives at the end of the academic year.

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### **1.2.3 Electronic Participation in Committee Meetings**

1. Each meeting of a faculty committee shall be called to assemble in a physical room and each member is responsible for coming to that room if possible. However, any member unable to participate in person may respond to the call by requesting from the committee chair the privilege of participating electronically. The

electronic medium chosen must allow, at minimum, for all participating committee members to hear one another.

2. The chair of a faculty committee has discretion whether to grant a request for electronic participation, taking into consideration such factors as the ease with which the request can be granted, the likely impact on the deliberative character of the meeting, any specific connection the requesting member may have with an agenda item, and the necessity of the member's absence.

3. A committee member participating electronically shall not be counted toward quorum.

4. A committee member participating electronically may engage in discussion and debate and may make motions. The participant and the chair should agree in advance how the participant will request the floor. For example, if the electronic medium is audio-only, the participant may use an audible request when a raised hand would be used in person. The chair may also periodically check with the participant.

5. No committee member may vote while participating electronically.

---

## 1.2.4 Faculty Senate

### A. Functions

1. To serve as liaison between faculty and administration.
2. To serve as the primary long-range academic planning body for the faculty.
3. To consult with the Provost over the creation of Tenure Track and Continuing Instructor positions.
4. To coordinate faculty responsibilities and activities as carried out through the various committees. These duties include, but are not limited to, the following:
  - a. To nominate candidates for all standing committee positions elected at large.
  - b. To appoint faculty to all positions specified by this *Faculty Handbook*.
5. To recommend candidates for honorary degrees to the President and the Board. The Vice Chair of the Senate shall be designated to evaluate proposals for honorary degrees as they are submitted, consult with appropriate members of the academic community, and make recommendations to the Senate.
6. To serve as the review committee as specified in those situations described in the *Faculty Manual* in Sections 2.6.2.2 and 2.6.2.3.
7. To serve as an appeals committee as specified in *Faculty Manual* Section 3.2.4.3.
8. To act on behalf of the faculty in matters such as faculty may direct.
9. To originate proposals and recommendations as it may deem advisable.
10. To have primary responsibility for updating of the *Faculty Manual* and *Faculty Handbook*. Following the end of each academic year, the outgoing chairperson of the Faculty Senate and the outgoing Faculty Secretary shall have responsibility for final editing.
11. To participate through its Chair or the Chair's designee in the College Accreditation Committee.

### B. Membership

1. Elected: Twelve members shall be elected at-large; all shall hold at least the rank of assistant professor. Elected members shall have held at least half-time positions on this faculty and shall be at least in their second year of service at the time of nomination. The President, Vice Presidents, and Academic Deans are not eligible for election to the Faculty Senate. Elected members serve for three-year terms.
2. Members of the Faculty Senate are ineligible for immediate re-election. Any senator elected to fill out less than half of an unexpired term will be allowed to immediately succeed themselves for one full term, if so elected.

3. Nomination and Election
  - a. The faculty shall elect the at-large representatives. Nominations for at-large positions shall be advanced to the faculty by the Faculty Senate. Additional nominations may be made from the floor of the faculty meeting.
  - b. Election of Faculty Senators shall precede the general elections to committees.
4. Ex officio: President, Provost, Vice President for Equity and Inclusion, and Faculty Secretary. Ex Officio members are nonvoting members.

#### C. Meetings

1. The Faculty Secretary shall convene the new Senate in the spring for the purpose of electing a chair. The chair of the Senate shall call the first meeting in the fall of each year not later than the second week of classes, ordinarily in accord with the calendar established by the Academic Affairs Coordinating Council. Thereafter the Senate may set the time and place of its own meetings or through inaction allow its Chair to set the meeting times and places in accord with the calendar established by the AACC.
2. Special meetings of the Senate may be called, with sufficient notice, by any of the following: the Chair of the Senate, two members of the Senate, three non-Senate faculty members, the President of the College or the Provost.

#### D. Officers

1. The Chair of the Senate shall be an elected member (chosen at the final meeting in the spring), shall serve for one year, and shall keep the faculty regularly informed of the proceedings of the Senate.
2. The Vice-Chair of the Senate shall be an elected member (chosen at the final meeting in the spring), shall serve for one year, and shall be responsible for nominations for election/appointment to faculty and other College committees and nominations for honorary degrees.
3. The Secretary of the Faculty shall be Secretary of the Senate.

#### E. Subcommittees

1. Compensation Committee
  - A. Functions: To serve as the representative of faculty interests in the discussion of salary and fringe benefits with the administration and as liaison between the administration and the Faculty Senate in such matters.
  - B. Membership: Four members, appointed by the Senate for four-year terms. Appointments shall be staggered, so that one new member shall be appointed each year. Consideration shall be given to rank, gender, marital status, knowledge of financial operations of the college, etc. in the selection of appointees, with the intent of representing a broad range of interests within the faculty.
2. Nominations Committee
  - A. Functions:
    1. To develop a slate of nominations each spring for faculty committees/appointments from the faculty preference survey.
    2. To develop a slate of nominations for faculty committees/appointments when vacancies occur, and then to conduct elections.
    3. To develop a slate of nominations each spring for divisional committee vacancies using the divisional email list to solicit nominations and then conduct an election.
    4. To recommend to the Faculty Senate candidates for honorary degrees.
  - B. Membership:

1. Vice chair of the Faculty Senate (who will convene the sub-committee meetings).
  2. Five Senators appointed by the Faculty Senate.
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### **1.2.5 Faculty Review Committee**

(see *Faculty Manual* 3.2.4.3.2.9 Charter of the Faculty Review Committee)

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### **1.2.6 Curriculum Committee**

The function of the Curriculum Committee is to serve as the primary curricular planning body for the faculty.

#### **A. Functions**

1. To recommend curricular plans, policies, and programs to the faculty.
2. To review and recommend to the faculty the creation and termination of departmental and interdepartmental programs, major and minor programs, other degree programs and graduation requirements, as well as changes to requirements for existing majors and minors. In keeping with AAUP guidelines, initiatives emerging from educational considerations will originate primarily from the faculty in the departments and programs affected, as well as the faculty as a whole.
3. To advise the Provost, at the earliest opportunity, on the effects of tenure and non-tenure staffing decisions on departmental and interdepartmental programs, major and minor programs, other degree programs, general education and graduation requirements (e.g., in the Liberal Arts Perspective Curriculum and the Three Crowns Curriculum). To best advise the Provost and the Faculty Senate, the Curriculum Committee will seek input from affected departmental and interdepartmental programs.
4. To collaborate with the College Assessment Director(s) in prioritizing and supporting institutional goals for the assessment of student learning, including the operation of ongoing systems of assessment of student learning and the review of departmental and program mission statements, objectives, plans, and reports as they relate to the assessment of student learning.
5. To advise the Director of General Education on assessment of student learning in the following areas: First Term Seminar, Liberal Arts Perspective, Three Crowns Curriculum, Writing Across the Curriculum, and Interim Experience.
6. To recommend to the Faculty Senate new or revised handbook language concerning curricular programs.
7. To report to the faculty new semester and January Term courses, graduate credit courses, General Education Area approvals, Writing Course approvals, First Term Seminars, and changes in course credit.
8. To participate through its Chair or the Chair's designee in College Accreditation Committee.
9. To appoint ad hoc working groups, as needed.

#### **B. Membership**

1. Elected: Each division shall elect one representative and four additional members shall be elected at-large. Two of the at-large members must be tenured at the time of election. Members shall be elected to three-year terms.
2. Students: Three students shall be appointed by the Student Senate. The Student Senate may choose the length of term for representatives (at least one year).
3. Ex officio: Provost or designee, Registrar, Library Chair, Director of General Education, Director of Three Crowns Curriculum, Director of International and Cultural Education, Director of Writing

Program, Director of First Term Seminars, Director of January Term, College Assessment Director. With the exception of the Provost or designee, ex officio members are non-voting members.

### C. Subcommittees of the Curriculum Committee

#### 1. Course Approval Subcommittee (CAPSUB)

##### A. Functions

1. To recommend to the Curriculum Committee new semester and on-campus January Interim Experience (IEX) courses, graduate credit courses, General Education area approvals, Writing Course approvals, and First Term Seminars.

##### B. Membership

1. Curriculum Committee: Each academic year an elected faculty member of the Curriculum Committee shall be elected by the Curriculum Committee to serve as chair of the CAPSUB.
2. Elected: Each division shall elect one representative. Members shall be elected to staggered three-year terms.
3. Students: One student of at least sophomore standing shall be elected by the Student Senate. The Student Senate may choose the length of term for its representative (at least one academic year).
4. Ex officio: Curriculum Committee chair, Provost or designee, Registrar, Director of General Education, Director of Three Crowns Curriculum, Director of Writing Program, Director of First Term Seminar, Director of January Term and a representative of the Library faculty. With the exception of the Provost, ex officio members are non-voting members.

##### C. Procedures

1. The Course Approval Subcommittee shall follow the established Course Approval Policy (*Faculty Handbook*, section 2.2.1) in carrying out its functions.

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## 1.2.7 Academic Operations Committee

### A. Functions

1. To review and recommend procedures for registration, scheduling classes, advising of students, making up calendars and catalogs, and other academic procedures.
2. To review and recommend policies concerning the Library, internship program, and instructional infrastructure.
3. To review and recommend policies and procedures regarding admissions, enrollment, and financial aid.
4. To review and recommend policies regarding grading.
5. To review and recommend policies regarding recognition for academic achievement (including Dean's List and President's List, Honors Day, Latin honors, and commencement).
6. To review and recommend policies regarding the Honor Code and violations, academic probation, and eligibility for extracurricular activities.
7. To review and recommend candidates for graduation and policies and procedures regarding graduation.
8. To conduct appropriate continuing self-study of academic policies and procedures.

### B. Membership

1. Five faculty members elected at-large for staggered three-year terms.
2. Two students, appointed by the Student Senate, which may specify the length of term (at least one year).

3. Non-voting ex officio: Provost or designee, Dean of Students or designee, Registrar, Chair of the Library, Director of Athletics, Director of Career Development or designee, and Director of the Center for Academic Support Center or designee.

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### **1.2.8 Academic Technology Committee**

#### **A. Functions:**

1. To recommend, review and evaluate implementation of policy in support of GTS's mission as it relates to academic technology.
2. To assist GTS in the planning and implementation of academic technology initiatives.
3. To support, in cooperation with other stakeholders, clear and regular communication between the faculty, the Provost's Office, the Library and GTS on issues related to academic technology, including an annual report delivered to Faculty Senate.
4. To recommend and evaluate implementation of academic technology budgeting priorities funded through the College's budget allocations to GTS.
5. To advise the Budget Committee on long- and short-term funding issues related to academic technology.
6. To contribute to GTS advisory committee decision making on broad technology issues.

#### **B. Membership:**

1. One faculty representative selected by each of the five divisions of the College. These will be nominated and elected by each division and will serve staggered three-year terms.
  2. Library chair or designee.
  3. Two students, appointed by the Student Senate.
  4. Voting ex officio: Provost (or designee).
  5. Voting ex officio: Associate Director of Instructional Services
  6. The voting members will elect a committee chair.
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### **1.2.9 Global Engagement Committee**

#### **A. Functions**

1. To participate in developing and executing policies and plans for integrating a culture of global engagement into the curriculum and life of the College.
2. To work with administrative offices and other faculty committees to implement global literacies and skills into the College curriculum.
3. To advise and make recommendations as appropriate regarding the work of the Center for International and Cultural Education (CICE).
4. To collaborate with CICE, the College Assessment Director, and other campus units in articulating, assessing, and promoting student learning outcomes for off-campus study.
5. To maintain the GEC Policy Manual to guide off-campus teaching curriculum, policies, and procedures.
6. To consider and approve proposals for new and repeat for-credit, off-campus January term courses, and semester off-campus programs. Particular attention will be paid to their conformance to the GEC Policy Manual. When proposed for a semester program, such courses will be submitted to the Course Approval Subcommittee.



7. To work in collaboration with other campus units to encourage and support hiring decisions and retention goals that promote geographic representation domestically and internationally, discipline-specific diversity, and representation from underrepresented groups.
8. To work in collaboration with other campus units to periodically assess the College's progress on achieving its curricular and institutional goals for global engagement.

#### B. Membership

1. Five faculty members elected at-large, with staggered terms.
  2. Two students selected by the Student Senate. It is strongly recommended that at least one student have previous experience on a Gustavus off-campus study program, one student be an international student, and, ideally, that each student be willing to serve a two-year term.
  3. Non-voting ex officio: Provost or designee, Director of January Term or designee, Director of International and Cultural Education or designee, Director of Multicultural Student Programs and Services or designee.
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### 1.2.10 Faculty Development Committee

#### A. Functions

1. To encourage professional development by promoting planning and opportunities for growth throughout each stage of a faculty member's career. The committee shall report to the faculty on all matters pertaining to faculty development in the college. The committee should work cooperatively with the director of the Kendall Center, the Provost and the Office of Institutional Advancement in the formulation and development of all proposals dealing with faculty development.
2. To support all forms of faculty development, including research, scholarship, and creativity; to support the development and broadening of scholarship and pedagogy; and to encourage the publication, propagation, and exhibition of results.
3. To advise the Provost on establishing priorities regarding faculty requests for leaves of absence and other opportunities for faculty development.
4. To evaluate faculty applications for sabbatical leaves and grants from the Research, Scholarship, and Creativity Funds and to advise the Provost concerning which should be funded. The committee will establish its own voting procedure for evaluating such requests.
5. To advise the Kendall Center about priorities for faculty development.
6. To incorporate Kendall Center information in committee reports to the faculty.
7. To review each year the relationship between goals for faculty development and the budget, and to make recommendations to the Provost for funding of faculty development.

#### B. Membership

1. Elected: Five faculty members elected by the faculty at-large. Staggered terms of three years will provide continuity for the efforts of the committee.
2. Non-voting ex officio: President of the College, the Provost or designee, Director of Research and Sponsored Programs, and the director of the Kendall Center.

#### C. Research, Scholarship, and Creativity Grants

1. Purpose
  - a. These grants are restricted to the support of faculty development in the areas of research, scholarship and creativity.
  - b. Course improvement projects will not be considered. Expenses for such projects should be covered by departmental budgets or other sources.

- c. All proposals should be aimed toward the production of some tangible result, e.g., the publication of an article, chapter, or book; or an exhibit of works of arts. Private, personal creativity projects will not be considered.
2. Eligibility
    - a. All full-time regular and special appointment faculty members of Gustavus Adolphus College (including those on sabbaticals and joint contracts) are eligible to make application to the fund.
    - b. Funds will be released only to faculty employed full-time (including those on sabbaticals and on joint contracts) during the grant period. Faculty work during the summer is eligible for funding.
    - c. Applications involving both faculty and students will be considered if submitted by a faculty member.
    - d. Applicants whose previous grant reports are past due will not be eligible to apply.
  3. Limits of Funding
    - a. The maximum grant amounts and rates for stipends and expenses for any single project will be determined and published by the committee.
    - b. The maximum funding period will be June 1 to January 31, following the application deadline.
    - c. Lower priority will be given to:
      1. Those who have received Research, Scholarship, and Creativity funding in the past two years;
      2. Those who are requesting money for extensions or continuations of projects previously funded from Research, Scholarship, and Creativity grants;
      3. Those who have not demonstrated completion of projects previously funded from Research, Scholarship, and Creativity grants.
    - d. Any equipment and materials purchased with money from Research, Scholarship, and Creativity grants becomes the property of the College. Funding will not normally be granted for the purchase of computer equipment.
    - e. Travel may be funded provided that it is absolutely necessary for the proposed research, and provided that it cannot be funded from any other College source.
    - f. A stipend will normally be awarded to persons submitting successful summer proposals.
    - g. If a different source of funding clearly seems more appropriate for a given project, the Committee may recommend that the faculty member seek funding from that source.
    - h. In accepting support from the Research, Scholarship, and Creativity Fund, the faculty member assumes the obligation of submitting a final report on their project to the Provost. Grant reports are due by May 31<sup>st</sup> of the year following the application deadline.
    - i. Funds can only be used for the proposed project discussed in the Research, Scholarship, and Creativity grant application. Unspent funds will remain with the Research, Scholarship, and Creativity grants fund.
  4. Submission of Applications: Current information on deadlines, format, and application procedures for Research, Scholarship, and Creativity grants are available on the John S. Kendall Center for Engaged Learning website.

#### D. Presidential Faculty/Student Collaboration and Publication Grants

1. Purpose: The purpose of this grant is to stimulate and support faculty/student collaborative activity and publication.
2. Eligibility:

- a. All full-time regular and special appointment faculty members of Gustavus Adolphus College (including those on sabbaticals and joint contracts) are eligible to apply for the grant.
  - b. Fund will be released only to faculty employed full-time (including those on sabbaticals and on joint contracts) during the grant period. Faculty work during the summer is eligible for funding.
  - c. Applicants whose previous grant reports are past due will not be eligible to apply.
3. Limits of Funding:
- a. Funding limits may vary from year to year. Current information on funding is available on the John S. Kendall Center for Engaged Learning website.
  - b. The maximum funding period will be June 1 to January 31, following the application deadline.
  - c. Lower priority will be given to:
    - 1 Those who have received Presidential Faculty/Student Collaboration Grants in the past three years;
    - 2 Those who have not demonstrated completion of projects previously funded by a Presidential Faculty/Student Collaboration Grant.
  - d. Any equipment and materials purchased with money from the Presidential Faculty-Student Collaboration Grant becomes the property of the College. Funding will not normally be granted for the purchase of computer equipment.
  - e. Travel may be funded provided that it is absolutely necessary for the proposed research, and provided that it cannot be funded from any other College source.
  - f. Grant monies may be used to support faculty summer stipends, summer compensation for students, student housing on campus, equipment, materials, transportation, and other approved project related expenses.
  - g. If a different source of funding clearly seems more appropriate for a given project, the Committee may recommend that the faculty member seek funding from that source.
  - h. In accepting the Presidential Faculty/Student Collaboration Grant, the faculty member assumes the obligation of submitting a final report on their project to the Provost. Grant reports are due by May 31<sup>st</sup> of the year following the application deadline.
  - i. Funds can only be used for the proposed project discussed in the Grant application. Unspent funds will remain with the Presidential Faculty/Student Collaboration Grant fund.
4. Submission of Applications: Current information on deadlines, format and application procedures for the Presidential Faculty/Student Collaboration and Publication Grants are available on the John S. Kendall Center for Engaged Learning website.

#### E. Sabbatical Leave

Policies and procedures for sabbatical leave application and criteria can be found in section 2.1.4.1.1 of this Handbook.

#### F. Conflict of Interest Policy

1. Committee members will abide by the College's policy on conflict of interest. As such, a committee member will not vote on proposals submitted by themselves. A committee member may vote on a proposal submitted by a member of their department unless doing so would be a violation of the College's policy on conflict of interest. For details see the All-College Policies handbook: <http://gustavus.edu/facultybook/allcollegetpolicies/>
2. Except in cases described in 1) above, the chair of the committee will vote on proposals.
3. Applicants may consult with Faculty Development Committee members with any questions they have as they prepare their application without violating the conflict of interest policy.

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## 1.2.11 Faculty Personnel Committee

### A. Functions

1. To make recommendations to the Provost regarding promotions and tenure.
2. To conduct a third-year review as part of the faculty development and review process.
3. To deal with grievances and appeals in accordance with procedures set forth in the *Faculty Manual*.

### B. Membership

1. Nine elected members shall serve three-year terms, three members to be elected each year. Members elected for three-year terms shall be ineligible for immediate re-election; members elected for less than one-half an unexpired term are eligible for re-election to succeed themselves. Tenured status shall be required for membership. No member shall serve on the committee during the academic year in which they are considered for promotion.
2. The committee shall elect a Chair and a Secretary from within its membership and each of these officers shall serve for one year. The first organizational meeting shall be convened by the previous year's chair or secretary.
3. Non-voting ex officio: President, Provost.

### C. Procedures

#### 1. Third Year Review

The Faculty Personnel Committee will provide evaluations of faculty members in their third year at Gustavus Adolphus College in the following manner:

- a. During the third year of each probationary appointment, the Faculty Personnel Committee or Third Year Review Subcommittee appoints a review committee for each candidate. The Chair of the Faculty Personnel Committee or Third Year Review Subcommittee and the Provost, in consultation with the chair of the candidate's department, nominate the membership of the review committee to the Faculty Personnel Committee /Third Year Review Committee. Normally, the committee consists of one tenured member of the candidate's department, one tenured member of another department (preferably one whose area of expertise relates to the candidate's), and a member of the Faculty Personnel Committee /Third Year Review Subcommittee who will serve as chair. If the candidate's department has no tenured member, another tenured member of the faculty will be selected. The faculty members of the review committee must be acceptable to the candidate.
- b. A candidate who is being reviewed may indicate to the Provost a desire for input by faculty members from interdisciplinary programs with which the candidate is involved. The candidate, in consultation with the Provost and the Chair of the Faculty Personnel Committee/ Third Year Review Subcommittee, may request that a faculty member from the interdisciplinary program with which the candidate is most involved also serve as an additional member of the review committee.
- c. The purpose of the review committee is to evaluate the candidate's current professional development, to support and encourage activities that will lead to further professional development, to suggest changes that will lead to better performance, and to provide assessment of the faculty member's progress in meeting the criteria for tenure.
- d. The review committee retains the services of an external evaluator in the same discipline as the faculty member under review. The external evaluator must be mutually acceptable to the candidate, the department, and the Provost, and may not have had previous close professional or personal association with the faculty member under review. The committee chair will make the

- arrangements for the external evaluator. The external evaluator submits a written summary report to the Provost.
- e. The candidate must submit a complete curriculum vitae, a written statement of approximately 2,000-5,000 words presenting evidence in support of each criterion for retention and promotion listed in the *Faculty Manual*, a copy of each course syllabus (including January term) for the past three years, one copy of publications, and any other material the candidate deems relevant (for example, an annotated bibliography of works published or presented, documentation of exhibitions and performances, etc.). The review committee's evaluation will be based on the materials in the candidate's file, classroom observations, interviews with the candidate, the report of the external evaluator, and invited letters addressed and sent to the Provost, from tenure/tenure track faculty from the candidate's department/program. To the extent possible, all letters should address the candidate's qualifications for each of the criteria for tenure or promotion stated in the *Faculty Manual*. Student Reflection on Instruction (SRIs) will be administered by the candidate's department chair (if tenured) or by a tenured member of the candidate's department, in all courses taught during the two semesters preceding the closing of the candidate's file. In the event that there are no tenured members of the department or none on campus during the applicable semesters, the Faculty Personnel Committee/ Third Year Review Committee will assume the task of administering SRIs to that candidate's classes. The Provost Office will provide a brief statement of purpose to be read when SRIs are administered. All teaching evaluations shall be administered according to a schedule agreed to by the candidate.
  - f. The review committee meets three times
    1. The first meeting is for organizational purposes.
    2. At the second meeting, the committee reviews the collected materials, including the report of the external evaluator, and discusses the applicant's strengths and weaknesses. The committee chair then drafts a preliminary letter summarizing the committee's assessment and recommendations and sends the letter to the candidate.
    3. At the third meeting, the committee discusses the summary with the candidate. If necessary, the committee chair revises the letter of assessment and recommendations. The committee chair then sends the final letter to the candidate, with copies to the department chair and to the Provost, who includes the letter in the candidate's permanent personnel file. The Provost then invites the candidate to a discussion of the summary and its implications for the candidate's professional development.
2. Advancement to Tenure and Promotion
    - a. Initiation of Tenure Process: The tenure process is initiated after consultation between the Provost and the potential candidate for tenure, based on agreement reached between the Provost and the candidate at the time of hire or in subsequent renegotiation. In any event, the length of the probationary period, prior to a candidate being nominated for tenure, shall not exceed the time stipulated in AAUP guidelines. If it is deemed necessary, the candidate's department or the Faculty Personnel Committee may also initiate tenure proceedings. The Provost provides the list of tenure candidates to the Faculty Personnel Committee chair in the fall semester one year prior to the tenure review.
    - b. Nominations for Promotion: The academic department normally initiates the recommendation for promotion. Nominations for promotion may also be made by the candidate on their own behalf or by faculty colleagues within or outside the department or by the Provost.

- c. Participation of Interdisciplinary Program Faculty: A candidate who is up for review may indicate to the Provost a desire for input by faculty members from interdisciplinary programs with which the candidate is involved. The Faculty Personnel Committee Chair will notify the chair of the interdisciplinary program that the request has been made, and that letters are required of tenured faculty as identified by the program chair. The letter writer must specify that they are writing as a member of a specific interdisciplinary program, and the Provost's Office will establish a separate file for these letters (as is currently done for "solicited," "unsolicited," and "department" letters).
- d. Collecting Materials
  1. The candidate must submit a complete curriculum vitae, a written statement of approximately 2,000-5,000 words presenting evidence in support of each criterion for retention and promotion listed in the *Faculty Manual*, a copy of each course syllabus (including January Term) for the past three years, one copy of publications, and any other information the candidate deems relevant (for example, an annotated bibliography of works published or presented, documentation of exhibitions and performances, etc.).
  2. The Provost ensures that the letter of assessment and recommendations written by the candidate's third year review committee have been added to the file of each candidate for tenure and promotion to associate professor.
  3. The Committee invites evaluations from faculty (especially all departmental colleagues and, if appropriate, interdisciplinary program colleagues - see item 1.2.11.C.1.c) students, and administrators by public announcement. To the extent possible, all letters should address the candidate's qualifications for each of the criteria for tenure or promotion stated in the *Faculty Manual*.
  4. Candidates are asked to have four current letters submitted into their files, two from College colleagues outside their department and two from professional colleagues outside the College.
  5. All letters on behalf of candidates for tenure or promotion should be sent to the Provost. The Provost's office will number and log all letters as they are received and add them to the candidate's file.
  6. Candidate Meeting: At least two members of the committee interview the candidate.
  7. Department/Program meetings: Within one week of reviewing the files, a candidate may request that the Faculty Personnel Committee Chair schedule an interview between two members of the Committee and all members of the candidate's department (or interdisciplinary committee if the candidate has opted for their official participation) who submitted letters to the candidate's file. The candidate who requests such an interview will do so in writing, providing an explanation of the reason for the request and stating specifically the matter(s) requiring clarification and explanation. The Faculty Personnel Committee may also invite all members of the candidate's department (or interdisciplinary committee if the candidate has opted for their official participation) who submitted letters to participate in an interview between two members of the Faculty Personnel Committee and all those who submitted letters. Such an interview would only be scheduled if the Committee deems it necessary to seek clarification and explanation of material contained in the file.

8. Teaching Observation: Each unique course (not section) taught by a candidate will be visited by one Faculty Personnel Committee member up to a maximum of three class observations. In no instance will any candidate have fewer than two class observations. Each class observation should, where possible, be conducted by a different Faculty Personnel Committee member.
  9. Student Evaluations: The Chair of the Faculty Personnel Committee will coordinate the administration of student reflection on instruction (SRIs) in all classes of candidates for tenure and promotion during the two semesters preceding the closing of the candidate's file. SRIs will be administered by the candidate's department chair (if tenured) or by a tenured member of the candidate's department. In the event that there are no tenured members of the department or none on campus during the applicable semesters, the Faculty Personnel Committee will assume the task of administering SRIs to that candidate's classes. The Faculty Personnel Committee Chair will provide a brief statement of purpose to be read when SRIs are administered. All teaching evaluations shall be administered according to a schedule agreed to by the candidate.
  10. Full Committee Candidate Meeting: During evaluation for tenure and for promotion to the rank of full professor, the entire Faculty Personnel Committee meets with each candidate in a group interview.
- e. Deliberations and Voting
1. The Faculty Personnel Committee member shall not participate in the deliberation or vote on the promotion or tenure of departmental colleagues, nor of interdisciplinary program colleagues if the Faculty Personnel Committee member has contributed input as specified in section 1.2.11.C.1.c. All other situations are governed by the All College Conflict of Interest Policy for Committee Participation.
  2. In accordance with AAUP recommendations, the Faculty Personnel Committee reaffirms its character and function as an at-large committee of the faculty which systematically collects information from sources additional to those normally utilized by the departments and which represents interests beyond those necessarily considered by the departments. At the same time, the committee recognizes the special abilities of departments and/or departmental colleagues to evaluate the scholarly contributions of faculty members. The committee, therefore, gives great weight to departmental recommendations.
  3. Discussion within the Committee will focus on the criteria for tenure or promotion as specified in the *Faculty Manual* and the evidence presented that addresses these criteria. Appropriate evidence includes written materials in the candidate's file, classroom observations by Committee members, and any Committee interviews with the candidate, the candidate's department, and/or the candidate's interdisciplinary program committee. At the conclusion of Committee deliberations, the voting members of the Committee will indicate their votes (yes or no) orally and will state their reasons.
- f. Reports
1. The Committee chair will produce a summary document which tallies the votes of the members and outlines the reasons for the Committee recommendation and will present the document to the Provost in a timely manner.

2. The Provost will provide the committee's recommendations and rationale to the President in a timely manner, along with either a written recommendation to concur or a contrary recommendation supported by a detailed, written statement of compelling reasons. The decision to recommend tenure ultimately rests with the President. (See *Faculty Manual* Sections 2.5.0 and 3.1.3.)
3. After the President's decision is made, the Provost will convey this decision to the candidate. Upon receiving a written request from the candidate, the Provost will provide the candidate with written copies of the Committee's and the Provost's recommendations and rationales. The President will forward tenure decisions to the Board of Trustees for final review and approval.

### 3. Grievances

A faculty member who has a grievance in any matter other than those governed by the All College Policy Against Harassment may petition the Faculty Personnel Committee for redress. The petition will set forth in detail the nature of the grievance and will state against whom the grievance is directed. It will contain factual data or other material which the petitioner deems pertinent to the case. The Faculty Personnel Committee will determine whether the petition warrants a complete inquiry or whether the petition should be dismissed.

If the Faculty Personnel Committee decides that the case merits full consideration, it will first attempt informally to resolve the matter to the satisfaction of all parties directly involved.

If the grievance is not resolved informally, the committee will continue its investigation, including conducting hearings, if appropriate. Its findings and recommendations for disposition will be reported to the parties immediately involved, as well as to the Provost, and with the parties' concurrence, then to the faculty. Appeals to the Faculty Senate are governed by section 3.2.4.3.1 of the *Faculty Manual*.

### 4. Files, Records and Reports

- a. Faculty Personnel Committee files shall be open, i.e., all materials about a faculty member collected by the Committee shall be available to that person.
- b. The committee shall keep minutes of its meetings and official communications.
- c. Materials submitted by the candidate for tenure and promotion remain the property of the College. The Provost, at their discretion, may return items to the candidate.

### D. Subcommittees

The Third Year Review Subcommittee will be convened when the combined total of third-year review candidates and candidates for promotion to the rank of Professor is projected to exceed 8 faculty members. The Provost's Office will inform the nominations committee in February so that an election may be held to populate the committee for the upcoming year(s). For years in which the combined total of third-year review candidates and candidates for promotion to the rank of Professor is not projected to exceed 8 faculty members, the Faculty Personnel Committee will conduct the Third Year Reviews.

#### 1. The Third Year Review Subcommittee

##### A. Functions

1. To conduct the third year review for all regular appointment faculty according to the established tenure criteria in the *Faculty Manual* and procedures described in Section 1.

##### B. Membership



1. Six tenured faculty members shall be elected at large. The subcommittee will meet annually with the Faculty Personnel Committee to discuss criteria for tenure and the processes for doing both tenure and third year review. The chair of the subcommittee shall be elected by the current subcommittee members.
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### **1.2.12 Academic Affairs Coordinating Council**

#### A. Functions

1. To oversee and coordinate academic program initiatives when questions cut across committees' areas of responsibility.
2. To recommend such academic policies and programs to the faculty as it deems appropriate.
3. To establish a calendar for committee and faculty meetings within the common meeting time.

#### B. Membership

1. Chairs of the following committees: Curriculum Committee, Academic Operations Committee, Global Engagement Committee, Faculty Development Committee, Diversity, Equity and Inclusion Committee, Academic Technology Committee, and Faculty Senate. These members shall serve for one year and may be reelected by the respective committees.
  2. One representative of the Department Chairs, selected by that body for one year and eligible for reelection.
  3. Non-voting ex officio: President, Provost or designee, Associate Deans or designees, Dean of Students or designee.
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### **1.2.13 Diversity, Equity and Inclusion Committee**

#### A. Functions

1. To work to encourage diversity, equity, and inclusion at every level of college life.
2. To participate in developing and executing policies and plans for integrating a culture of inclusion into the basic functions of the College.
3. To gather and disseminate diversity-related information, innovative strategies, and appropriate policies to departmental faculty and staff, administrative offices, and other faculty committees.
4. To encourage and support hiring decisions and retention goals that promote geographic representation domestically and internationally, discipline-specific diversity, and representation from underrepresented groups.
5. To work in collaboration with other campus units to periodically assess the College's progress on achieving its goals for diversity and retention.
6. To review and make recommendations as appropriate on employee policies in order to enhance the campus climate for inclusion, so that its aspiration to be "a community of persons from diverse backgrounds who respect and affirm the dignity of all people" is realized.

#### B. Membership

1. Elected: Each division shall elect one representative and two members shall be elected at large. Members shall be elected to three-year terms.
2. Students: Two students shall be elected by the Student Senate. It is strongly recommended that each student be willing to serve a two-year term.
3. Non-voting ex officio: Provost or designee, Vice President for Equity and Inclusion or designee, Director of Center for International and Cultural Education or designee, Director of Human

Resources or designee, Director of Kendall Center or designee. Ex-officio representatives are non-voting members.

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## 1.2.14 Special Faculty Assignments

### 1.2.14.1 Appointed by Faculty Senate

#### A. Faculty Secretary

##### 1. Duties

- a. To keep and maintain proper records of meetings of the Faculty and the Faculty Senate, promptly post minutes online once approved, and see that full copies of each are placed in the College Archives at the end of the academic year.
- b. To have responsibility for annually, at minimum, updating *Faculty Manual* and *Faculty Handbook*, Green pages, and the Academic Committee Calendar in accordance with established procedures for amendments to such documents.

##### 2. Election: To be elected for a three-year term. May be reelected to successive terms.

- a. The faculty secretary shall be a tenured member of the faculty.
- b. Web publishing skills are strongly recommended.

#### B. Assistant Faculty Secretary

##### 1. Duties

- a. To serve as substitute faculty secretary when the faculty secretary is absent at Faculty or Senate Meetings.
- b. To administer faculty committee/appointment preference survey in early spring of each academic year.
- c. To conduct faculty committee elections, including run-off elections, once the Nominations Sub-Committee and the Faculty Senate have determined the slate. The Provost Office assistants will upload the slate into the electronic balloting system.

##### 2. Election: To be elected for a three-year term. May be reelected to successive terms.

- a. The assistant faculty secretary shall be a tenured member of the faculty.
- b. Web publishing skills are strongly recommended.

#### C. Faculty Marshals

1. Duties: The Faculty Marshals are responsible for the logistics of all academic processions involving faculty and/or students. These include, but are not limited to, Commencement, Honors Day, Opening Convocations, inaugural events, and honorary degree ceremonies. Faculty Marshals shall be included in planning for ceremonies at which there is an academic procession. The Faculty Marshals may make suggestions regarding proper decorum for public ceremonies.
2. Appointment: A Marshal and an Assistant Marshal shall be appointed for three-year terms. Each may be reappointed to successive terms.

#### D. Chair of the Lecture Series

1. Duties: To plan and implement a diverse program of lectures and convocations in consultation with an *ad hoc* Lecture Series Committee and the Fine Arts Coordinator.
2. Appointment: The Chair of the Lecture Series shall be appointed to serve a three-year term. The Chair of the Lecture Series may be reappointed to successive terms.

#### E. Chair of the Artist Series

1. Duties: To plan and implement a diverse program of concerts and performances in consultation with an *ad hoc* Artist Series Committee and the Fine Arts Coordinator.

2. Appointment: The Chair of the Artist Series shall be appointed to serve a three-year term. The Chair of the Artist Series may be reappointed to successive terms.

#### F. Faculty Athletics Representative

1. Duties: The Faculty Athletics Representative (FAR)
  - a. ensures the academic integrity of the College athletics program by representing the College and its faculty to the NCAA and MIAC,
  - b. provides advice to the Athletics Director and the President, and
  - c. promotes a balance between academics, athletics, and the social lives of student athletes to ensure they enjoy the full spectrum of collegiate experiences available to students generally.
2. Appointment: The President appoints a faculty member as FAR who does not hold an administrative or coaching position in the athletics department, engaging the Faculty Senate in the following process:
  - a. The Vice Chair of the Senate and the President jointly create a mutually agreeable “long list” of candidates.
  - b. The Senate votes to either approve the entire long list or narrow it.
  - c. The President, after consulting the Athletics Director, appoints a FAR from the resulting “short list” for a term of three years.
  - d. At the conclusion of the FAR’s term, the President may either (1) reappoint the incumbent, provided the Senate votes to consent, or (2) reinstate the selection process.
  - e. If the FAR vacates the position prior to the conclusion of the term, the President and Vice Chair reinstate the process.

#### G. Faculty to Serve on Committees and Subgroups of the Board of Trustees Groups

1. Members of the faculty may be invited by the Board of Trustees to serve on committees and subgroups of the Board groups. Annually, the Faculty Senate will provide the President and the Provost with the names of faculty nominated to serve on committees and subgroups of the Board. The faculty nominees will then be recommended by the President to the Chairs of the Board groups, and ultimately to the Chair of the Board for final approval and appointment.
2. Ordinarily, two faculty members will serve on each committee, at least one from the Faculty Senate, and one nominated by a relevant faculty committee. These nominations will be solicited as needed by the Faculty Senate. Every effort will be made to ensure continuity of faculty serving on committees and subgroups of the Board. Terms are three years, July through June. Terms for senators are normally the same as their term on the Faculty Senate.

#### H. Faculty Representatives to the Benefits Committee

1. Functions: To serve as the representative of faculty interests in the discussion of fringe benefits with the administration and as liaison between the administration and the Faculty Senate in such matters.
2. Appointment: Three members, appointed by the Senate for three-year terms. Appointments shall be staggered, so that one new member shall be appointed each year. Consideration shall be given to rank, gender, marital status, knowledge of financial operations of the college, enrollment in the College’s benefits plan, etc. in the selection of appointees, with the intent of representing a broad range of interests within the faculty.

#### I. Faculty Representatives to the President's Environmental Sustainability Council

1. Functions and Responsibilities: The President's Environmental Sustainability Council will:

- a. Develop the Gustavus environmental sustainability vision and goals in alignment with the Gustavus Acts Strategic Plan, including those related to anthropogenic climate change mitigation and adaptation, water and soil conservation, stewardship of biological diversity and resources, and waste management and recycling.
  - b. Recommend policies, procedures, plans, and action steps for achieving Gustavus's environmental sustainability goals, including operational structures and community events that might support achievement of those goals.
  - c. Establish environmental sustainability benchmarks, as well as assessment and reporting procedures.
  - d. Develop an environmental sustainability communication plan in collaboration with Marketing and Communication and report regularly on plans and progress to the Gustavus community.
  - e. Serve as representatives of, advocates for, and liaisons to the stakeholder groups associated with the PESC (students/student organizations, faculty, administration, support staff, alumni).
  - f. Annually review this charge and the work of the PESC, updating the charge as necessary in consultation with the President's Cabinet.
  - g. Report annually to the President on council actions and efforts, and college progress towards environmental sustainability.
2. Membership:
- a. Members must have the ability to represent the best interests of the planet, country, state, local area, and College with regard to sustainability. They must also have a passion for environmental sustainability and a healthy planet. They are expected to actively participate in committee deliberations in a thoughtful manner
  - b. Members:
    - i. the President (ex officio)
    - ii. the CFO and Vice President for Finance and Treasurer (ex officio)
    - iii. the Provost and Dean of the College (ex officio)
    - iv. the Director of the Johnson Center for Environmental Innovation (ex officio, Chair for the PESC),
    - v. two faculty appointed by the Faculty Senate (one serving as Vice-chair for the PESC)
    - vi. the Director of Linnaeus Arboretum (ex officio)
    - vii. AVP of Facilities Management (or designee) (ex officio)
    - viii. AVP of Auxiliary Services (ex officio)
    - ix. the Director of Environmental Health, Safety and Risk Management (ex-officio)
    - x. one student representative appointed by Student Senate
    - xi. one at-large student representative
    - xii. one administrative staff (not from the academic affairs or finance divisions)
    - xiii. one non-administrative staff
  - c. Appointments shall be for staggered three-year terms, with the exception of student terms, which will be one to three-year terms dependent on student availability, interest, and year in residence. The Faculty Senate will appoint two faculty members to serve staggered three-year terms.

#### J. Faculty Representatives to the Internal Budget Committee

1. Functions: Faculty representatives are to fulfill the responsibilities listed in the charter

of the Internal Budget Committee or its successor, ensure that faculty viewpoints are included in the committee's discussions, and act as a liaison between the committee and the Faculty Senate.

2. Appointment: The Senate shall appoint the number of faculty members specified in the committee's charter to staggered four-year terms. At least one of these members must be a member of the Compensation Committee. Strong financial expertise and experience is desired; all members should be able to comprehend the entire financial picture of the College. Members may be reappointed to consecutive terms and some continuity of membership is desirable.

#### K. Honor Board

1. Function: To assist in resolving alleged cases of academic dishonesty as described in Section 2.2.6.

2. Membership:

A. Six faculty representatives, appointed by Faculty Senate with staggered three year terms.

B. Ex Officio: Provost or Designee.

C. Six students designated by the Student Senate.

#### L. Grade Appeals Board

1. Function: To assist in resolving grade appeals as described in Section 2.2.5.

2. Membership:

A. Five faculty representatives appointed by Faculty Senate from each Division, with staggered three year terms.

B. Ex Officio: Provost or Designee non-voting

#### M. Academic Petitions Board

1. Functions

A. To review requests for exceptions to academic policies such as the following:  
College-wide graduation requirements.

Changes in registration beyond established deadlines.

B. To report its actions to the Provost and the Dean of Students.

2. Membership

A. Two faculty members appointed by Faculty Senate with staggered three year terms.

B. Ex officio: Provost or Designee, Registrar. Ex officio members may vote, as long as each office has just one vote.

#### N. Academic Probations Board

1. Functions

A. To review the academic progress of students and to ascertain that minimum standards are being met as outlined in the College catalog.

B. To report its actions to the Provost and the Dean of Students.

2. Membership

A. Three faculty members appointed by Faculty Senate with staggered three year terms.

B. Ex officio: Provost or designee (to serve as chair), Dean of Students or designee, Registrar, Assistant Registrar, Academic Support Center Director, Academic Support Center Assistant Director, Counseling Center Clinical Coordinator, Chaplains, Vice President for Enrollment Management or designee, Director of

Multicultural Student Programs and Services. Ex officio members may vote as long as each office has just one vote.

1.2.14.2 Elected by the Faculty  
(None)

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### **1.2.15 Department Chairs and Program Directors Committee (DCPDC)**

A. Functions:

1. To elect a chair for a one-year term. In addition to chairing the meeting, the chair shall provide a written report for the faculty meeting packet and take on such other duties as the committee requests.
2. To set the agenda for monthly discussions. All suggestions for the agenda are submitted to the chair. The agenda is drafted by the chair for committee approval.
3. To discuss such matters of college policy, academic program, and departmental administration as affect most or all departments/programs, as deemed necessary and/or appropriate. Such matters may be submitted for discussion by any members of the committee (including non-voting members), or by other faculty committees.
4. To solicit from the Provost, the Associate Provosts, and/or other Vice Presidents such information as shall be considered necessary for informed discussion.
5. To forward to the appropriate faculty committee(s) such proposals for policies and/or programs as shall be deemed appropriate.
6. To bring motions to the full faculty for its consideration as shall be deemed appropriate.
7. To establish and appoint members to short-term *ad hoc* subcommittees as needed.
8. To collaborate with the Provost's Office to review and maintain the Department Chair and Program Director Manual.

B. Membership:

1. Voting: department chairs; directors of all interdisciplinary programs with majors and/or minors; directors of curricular programs that offer courses but not majors/minors (e.g. Three Crowns Curriculum and First Term Seminar Program), director of the Writing Across the Curriculum Program. Each department/program has one vote. Voting by proxy is allowed.
  2. Non-voting: Provost, Associate Provosts
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## **2.0 Faculty Policies and Procedures**

### **2.1 Personnel Policies**

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#### **2.1.1 Appointment to Faculty**

##### **2.1.1.1 Regular and Continuing Instructor Appointments**

- A. A position is authorized by the Provost after consultation with the Faculty Senate. That authorization will include information about rank and appointment status. For Continuing Faculty, the

authorization will also delineate the responsibilities of the position and the criteria according to which the continuing faculty is to be evaluated.

- B. Upon receipt of written authorization, a department or program should organize a search. The search is normally organized by the department chair and/or program director in consultation with other members of the department/program. The Search and Screen Committee should be formed by the department chair/program director in consultation with the Provost/Dean. The Provost/Dean will assign a Liberal Arts Search Representative (LASR, whose duties are described in the *Administrative Guidelines for Academic Department Chairs and Program Directors*) to serve on the Search Committee. National listing of the position should be coordinated with the Provost's Office staff; both the Search Committee chair and the Provost's Office must approve the listing prior to publication. An example of a search process may be found in the *Administrative Guidelines for Academic Department Chairs and Program Directors*.
- C. The LASR, while a full member of the search committee, has special responsibilities and will be a tenured member of the faculty. One responsibility is to ensure that the Search Committee follows a documented search procedure. Another responsibility is to provide a non-disciplinary perspective on candidates' qualities as a teacher, advisor, and colleague at a liberal arts college. The LASR will provide a written report, developed with the committee, that describes deviation, if any, from the documented search process, rationale for deviations from the documented search process, and observations with regard to the candidates' qualities as a teacher, advisor, and colleague at a liberal arts college.
- D. The Provost receives candidate recommendations from the Search Committee via the hiring Dean. If the Provost concurs with the recommendations from the Search Committee, including the LASR's report, the Provost will direct the hiring Dean to make the offer to the top candidate. In exceptional cases where the Provost does not concur with the recommendation from the Search Committee, both parties (the Provost and the Search Committee), in accord with Faculty Manual (sections 3.1.0 and 3.1.3), will seek additional information to resolve their differences according to these principles:
  - 1. The Search Committee owns responsibility for disciplinary expertise and for aspects of the search process that pertain to disciplinary knowledge and practices;
  - 2. The Provost owns responsibility for upholding the institutional mission and the strategic priorities of the College;
  - 3. In the circumstance that the Provost remains convinced that a candidate recommended for hire by the Search Committee is not acceptable, the Provost must provide the Search Committee with the reasons in writing. In that case, it will become the responsibility of the Search Committee to make another hiring recommendation.
  - 4. Because the new hire will teach within a department/program and contribute to the campus-wide liberal arts curriculum, the LASR reports to both the faculty Search Committee and the Provost's office. The LASR will provide advice to the Provost and to the Search Committee concerning the search process. The final responsibility for the hire rests with the Provost, as an officer of the college, in keeping with the best practice of U.S. institutions of higher education, which seek to protect Search Committees and individual faculty from legal action, thereby protecting and integrity of the Faculty Search Committee.

#### 2.1.1.2 Other Special and Part-time Appointments

- A. A position is authorized by the Provost after consultation with the department. That authorization will include information about rank, appointment status, and length of term.
- B. Upon receipt of written authorization, a department should organize a search. The search is normally organized by the department chair in consultation with other members of the department. A Search and Screen Committee should be formed by the department chair in consultation with the Provost.

For positions of one year or longer, the Provost or designee will assign a diversity representative to serve on the Search and Screen Committee. Strategy for posting of the position will be determined in consultation with the Provost or designee. A full description of search procedures may be found in the *Administrative Guidelines for Academic Department Chairs*.

### 2.1.1.3 Distinguished Endowed Chair Appointments

The Distinguished Endowed Chair will normally be identified through a national search, with a Search Committee, whose chair will be an Associate Provost and will include program/department faculty members, a liberal arts search representative, and any others recommended by the Department, the Provost or the President to serve on the committee. Regardless of its size, a majority of the members of the search committee shall be faculty members. The selection of finalists will be vested within the search committee, with a process that recognizes the expertise of faculty in judging the academic credentials of candidates and of other search committee members in their areas of competence. The selection of finalists and the appointment will be made in accordance with the principles expressed in section 1.1.3 of the Faculty Manual. A description of additional search procedures may be found in the *Administrative Guidelines for Academic Department Chairs*.

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## 2.1.2 Faculty Review Procedures

### 2.1.2.1 Guidelines for Departmental Review and Support of Non-Probationary Regular Appointment Faculty

Faculty on non-probationary, regular appointment will conduct an annual self-assessment, with self-assessment forms administered by the Provost's office. Self-assessment documents will be submitted to the Provost's Office by June 15 and will be read by the Dean or Provost, who will formally respond to the self-assessment document. Sabbatical reports can replace the self-assessment document during sabbatical-leave years. At least once every three years, a Dean will review a faculty member's recently submitted self-assessments and will meet with the faculty member for a formative conversation. In cases where sabbatical leave falls during the year of an expected formative conversation, the faculty member and Dean will jointly agree on either a delay or an acceleration in the timeline of the formative conversation. The Dean will provide a brief, written summary of the formative conversation to the faculty member, and the faculty member will have the opportunity to submit a response.

### 2.1.2.2 Guidelines for Departmental Review and Support of Regular and Joint Appointment Probationary Personnel

Departments are obligated to establish regular procedures to review their regular and joint appointment probationary faculty members, strictly adhering to deadlines stated below in order to comply with dates for non-renewal stipulated in *Faculty Manual* section 2.6.2.1. While one purpose of this review is to provide professional advice to faculty members, such an evaluation also serves the departments and Provost as a basis for making decisions regarding the reappointment of probationary personnel. The timetable below may be modified by mutual agreement of the Provost and the candidate. Adjustments will be specified in writing at the time of hire if the tenure-track calendar is shortened per *Faculty Manual* 1.2.2.1, or to reflect later agreements if the tenure clock is stopped for reasons allowed in the *Faculty Manual* or All-Employee Policies (such as for a leave of absence).

- A. Normally the chair of the department will be responsible for the evaluation process. (When the chair of the department is to be evaluated, the Provost will designate a committee chair.) The chair of the department will organize a review committee, consisting of the chair (or designee) and at least two other tenured faculty members appointed with the approval of the individual. Preferably one member should be from outside the individual's department.



- B. The evaluation should include classroom observations conducted during each semester, review of course content (syllabi or course materials), and student reflection on instruction (SRI) results or other student feedback. In addition to teaching, the review committee should consider scholarly achievements, service, and professional goals.
- C. During the **First Year**, the faculty member and Department chair will meet to discuss progress and/or specific recommendations for improvement related to teaching, to research/scholarship/creativity, and to campus service. No formal evaluation will be written, but the Department chair will submit a departmental recommendation letter concerning reappointment to the Provost's Office by February 15 in order to meet the March 1 deadline in the *Faculty Manual*. During both semesters of the first year, the chair (or designee) should also collect and save course material to be used during the more formal evaluation which will take place the following fall.
- D. In the fall of the **Second Year**, departmental review committees should function as follows:
  - 1. The committee should establish with the individual the timetable for class visits, interviews, review of syllabi, etc.
  - 2. After a period of evaluation, a formal meeting of the committee will be held to discuss the individual and to prepare an evaluation.
  - 3. The committee will communicate the results of this evaluation to the individual in writing, and provide a process for the individual to respond before a final evaluation is submitted.
  - 4. The Department chair will submit a final evaluation, including the department's recommendation on reappointment, to the Provost's Office by November 15 for second-year faculty in order to meet the December 15 deadline for the *Faculty Manual*. The Department chair will provide the individual with a copy of the submitted review.
- E. The **Third Year Review Subcommittee** conducts that review on a timetable specified in the individual's letter of appointment.
- F. During the spring semester of the **Fourth year** or the year following the formal "Third Year" Review, the department shall conduct a review mirroring the process described above for the Second Year review, and the Department chair will submit a departmental recommendation concerning reappointment to the Provost's Office by April 1<sup>st</sup>. The Department chair will again provide the individual with a copy of the submitted evaluation and recommendation.
- G. During the **Fifth Year**, the faculty member and Department chair will meet to discuss progress and/or specific recommendations for improvement related to teaching, to research/scholarship/creativity, and to campus service. No formal evaluation will be written, but the Department chair will submit a departmental recommendation letter concerning reappointment to the Provost's Office by April 1<sup>st</sup>.
- H. The Provost will make an annual decision on reappointment, taking into consideration the recommendation of the Department chair and the review committees. The Provost and Department chair may assist the faculty member to formulate development goals, performance objectives, and career plans.
- I. With the approval of the Provost, departments and individuals may agree to alterations to these review processes.

### 2.1.2.3 Guidelines for Departmental Review and Support of Ongoing Visiting and Adjunct Special Appointment and Part-time Appointment Faculty

Faculty on ongoing special appointment with visiting or adjunct status and those on ongoing part-time appointment will be reviewed annually.

- A. Normally the chair of the department will be responsible for the evaluation using a process developed by the department.

- B. The evaluation should include classroom observations conducted during each semester and/or interviews, review of course content (syllabi or course materials), and student reflection on instruction (SRI) results or other student feedback.
  - 1. The department chair will communicate the results of the evaluation to the candidate in writing.
  - 2. Means should be provided for the individual being evaluated to respond to the evaluation before a final evaluation is sent to the Provost.
  - 3. Reviews must be submitted to the Provost by March 1, or as approved by the Provost. The Department chair will provide the individual a copy of the submitted review.
- C. A decision of reappointment is made by the Provost based upon the recommendation of the department chair. The annual evaluation would be taken into consideration in making this recommendation. The Provost and the department chair may assist the faculty member to formulate development goals, performance objectives and career plans.
- D. As a professional courtesy, departments should offer to include non-continuing faculty in the annual review process.

#### 2.1.2.4 Guidelines for Departmental or Program Review and Support of Continuing Instructor Probationary Personnel and Senior Continuing Instructor Personnel

##### 2.1.2.4.1 Guidelines for Departmental or Program Review and Support of Continuing Probationary Personnel and Senior Continuing Personnel

Departments and Programs are obligated to establish regular procedures to review their special appointment probationary faculty members (Continuing faculty), strictly adhering to deadlines stated below in order to comply with dates for non-renewal stipulated in Faculty Manual section 2.6.2.1. While one purpose of this review is to provide professional advice to faculty members, such an evaluation also serves the departments, programs and Provost as a basis for making decisions regarding the reappointment of probationary personnel. The timetable below may be modified by mutual agreement of the Provost and the candidate. Adjustments will be specified in writing at the time of hire if they calendar for promotion to Senior Continuing status is shortened per Faculty Manual 1.2.2.1, or to reflect later agreements if the promotion clock is stopped for reasons allowed in the Faculty Manual or All-Employee Policies (such as for a leave of absence).

- A. During the **First Year** the chair of the department or program will be responsible for the evaluation using a process developed by the department or program. The Department chair/Program director will submit a departmental/program recommendation letter concerning reappointment to the Provost's Office by February 15 in order to meet the March 1 deadline in the *Faculty Manual*. During both semesters of the first year, the chair/director (or designee) should also collect and save course material to be used during the more formal evaluation which will take place the following fall.
- B. In the fall of the **Second Year**, the review should function as follows:
  - 1. The chair/director should establish with the individual the timetable for class visits, interviews, review of syllabi, or other materials as appropriate to the position, etc.
  - 2. After a period of reflection upon the materials provided in B.1., the chair/director will prepare an evaluation report.
  - 3. The chair/director will communicate the results of this evaluation to the individual in writing, and provide a process for the individual to respond before a final evaluation is submitted.
  - 4. The department chair or program director will submit a final evaluation, including the department's/program's recommendation on reappointment, to the Provost's Office by November 15 in order to meet the December 15 deadline for the Faculty Manual. The Department chair will provide the individual with a copy of the submitted review.

- C. During the spring semester of the Third Year a formal review is conducted by a Continuing Instructor Review Committee.
1. Normally the chair of the department or program director will be responsible for the evaluation process. The chair/director will organize a review committee composed of two members of the individual's department/program, one of whom will serve as the chair of the review committee, and two other faculty members from outside the department/program, one of whom is a Senior Continuing faculty member, when possible, appointed with the approval of the individual.
  2. An announcement of the review of individuals who are candidates for promotion to Senior Continuing status will be posted in both Gustavus-1 and Faculty-1 by the Provost Office in the early spring semester of the year preceding their review, enabling faculty to observe classes and submit letters. Letters should be addressed and sent to the Chair/Director of the department/program of the candidate. To the extent possible, all letters should address the candidate's qualifications for each of the criteria for promotion to Senior Continuing status stated in the Faculty Manual.
  3. The evaluation should include classroom observations conducted during each semester, student reflection on instruction (SRI) results or other student feedback, letters submitted from tenure/tenure track faculty from the candidate's department/program, letters invited from faculty colleagues and letters invited from students from across the College, examination of annual departmental/program reviews, and a dossier submitted by the Continuing faculty member addressing teaching excellence and sympathy with the mission of the college. Candidates will have full access to their complete files.
  4. The chair/director will communicate the results of this evaluation to the individual in writing, and provide a process for the individual to respond before a final evaluation is submitted.
  5. The department chair or program director will submit a final evaluation, including the department's recommendation on reappointment, to the Provost's Office by April 1st. The department chair will provide the individual with a copy of the submitted review.
- D. During the spring semester of the Fourth Year or the year following the formal "Third Year" Review, the department/program shall conduct a review mirroring the process described above for the First Year review, and the Department chair/Program director will submit a departmental/program recommendation concerning reappointment to the Provost's Office by April 1st. The Department chair/Program director will again provide the individual with a copy of the submitted evaluation and recommendation.
- E. During the spring semester of the Fifth Year, or the second year following the formal "Third Year" Review, the department/program shall conduct a review mirroring the process described above for the Second-Year review, and the Department chair/Program director will submit a departmental/program recommendation concerning reappointment to the Provost's Office by April 1st. The Department chair/Program director will again provide the individual with a copy of the submitted evaluation and recommendation.
- F. During the spring semester of the Sixth Year, or the third year following the formal "Third Year" review, the department/program shall conduct a summative review mirroring the process described above for the Third-Year review, and the department chair or program director will submit a departmental/program recommendation concerning promotion to Senior Continuing status to the Provost's Office by April 1st. The chair/director will again provide the individual with a copy of the submitted evaluation and recommendation.
- G. The Provost will make an annual decision on reappointment, taking into consideration the recommendation of the Department chair/Program director and the review committees. The Provost and Department Chair/Program Director may assist the faculty member to formulate development goals, performance objectives, and career plans.

H. With the approval of the Provost, departments/programs and individuals may agree to alterations to these review processes.

2.1.2.4.2 Guidelines for Departmental Review and Support of Faculty on continuing special appointment with Senior Continuing status.

A. **Annual Review.** Faculty on continuing special appointment with Senior Continuing status will conduct an annual self-assessment, with self-assessment forms provided by the Provost's Office. Self-assessment documents will be submitted to the Department Chair/Program Director by March 1 and will be read by the Department Chair/Program Director. The department chair/program director will respond to the reflection in writing by April 1. The Chair/Program Director will share the self-assessment and response with the Provost Office.

B. **Mid-cycle Review.**

1. At least once every three years, a Department Chair/Program Director will review a faculty member's recently submitted self-assessments and will meet with the faculty member for a conversation.
2. As part of this conversation, the position description for Senior Continuing faculty member will be reviewed. Substantive changes to the position description can be made if the Department Chair/Program Director, Senior Continuing faculty member, and Provost's Office agree on the changes.
3. The Chair or Program Director will provide a brief, written summary of the conversation to the faculty member, and the faculty member will have the opportunity to submit a response. The summary and faculty response will be forwarded to the Provost's Office by May 1.

C. **Reappointment Review.** During the spring semester of the Sixth year following promotion to Senior Continuing faculty member, or the sixth year following the last reappointment review, a reappointment review is conducted by a Senior Continuing Faculty Review Committee.

1. Normally the chair of the department or program director will be responsible for the evaluation process. The chair/director will organize a review committee composed of members of the individual's department/program and two other faculty members from outside the department/program, one of whom has Senior Continuing status, when possible, appointed with the approval of the individual.
2. The evaluation should include at least one classroom observation conducted during the spring semester, student reflection on instruction (SRI) results or other student feedback, examination of annual self-assessments, examination of the position description, and a review of submitted letters from faculty and students.
3. The chair/director will communicate the results of this evaluation to the individual in writing, and provide a process for the individual to respond before a final evaluation is submitted. The department chair or program director will submit a final evaluation, including the department's/program's recommendation on reappointment to another 6-year term, to the Provost's Office by April 1st. The Department chair will provide the individual with a copy of the submitted review.
4. The Provost will make a decision on reappointment to a 6-year term, taking into consideration the recommendation of the Department chair/Program director and the review committee. Senior Continuing faculty will meet with the Provost to discuss the Provost's decision.

D. With the approval of the Provost, departments/programs and individuals may agree to alterations to these review processes.

### **2.1.3 Faculty Personnel Files**

The stipulations set forth below address various considerations. From time to time the Administration receives unsolicited comments on faculty members' academic performances or personal activities. Also, evaluations of faculty members' performance of their responsibilities are requested in the process of granting promotions and tenure. The Provost and department chairs have responsibility for counseling faculty members and helping them to understand the expected performance of responsibilities.

The administration and faculty have responsibility for protecting the academic freedom of the individual faculty member and of the collective faculty. A further responsibility is to avoid unnecessary embarrassment to the faculty and to the College.

- A. When the College receives any unsolicited accusatory or derogatory statements regarding a faculty member, the appropriate administrator will:
    1. disregard and destroy the material, or
    2. return the statement to its author
      - a. with no acknowledgment or comment, or
      - b. with an explanation that the College has its own adequate methods for assessing the fitness of faculty personnel, and, as a matter of policy, does not accept statements from extra-institutional sources or from intra-institutional sources not functioning in their officially defined capacities, or
    3. inform the sender of the letter that the letter can be retained by the institution and placed in the faculty member's file only if the faculty member is informed of the identity of the sender and furnished with a copy of the letter, so that the faculty member may, if they wish, reply or defend themselves against any charges, accusations or criticisms, and take any other action which they may deem necessary to protect their reputation and interests. Such materials shall be removed from the faculty member's file and destroyed upon resolution of the matter referred to in the letter or letters.
    4. In no case will the College maintain secret files on any faculty member or file away communications, which are received from anonymous sources or for which confidentiality is requested, without notifying the faculty member in question and furnishing them with a complete copy of the statements received.
  - B. Credentials presented at original employment at the College shall be retained permanently.
  - C. It is the responsibility of the Provost and Department Chairs to advise and counsel individual faculty members concerning the evaluations which have been submitted.
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### **2.1.4 Leaves of Absence**

#### **2.1.4.1 Compensated Academic Leaves**

##### **2.1.4.1.1 Sabbatical Leaves for Regular Professional Development**

Regular professional development is a normal part of an academic career. The college affirms the teacher-scholar model of professional development as a way of valuing all legitimate professional development activities that contribute to a vital and healthy academic community. Since a sabbatical leave is a major investment in the faculty member's professional future, the individual, the relevant department, the Provost and the Faculty Development Committee will work together to devise a plan that is mutually beneficial to the individual and to the College.

Faculty who intend to apply for a sabbatical leave as part of their professional development must provide a coherent, well-planned proposal to the Faculty Development Committee for evaluation. The committee will review leave proposals and will forward its recommendations to the Provost. The college will fund all

proposals recommended to it by the committee, if possible. In cases where funding is insufficient, a recommended leave may be delayed one year after the Provost has consulted with the individual and the department.

A. Duration of Sabbatical Leaves

1. Full year leave of absence means two regular semesters and the intervening or one contiguous January Term.

2. One semester leave of absence may begin or conclude with the contiguous January Term. The teaching assignment for a faculty member with regular appointment normally consists of three courses or the equivalent during an academic year containing a one semester leave of absence.

B. Eligibility for Sabbatical Leaves

1. All full-time faculty members with regular appointments are eligible to apply for leaves of absence; holders of joint appointments are eligible jointly or individually. Compensated semester or full year sabbatical leaves will not be granted until a faculty has been awarded tenure.

a. Eligibility for compensated leaves of absence follows at least six academic years of service since appointment or the last compensated leave of absence. Credit for prior service at another institution at time of appointment will be counted.

b. Departments may establish their own criteria for order of eligibility for leaves.

C. Application Procedures for Sabbatical Leaves

1. The sabbatical application process begins two years in advance of the expected leave.

1. Sabbatical leave proposals must be submitted electronically to the Faculty Development Office by early March (specific due date each year will be determined by the FDC) for consideration of leaves that would commence following the next academic year. For example, if one wished to go on leave during the 2010-11 academic year, proposals must be submitted by March of 2009. Prior to submission of this proposal, the faculty member and the relevant department chair will insure that the faculty member's leave plans mesh with the department's overall leave timetable.

Following the March 1 deadline, the Faculty Development Committee will review the leave proposal and will forward its recommendation to the Provost.

2. No later than May 15 of the year of application, the Provost will advise the faculty member, the department chair, and the Faculty Development Committee of the status of the leave proposal. The leave plan will be approved, approved subject to tenure, denied or delayed for one year. If denied, the Provost will advise the faculty member on changes that would strengthen future leave plans.

3. Requests for sabbatical leaves that do not fall within this schedule may be handled by negotiation between the Provost and the chair of the department.

2. Guidelines for the Preparation of a Sabbatical Leave Plan

a. In general, all professional development activities of a teacher-scholar will be considered legitimate reasons for a sabbatical leave. These include scholarly research leading to publication of books and articles, artistic activities leading to exhibitions or performances, professional retraining and revitalization (e.g. language study, course work to bring a faculty member up-to-date in an area of specialization, or scholarly reading leading to new research or teaching interests), and internships at institutions that foster professional growth. The College will consider any other activities that can be demonstrated to have value for a faculty member's professional development.

It is expected that the faculty member, the department, and the department chair will work together to formulate a leave plan that will strengthen and enrich the professional development of the faculty member.

- b. A complete leave proposal will include:
    - 1. Cover Sheet
      - a. The name, rank, and department of the faculty member.
      - b. Indication of the number of years of full-time service at the College
      - c. Period of leave requested, i.e. full-year or one semester.
      - d. Where applicable, the dates of the last compensated leave, whether from Gustavus or another college or university, and a brief description of the results.
    - 2. Detailed description of the proposed sabbatical leave which addresses the following:
      - a. For scholarly and artistic activities:
        - 1. Preparation leading up to the sabbatical
        - 2. Description of proposed projects and activities
        - 3. Relation of proposed projects to previous research or artistic work by self-and/or others
        - 4. Expected outcomes and future activities related to the leave
        - 5. Value of projects to the individual and the academic community
        - 6. Plans for a public presentation of leave results (departmental seminar, Faculty Forum, recital, art show, article in faculty newsletter, etc.)
      - b. For professional retraining and revitalization
        - 1. Demonstration of need for retraining and revitalization
        - 2. Description of proposed projects and activities
        - 3. Discussion of the preparation for leave activities (this could include internships or workshops completed, letters of support or confirmation concerning proposed projects, schedules or calendars of proposed activities, bibliographies of relevant work, etc.)
        - 4. Expected outcomes and future activities related to the leave
        - 5. Value of projects to the individual and the academic community
        - 6. Plans for a public presentation of leave results (departmental seminar, Faculty Forum, recital, art show, article in faculty newsletter, etc.)
    - 3. Supporting Documentation
      - a. A recommendation form from the chair of the department to the Provost. This form should include the department's endorsement of the leave plan, and a statement of the department's plans to support the ongoing professional needs of the faculty member (including allocation of departmental resources, assignment of teaching load, and preparation of new courses).
      - b. Where applicable, letters confirming arrangements for off-campus leaves.
- 2.1.4.1.2 Criteria for Evaluation of Sabbatical Leave Plans
- A. Sabbatical Leave Plans will be evaluated according to their potential impact on the professional development of the individual faculty member. They will not be weighted according to the amount of time requested or the leave location. Leave plans will be evaluated on the basis of whether the faculty member has presented a coherent, well-planned proposal that addresses the guidelines outlined in the previous section.
  - B. Outside fellowships won by faculty will not affect the Faculty Development Committee's evaluation of a sabbatical leave plan.
  - C. The number of years of continuous service at the College may be considered by the Provost should total funding for the College's leave program be insufficient to fund all recommended leaves.
- 2.1.4.1.3 Compensation, Rank, Tenure, and Benefits While on Leave
- A. Those on full academic year leave will receive two-thirds of projected full base salary.

Those on one semester leave will receive full projected base salary.

The faculty member may apply to the Provost for funds to cover travel expenses and to cover special economic needs while on leave.

- B. The Provost and the Office of Institutional Advancement will assist the faculty member in preparing applications or in making special presentations to foundations which may be able to provide financial assistance to the faculty member while on leave.
- C. During the sabbatical leave, all rights and benefits pertaining to rank, tenure, salary increment, retirement, insurance, tuition remission, and other benefits already acquired are retained.

#### 2.1.4.1.4 Final Report

Within 30 days of resuming responsibilities at the College, the faculty member will submit a written report to the Provost summarizing the activities and outcomes of the sabbatical leave.

#### 2.1.4.1.5 Faculty Replacement During Leaves of Absence

The issue of sabbatical replacements is separate from the issue of a faculty member's eligibility for a leave. Replacements will be arranged between the department and the Provost. Generally speaking, small departments and programs will be more likely to have full faculty replacement since it would be more difficult for other members of a small department or program to cover for the colleague on leave. Faculty taking year leaves will be more likely to be replaced than those taking half-year leaves. It is the responsibility of the department and the Provost to consider the most cost-effective ways of handling leaves in balance with the college's program needs.

#### 2.1.4.2 Leaves of Absence Without Salary

See *Faculty Manual* Section 3.2.6.2.2 Faculty Development and Leaves.

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### **2.1.5 Procedural Standards in the Renewal or Non-renewal of Faculty Appointments**

In matters of renewal or non-renewal of faculty appointments, the faculty will follow the procedures outlined in the AAUP "Statement of Procedural Standards in the Renewal or Non-renewal of Faculty Appointments" (1989).

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### **2.1.6 Statement on Faculty Appointment and Family Relationship**

In matters of faculty appointment and family relationship, the faculty accepts the principles outlined in the AAUP "Statement on Faculty Appointment and Family Relationship" (1971).

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### **2.1.7 Statement on Professional Ethics**

In matters of professional ethics, the faculty accepts the principles outlined in the AAUP "Statement on Professional Ethics" (1987).

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## **2.2 Academic Policies**

### **2.2.1 Course Approval Policy**

#### 2.2.1.1 Regular Courses.

All proposals for courses, with the exception of off-campus January Interim Experience (IEX) courses, to be offered as part of the curriculum of the college (including proposals for designation as general education and writing courses) will be reviewed by the Course Approval Subcommittee, which will recommend approval to



the Curriculum Committee. Off-campus IEX courses will be reviewed by the Global Engagement Committee, which will recommend approval to the Curriculum Committee. The Curriculum Committee will have final approval of all courses, including area and writing designations recommended by the Course Approval Subcommittee or the Global Engagement Committee.

Closing dates for submitting course proposals to the Course Approval Subcommittee or the Global Engagement Committee will be provided to department chairs no later than the beginning of the academic year.

Courses approved by the Curriculum Committee will enter the curriculum of the college. They need not be resubmitted unless there is a substantial change in the name, focus, or content of the course.

#### Approval Procedure

- A. By the announced deadline, the proposing department chair will send to the Office of the Provost one electronic copy of the course proposal form, addressing the appropriate criteria for new courses, January Interim Experience (IEX) courses, First Term Seminars, area and writing designations. The form can be obtained from the Office of the Provost.
- B. Upon its receipt, the Office of the Provost will send the proposal to the full Course Approval Subcommittee or the Global Engagement Committee and to the appropriate program director(s) (FTS, Writing, January Interim Experience, Center for International and Cultural Education, and General Education). Copies of pending proposals will be available to all faculty through the Office of the Provost.
- C. The program director(s) will review the proposal, contacting the department chair or course instructor(s) for possible clarification or revision, if necessary. The program director(s) will recommend approving or rejecting their specific part of the proposal to the full subcommittee.
- D. The Global Engagement Committee (GEC) will review and discuss all off-campus proposals at its meetings. For semester courses, this review will focus on conformance to the GEC Program Manual. Recommended off-campus semester courses will be forwarded to the Course Approval Subcommittee. For IEX off-campus courses, this review will include both conformance to GEC Program Manual and the course approval criteria listed in the *Faculty Handbook*. The Registrar or designee will be present during GEC meetings dealing with approval of IEX off-campus courses. Recommended off-campus IEX courses will be forwarded to the Curriculum Committee.
- E. The Course Approval Subcommittee will review and discuss all proposals, except off-campus January Interim Experience (IEX) courses, at its meetings. The faculty member submitting the proposal and/or a departmental representative may be present when the Course Approval Subcommittee or the Global Engagement Committee discusses the faculty member's proposal.
- F. At the appropriate meeting, the Course Approval Subcommittee or the Global Engagement Committee will take one of the following actions:
  1. Approve the course, area, or writing designation and forward this recommendation to the Curriculum Committee.
  2. Approve the course, area, or writing designation contingent upon specific revision. In this case the proposal is returned to the appropriate program director for discussion with the department chair or instructor. The Course Approval Subcommittee or the Global Engagement Committee will then forward its recommendation for approval to the Curriculum Committee.
  3. Forward the proposal to the Curriculum Committee for consideration and a final decision. This action would be taken when:
    - a. The course proposal is closely related to program revisions submitted by a department, such that approval of the new course should be contingent on approval of the program revisions; or

- b. The course proposal reflects a new curricular precedent or other change that falls under the functions of the Curriculum Committee, such that approval of the new course should be contingent on Curriculum Committee approval of the curricular precedent or change.
- 4. Reject the course, area, or writing designation and return it to the department chair or instructor via the appropriate program director for revision/resubmission.
- G. All courses, area and writing designations recommended for approval by the Course Approval Subcommittee or the Global Engagement Committee will be forwarded to the Curriculum Committee. The Curriculum Committee will vote on approval and all courses approved by the Curriculum Committee will be reported to the faculty at its next regularly scheduled meeting. The Curriculum Committee will notify each department affected by the committee's decision.
- H. A course proposal may be withdrawn at any point in the process
- I. Course approval will be based on the criteria in section 2.2.2 of the *Faculty Handbook*.

#### 2.2.1.2 Special Topics Courses.

Special topics courses are used to supplement regular course offerings.

- A. Special topics courses do not require approval by the Curriculum Committee.
- B. Special topics courses can carry area or WRIT designations. Special topics courses obtain these designations via the same procedures as regular courses.
- C. If a given special topics course is offered three times in any six-year time frame, then that course will need to be approved as a regular course using the procedures in section 2.2.1.1 before being offered again.

#### 2.2.1.3 Delisting Courses.

Courses that have not been taught in the past four years will be delisted from the catalog. Departments may ask for an exemption to the process by contacting the chair of the Curriculum Committee when the course comes up for cancellation.

#### 2.2.1.4 Discontinuance of Major or Minor initiated by associated department or program faculty.

- A. The proposed discontinuance of a major or minor shall first be brought to the associated academic department and/or program faculty for a vote. To move forward, the proposal must receive a majority vote from faculty in the associated department and/or program.
- B. Next, Department and/or Program Faculty associated with the major or minor shall petition the Curriculum Committee for such a discontinuance. The proposal to discontinue a major/minor must include a transition plan for current majors/minors and any impacted associated faculty. The Curriculum Committee, in cooperation with the Faculty Senate, shall form a sub-committee that will collect and analyze both quantitative and qualitative data to inform the decision.
- C. Membership. The Subcommittee shall be composed of four members: two members chosen from the elected members of the Senate and two members chosen from the elected members of the Curriculum Committee, all of whom must be outside of the major or minor associated department and/or program that is being considered for discontinuance.
- D. Process. The Subcommittee will report its findings and make a recommendation to the Senate and the Curriculum Committee. The Curriculum Committee will determine whether a proposal to discontinue a major/minor is brought to the faculty.

E. Functions. The Subcommittee will consider the unique circumstances of the associated department and/or program. Those determinations may include but are not limited to:

1. Characteristics of the major or minor and the associated department and/or program, including ability to attract and retain qualified students and faculty, most recent external review of department/program associated with the major/minor, alignment with the strategic plan, and importance of the major/minor to the identity of the College as a private, residential liberal arts college.
2. Impact of Major or Minor and associated Department and/or Program on the College, including:
  - a. Admissions and prospective students
  - b. Cognate disciplines/coursework importance to other departments/programs
  - c. Faculty recruitment and/or retention
3. Impact on current declared majors/minors
4. Consideration of Data including:
  - a. Numbers of majors and/or minors over past ten years
  - b. Numbers of graduates over past ten years
  - c. Enrollments in associated department/program courses over past 5-10 years.
  - d. Faculty FTE
5. External Funding: to what extent does the major/minor draw financial resources from endowment or other funds beyond unrestricted annual budgets.

2.2.1.4.1 If the Subcommittee decides to recommend discontinuance of a major/minor/program, the Subcommittee, in collaboration with the major/minor/program, will determine an appropriate end date for the major/minor. The Subcommittee will forward the recommendation for major/minor/program discontinuance to the Curriculum Committee, with the information about end date. If the Curriculum Committee approves the plan for the major/minor/program to discontinue, they will recommend the discontinuance of the major/minor/program to the faculty for a vote. If the faculty approve the discontinuance, the major/minor will be discontinued.

2.2.1.4.2 Notification. If the faculty approves the discontinuance of a major/minor/program, the Provost's Office will officially notify students in the major/minor/program of the decision of the faculty and work with students and faculty on the transition plan.

2.2.1.4.3 The Registrar's Office will remove the major/minor/program from future academic catalogs.

#### 2.2.1.5 Discontinuance of a Major, Minor, or Program as an outcome of program evaluation process.

A. Departments and Programs and their majors and minors will be reviewed periodically, typically as part of the five or ten-year departmental review process, using the four-stage process described in Section 8 of the Department Chair and Program Director Guide. Either the Provost's Office or a Department/Program may request that the process be initiated off-cycle, and the Faculty Senate will be consulted to determine if an off-cycle review is warranted.

B. If, after review of a major, minor, or program, the Provost's Office recommends discontinuation of a major, minor, or program, the Provost will inform the affected department(s) by the end of the spring semester, providing a rationale for the recommendation. The department(s) will have an opportunity to review the rationale and respond by October 1 of the fall semester immediately following the initial recommendation. The Provost rationale and departmental response(s) will be shared with the Faculty Senate and Curriculum Committee for consideration. Each committee will independently respond to the Provost's recommendation, no later than October 20.

C. Using the departmental, Curriculum Committee and Faculty Senate responses as additional input, the Provost will make a final recommendation regarding discontinuance. If the Provost decides to recommend discontinuance, then they will inform the affected department, Curriculum Committee and the Faculty Senate by November 1, providing a rationale and transition plan. If either the Curriculum Committee or Faculty Senate endorses the Provost's decision, the endorsing committee will bring the proposal to the faculty for a vote at the following faculty meeting.

D. If the faculty approves the discontinuance of a major, minor, or program, then (according to 2.2.1.4.2 of the Faculty Handbook) the "Provost's Office will officially notify students in the major/minor/program of the decision of the faculty and work with students and faculty on the transition plan." Furthermore (according to 2.2.1.4.3), "the Registrar's Office will remove the major/minor/program from future academic catalogs."

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## 2.2.2 Requirements and Criteria for General Education Courses

The official record of the College curriculum is maintained in the Academic Bulletin under "Requirements for Graduation" and the sections devoted to major and minor requirements. Requirements and criteria for general education, writing requirement, Interim Experience, and interdisciplinary studies courses and internships for credit are found in Appendices A-E of the *Faculty Handbook*. Additions and deletions to curriculum or its requirements or criteria, as compiled in the Bulletin and Appendices A-E, require a majority vote of voting members of the faculty present at a faculty meeting.

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## 2.2.3 Honorary Degrees

### 2.2.3.1 Statement of Purpose

Gustavus Adolphus College confers honorary degrees in order to recognize and honor men and women who, through distinguished service or preeminent achievement, have demonstrated commitment to the ideals for which this College stands. In each case, it should be particularly appropriate that Gustavus Adolphus College be the institution to award the honorary degree. The College thus affirms and hopes to encourage its vision and mission by the honorary degrees it confers.

### 2.2.3.2 Guidelines

This set of guidelines suggests normal practices, but need not be regarded as inflexibly binding under all circumstances:

- A. In order to preserve the high value of honorary degrees, not more than four degrees each year, except in extraordinary circumstances, will be granted. In addition, honorary degrees will also be awarded to Nobel laureates who participate in the Nobel Conference.
- B. Honorary degrees will be awarded during the academic year on occasions of significance to the College community and the recipient.
- C. Honorary degree recipients should represent a diversity of fields. The choices should reflect achievements at the local, national, and international levels.

### 2.2.3.3 Procedures

- A. The Faculty Senate Vice Chair will receive nominations for honorary degrees.
- B. The Faculty Senate Vice Chair will ensure that additional supporting data will be provided to the Faculty Senate within a designated time period.
- C. Deliberations of proposals will not involve the knowledge or participation of the candidate.
- D. Among the honorary degrees that may be awarded by the College are the following:

- Bachelor of Arts (B.A.)
- Doctor of Divinity (D.D.)
- Doctor of Fine Arts (D.F.A.)
- Doctor of Humane Letters (L.H.D.)
- Doctor of Laws (LL.D.)
- Doctor of Science (Sc.D.)

The Faculty Senate Vice Chair will recommend the degree that is appropriate for conferral upon the candidate.

- E. The Faculty Senate Vice Chair will submit nominations to the Senate for evaluation.
- F. The Faculty Senate, acting on behalf of the Faculty, recommends the candidates for honorary degrees to the President of the College. Three-fourths majority vote of the full membership of the Faculty Senate is required for forwarding of the recommendation to the Board of Trustees.
- G. The President will present nominations accepted by the President to the Board of Trustees.

#### **2.2.4 Change of Grade Policy**

The mark of “I” (Incomplete) is the only grading option available which keeps a course open for additional student work beyond the termination of the semester. Once a grade other than “I” has been recorded on the student transcript, it becomes part of the institutional record and can be changed only to correct an error in the original computation. A grade change cannot be made because additional coursework has been turned in after the end of the term. A change of grade may not be made more than one year after the grade was officially recorded in the Registrar’s Office.

#### **2.2.5 Grade Appeals Policy**

Students have the right to be protected against prejudiced or capricious academic evaluation. A student who wishes to appeal a final course grade on these grounds should first appeal to the instructor. This action should end the matter in most cases, but if not, the student should appeal to the department chair (or a senior faculty member in the department if the Chair is the person giving the grade). If that does not resolve the issue, the student may appeal to the office of the Provost who will convene the Grade Appeals Board to assist in determining an appropriate resolution. If the Grade Appeals Board determines that the grade should be changed, it would provide the instructor with a written explanation of its reasons and would request that the grade be changed. The instructor should either make the recommended change or provide a written explanation to the Grade Appeals Board for not doing so. Only then, the Provost, upon the written recommendation of the Grade Appeals Board, would have the authority to effect a change in grade over the objection of the instructor. The Grade Appeals Board will consist of five faculty members, one from each Division, appointed to staggered three-year terms by the Faculty Senate. A member of the Grade Appeals Board may ask to be recused from hearing an appeal if the member perceives a conflict of interest. The student appellant may also request to disqualify a member perceived as being potentially biased from hearing the appeal. In the event that a member of the Board is recused or removed, that person will be replaced by another faculty member from the same Division, to be appointed by the Provost in consultation with the Vice-Chair of the Faculty Senate.

A grade appeal must be initiated within one year after the grade was officially recorded in the Registrar’s Office.

## 2.2.6 Honor Code Policy

Every Gustavus Adolphus College student is required to sign the following statement before final admittance into the College:

*“As a community of scholars, the faculty and students of Gustavus Adolphus College have formulated an academic honesty policy and honor code system, which is printed in the Academic Bulletin and in the Gustavus Guide. As a student at Gustavus Adolphus College I agree to uphold the honor code. This means that I will abide by the academic honesty policy, and abide by decisions of the joint student/faculty Honor Board.”*

Through information provided in syllabi and/or other means, faculty members will explain to students how the Honor Code will operate in their respective courses. The following statement is suggested as a pledge for students to sign on all graded assignments and projects:

*“On my honor, I pledge that I have not given, received, or tolerated others’ use of unauthorized aid in completing this work.”*

A similar statement may be signed by students at the beginning of a course, indicating that their work for that course will comply with the academic honesty policy and the Honor Code.

Gustavus Adolphus College is proud to operate under an honor system. The faculty and students have jointly created an Honor Board to enforce this policy. In signing this statement a student is promising that their work complies fully with the authorized aid as defined by the professor. It is each professor’s responsibility to state course penalties for academic honesty policy violations, and to define the level of authorized aid appropriate to the work in the course or to the particular assignment. However, the student is responsible to ask questions about any reasonable doubt they have regarding the professor’s definition.

Under the academic honesty policy, the instructor informs “...the student and the office of the Provost of the nature of the offense, the penalty within the course, and the recommendation of the instructor as to whether further disciplinary action by the Provost is warranted.” The in-course penalties and notification of the Provost’s office should end the matter in most cases. However, if a student disputes the allegation of academic dishonesty, the student can request an Honor Board hearing.

A six-member Honor Board panel (three students and three faculty) will investigate and hear the case. Both the accused student and the instructor have the right to submit statements and documents and/or be present for the proceeding. A 4-2 vote is needed to decide that the student is indeed guilty of an academic honesty policy violation. If the Board rules that a violation occurred, all other provisions of the academic honesty policy will apply, including the instructor’s in-course penalties, and possible probation or suspension for repeated offenses. If the student is not found guilty, it will be presumed that no violation occurred, and the faculty member will not penalize the student for an honesty violation (honesty aside, the quality of the student’s work is still subject to the instructor’s professional judgment).

The Honor Board pool is comprised of six students and six faculty members. From this pool of twelve, three students and three faculty will be appointed by the Office of the Provost to investigate and adjudicate cases involving the academic honesty policy. Potential student members are required to complete an application, and are interviewed and nominated each spring for the next academic year by the Student Senate Academic Affairs Committee. After receiving the nominations the Student Senate Cabinet appoints the student board members. The faculty members are invited to indicate an interest in serving on the board. The Faculty Senate makes the appointment of faculty board members each spring. Each Honor Board member participates in an orientation session, and is instructed on the importance of confidentiality and proper investigation procedures.

The proctoring of exams will be at the discretion of the instructor.

An integral part of the honor code is non-tolerance of violations. This non-tolerance policy recognizes that we are not only responsible for our own ethical conduct but are also members of a vital community with obligations to contribute to its ethical climate. Under this code students are not expected to police others’ actions. Rather, students agree to report violations of which they become aware and failure to do so would

constitute an honor code violation. Maliciously making a false accusation will be considered a violation of the honor code.

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### **2.2.7 Accessibility Resources**

Through information provided in syllabi, faculty members will notify students of the availability of accessibility services at Gustavus and how to access them. The following statement is recommended for inclusion on all syllabi:

*Gustavus Adolphus College is committed to ensuring equitable and inclusive learning environments for all students. If you have a disability and anticipate or experience barriers to equal access, please speak with the accessibility resources staff about your needs. A disability may include mental health, attentional, learning, chronic health, sensory, physical, and/or short-term conditions. When appropriate, staff will guide students and professors in making accommodations to ensure equal access. Accommodations cannot be made retroactively; therefore, to maximize your academic success at Gustavus, please contact them as early as possible. Accessibility resources staff are located in the Academic Support Center (<https://gustavus.edu/asc/accessibility/>) (x7227). Accessibility Resources Coordinator, Corrie Odland, ([codland@gustavus.edu](mailto:codland@gustavus.edu)), can provide further information.*

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## **2.3 Miscellaneous Procedures**

### **2.3.1 Admission to/Withdrawal from Class**

#### 2.3.1.1 Admission to Class

Students whose names do not appear on a class list kept by the Registrar are not officially registered for that course. Changes to the original course list are made only through the Office of the Registrar, and the Office of the Registrar will ensure that students and faculty have access to current course registration lists. Starting with the second week, the student must obtain the written permission of the instructor of any course they add or drop. Starting with the third week, the student must obtain the signature of the instructor of any course from which they withdraw. Students enrolling in Independent Study courses must complete and submit to the Office of the Registrar an Independent Study Proposal Sheet during the first two weeks.

#### 2.3.1.2 Withdrawal from Class

Withdrawal from a course may be done any time prior to the beginning of the third week of the fall and spring semesters and the fifth day of January Term without having that course participation recorded on the transcript. Withdrawals after this time will be recorded as a “W.” Withdrawal from a course is not possible after the 10th week of a full semester course, the fifth week of a half semester course, or the third week of a January Term course. Courses for which a student is registered after these times will receive final grades.

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### **2.3.2 Office Hours**

Each instructor should inform their students early in the semester concerning their availability for office conferences or consultations, whether they intend to reserve certain hours each week or be available for appointment.

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### **2.3.3 Examinations**

The last test for a course shall not be given during the 14th week of the semester. The last test for a course--whether a comprehensive final exam or a partial last unit test--shall be given in accordance with the test schedule issued by the Registrar.

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#### **2.3.4 Advising**

Each new student is assigned a faculty member to act as academic advisor during the first year. Reassignment of advisors is made when student and advisor believe such a step to be in the best interest of the student. The academic advisor, in addition to conferring with the student about academic, career, and life goals, is responsible for approving the student's course program prior to registration each semester. The advisor will encourage the student to enroll in courses satisfying the student's needs and interests, the objectives of the major field of concentration, and the general education requirements of the College. Students normally should select a major by the end of their sophomore year.

All students should be advised early in their academic careers to consider opportunities for graduate and professional study. Advisors are urged to encourage students considering graduate school to investigate the possibility of applying for national graduate fellowships such as Fulbright, Mellon, Rhodes, etc. Information concerning these fellowships may be obtained from the Gustavus Fellowships Office.

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#### **2.3.5 Incomplete Grade**

A grade of incomplete may be awarded at the discretion of the instructor, if requested by the student, under the following conditions: 1) the last day to withdraw has passed, 2) and unforeseen circumstances beyond the student's control (usually restricted to illness or family emergency) preclude completion of the remaining work for the course by the semester deadline. Note that poor planning or having a lot of work to complete at the end of the term are not, in fairness to other students, considered circumstances beyond a student's control. This additional time to complete coursework may not extend beyond the final day of the following semester, and earlier limits may be set at the discretion of the instructor.

The grade "I" for a particular student, along with an expiration date, is reported at the end of the term to the Office of the Registrar on a special form, which is signed by both the instructor and the department chair. A temporary grade will also be submitted, in the computation of which the instructor has considered work not completed as a zero or an F. If before the end of the expiration date, the instructor reports a final grade to the Registrar, that grade will be recorded and the grade point average will be computed accordingly. When the expiration date has passed without a grade being reported, the temporary grade will replace the "I" and become a permanent part of the transcript record.

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#### **2.3.6 Declaring a Major**

All first-time college students at Gustavus Adolphus College enroll in the Bachelor of Arts program without a declared major, and they are advised in the first year by the instructor of their First Term Seminar or a faculty member teaching in Three Crowns Curriculum. Subsequent enrollment in a major is accomplished by completing a declaration of major form, normally by the end of the sophomore year, in consultation with a major advisor. Students may select the major requirements of any academic catalog during the years of their institutional enrollment.

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#### **2.3.7 Student Evaluation of Teaching**

Faculty will be responsible for evaluating the effectiveness of their teaching for each course, each semester.

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### 3.0 Amendments to the *Faculty Handbook*

#### Procedures for amending the Faculty Handbook are as follows:

- 3.1 Any proposed amendment to the *Faculty Handbook* is to be sent to the Faculty Senate for consideration and recommendation to the Faculty. All proposed amendments will be sent forward to the Faculty with the Senate's recommendation.
  - 3.2 A proposed amendment must be sent forward in writing by the Senate to the Faculty with the Senate's recommendation at least ten days prior to the faculty meeting at which it is to be considered.
  - 3.3 The written notice will indicate the date of the Faculty Meeting at which the proposal will be submitted. A simple majority vote of voting members present is required to adopt the proposed amendment.
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## Appendix A: Requirements and Criteria for General Education Courses

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### 1.1 Liberal Arts Perspective

A Liberal Arts Perspective course teaches the principles of a particular domain of study, provides its context, questions the values of that domain, and builds bridges towards other disciplines.

#### A. The Arts (ARTS)

Through modes of expression such as painting, sculpture, music, dance, theater, and film, artists clarify, intensify, dramatize, and interpret the world in all of its physical, social, and spiritual aspects. Courses meeting this requirement in the visual and performing arts develop a more comprehensive understanding of the creative process and foster a lifetime involvement with the arts. These experiences enable students to recognize and value the integral role that the arts play in society; such experiences enable students to express themselves and their ideas in creative ways.

Courses in this area will:

1. foster the development of personal expression and creativity;
2. develop an understanding of the creative process;
3. promote an understanding of the interaction among the arts, culture, society, artist and audience;
4. develop analytical, interpretive, or evaluative skills appropriate to the study, performance, and/or creation of at least one of the visual and performing arts;
5. develop intellectual and experiential awareness of the form and content of at least one of the visual and performing arts.

ARTS Learning Outcomes

1. Students will expand and challenge their personal and world views by assessing and participating in broad artistic endeavors.
2. Students will demonstrate an understanding of the relationship between a work of art and its historical, cultural, and aesthetic context by identifying, analyzing, and evaluating works of art.
3. Students will demonstrate the aptitude and skills of creative scholarship by producing or researching artistic work(s) of significance within the context of their chosen discipline.

#### B. Biblical and Theological Studies (THEOL)

Requiring one regular semester course in the Christian tradition is a curricular expression of the College's long-standing institutional commitments, as articulated in its Mission Statement.

This course will meet three goals:

1. Foster a mature understanding of the Christian faith, including the role of religion in human life.

2. Encourage an understanding of the importance of religion as part of a liberal arts education through a biblical and theological study of the Christian tradition.
3. Help students develop a critical understanding and appreciation of the Christian tradition as an important element in American society and other world cultures.

Courses in this area meet the following criteria:

1. The course will be substantially in the Christian tradition, construed to embrace, in its several variations, the developing body of communal belief, thought, and action that has served to identify the church of Jesus Christ from its beginnings to the present.
2. The course will be both critically self-conscious and constructive.
  - a. The course will be critically self-conscious, requiring specific attention to the methods used to analyze particular facets of the Christian tradition and presenting the Christian tradition not as an object that a student must accept or reject, but as an empirical and normative historical totality that a student can come to understand.
  - b. The course will be constructive, i.e., critical analysis is to be complemented by the endeavor to present coherently, as a challenging and fruitful religious option, an ecumenical understanding of the Christian tradition.
3. The course will:
  - a. Give students an elementary cognitive grasp of some of the historical, contemporary and emerging future expressions of the Christian faith;
  - b. Help students learn to think religiously and theologically, i.e., to recognize the religious and theological dimensions of cultural, political, and intellectual issues;
  - c. Expose students to critical textual interpretations of the Bible, including the historical context in which it was written;
  - d. Introduce students to the nature of religious language and symbolism and the critical interpretations of religious claims; and encourage students to think critically about their own religious convictions.

Student learning outcomes:

1. Students will demonstrate a basic understanding of selected historical, contemporary, and emerging expressions of the Christian faith.
2. Students will evidence an awareness of critical textual interpretations of the Bible, including the historical contexts in which it was written.
3. Students will be able to articulate a basic understanding of the nature of religious language and symbolism.
4. Students will be able to recognize and articulate the religious and theological dimensions of cultural, political, and intellectual issues.
5. Students will demonstrate a basic understanding of critical interpretations of religious claims.
6. Students will think critically about their own religious experience.

### C. Literary and Rhetorical Studies (LARS)

#### GOALS

The purpose of the Literary and Rhetorical Studies requirement is to help students revel in, evaluate, and deploy the beauty and power of the word; understand and enjoy the life of the mind as embodied in formal written and oral communication; and place themselves within the human global community of story-tellers, poets, orators, essayists, playwrights, satirists, and critics.

#### CRITERIA

Courses in this area meet the following criteria:

1. Introduce students to the history and specific conventions of one or more literary and rhetorical genres.

2. Teach the rudiments of formal and critical analysis as well as close reading.
3. Consider the historical and cultural circumstances in which texts are produced and received.
4. Help students to formulate questions about texts to raise issues of meaning and value.
5. Provide a context for appreciation of oral and written rhetorical and literary discourses and/or give students opportunities to develop personal expression and creativity.

#### STUDENT LEARNING OUTCOMES

1. Students will identify conventions that situate a text within a literary or rhetorical genre.
2. Students will describe the historical and cultural contexts in which texts are produced and received and explain the mutual influence between specific texts and contexts.
3. Students will engage critically with literary or rhetorical discourses in a variety of ways, which may include close reading, critical interpretation, personal reflection, creative expression, formulating questions, and raising issues of meaning and value.

#### D. Historical and Philosophical Studies (HIPHI)

Philosophy investigates the nature of reality, knowledge, and values. History analyzes past events and constructs narratives that seek to explain those events. Thus, courses in Historical and Philosophical Studies critically interpret records of and reflections on human thought, action, and values across time and place and among diverse cultures and peoples.

#### GOALS

Courses in this area promote understanding of human thought in the context of historical developments, and historical developments in the context of their relation to questions of meaning and value. Historical and philosophical inquiries require that we ask fundamental questions about the construction and creation of knowledge, the roles of objectivity and subjectivity in the search for truth, and the relationship of human agency to theories of historical causation. Philosophers undertake their inquiries with awareness of the historical context in which ideas develop. Historians consider the intellectual milieu in which past events unfold and are interpreted. Courses in this area will cover a range of times, places, cultures, and peoples. Individual courses need not be comparative.

#### COURSE CRITERIA

Courses in this area will:

1. promote understanding of human thought or historical events in one or more times, places, and/or cultures;
2. promote understanding of human thought or historical developments in the context of the construction of meaning and value;
3. pose fundamental questions about the creation and construction of knowledge;
4. inquire into notions of and assumptions about truth in philosophy or history as well as in other academic disciplines; and
5. prepare students to formulate their own questions and undertake their own investigations into philosophical or historical studies.

#### STUDENT LEARNING OUTCOMES

1. Students will demonstrate understanding of human thought or historical events in one or more times, places, and/or cultures.
2. Students will construct an informed response to one or more fundamental questions about the creation and construction of meaning, value, and knowledge.
3. Students will evince an awareness of notions of and assumptions about truth in the discipline of the course.
4. Students will undertake an investigation into philosophical or historical studies based on questions of their own formulation.

#### E. Mathematical and Logical Reasoning (MATHL)

Courses in Mathematical and Logical Reasoning are intended to provide students with the opportunity to develop and acquire mathematical and logical habits of mind. These habits of mind include analytical reasoning, problem-solving, and communication.

##### GOALS

The goals of the Mathematics and Logical Reasoning area are:

1. to develop a conceptual understanding of mathematics, formal logic, or statistics;
2. to cultivate the ability for solving real-world problems in a mathematical, logical, or statistical context; and
3. to acquire the capacity for analytical reasoning through mathematical, logical, or statistical thought, reflection, explanation, and justification;

##### COURSE CRITERIA

Courses in this area will address:

1. the language, foundations, and historical context of one or more areas of mathematics, formal logic, or statistics;
2. the conceptual understanding of mathematical, logical, algorithmic, or statistical methods;
3. the formulation, representation, and solution of mathematical, logical, algorithmic, or statistical problems;
4. the methods of proving, justifying, or explaining mathematical, logical, or statistical conjectures and theorems; and
5. the applications of mathematical, logical, algorithmic, or statistical methods to other disciplines.

##### STUDENT LEARNING OUTCOMES

Students satisfying the Mathematical and Logical Reasoning requirement will:

1. communicate and represent mathematical, logical, or statistical problems in symbolic, graphical, or numerical forms;
2. formulate and solve problems using mathematical, logical, or statistical methods; and
3. provide proof or justification of mathematical, logical, or statistical results using deductive reasoning.

#### F. Natural Science Perspective (NASP)

##### GOALS

Liberal Arts Perspective courses in Natural Science introduce the student to the mechanisms of natural and life processes, and the quantitative basis for understanding these processes. As such, they focus on the evidence, theories, and methods of the natural sciences and place them in a historical context. They also place some emphasis on the strengths and limitations of the methods employed, the philosophical assumptions, the boundaries and connections with other disciplines, and relationships to social, ethical, and political problems.

##### COURSE CRITERIA

Courses in this area will provide students with:

1. knowledge of factual information about some aspect of the natural world;
2. knowledge of the concepts, principles, and theories that scientists use to organize and explain those facts;
3. familiarity with the application of scientific concepts and principles to the solution of problems;
4. acquaintance with the historical development and philosophical implications of the scientific concepts; and
5. sensitivity to the ethical and social impact of science and technology.

All courses include a laboratory component to ensure direct experience with naturally occurring phenomena; the laboratory component teaches techniques and methods that scientists use to gather

evidence and test hypotheses. The laboratory component will include some elements of observation, collection and analysis of data, and/or other methods of experimentation that involve direct contact with some aspect of the natural world.

#### STUDENT LEARNING OUTCOMES

1. Students will demonstrate factual knowledge about some aspect of the natural world.
2. Students will describe the ways by which scientists organize knowledge into fundamental principles or theories that explain facts and make predictions about the natural world.
3. Students will employ scientific concepts, principles, and methodologies to solve problems or generate explanations about the natural world.
4. Students will describe the historical and/or cultural context and analyze the philosophical implications of one or more important scientific concepts.
5. Students will engage critically with the ethical and social impacts of science and technology.

#### G. Human Behavior and Social Institutions (SOSCI)

Courses in Human Behavior and Social Institutions seek to enable students to acquire the knowledge and skills necessary to understand fundamental social institutions and social characteristics of human beings. Courses in this area will systematically address the regularities and variations of human behavior at individual and group levels, including the contexts in which behavior occurs, using perspectives and methods normally attributable to the social and behavioral sciences.

#### GOALS

Social science courses enable students to analyze and understand interactions of the numerous social factors that influence behavior at the individual, cultural, societal, national, or international level. They use the methods and theories of social science inquiry to develop critical thought about current social issues and problems.

#### COURSE CRITERIA

Courses in this area will address the following as they relate to the social and behavioral science:

1. theories and principles to explain human behavior and social principles;
2. the development of a particular social and behavioral science;
3. methods of collecting and presenting information; and
4. social and ethical issues concerning human behavior.

#### STUDENT LEARNING OUTCOMES

1. Students will demonstrate knowledge of major concepts and methods used in a social or behavioral science.
2. Students will describe the historical development of the theories and principles of at least one discipline in the social sciences.
3. Students will analyze influences on social institutions and human behavior.
4. Student will apply disciplinary knowledge to understand ethical and social issues in at least one discipline in the social sciences.

#### H. Lifelong Fitness (FIT and ACT)

Courses in Lifelong Fitness provide opportunities to explore movement and discover lifetime activities that promote health and wellbeing. By engaging in a variety of fitness activities, and through acquisition of knowledge and skills, students are better able to appreciate the importance of disease prevention and health promotion. To fulfill the Life Long Fitness and Activity requirement, students complete both the Personal Fitness (FIT) requirement (.5 course) and the Lifetime Activity (ACT) requirement (.5 course equivalent). No more than one FIT course and a maximum of .5 ACT courses may be counted toward completion of the requirement.

Personal Fitness (FIT) (.5 course)

The Personal Fitness requirement (FIT) encourages exploration of cardiorespiratory fitness and its importance. Students learn how to set appropriate goals to improve fitness, engage in regular aerobic exercise, and acquire knowledge regarding health promotion, disease prevention, wellbeing, and relaxation.

Courses in this area will:

1. explore multiple dimensions of personal wellbeing, with emphasis on the physical dimension;
2. encourage the development of physical skills necessary for participation in moderate-to-vigorous physical activities;
3. promote health enhancement through participation in moderate-to-vigorous physical activity;
4. encourage healthy exercise patterns, safety, and goal-setting within an exercise program;
5. foster an appreciation for the importance of a physically active lifestyle.

Student Learning Outcomes:

1. Students will analyze elements of their personal wellbeing and learn to set appropriate and achievable health goals.
2. Students will learn and apply fitness-related principles, set fitness goals, and monitor individual progress by designing an individual fitness plan.
3. Students will demonstrate an appreciation for lifelong fitness by fully participating in prescribed moderate-to-vigorous physical activity.

Lifetime Activity (ACT) (.125-.25 course)

The Lifetime Activity requirement (ACT) encourages students to select courses across a range of activity areas based on personal interest to develop an appreciation for lifetime physical activity and skills associated with such activities.

Courses in this area will:

1. allow students to explore a variety of lifetime activities based on personal needs, interests, and abilities;
2. encourage students to use physical activity as an avenue for self-expression.
3. engage students through physical activity designed to promote elements of fitness such as muscular strength, muscular endurance, flexibility, and healthy body composition
4. explore the connection between mind and body;
5. help students appreciate lifetime activity, and its potential impact on health promotion and reduction of risk behavior.

Student Learning Outcomes

1. Students will have opportunities to demonstrate improvement in elements of fitness such as muscular strength and endurance, flexibility, and body composition.
2. Students will improve knowledge of rules, strategies, skills, and safety associated with the lifetime activity courses they choose to complete;
3. Students will develop skills that promote personal health, reduce risk behaviors, and explore the body-mind connection.

#### I. Global Cultures and Perspectives Requirement (GLOBL)

The nature of contemporary world events makes an understanding of global perspectives a necessary component of any good liberal arts education. It is increasingly necessary for people involved in business, politics, economic development, religious interaction, and everyday life to function across traditional linguistic and cultural boundaries. We are an increasingly shrinking and diverse world and that means that such goals as justice, dignity, peaceful co-existence and cooperation demand both our attention and increased skills and knowledge.

Courses in this area meet three goals:

1. Develop in students intercultural and/or cross-cultural understanding and empathy.

2. Guide students toward the competent use of epistemological models, analytic tools, and interactive/ participative opportunities that form the basis for intercultural and cross-cultural perspectives and understandings.
3. Enable students to recognize difference and reflect on their place in a pluralistic and interconnected world.

Courses in this area meet four criteria:

1. Provide students with an understanding of past or contemporary cultures, societies, religious worldviews and/or political/economic systems different from those of the dominant groups in the United States, Canada, and Western Europe. These may include one or more of the following: (1) the populations of South America, Asia, the Middle East, Oceania, and/or Africa; (2) the indigenous peoples of North America and/or Australia; (3) ethnic minority communities in Europe, such as Sami or Roma peoples. These populations may be studied in their original geographical settings and/or diasporic settings.
2. Address the shared beliefs, values, customs, behaviors, and artifacts in the cultures/societies being studied, as well as the existence of multiple perspectives within these cultures/societies.
3. Equip students with the tools or opportunity to identify, describe, and understand these cultures/societies, using materials (written, oral and/or visual) produced within those cultures/societies when possible.
4. Create an awareness in students of how aspects of cultures/societies are constructed and contested.

Courses in this area achieve four student learning outcomes:

1. Students will show knowledge of the contemporary or past cultures, societies, religious worldviews, and/or political/economic systems of the populations being studied in the course.
2. Students will articulate an informed understanding of the shared beliefs, values, customs, behaviors, and artifacts of the cultures/societies being studied, as well as of multiple perspectives within those cultures/societies.
3. Students will identify, describe and understand the cultures/societies being studied using written, oral and visual materials produced within the cultures/societies where applicable.
4. Students will demonstrate an awareness of ways that aspects of cultures/societies being studied are constructed and contested.

#### 1.1.1 Review of the Liberal Arts Perspective Program (Curriculum I)

The Curriculum Committee, in conjunction with the Committee for the Assessment of Student Learning and the Director of General Education, will carry out an ongoing assessment of the Liberal Arts Perspective program of Curriculum I. This assessment will consist of a review at the course level, the area level, and the program level.

At the course level, evidence relating to established student learning outcomes will be collected annually by the above committees in order to be used in the 5-7 year review of the area.

At the area level, each area within the Liberal Arts Program is to be reviewed on a 5-7 year cycle. This review will consist of a review of the current area description, course criteria, and student learning outcomes. Any revisions to the area will be sent to the Curriculum Committee which then proposes handbook language changes (if necessary). If there are revisions, all courses in that area will come up for reapproval for area credit.

At the program level, after each cycle of area reviews is complete, the entire Liberal Arts Perspective program will be reviewed. This review will utilize the information obtained by the annual course data and the information gained from the area reviews. Any changes to be made at the program level will be sent to the Curriculum Committee which then proposes handbook language changes (if necessary).

## 1.2 The First Term Seminar Program

As part of their first semester course schedule, Liberal Arts Perspective students entering Gustavus Adolphus College as first-year students enroll in one course designated FTS-100: First Term Seminar (FTS). The FTS is a small, discussion-based course, centered on recognizing and exploring questions of values, that introduces students to skills and habits of mind central to the liberal arts: writing, oral communication, and critical thinking. In addition, the FTS professor serves as the academic advisor until a major is declared. Each FTS carries a WRITI designation; FTS courses do not carry a general education core area designation. A full list and description of FTS offerings is published for entering students before registration.

Courses approved to be First Term Seminars address the following criteria and student learning outcomes: First Term Seminars promote both an empathetic examination of the values of others and the development and articulation of one's own values as part of a liberal arts education that encourages responsible use of knowledge. Indeed, a focus on values permeates the FTS Program, shaping the Program's goals in writing, oral communication, critical thinking, and advising.

*Programmatic Student Learning Outcome:* Having examined the conflicting value choices of the ethically complex world in which we live, and reflected on how these values shape their ethical decisions, students will be able to articulate their own values and communicate those values to others.

**1. Writing Goal:** The FTS Writing component promotes writing as a creative and critical process in which writers engage with the ideas of others. In FTS, students write to express their own ideas and to inform and communicate with others. Good writers make both stylistic and content-based choices to accommodate different purposes, contexts, and audiences. These rhetorical choices help writers make their cases in the most effective ways possible. In FTS courses, students will use writing as a means of creative expression and intellectual growth; learn to make effective choices as writers, considering purpose, audience, context, and style whenever they write; cultivate an awareness of the values that inform choices made by writers, themselves and others; and develop flexible strategies for generating ideas, drafting, revising, and polishing their writing.

*Writing Criteria:* FTS courses will

1. Provide frequent opportunities to write informally as a way to master unfamiliar concepts, explore ideas, and to practice techniques for communicating effectively.
2. Engage students in a process-based (iterative) approach to writing by having multiple opportunities for planning, drafting, and revising their work with instructor and peer feedback.
3. Guide students through at least two (and preferably more) formal assignment(s), grounded in the writing process, and focused on building skills in critical inquiry, argumentation, and communication to a public audience.

*Student Learning Outcome: (SLO #1)* Students will be able to identify different purposes, contexts, and audiences for their writing; they will demonstrate the ability to adapt the style and content of their writing in order to communicate effectively in a variety of situations.

**2. Oral Communication Goal:** The FTS Oral Communication component promotes reasoned discourse, creative expression, and development of one's own values and voice in critical interaction with others through both oral presentation and discussion. Effective communicators consider purpose, audience, and context when constructing their messages and understanding the messages of others.

*Oral Communication Criteria:* FTS courses will

1. Provide frequent opportunities to participate in classroom discussions as a way to learn to articulate ideas, actively listen to others, consider alternative positions, and to practice techniques for communicating effectively in different contexts.
2. Guide students through at least one (and preferably more) formal assignment(s), in which students will learn to develop a topic in order to inform or persuade their audience.



3. Teach students how to use language that is appropriate to the topic, audience, purpose, and context.  
*Student Learning Outcome: (SLO #2)* Students will be able to identify different purposes, contexts, and audiences for their oral communication; they will demonstrate the ability to adapt the style and content of their oral communication in order to communicate effectively in a variety of situations including discussions and formal presentations.

**3. Critical Thinking Goal:** The FTS Critical Thinking component promotes a commitment to the application of reason to one's own ideas and those of others, a willingness to consider the perspectives and values of others, and an awareness of the limits of any given epistemology. These habits of mind, central to the liberal arts, help the individual find a meaningful place in a larger society and form one of the cornerstones of lifelong learning.

*Critical Thinking Criteria:* FTS courses will

1. Provide frequent opportunities to identify the purpose of a text, identify concepts that shape an argument, and assess the evidence used to support an argument.
2. Provide frequent opportunities to identify how contexts and unstated assumptions influence arguments, identify the implications and consequences of arguments, and to identify and evaluate alternative perspectives.
3. Allow students to articulate their own perspective, identify the influences that shape it, present relevant evidence to support their own arguments, and develop original and creative solutions to complex problems.

*Student Learning Outcome: (SLO #3)* Students will be able to thoughtfully analyze questions from multiple perspectives; will identify how contexts and unstated assumptions influence arguments; will identify the implications and consequences of arguments; will develop original and creative solutions to complex problems; and will identify and evaluate alternative perspectives.

**4. Advising Goal:** The FTS advising component promotes a holistic approach to advising, emphasizing both academic advising and developmental advising designed to introduce students to College resources and to foster a mentoring community on campus. FTS professors serve as first-year advisors until advisees declare a major or are admitted into a certification program (Athletic Training, Education, Nursing). In this capacity, they work alongside students to plan their liberal arts education, refer them to campus resources, and help them to think about possibilities for their college career and beyond.

*Advising Criteria:* FTS Courses will

1. Introduce students to the process of academic planning, searching for classes, using WebAdvisor, and reading degree audits.
2. Introduce students to College policies, procedures, and deadlines.
3. Encourage students to advocate for themselves, take ownership for their learning, become responsible and accountable as independent learners, and ultimately become their own best advisors.
4. Introduce students to campus resources and out-of-classroom learning opportunities with the goal of experiencing Gustavus as a community of learners.

*Student Learning Outcome: (SLO #4)* Students will demonstrate an understanding of the liberal arts curriculum at Gustavus; will demonstrate familiarity with campus resources related to advising, including using WebAdvisor; and will demonstrate an understanding of how the College functions as a community of learners.

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### 1.3 The Three Crowns Curriculum

The Three Crowns Curriculum is a second way to fulfill general education requirements at Gustavus Adolphus College. Departments offer faculty to teach within the curriculum as part of their contribution to general education. As an alternative, integrated approach to general education, it explores our intellectual

history, the relatedness of various fields of learning, and a theme of “individual and community.” Students are challenged to address ethical values questions both in class and in out-of-class Three Crowns-sponsored cultural, social, and intellectual activities. Three Crowns Curriculum courses are open to Three Crowns students only. The program is available to any entering first-year student, subject only to a limitation of 60 students per entering class. It is supported by a grant from the National Endowment for the Humanities and enrolls students from all the major fields of study.

The Three Crowns Curriculum explores connections among academic disciplines and introduces students to different ways of knowing, providing a breadth of knowledge and a depth of understanding, which complements the more specialized study that is represented by a student’s major. It consists of a specially prepared sequence of discussion-oriented courses, which students take together in a cohort. Integrated courses build upon each other to create a common body of knowledge that is shared among students. Students find themselves consciously and continually making connections among disciplines that at first glance may appear quite disparate, as well as making connections between education and character, ideas and values, learning and lives. In our tradition as a church-related liberal arts college, students study a broad spectrum of disciplines to develop their whole persons: body, mind, and spirit. A distinguishing feature of the Three Crowns Curriculum is the ethical component that runs through the program, from the beginning course Individual and Morality to the capstone Senior Seminar. The program helps each student to develop their capabilities and grow into a balanced and well-rounded person, prepared for both a vocation and a life. The Three Crowns Curriculum seeks to give students the capacity for a critical examination of themselves and their traditions—to understand the history that has shaped them, their ideas, and their world, and to ponder the big questions. Students develop and demonstrate knowledge of the evolution of ideas and cultures across time and learn to appreciate the artistic, literary, religious, philosophical, and scientific roots that underlie our modern society. The Three Crowns Curriculum presents the history of ideas through the study of classical and biblical texts, ethical and political philosophy, artistic and literary works, and social and physical science. Students are challenged to analyze the role of the Western canon and how it is formed, to articulate and evaluate the validity of ideas, and to question unstated assumptions, both past and present. An important component of the program is how students learn to posit and defend answers to 3cc integrating questions, while developing an understanding of answers that may differ from their own. It is our hope that through the exploration of enduring questions, students may come to accept responsibility for themselves, for each other, for their communities, and for the earth.

Three Crowns Curriculum classes are especially effective in promoting the open exchange of ideas and the individual pursuit of learning. Students find that since the classes are discussion-oriented, built from a common base of knowledge, and because there is a heightened level of trust, the resulting conversations can be deeper and more candid. Although the Three Crowns Curriculum is not an honor’s program due to its commitment to egalitarian values, it nonetheless pushes and supports all of its students to attain their full personal and intellectual potential through a combination of challenge and care. The total experience of the Three Crowns Curriculum should nurture intellectual curiosity and integrity, foster reasoned and responsible citizenship, and enable students to answer 3cc integrating questions within a bonded community of learners. The Three Crowns Curriculum Integrating Questions:

1. What are different ways of knowing?
2. What does it mean to be human?
3. What can we learn about the human condition or human history from an artistic or literary work?
4. What constitutes moral and ethical behavior?
5. How did society come to be this way?
6. How do individuals construct local and global community?
7. What makes for a good life?

The Three Crowns Curriculum encourages students to think critically while emphasizing connections, ideas, and values—the three crowns of the 3cc general education curriculum.

The Three Crowns Curriculum meets the institutional student learning outcomes of the college as a whole.

The Three Crowns Curriculum Student Learning Outcomes:

1. Academic Skills and Abilities

Students will master academic skills and exhibit certain essential abilities, such as critical thinking, analytical argumentation, written and oral communication, and creative expression.

2. Knowledge of Intellectual History

Students will demonstrate knowledge of the artistic, literary, religious, philosophical, and scientific roots that underlie our modern society and develop an understanding of the evolution of ideas across time.

3. Interdisciplinarity and Integration of Knowledge

Students will demonstrate their comprehension of the connections between fields of knowledge. Students will apply the seven integrating questions in Three Crowns courses and other relevant learning opportunities.

4. Ethical Reflection and Moral Development

Students will reflect upon ethical theories, demonstrate their capacity to engage in moral argumentation, consider the practical implications of moral choices, and apply ethical principles to their lives.

5. Relationship between Individual and Community

Students will explore their relationships with the various local and global communities of which they are a part. Informed by their education and experiences in the Three Crowns Curriculum, students will solidify their individual worldviews as they identify ways in which they might better serve their communities.

6. Intentional Building of Community

Students will form personal and intellectual relationships with Three Crowns faculty and students through shared experiences, both within the curriculum cohort and during out-of-class Three Crowns Curriculum community building activities.

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## **Appendix B: Requirements and Criteria for Courses Satisfying the Writing Requirement (WRITI and WRITD)**

The Writing Across the Curriculum Program affirms that students can best learn the conventions of academic writing by taking writing intensive courses in multiple disciplines. In the process, they use writing to discover and construct new knowledge and to communicate their ideas to others. Courses that fulfill the writing requirement focus on developing students' rhetorical knowledge, meaning their ability to analyze and act on understandings of audience, purpose, and context. Such courses also should contribute to students' growth in critical thinking, that is, their ability to analyze a situation or text and respond by making thoughtful decisions grounded in reading, research, and writing.

Writing Across the Curriculum courses help students attain interdisciplinary competence. Also, by teaching students to write for audiences with a variety of cultural and disciplinary values, these courses prepare Gustavus students to participate fully as citizens. They contribute to the College's central purpose: "... to help its students attain their full potential as persons, to develop in them a capacity and passion for lifelong learning, and to prepare them for fulfilling lives of leadership and service in society."

Gustavus requires students to complete THREE designated writing requirement courses from at least two different departments in order to graduate. Generally, one of these courses should be taken in the first year (typically in the First Term Seminar or the Three Crowns Curriculum equivalent). Students then complete the writing requirement by taking two additional courses (WRITI, WRITD). At least one designated writing course must be taken as part of a student's major and one must be a WRITD course.

## **Writing Across the Curriculum: Program Goals and Student Learning Outcomes**

Writing Across the Curriculum courses demonstrate that writing is always an act of negotiation, in which readers and writers from different cultural or disciplinary contexts must help one another understand their beliefs, values, and choices. As they learn to negotiate meaning with diverse audiences, students are equipped to become members of diverse communities and to participate fully within them. To achieve this larger purpose, Writing Across the Curriculum courses should address the following goals.

Goal 1: Develop rhetorical competency. Writing Across the Curriculum courses enable students to make effective choices of form, style, and content suited to the purpose, audience, and circumstances for a given writing task. Such rhetorical competency enables full civic participation.

*Student Learning Outcome 1: Students choose effective rhetorical strategies shaped by their appreciation for the purpose, audience, and context for the writing task.*

Goal 2: Foster creativity and self-expression. Writing Across the Curriculum courses encourage students to use writing as a means of creative self-expression and intellectual exploration, by providing opportunities for students to write both formally and informally. Such creativity and self-expression helps Gustavus students develop their full potential as persons.

*Student Learning Outcome 2: Students use writing as a tool to explore ideas, assimilate new knowledge, and reflect on the purpose of their learning.*

Goal 3: Promote critical thinking through the effective use of argumentation. Writing Across the Curriculum courses promote critical thinking – thoroughly exploring issues, ideas, and values before accepting or formulating a judgment or conclusion – by requiring students to analyze how written works explain, persuade, and communicate with diverse audiences. In their course work, students will evaluate their own use of evidence, assumptions, and argumentative strategies when writing to explain, persuade, and communicate with diverse audiences.

*Student Learning Outcome 3: Students use writing to evaluate texts critically, and to create arguments that communicate effectively with varied audiences, while acknowledging the limits of their own judgments.*

Goal 4: Develop the writing process. All Writing Across the Curriculum courses provide multiple opportunities for students to draft, revise, and edit their work. They require students to examine their own writing practices, identify the processes that work best for them as they move from one writing situation to another, and practice these processes.

*Student Learning Outcome 4: Students develop a flexible process for writing that includes self-reflection and strategies for responding to feedback, enabling them to draft, revise and polish written work effectively.*

Goal 5: Promote fluency in disciplinary conventions. WRIT courses introduce students to scholarly conversations and writing conventions, which may be pertinent to the course's disciplinary "home." In WRITD courses, students examine the rhetorical and formal conventions that distinguish the scholarly discourse of the discipline represented by the course. They will complete assignments that exemplify the discipline's structures, genres, and conventions. Active use of disciplinary conventions enables students to recognize the "ways of knowing," and communicating, distinctive to their fields.

*Student Learning Outcome 5: Students create written works that exemplify the structures, genres, and conventions of the discipline.*

### **Writing in First Year Courses (FTS and Three Crowns Curriculum)**

The First Year writing component promotes writing as a creative and critical process in which writers engage with the ideas of others. In First Year writing courses, students write to express their own ideas and to inform and communicate with others. Good writers make both stylistic and content-based choices to address different purposes, contexts, and audiences. These rhetorical choices help writers make their cases in the most effective ways possible.

**Goals:** In First Year courses, students will

1. Learn to make effective choices as writers, considering purpose, audience, context, and style whenever they write, based on models introduced in the course;
2. Use writing as a means of creative expression and intellectual growth;
3. Cultivate an awareness of the values that inform choices made by writers, themselves, and others;
4. Develop flexible strategies for generating ideas, then drafting, revising, and polishing their writing.

**Criteria:** In First Year courses, students will

1. Have frequent opportunities to write informally as a way to master unfamiliar concepts, explore ideas, and practice techniques for communicating effectively;
2. Engage in a process-based (iterative) approach to writing by having multiple opportunities for planning, drafting and revising their work with instructor and peer feedback;
3. Be guided through at least two formal assignments focused on building skills in critical inquiry, argumentation, and communication to a public audience, using a process-based approach.

### **Student Learning Outcomes**

*Student Learning Outcome 1: Students choose effective rhetorical strategies shaped by their appreciation for the purpose, audience, and context for the writing task.*

*Student Learning Outcome 2: Students use writing as a tool to explore ideas, assimilate new knowledge, and reflect on the purpose of their learning.*

*Student Learning Outcome 3: Students use writing to evaluate texts critically and to create arguments that communicate effectively with varied audiences, while acknowledging the limits of their own judgments.*

*Student Learning Outcome 4: Students develop a flexible process for writing that includes self-reflection and strategies for responding to feedback, enabling them to draft, revise and polish written work effectively.*

**WRITING INTENSIVE (WRITI) COURSES:** Writing Intensive (WRITI) courses build on and expand the goals set for writing in First Term Seminars or the Three Crowns Curriculum equivalent. They require students to use writing as a tool for learning and as a way to enter scholarly conversations about topics presented in a course. As a general guideline, writing in various forms should account for at least 40 percent of the student’s final grade. Because WRITI courses require substantive writing projects and intensive revision cycles, enrollments should be limited to 20 or fewer students.

**Goals:** In WRITI courses, students will

1. Complete assignments that build on writing skills they have practiced in other courses;
2. Use writing-to-learn exercises to increase their understanding of material, writing informally and often as a way to master unfamiliar concepts and content. This writing can be ungraded, or selectively graded with the goal of evaluating a student’s curiosity, creativity, persistence, engagement, and capacity for metacognition;<sup>1</sup>
3. Enter course-related scholarly conversations via writing-to-communicate exercises, in which they supply accurate evidence, support an argument logically, and provide adequate documentation of their sources;
4. Engage in multi-stage writing projects.<sup>2</sup>

**Criteria:** In WRITI courses, students will

1. Complete at least one major writing assignment (in stages, with revision cycles), or a series of smaller writing projects (3-5), at least some of which may be revised before final grading.
2. Engage, during class time, in aspects of the writing process, 3 which may culminate in the

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<sup>1</sup> For a discussion of these terms, see the “Framework for Success in Postsecondary Writing” (2011), issued jointly by the Council of Writing Program Administrators (CWPA), the National Council of Teachers of English (NCTE), and the National Writing Project (NWP), <http://wpacouncil.org/framework>

<sup>2</sup> WRITI courses should require students to engage in substantive revision that reflects new knowledge and results in changes or additions to the content and organization of their texts. While it is important for students to fix errors in spelling and grammar, correcting surface features is not the same as substantive revision of content or structure. Also, assignments and due dates should be spread out over the semester, so that students can develop skills they learn in earlier assignments.

development of a scholarly work. That is, the final “product” of the course need not be a written work, but extensive and frequent writing supports its development.

3. Students might respond to, evaluate, and revise their own and others’ writing, or discuss formal and informal writing assignments and ways to approach them. These courses do not require instruction in grammar, punctuation, or the mechanics of writing, although that is an option.

3. Have frequent opportunities to practice making effective rhetorical choices, in which they successfully suit the form of communication to a situation and audience typical of the discipline represented by the course.

4. Receive feedback from instructors at multiple stages of writing projects.

**Student Learning Outcomes, WRITI courses:**

*Student Learning Outcome 1: Students choose effective rhetorical strategies shaped by their appreciation for the purpose, audience, and context for the writing task.*

*Student Learning Outcome 2: Students use writing as a tool to explore ideas, assimilate new knowledge, and reflect on the purpose of their learning.*

*Student Learning Outcome 3: Students use writing to evaluate texts critically, and to create arguments that communicate effectively with varied audiences, while acknowledging the limits of their own judgments.*

*Student Learning Outcome 4: Students develop a flexible process for writing that includes self-reflection and strategies for responding to feedback, enabling them to draft, revise and polish written work effectively.*

**Writing in the Disciplines (WRITD)** courses build on students’ existing writing skills but focus their attention on particular disciplinary conventions and research methods, as well as the forms and genres valued most within a given discipline. Since each discipline has its own conventions of form, style, language use, methods, evidence, and citation, each department is required to offer at least one WRITD course, annually if possible. WRITD courses ideally should be at level three but may be offered at level 2.

Taken together, all of the writing assignments in the course must count substantially toward the students’ final grades in the course. Because WRITD courses require substantive writing projects and intensive revision cycles, enrollments should be limited to 20 or fewer students.

**Goals:** In WRITD courses, students will:

1. Develop and use a range of writing strategies typically used in the discipline to explore and develop new ideas and/or research questions.
2. Use discipline-specific genres to communicate information, based on models introduced and discussed in the class.

**Criteria:** In WRITD courses, students will

1. Be required to search for at least some of the texts, data, artifacts, artworks, etc., that they will be writing about (in some courses, students may generate some or all of their own data through interviews, experiments, observations, artwork, composition, etc.);
2. Engage in writing assignments that develop students’ ability to find, evaluate, and incorporate outside source material into their writing, as appropriate to the discipline;
3. Complete one or more major writing assignments (in stages, with revision cycles), or a series of smaller writing projects (3-5), at least some of which may be revised before final grading.
4. Spend some class time engaged in activities involved in the writing process.

**Student Learning Outcomes:**

*Student Learning Outcome 1: Students choose effective rhetorical strategies shaped by their appreciation for the purpose, audience, and context for the writing task.*

*Student Learning Outcome 2: Students use writing as a tool to explore ideas, assimilate new knowledge, and reflect on the purpose of their learning.*

*Student Learning Outcome 3: Students use writing to evaluate texts critically, and to create arguments that communicate effectively with varied audiences, while acknowledging the limits of their own judgments.*

*Student Learning Outcome 4: Students develop a flexible process for writing that includes self-reflection and strategies for responding to feedback, enabling them to draft, revise and polish written work effectively.*

*Student Learning Outcome 5: Students create written works that exemplify the structures, genres, and conventions of the discipline.*

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## **Appendix C: Requirements and Criteria for Courses Satisfying the Interim Experience (IEX)**

### **1.1 Mission of IEX**

The mission of the Interim Experience (IEX) is to provide ways for faculty and students to take advantage of the January interim's unique qualities in developing courses and other learning opportunities that enrich and expand upon (but generally do not duplicate) the College's regular semester curricular offerings. The institutional mission of the College calls for balancing educational tradition with innovation; study within a general framework that is interdisciplinary and international in perspective; and preparation of students to lead lives of leadership and service. The goals of the IEX are consistent with this larger institutional mission. IEX will provide for experiential learning both on campus and off campus through:

1. International and domestic study away courses
2. Career exploration and vocational reflection
3. Courses that are experimental and/or interdisciplinary
4. Independent studies and student/faculty collaborative research and creativity
5. Institutional exchanges with other 4-1-4 colleges
6. Special opportunities for first-year students to continue their transition to college life and the greater expectations placed on adult learners

### **1.2 Course Approval**

All IEX courses must meet the following criteria:

1. Approved IEX courses will engage students in ways that specifically capitalize on the unique opportunities provided by the one-month interim schedule. The course proposal will describe activities that can be better accomplished when students have the opportunity to travel or to spend extended periods of time in the laboratory, the studio, the library, or in other places conducive to discovery and creativity.
2. Approved IEX courses will engage students (alone or collaboratively) in experiential learning activities. Examples include:
  - a. Hands-on classroom activities (active learning)
  - b. Laboratory or field research
  - c. Library scholarship
  - d. Creative / performance projects
  - e. Composition
  - f. Service-Learning / Community Service
  - g. Debates and other presentations
  - h. Day trips and speaker visits.
  - i. Retreats
  - j. Travel (domestic and international)
  - k. Career Exploration
  - l. Leadership development
3. All IEX one-credit courses will count toward two Interim Experience requirements for graduation.

4. Approved IEX courses may carry major credit when the proposal demonstrates that the above criteria are met and that the goals intended by the major requirements are met through an IEX immersion experience.
5. Approved IEX courses may carry general education credit only in rare cases, when the proposal demonstrates that the above criteria are met and that the goals intended by the general education area are met through an IEX immersion experience. In this case, exemption requests must be approved by the Curriculum Committee. Please refer to the Curriculum Committee website (<https://gustavus.edu/committees/curriculum>) for criteria and the procedure for requesting an exemption.

### **1.3 IEX Policies**

1. IEX Course Numbers: IEX courses will be designated by departmental, NDL or IDS designation. Level I courses are entry level and are suitable for all students. Level II courses are generally accessible by all students but may require specific background. Level III courses are for the more advanced student.
2. IEX Instructors: Because of the unique nature of IEX courses, staff and administrative employees who are not regular Gustavus faculty may propose to teach an IEX course (or team-teach a course with a faculty instructor). All courses will be subject to normal faculty course approval processes, regardless of the employment status of the instructor.
3. IEX Course Length: Depending on the subject or approach of the instructor, it may be desirable to design a course that will be two weeks in duration, rather than a full four weeks in length. In the case where a person offers a course for less than the full four weeks' duration, normally that course will be repeated (2 x 2 week course) and will be packaged by the IE Office with another partial-term offering so that each student's registration will be for the full four-week period
4. IEX Credit: Satisfactory participation is required in two full January interim terms (grade of P, or for courses with a letter grade, an A, A-, B+, B, B-, C+, C, C-, or D). If a student takes courses for more than two full interim term courses, these credits will not count toward the graduation course total but may satisfy major or general education requirements. Students will not receive credit for an interim course (4-1-4 exchange included) if the course is similar to one they've already completed for credit.
5. Major/Area Credit: Any Interim term course approved to fulfill a major or a general education area requirement cannot be taken on a pass/fail basis and will not count toward graduation as part of the required 32 semester course credits. It will count toward the two required January interim credits. Such courses should not represent the sole method that students have available to them to satisfy a given major/area requirement (exceptions to this policy will only be made with the approval of the Curriculum Committee and for compelling reasons which must be stated in detail).
6. First-year students: First-year students are strongly encouraged to enroll in an IEX course. First-year students may apply for any of the January off-campus study courses offered through the Center for International and Cultural Education. First-year students may not take Career Explorations and Independent Studies.
7. Grades: Grades not calculated in the grade-point average are: P (pass), I (incomplete), W (withdrawal). A student may withdraw from an IEX course any time prior to the end of the third day without having their course participation recorded on the transcript. Withdrawals after this time will be recorded as a "W." In courses with a grading option, students will select (with their instructor) their option by the end of the third day of the interim term (the drop-add deadline). A student may not withdraw from a month-long course after the third week of the interim term. A student may not withdraw from a two-week course after the first week of the course. Courses for which a student is registered after this time will receive a final grade. Non-Gustavus interim term courses accepted in transfer shall not be calculated in the grade-point average (UMAIE courses are an exception).



Gustavus IEX letter grades, including failing (“F”) grades, are included in the grade-point average calculation.

8. Cancellation: Courses may be subject to cancellation if they enroll five or fewer students per faculty member teaching the course.
9. Participation: Students on academic probation are not permitted to participate in internship, career exploration, study abroad programs, or off-campus IEX courses. Students who register for such programs and courses accept the financial risks associated with being barred from participating, should they be on academic probation or suspended when the term begins. These financial risks include, but are not limited to, unrecoverable deposits, fares, reservations, and pro-rated group travel costs. The College reserves the right with 24-hour notification to suspend students if their academic performance is regarded as undesirable during the semester in which they are on academic probation. Students on disciplinary probation are not permitted to participate in internship, career exploration, or study abroad programs, or off-campus IEX courses. Students who register in such programs and courses accept the financial risks associated with being barred from participating, should they be on disciplinary probation or suspended when the term begins. These financial risks include, but are not limited to, unrecoverable deposits, fares, reservations, and pro-rated group travel costs. The College reserves the right to remove a student on disciplinary probation from a course or program if it deems such action to be in the best interest of the student, the College, or the program/course. Parents of dependent students are notified when a student is placed on Disciplinary Probation.
10. Registration: IEX course registration follows the same procedure as regular registration (i.e., priority by class year), with exceptions: first-year students register first, followed by sophomores, juniors, and then seniors.
11. Overloads: Students may enroll in a maximum of 1.25 courses during the interim term. However, fractional courses beyond 1.0 may not be used to reduce the requirements that each student be enrolled for a normal one-course load in at least two interims. A pro-rated overload fee will be added to a student’s account.
12. Course by Arrangement: Only IEX approved courses may be offered as a Course by Arrangement during the interim term. If a major or minor program requires a thesis or project, that requirement may be fulfilled in Interim term.
13. Independent Study: Independent study courses will be counted as fulfilling an IEX requirement, but will not count toward the 32 semester courses required for graduation. If a major or minor program requires an independent study, that requirement may be fulfilled in Interim term.
14. Travel Courses: International or domestic off-campus study courses will be counted as fulfilling an IEX requirement, but generally will not count for major or general education credit, unless approval is granted, in advance, by the Curriculum Committee.
15. Housing Policy: While Gustavus requires only two IEX credits to fulfill graduation requirements, students are allowed to enroll for the interim term each year. Out of courtesy and respect for those who are enrolled, the College has established a policy that non-registered students may not occupy campus housing during the interim term. Exceptions for special circumstances may be granted on a case-by-case basis by appealing to the Director of Residential Life.
16. Career Exploration (CE) is an academic program of the College. Course credit must be sponsored by a faculty member from an academic department whose discipline is related to the career exploration. The course shall be graded on a pass/fail basis. See the Career Center for registration procedures. If a major or minor program requires a career exploration, that requirement may be fulfilled in Interim term.
17. Transferring to Another 4-1-4 Institution: Students who would like to attend another 4-1-4 college during Interim term may choose from approximately fifty institutions in the United States. A student

who is on academic or disciplinary probation will not be eligible to attend another 4-1-4 institution. For a complete list of current 4-1-4 colleges, see the Provost's Office. Contact the Provost's Office for 4-1-4 transfer policies and procedures.

18. Students Visiting Gustavus During Interim Term: Contact the Provost's Office for 4-1-4 transfer policies and procedures.

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## Appendix A2, B2, and C2 – New General Education Curriculum

As amended and approved at the April 12, 2019, faculty meeting

### Appendix A2: Requirements and Criteria for General Education Courses

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#### I. General Education Student Learning Outcomes

In addition to the area-specific Student Learning Outcomes (SLOs), every General Education course must also address each of the following four SLOs:

1. Students will be able to analyze enduring and contemporary questions or challenges from multiple disciplines, using qualitative and quantitative methods;<sup>[SEP]</sup>
2. Students will be able to use ethical, religious, or philosophical frameworks to evaluate their own and others' responses to enduring and contemporary challenges
3. Students will be able to examine issues of cultural difference both locally and globally;<sup>[SEP]</sup>
4. Students will be able to communicate effectively in written, spoken, and creative expression with a variety of audiences.

#### II. Arts

##### A. Course Description:

The arts expand our capacity for imaginative, interpretive and empathetic engagement in society, and develops the innovative thinking essential for addressing the challenges of our time. Courses in this area provide students with intellectual, embodied and practical experiences that open new paths to understanding and interpreting themselves and the world they inhabit. Through engagement and immersion in the creative process, students learn how the arts historically represent, reinforce, and/or critique culture. Students also learn crucial interpersonal and organizational skills such as critical thinking, leadership, creative research and problem solving, strategies for collaboration, intercultural communication, attention to detail, discipline, and community engagement.

##### B. Criteria: Arts courses will

1. Promote an understanding of the interaction among the arts, culture, society, artist and audience.
2. Provide opportunity for students to engage in, and develop an understanding of, the creative process.
3. Help students develop analytical, interpretive, or evaluative skills appropriate to the study, performance, and/or creation of at least one of the visual and performing arts.

##### C. SLOs: Arts students will

1. Analyze enduring and contemporary questions or challenges through the lens of the arts.
2. Create, perform, and communicate about the arts to an audience through written, spoken, and/or embodied creative expression.

#### III. Challenge Seminars

##### A. Course Description:

The Challenge Seminar bookends the First Term Seminar by providing students an opportunity to collaboratively examine and propose responses to enduring and contemporary questions or challenges from an interdisciplinary perspective. Students will also have an opportunity to engage in reflection about how the college's mission and their education as a whole has influenced their personal values, plans for life after college, and the role they see for themselves in the world.

Like the First Term Seminar, these courses will explore how values relate to a complex challenge and engage students in critical thinking, writing, speaking, and reflection.

**B. Criteria:** Challenge Seminar courses will

1. Involve students in exploring a particular challenge or a pressing ethical question.
2. Devote significant time to working together to propose solutions to a problem or create something with a public audience in mind. The focus should be on deliberation, interpretation, and critical thinking rather than on coming to a firm conclusion or polished project.
3. Provide students with opportunities to reflect on how the college's mission and their education as a whole has influenced their personal values, plans for life after college, and the role they see for themselves in the world.

**C. SLOs:** Challenge Seminar students will

1. Collaboratively analyze and respond to a significant enduring question or contemporary challenge, incorporating perspectives from multiple disciplines.
2. Draw on ethical, religious, or philosophical frameworks to evaluate their own and others' responses to this challenge.
3. Examine how issues of cultural difference, both globally and locally, intersect with this challenge.
4. Seek out, critique, and adapt others' ideas as they negotiate responses to specific challenges.
5. Reflect on how the college's mission and their education as a whole has influenced their personal values, plans for life after college, and the role they see for themselves in the world.

#### **IV. First-Term Seminar Program**

**A. Program Description:**

First-year Gustavus Adolphus College students that enter the Challenge Curriculum enroll in a fall semester course designated FTS-100: First-Term Seminar (FTS). These small, discussion-based courses introduce students to skills and habits of mind central to the liberal arts: critical thinking, writing, and speaking. While practicing these skills and habits, students explore and develop values as they consider enduring and contemporary questions or challenges. Thus, FTS promotes empathetically examining the values of others and reflecting upon, developing, and articulating one's own values. This focus on values permeates the FTS Program, shaping all of its goals. In addition, the FTS professor serves as the academic advisor until students declare a major or are admitted into a certification program (e.g., Athletic Training, Education, Exercise Physiology, Nursing). Each FTS carries a WRIT designation; FTS courses do not carry a general education core area designation. A full list and description of FTS offerings is published for entering students before registration.

**B. Programmatic SLO:** FTS students will

1. Articulate their values, communicate them to others, and reflect on how values shape decisions in an ethically complex world.

**C. Critical Thinking:**

1. **Description:** Critical Thinking involves applying reason to ideas, a willingness to consider the perspectives and values of others, and an awareness of the limits of any given epistemology.
2. **Criteria:** FTS courses will
  - a. Provide frequent opportunities to identify the purpose of a text, identify concepts that shape an argument, and assess the evidence used to support an argument.

- b. Provide frequent opportunities to participate in classroom discussions as a way to learn to articulate ideas, actively listen to others, and consider alternative positions.
  - c. Provide frequent opportunities to identify how contexts and assumptions influence arguments, identify the implications and consequences of arguments, and to identify and evaluate alternative perspectives.
  - d. Allow students to reflect upon and articulate their own perspective, identifying the influences that shape it, and to present relevant evidence to support their own arguments.
3. **SLO:** FTS students will
- a. Evaluate arguments and their underlying assumptions from multiple perspectives.

D. Writing and Speaking:

1. **Description:** Writing and speaking are creative and critical processes that students use to engage with others. Good writers and speakers accommodate different purposes, contexts, and audiences. These rhetorical choices help communicators make their cases in the most effective ways possible.
2. **Criteria:** FTS courses will
  - a. Provide frequent opportunities to write and speak informally as a way to engage unfamiliar concepts, explore ideas, and practice techniques for communicating effectively.
  - b. Guide students through at least two formal argumentative writing assignments for specific audiences that utilize a process-based approach that provides opportunities for students to plan, draft, revise, and edit their work with instructor and peer feedback.
  - c. Guide students through at least two short (2-5 minute) oral presentations for specific audiences, with instructor and/or peer feedback, that prepare students for or rehearse arguments made in written assignments.
  - d. Invite students to reflect, in writing and when speaking, on who they are and what they learn during the course.
3. **SLOs:** FTS students will
  - a. Consider purpose, audience, and context when writing and speaking.
  - b. Make and support claims when writing and speaking.

E. Advising:

1. **Description:** Advising emphasizes an introduction to College resources and the College curriculum, encourages students to explore their values, and fosters a mentoring community on campus. FTS professors work alongside students to plan their liberal arts education, refer them to campus resources, and help them think about possibilities for their college career and beyond.
2. **Criteria:** FTS courses will
  - a. Introduce students to the process of academic planning, searching for classes, using the College's systems for registration and advising, and reading degree audits.
  - b. Introduce students to College policies, procedures, and deadlines.
  - c. Encourage students to advocate for themselves, take ownership for their learning, become responsible and accountable as independent learners, and ultimately become their own best advisors.
  - d. Introduce students to campus resources and out-of-classroom learning opportunities with the goal of engaging in a community of lifelong learners.
3. **SLO:** FTS students will
  - a. Demonstrate familiarity with the College curriculum and campus resources related to advising.

**V. Global Contexts**

The goal of the global contexts general education requirement is for students to gain knowledge, understanding, and skills in multiple contexts that will allow them to act as responsible global citizens. Through the study of domestic diversity, global affairs and cultures, and non-English languages and cultures, students will be immersed in courses that provide sources, experiences, and knowledge that are likely to be unfamiliar to them. Through such study students should emerge with an increased understanding and critical perspective on some aspect of diversity in the United States and some aspect of global affairs and/or cultures,

and enhanced ability to engage with the world through languages and cultural perspectives other than their own. Together, the increased intercultural awareness and skills developed in such courses will help students to better understand their place in the world and make choices that acknowledge domestic and global diversity.

#### A. Global Affairs and Cultures:

1. **Course Description:** The global affairs and cultures requirement features courses that focus on topic(s) of global reach. Courses must examine those topics in the context of social, economic, cultural, political, or ecological environments, considering global interactions and interconnections. These interconnections can be manifested locally, nationally, regionally, or across the entire planet in relation to human populations that can include majorities, minorities, indigenous peoples, transnational communities, stateless peoples, and others. In order to prioritize diverse voices, the courses must include, as much as possible, primary and secondary sources originating from the cultures included in the course.

1. **Criteria:** Global Affairs and Cultures courses will
  - a. Focus on topics of global reach, past and/or contemporary.
  - b. Place the topic(s) in a global context and in relation to human populations. “Global” here is not a geographical marker but signifies interconnections across familiar social, economic, cultural, political or ecological boundaries.
  - c. Include, as much as possible, primary and secondary sources from the cultures included in the course.
2. **SLOs:** Global Affairs and Cultures students will
  - a. Demonstrate knowledge of and a critical perspective on one or more topics of global reach, past or contemporary.
  - b. Demonstrate an understanding of the topic of the course in relation to human populations in their social, economic, cultural, political, or ecological environments.
  - c. Identify and explain multiple, culturally situated perspectives on the topic being studied.

#### B. Non-English Languages and Cultures:

1. **Course Description:** The Non-English Languages and Cultures Requirement emphasizes the essential role that language study plays in acquiring intercultural knowledge and participating meaningfully in global culture. The ability to operate between languages and cultures is essential for all of our students to think and act as responsible global citizens, to develop as effective communicators, and to understand the challenges of our world from diverse cultural perspectives. All students are required to take two sequential courses of a non-English language and culture at the college level to complete this requirement, preferably in the first two years of their studies. Students will be placed in the level appropriate to student competence as established by a formal evaluation.

Note: The working group has included extensive website language for exemptions and exclusions in a separate document.

2. **Criteria:** Non-English Languages and Cultures courses will:
  - a. Provide ample and constant opportunities for students to practice the non-English target language.
  - b. Meet proficiency benchmarks in reading, listening, speaking and writing skills set by the department or program offering the target language.
  - c. Integrate study of the target language with the study of relevant cultures.
  - d. Highlight ways in which cultural values and worldviews are articulated through the target language.
3. **SLOs:** Non-English Languages and Cultures students will
  - a. Increase their non-English language proficiency in listening comprehension, speaking, reading, and writing, as appropriate to the target language, in order to develop effective communication skills across languages and cultures.
  - b. Students will acquire knowledge and appreciation of products, practices, and perspectives of cultures related to the target language to develop the intercultural skills needed to ethically engage the world in its diversity.

- c. Students will place their own cultural values in dialogue with the values of cultures related to the target language to better understand connections and divergences among global cultures.
- 4. **Additional Considerations:** a third sequential semester of language study could count towards the Global Affairs and Cultures requirement, if that course meets the area designation criteria.

#### C. U.S. Identities and Difference:

1. **Course Description:** Courses in this area explore identity formation in the U.S. Identities along the lines of race, gender, class, and sexuality, among others, have played a crucial role in shaping the U.S. Most prominently, the U.S. has been shaped by multiple ethnicities and cultures as well as the construction of race particular to the U.S. and its territories. By exploring one or more non-majority racial and/or ethnic formation alongside at least one other identity category within particular times and locations, students examine separate and intersectional identity constructions in context. These courses will provide opportunities for students to reflect on their own identities in the US, as well as the varied ways in which difference and identity impact policies, institutions, and/or communities here and abroad.
2. **Criteria:** U.S. Identities and Difference courses will
  - a. Explore the ways that race and/or ethnicity have shaped U.S. identities and impacted policies, institutions, or communities within particular contexts.
  - b. Examine the intersectionality between race and/or ethnicity and at least one other category of identity in order to highlight the structures of power in which they operate.
  - c. Use a majority of course content on singular or multiple non-majority racial and/or ethnic groups or guiding frameworks grounded in theories of race and ethnicity.
3. **SLOs:** U.S. Identities and Difference students will
  - a. Analyze the experiences of one or more non-majority ethnic or racial groups in the U.S. and their relevant histories, policies, and/or political struggles.
  - b. Investigate injustices around identity construction in the United States at the personal and institutional levels.
  - c. Analyze the vital connections among identity, privilege, and power.
  - d. Reflect on their own identities within structures of power as they reflect on ways to foster a more just, equal, and inclusive society.

## VI. Humanities

### A. Course Description:

The humanities examine the question of what it means to be human through the study of artistic and literary expression, history, language, philosophy, rhetoric, and religion. They equip us to understand and evaluate human thought, culture, and history, and the ways in which human beings construct meaning from experience. They offer us an opportunity to reflect on what makes a purposeful life in the wider world.

### B. Criteria:

- Humanities courses will
1. Provide students with a framework for understanding and appreciating diverse modes of human experience and expression in their historical, intellectual, and/or cultural contexts.
  2. Prepare students to critically analyze how humans construct meaning from human experience in particular historical, intellectual, and/or cultural contexts.
  3. Provide students with models for investigating broader questions about the ways in which human beings construct meaning and values in human experience.
  4. Prepare students to undertake their own investigations into human thought, culture, and/or history.

### C. SLOs:

- Humanities students will
1. Critically analyze a cultural product in its historical, intellectual, and/or cultural contexts.
  2. Discuss the ways that humanities disciplines raise broader questions of meaning and values.

## VII. Natural Science

#### A. Course Description:

Humans are a component of the natural world, which includes quantum particles, molecules, plants, rocks, ecosystems, etc., and the forces that act upon them. Science is the concerted human effort to pursue better explanations about the natural world based on systematic evaluation of physical evidence. This process of discovery allows us to link isolated facts into a coherent and comprehensive web of knowledge. Scientists are inherently curious and crave to understand the world around us. They make predictions based on past experience, investigate, and exchange their understanding with others. In natural science courses, students will examine scientific questions with a variety of methods and tools, including hands-on work in a laboratory setting and the communication of findings.

#### B. Criteria: Natural Science courses will

1. Include a laboratory component in which students have the opportunity to collect and analyze data, identify trends, answer questions, and/or draw conclusions.
2. Include opportunities for students to explore and practice communication of knowledge or work in the discipline to scientific and general audiences.
3. Be grounded in a discipline, field, or interdisciplinary area of science and address intersections of other ways of knowing outside of natural sciences.
4. Include examples of historical, philosophical, or societal development of the discipline and the application of science to enduring and contemporary questions.

#### C. SLOs: Natural Science students will

1. Use the methods, concepts, language, and evidence they gather in at least one field of empirical science to answer a question about the natural world.
2. Formulate an argument or address a question about the natural world, supported with scientific evidence.

### VIII. Quantitative Reasoning

#### A. Course Description:

Quantitative and analytical reasoning (QUANT) focuses on understanding and evaluating quantitative or logical assertions, as well as conducting and communicating quantitative or logical analysis by preparing students to read, analyze, and critique mathematical, logical, statistical, and/or algorithmic analyses and increasing their understanding of how such methods are properly used. They also teach students to understand and apply mathematical, logical, statistical, and/or algorithmic methods in a discipline-specific context. A key feature of the QUANT course is that students perform analyses themselves, rather than merely critiquing or interpreting existing work. Students practice, receive feedback, and refine their quantitative skills. The QUANT designation may be attached to a course at any level in any department, and the course need not carry a general education area designation.

#### B. Criteria: QUANT courses will

1. Engage students in practicing and refining their quantitative skills with feedback from the instructor.
2. Provide multiple opportunities to critique quantitative or logical assertions made in a variety of sources (e.g., existing logical or mathematical proofs, peer-reviewed academic literature, assertions made in public media) using mathematical, logical, statistical, and/or algorithmic reasoning.
3. Practice executing and using mathematical, logical, statistical, and/or algorithmic analysis to make decisions and/or solve problems, including thorough examination of assumptions, data quality, and methodology.
4. Practice articulating the substance and meaning of a critical mathematical, logical, statistical, and/or algorithmic analysis of a complex problem, including assumptions, methods, limitations, broader impacts, and conclusions, with a specific audience. When relevant, students are encouraged to consider ethical/societal implications and historical context.

#### C. SLOs: QUANT students will

1. Critique quantitative or logical assertions using mathematical, logical, statistical, and/or algorithmic reasoning.
2. Use mathematical, logical, statistical, and/or algorithmic analysis to make decisions and/or solve problems, including thorough examination of assumptions and utilization of proper methods.
3. Articulate the substance and meaning of a critical mathematical, logical, statistical, and/or algorithmic analysis of a complex problem, including assumptions, methods, limitations, broader impacts, and conclusions.

## **IX. Human Behavior and Social Institutions**

### **A. Course Description:**

Human Behavior and Social Institutions courses rely on empirical data (quantitative and qualitative) to generate and answer questions, such as: Why do humans behave and think as they do? How do social institutions form and function? How do humans and institutions interact? They also develop theories that contribute to an understanding of individual and group behavior in various contexts.

### **B. Criteria:** Human Behavior and Social Institutions courses will

1. Introduce theories and principles that emerge from empirical research to explain human behavior and social institutions.
2. Introduce qualitative and quantitative methods of collecting, evaluating, and presenting information pertaining to human behavior and social institutions.
3. Address the context and stages of development for a particular social and behavioral science or interdisciplinary social scientific field of study.
4. Address the social and ethical issues that arise in the study of human behavior and social institutions and practical and public efforts to change human behavior and social institutions.

### **C. SLOs:** Human Behavior and Social Institutions students will

1. Identify and explain foundational theories and principles that have emerged from empirical research to explain human behavior and social institutions.
2. Demonstrate an understanding of how to use data to answer questions about behavior and social institutions.

## **X. Theological Studies**

### **A. Course Description:**

In Theological Studies courses, students will critically analyze the religious beliefs and ethical commitments of Christians as well as those adherents of at least one other religious tradition, and consider how those traditions have engaged politics, culture, and society. Courses in this area consider how religious people think about God and the world and how beliefs, texts, practices, and ethics relate to each other and to their cultural contexts. Because the academic study of theology is interdisciplinary in nature and interactive with the human arts and sciences, courses in this area may include approaches from multiple disciplines including religious studies, history, philosophy, and social sciences. Courses in this area will help students gain the knowledge and skills necessary to navigate our religiously diverse world.

### **B. Criteria:** Theological Studies courses will

1. Substantively engage Christianity (usually at least half the course).
2. Develop religious literacy and an understanding of religious diversity by comparing the beliefs, texts, or practices of at least two religious traditions and/or exploring the relationship between at least two religious traditions.
3. Encourage students to understand religious traditions, beliefs, texts, and practices as appropriate objects of academic study by critically analyzing and evaluating religious and ethical claims.



4. Enable students to understand the culturally and historically embedded nature of religious beliefs, practices, texts, and traditions, specifically by addressing how they have affected or been affected by social and cultural contexts, historical or contemporary.

**C. SLOs:** Theological Studies students will

1. Explain how and why particular religious traditions and/or religious beliefs have affected or been affected by social and cultural contexts, historical or contemporary.
2. Critically evaluate religious and ethical claims.

## **XI. Wellbeing**

**A. Course Description:**

Courses designated as fulfilling the Wellbeing requirement will allow students to learn and practice strategies for enhanced health, happiness, and functioning across the lifespan. Students can choose from courses exploring multiple dimensions of wellbeing (Emotional, Relational, Physical, Financial, Intellectual, Environmental, Vocational, Career, Spiritual) and will explore how at least two dimensions of wellbeing intersect.

**B. Criteria:** Wellbeing courses will

1. Introduce at least one dimension of wellbeing (Emotional, Relational, Physical, Financial, Intellectual, Environmental, Vocational, Career, Spiritual) and explore strategies for developing that dimension.
2. Offer opportunities for students to explore how one additional dimension of wellbeing might intersect with the target/ focus dimension.
3. Require opportunities to apply knowledge of wellbeing to personal and/or professional development.

**C. SLOs:** Wellbeing students will

1. Identify strategies for developing at least one dimension of wellbeing.
2. Analyze enduring and contemporary challenges that stem from at least one dimension of wellbeing.
3. Explore their individual wellbeing using a multidimensional perspective.

## **XII. The Three Crowns Curriculum**

The Three Crowns Curriculum is a second way to fulfill general education requirements at Gustavus Adolphus College. Departments offer faculty to teach within the curriculum as part of their contribution to general education. As an alternative, integrated approach to general education, it explores our intellectual history, the relatedness of various fields of learning, and a theme of “individual and community.” Students are challenged to address ethical values questions both in class and in out-of-class Three Crowns-sponsored cultural, social, and intellectual activities. Three Crowns Curriculum courses are open to Three Crowns students only. The program is available to any entering first-year student, subject only to a limitation of 60 students per entering class. It is supported by a grant from the National Endowment for the Humanities and enrolls students from all the major fields of study.

The Three Crowns Curriculum explores connections among academic disciplines and introduces students to different ways of knowing, providing a breadth of knowledge and a depth of understanding, which complements the more specialized study that is represented by a student’s major. It consists of a specially prepared sequence of discussion-oriented courses, which students take together in a cohort. Integrated courses build upon each other to create a common body of knowledge that is shared among students. Students find themselves consciously and continually making connections among disciplines that at first glance may appear quite disparate, as well as making connections between education and character, ideas and values, learning and lives. In our tradition as a church-related liberal arts college, students study a broad spectrum of disciplines to develop their whole persons: body, mind, and spirit. A distinguishing feature of the

Three Crowns Curriculum is the ethical component that runs through the program, from the beginning course Individual and Morality to the capstone Senior Seminar. The program helps each student to develop their capabilities and grow into a balanced and well-rounded person, prepared for both a vocation and a life. The Three Crowns Curriculum seeks to give students the capacity for a critical examination of themselves and their traditions—to understand the history that has shaped them, their ideas, and their world, and to ponder the big questions. Students develop and demonstrate knowledge of the evolution of ideas and cultures across time and learn to appreciate the artistic, literary, religious, philosophical, and scientific roots that underlie our modern society. The Three Crowns Curriculum presents the history of ideas through the study of classical and biblical texts, ethical and political philosophy, artistic and literary works, and social and physical science. Students are challenged to analyze the role of the Western canon and how it is formed, to articulate and evaluate the validity of ideas, and to question unstated assumptions, both past and present. An important component of the program is how students learn to posit and defend answers to 3cc integrating questions, while developing an understanding of answers that may differ from their own. It is our hope that through the exploration of enduring questions, students may come to accept responsibility for themselves, for each other, for their communities, and for the earth.

Three Crowns Curriculum classes are especially effective in promoting the open exchange of ideas and the individual pursuit of learning. Students find that since the classes are discussion-oriented, built from a common base of knowledge, and because there is a heightened level of trust, the resulting conversations can be deeper and more candid. Although the Three Crowns Curriculum is not an honor's program due to its commitment to egalitarian values, it nonetheless pushes and supports all of its students to attain their full personal and intellectual potential through a combination of challenge and care. The total experience of the Three Crowns Curriculum should nurture intellectual curiosity and integrity, foster reasoned and responsible citizenship, and enable students to answer 3cc integrating questions within a bonded community of learners.

The Three Crowns Curriculum Integrating Questions:

1. What are different ways of knowing?
2. What does it mean to be human?
3. What can we learn about the human condition or human history from an artistic or literary work?
4. What constitutes moral and ethical behavior?
5. How did society come to be this way?
6. How do individuals construct local and global community?
7. What makes for a good life?

The Three Crowns Curriculum encourages students to think critically while emphasizing connections, ideas, and values—the three crowns of the 3cc general education curriculum.

The Three Crowns Curriculum meets the institutional student learning outcomes of the college as a whole.

**The Three Crowns Curriculum Student Learning Outcomes:**

1. Academic Skills and Abilities  
Students will master academic skills and exhibit certain essential abilities, such as critical thinking, analytical argumentation, written and oral communication, and creative expression.
2. Knowledge of Intellectual History  
Students will demonstrate knowledge of the artistic, literary, religious, philosophical, and scientific roots that underlie our modern society and develop an understanding of the evolution of ideas across time.
3. Interdisciplinarity and Integration of Knowledge

Students will demonstrate their comprehension of the connections between fields of knowledge. Students will apply the seven integrating questions in Three Crowns courses and other relevant learning opportunities.

4. Ethical Reflection and Moral Development

Students will reflect upon ethical theories, demonstrate their capacity to engage in moral argumentation, consider the practical implications of moral choices, and apply ethical principles to their lives.

5. Relationship between Individual and Community

Students will explore their relationships with the various local and global communities of which they are a part. Informed by their education and experiences in the Three Crowns Curriculum, students will solidify their individual worldviews as they identify ways in which they might better serve their communities.

6. Intentional Building of Community

Students will form personal and intellectual relationships with Three Crowns faculty and students through shared experiences, both within the curriculum cohort and during out-of-class Three Crowns Curriculum community building activities.

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## Appendix B2: Writing Across the Curriculum (WAC)

### A. Program Description

The Gustavus Adolphus College writing requirement promotes writing as a creative and critical process and a lifelong skill that enables learning, reflection, and communication. Good writers can accommodate different purposes, contexts, and audiences. Through its Writing Across the Curriculum Program, Gustavus helps students develop this rhetorical competency, as writers learn to make their cases in the most effective ways possible. In short, WAC enables fuller academic and civic participation. In courses that fulfill the Gustavus Writing Requirement (WRIT, WRITL, and WRITD) students use writing to learn unfamiliar concepts and to express themselves; to analyze and evaluate multiple sources of information; to make and support claims; to communicate new knowledge to others; and to reflect on their learning.

### B. Graduation Requirement

Gustavus requires students to complete FOUR designated writing requirement courses from at least two different departments in order to graduate. Generally, one of the courses will be taken in the first year, typically in FTS or Three Crowns, and designated WRIT. Students then complete the writing requirement by taking three additional courses (WRITL and WRITD). At least one writing course must be designated WRITL.

### C. Writing in the First Year (WRIT)

1. **Course Description:** WRIT courses encourage students to write to express their own ideas and to inform and communicate with others. Good writers make both stylistic and content-based choices to accommodate different purposes, contexts, and audiences. WRIT courses teach students to make these rhetorical choices, enabling them to make their cases in the most effective ways possible.
2. **Criteria:** WRIT courses will
  - a. Provide frequent opportunities to write informally as a way to engage unfamiliar concepts, explore ideas, and practice techniques for communicating effectively.
  - b. Guide students through at least two formal argumentative writing assignments for specific audiences, using a process-based approach so that students will draft, revise, and edit their work with instructor and peer feedback.
  - c. Invite students to reflect in writing on who they are and what they learn.
3. **SLOs:** WRIT students will
  - a. Consider purpose, audience, and context when writing; in other words, they will develop rhetorical competence.

- b. Make and support claims effectively in writing as they develop argumentative skills.

#### **D. Writing and Information Literacy (WRITL)**

1. **Course Description:** Writing and Information Literacy (WRITL) courses require students to investigate and evaluate different forms of information (print journalism, digital forms, visual media, etc.). Students then use such information to create arguments for general audiences. Students draft, revise, and edit multiple short pieces of writing with peer and instructor feedback. Courses offered at 100, 200, and 300 level may carry WRITL designation. Because WRITL courses require revision and feedback cycles, enrollments should be limited to 20 or fewer students.
2. **Criteria:** WRITL courses will
  - a. Provide opportunities for students to use informal writing to explore ideas and reflect on their learning frequently, using their own words to describe key concepts, respond to readings, record observations, or organize their understanding of material.
  - b. Provide some class time for students to investigate how writers use different forms of information (e.g., news reporting, opinion, satire, advertising, scholarly research, social media) as they make and support claims in multiple contexts.
  - c. Help students develop rhetorical flexibility by writing at least two forms of expression for different audiences.
  - d. Require students to draft, revise and edit at least two short pieces of writing with peer and instructor feedback.
3. **SLOs:** WRITL students will
  - a. Students distinguish and evaluate different forms of information and analyze the arguments that such information supports.
  - b. Students use their own language to describe and analyze key concepts or course materials, and write to explore ideas, assimilate new knowledge, and reflect on the purpose of their learning.
  - c. Students write arguments that make and support claims successfully for readers in multiple contexts.
  - d. Students are able to draft, revise, and edit work with feedback from others.

#### **E. Writing in the Disciplines (WRITD)**

1. **Course Description:** Writing in the Disciplines (WRITD) courses use writing to communicate disciplinary knowledge. WRITD courses help students develop writing strategies to explore and pursue new ideas or research questions and produce discipline-specific forms. Courses designated WRITD require students to draft, revise, and edit their work with peer and instructor feedback. Courses offered at 100, 200, and 300 level may carry WRITD designation. Because WRIT-D courses require revision and feedback cycles, enrollments should be limited to 20 or fewer students.
2. **Criteria:** WRITD courses will
  - a. Require students to find or generate at least some of the texts, data, artifacts, artworks, etc. that will be source material for their writing.
  - b. Teach students to evaluate and incorporate information or source material into a project, as appropriate to the discipline, and use that material to make and support claims.
  - c. Require students to draft, revise, and edit at least one major writing assignment or a series of shorter writing assignments with instructor and peer feedback.
  - d. Provide some class time for students to discuss and practice stages of the writing process.
3. **SLOs:** WRITD students will
  - a. Demonstrate rhetorical competence by creating texts that meet the needs of specific purposes, audiences, and contexts, particularly those demanded by the discipline.

- b. Critically evaluate information in order to write arguments that communicate effectively with specific audiences.
- c. Draft, revise, and edit work with feedback from others.
- d. Write in ways that exemplify the structures, genres, and conventions of a discipline.

## Appendix C2: Requirements and Criteria for Courses Satisfying January Term (JAN)

### 1.1 Mission

The mission of the January Term interim period (JAN) is to provide ways for faculty and students to take advantage of this short term's unique qualities in developing courses and other learning opportunities that enrich and expand upon the College's regular semester curricular offerings. The institutional mission of the College calls for balancing educational tradition with innovation; study within a general framework that is interdisciplinary and international in perspective; and preparation of students to lead lives of leadership and service. The goals of January Term are consistent with this larger institutional mission. JAN will provide opportunities for learning both on campus and off campus through:

1. International and domestic study away courses
2. Career exploration and vocational reflection
3. Courses that may satisfy either general education or major requirements
4. Independent studies and student/faculty collaborative research and creativity
5. Institutional exchanges with other 4-1-4 colleges
6. Special opportunities for students to continue their transition to college life and the greater expectations placed on adult learners

### 1.2 Course Approval

All JAN courses must meet the following criteria:

1. Approved JAN courses will engage students in ways that specifically capitalize on the unique opportunities provided by the 17- to 20-day interim schedule. The course proposal will describe activities that can be better accomplished when students have the opportunity to travel or to spend extended periods of time in the laboratory, the studio, the library, or in other places conducive to discovery and creativity.
2. All JAN one-credit courses will count toward the two full January Term interim period course requirements for graduation.
3. Approved JAN courses may carry general education or major credit when the proposal demonstrates that the goals intended by the general education or major requirements are met, albeit in the shorter but more intensive period offered by January term.

### 1.3 JAN Policies

- 1. JAN Course Numbers:** JAN courses will be designated by departmental, NDL, IDS, or JAN designation. Level I courses are entry level and are suitable for all students. Level II courses are generally accessible by all students but may require specific background. Level III courses are for the more advanced student.
- 2. JAN Instructors:** Because of the unique nature of JAN courses, staff and administrative employees who are not regular Gustavus faculty and who are properly credentialed may propose to teach a JAN course (or team-teach a course with a faculty instructor). All courses will be subject to normal faculty course approval processes, regardless of the employment status of the instructor. When staff members whose job descriptions do not include teaching offer noncredit courses in January term, it should be with the approval of their supervisor and division head/VP, with consideration of whether the staff member could perform their normal duties and have the time to assume the instructional role. The teaching should neither be an extra task for additional compensation, nor should it be volunteer work above and beyond the normal work hours of the staff member.
- 3. JAN Credit:** Satisfactory participation is required in two full January interim terms (grade of P, or for courses with a letter grade, an A, A-, B+, B, B-, C+, C, C-, D+, D, or F). A student will only receive JAN

credit if they pass the course. If a student takes courses for more than two full interim term courses, credit-bearing courses may count toward the graduation course total and may satisfy major or general education requirements.

**4. Major/Area Credit:** Any JAN term course approved to fulfill a major or a general education area requirement cannot be taken on a pass/fail basis. Such courses should not represent the sole method that students have available to them to satisfy a given major/area requirement (exceptions to this policy will only be made with the approval of the Curriculum Committee and for compelling reasons which must be stated in detail).

**5. First-year students:** First-year students are strongly encouraged to enroll in a JAN course. First-year students may apply for any of the January off-campus study courses offered through the Center for International and Cultural Education. First-year students may not take Career Explorations and Independent Studies.

**6. Grades:** Grades not calculated in the grade-point average are: P (pass), I (incomplete), W (withdrawal). A student may withdraw from a JAN course any time prior to the end of the third day without having their course participation recorded on the transcript. Withdrawals after this time will be recorded as a "W." In courses with a grading option, students will select (with their instructor) their option by the end of the third day of the interim term (the drop-add deadline). A student may not withdraw from a month-long course after the third week of the interim term. Courses for which a student is registered after this time will receive a final grade. Non-Gustavus interim term courses accepted in transfer shall not be calculated in the grade-point average. Gustavus JAN letter grades, including failing ("F") grades, are included in the grade-point average calculation.

**7. Cancellation:** Courses may be subject to cancellation if they enroll five or fewer students per faculty member teaching the course.

**8. Participation:** Students on academic probation are not permitted to participate in internship, career exploration, study abroad programs, or off-campus JAN courses. Students who register for such programs and courses accept the financial risks associated with being barred from participation, should they be on academic probation or suspended when the term begins. These financial risks include, but are not limited to, unrecoverable deposits, fares, reservations, and pro-rated group travel costs. The College reserves the right with 24-hour notification to suspend students if their academic performance is regarded as undesirable during the semester in which they are on academic probation. Students on disciplinary probation are not permitted to participate in internship, career exploration, or study abroad programs, or off-campus JAN courses. Students who register in such programs and courses accept the financial risks associated with being barred from participation, should they be on disciplinary probation or suspended when the term begins. These financial risks include, but are not limited to, unrecoverable deposits, fares, reservations, and pro-rated group travel costs. The College reserves the right to remove a student on disciplinary probation from a course or program if it deems such action to be in the best interest of the student, the College, or the program/course. Parents of dependent students are notified when a student is placed on Disciplinary Probation.

**9. Registration:** JAN course registration follows the same procedure as regular registration (i.e., priority by class year), with exceptions: first-year students register first, followed by sophomores, juniors, and then seniors.

**10. Overloads:** Students may enroll in a maximum of 1.25 courses during the January interim term. (All one-credit January term courses are expected to fully engage students, and the expectation is that faculty assign a course workload that totals at least 40 hours per week, including class time.) Fractional courses beyond 1.0 may not be used to reduce the requirements that each student be enrolled for a normal one-course load in at least two interims. A pro-rated overload fee will be added to a student's account.

- 11. Course by Arrangement:** Only JAN approved courses may be offered as a Course by Arrangement during the interim term. If a major or minor program requires a thesis or project, that requirement may be fulfilled in Interim term.
- 12. Independent Study:** Independent study courses can be counted as fulfilling a JAN requirement, and may count toward the 34 semester courses required for graduation. If a major or minor program requires an independent study, that requirement may be fulfilled in Interim term.
- 13. Travel Courses:** International or domestic off-campus study courses will be counted as fulfilling a JAN requirement, and may count for major or general education credit, if approval is granted, in advance, by the Curriculum Committee.
- 14. January term exchange with St. Olaf:** Students who would like to attend St. Olaf College, another 4-1-4 college, during Interim term may do so. A student who is on academic or disciplinary probation will not be eligible. For a complete list of current 4-1-4 colleges, see the Provost's Office. Contact the Provost's Office for transfer policies and procedures.
- 15. St. Olaf Students Visiting Gustavus During Interim Term:** Contact the Provost's Office for transfer policies and procedures.
- 16. Contact Hours:** All 1.0-credit January-term courses shall have a minimum of 40 contact hours over the course of the term.
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## Appendix D: Interdisciplinary Studies

### General Criteria:

Interdisciplinary study at Gustavus is designed to nurture a holistic approach to the study of topics of concern to more than one of our traditional academic disciplines. This may involve interdisciplinary programs and/or interdisciplinary courses. Interdisciplinary courses or programs are particularly well suited to address issues or questions that are considered too broad to be adequately considered within the boundaries of a single, traditional academic discipline. Because the Gustavus Adolphus College mission statement speaks to a curriculum designed with an interdisciplinary perspective and which balances tradition with pedagogical innovation, faculty members are encouraged to draw linkages beyond their disciplines and to contribute to interdisciplinary programs and/or develop interdisciplinary courses. Faculty members are further encouraged to consider interdisciplinary course innovations that involve experiential learning, international study, service-learning, and undergraduate research.

Interdisciplinary Programs with approved majors and/or minors are:

1. African / African Diaspora Studies
2. Arts Administration
3. Biochemistry and Molecular Biology
4. Comparative Literature
5. Film and Media Studies
6. Gender, Women, and Sexuality Studies
7. Japanese Studies
8. Latin American, Latinx, and Caribbean Studies
9. Peace, Justice, and Conflict Studies
10. Public Health
11. Russian and Eastern European Studies

Specific Criteria for Interdisciplinary Courses (listed in the *Academic Bulletin* as "IDS"):

Individual courses may be approved for interdisciplinary studies if they meet the following criteria:

1. The course proposal clearly demonstrates that interdisciplinary study is an intentional goal of the course.
  2. Readings and other assignments require the students to reflect upon and integrate more than one disciplinary approach to a specific topic.
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## Appendix E: Internships and Experiential Learning

Experiential learning theory holds that student learning can occur in an internship setting when: students establish clear, thoughtful learning objectives; students have an opportunity during the internship to analyze and synthesize information, problem-solve, research, and write; and students reflect on the experience during and after the internship.

The Internship Program at Gustavus Adolphus College provides these conditions as it offers students learning experiences in a variety of business, arts, social service, government, scientific, and other settings. The program consists of two components—Semester/Summer Internships and January Term Career Explorations.

Semester and summer internships provide students with entry-level, pre-professional experiences, designed to enhance and build skills. Career Exploration is designed to give students an opportunity to work and observe in a professional setting, clarify major and career goals, and plan future course work. Both forms of internship frequently make subsequent course work more meaningful and often lead to increased class participation.

### 1.1 Internship Program Policies

1. A student is permitted to count a maximum of four internship/career exploration credits toward graduation requirements. Credit toward a major is determined by the individual department.
2. All internships and career explorations are graded on a Pass/Fail basis.
3. A student on academic or disciplinary probation will not be permitted to enroll in an internship. The College reserves the right to remove a student from an internship if the student is placed on probation during the internship period.
4. Semester/summer internships are open to juniors and seniors; Career Exploration is open to sophomores, juniors, and seniors.

### 1.2 Responsibilities of the Internship Faculty Sponsor

In addition to being informed about the policies and practices of the Internship Program, and providing feedback on the program to the Internship Director, a faculty sponsor assumes the following responsibilities during an Internship or Career Exploration.

Prior to the Internship:

1. Assists the student in the formulation of learning objectives and strategies.
2. Devises academic assignments (see Academic Catalog, “Internship Program”) appropriate to the nature, amount of course credit, and duration of the internship.
3. Signs the Registration Form, noting the above assignments as “Means of Evaluation.”

During:

1. Contacts the student periodically, either by phone or in person. A site-visit with the student and site supervisor about midway through the internship is encouraged. (Mileage and expenses for travel are reimbursed by the College.)

After:

1. Collects and assesses academic assignments at the conclusion of the internship. Ideally, a personal meeting with the student at this time helps provide closure to the internship experience. You will also receive a copy of the Performance Evaluation from the site supervisor.
2. Files a grade of Pass or Fail with the Registrar.



3. Reminds the student to attend a “Wrap-Up” session led by the Internship Director, to discuss the internship experience and to reflect on its connection to other academic work.
  4. Provides the Internship Director with feedback on internship sites (especially outstanding positive or negative experiences).
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Last modified: May 17, 2022 by Mark Braun, Faculty Secretary

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## **1.1.0 Faculty Status and Rank**

### **1.1.1 Faculty Members with Regular Appointment**

Faculty members with regular appointments are professors, associate professors, assistant professors, and instructors who are eligible for tenure. Their teaching assignments normally consist of six courses or the equivalent during an academic year. Teaching assignments for ranked librarians include reference, instruction, collection development, and the shared management of the library. Such faculty members with regular appointments may also be assigned responsibilities in connection with advising, directing, and supervising independent studies and serving on department, faculty, or college committees or other special assignments.

### **1.1.2 Faculty Members with Joint Appointment**

A joint appointment divides between two faculty members the rights and responsibilities equivalent to one full-time position, and may be negotiated after consultation with the department or departments involved. Each faculty member sharing a joint appointment is eligible individually for promotion and tenure in accordance with the regular criteria and procedures. A provision may be included in the initial contract that if one member of a joint appointment ceases for any reason to be a member of the faculty, the remaining member may assume the responsibilities of one position at the rank and tenure status of the remaining member. If that provision is not included in the initial contract, the remaining member retains tenure, if tenured, and may negotiate a full-time position by mutual agreement among the remaining member, the department, and the Provost. For joint appointments, teaching responsibilities and benefits are specified at the time of hire.

### **1.1.3 Faculty Members with Distinguished Endowed Chair Appointment**

General Parameters: Distinguished Endowed Chair positions are funded by a substantial endowment, and the faculty members holding these appointments will be recognized scholars, champions of the liberal arts, and intellectual leaders in their fields. They will normally teach two to four courses per year, devoting significant time and effort to such work as writing, publishing, performing, initiating/running symposia, and other intra- and extra-mural activities appropriate to the focus of their Chair and at a scale that is greater than the expectations of a “regular appointment” faculty member. If coming to Gustavus from a tenured position

elsewhere, the Distinguished Endowed Chair may be appointed with continuous tenure, following approval by the relevant academic department(s), the Faculty Senate, Provost, President, and the Board of Trustees.

#### 1.1.3.1 Development of a Common Vision

As early as possible in the discussion of a new Distinguished Endowed Chair position, the Provost will be briefed by the President or Advancement representative most familiar with donor intent and then will work with an appropriate academic department or program to clarify its desires on teaching and departmental/programmatic responsibilities, and the President to clarify administrative vision on intra-or extra-mural activities beyond the home department. Every Distinguished Endowed Chair position is unique and will be a highly visible position of the College. The Provost shall craft a written statement of common vision agreed upon by the department, the Provost, and the President, which shall then be shared with the Advancement Office. This document will serve (a) to facilitate sharing College intentions with the donor(s) and broadly codifying these intentions in final documentation of the gift, and (b) to guide the work of the search committee and others involved in the search process. If the common vision is inconsistent with the donor intent, the common vision will be revisited by the Provost, President, and academic department until resolution is achieved. The common vision statement may be updated/revised in the context of searches for a new holder of an already existing DEC.

#### 1.1.3.2 Standard Process for Conducting the Search

The search committee for a Distinguished Endowed Chair will normally be chaired by an Associate Provost and will include program/department faculty members, a liberal arts search representation. One additional designee may be made by each of the President and Provost. The search process will be codified by the common vision statement, illustrate best practices in conducting searches and follow tenets of the Administrative Guidelines for Academic Departments Chairs for tenure-track searches. Regardless of its size, a majority of the members of the search committee shall be faculty members. The selection of finalists will be vested within the search committee, with a process that recognizes the expertise of faculty in judging the academic credentials of candidates and of other search committee members in their areas of competence. The search committee shall select finalists whose qualifications are consistent with the agreed-upon common vision document.

The search committee will recommend one to three finalists to the President and Provost with a written rationale for each candidate. All of the recommended finalists will have appropriately satisfied the criteria articulated in the agreed-upon vision statement. The President, in consultation with the Provost, will rank the top candidates with written rationale, considering the information provided by the search committee and review candidate materials and the common vision statement. The President's ranking and rationale will be shared with the search committee. If the search committee agrees with the President's rankings, then the Provost will make the offer to the top candidate and handle details of contract negotiation, letter of appointment, and public announcement. If the rankings of the President and search committee are not in agreement, then the President, Provost and the search committee will meet to resolve the inconsistencies and come to consensus. If consensus and resolution are not achieved at that meeting, then the search will be terminated and the process re-initiated as outlined above. In no case will the President or the Provost unilaterally appoint a Distinguished Endowed Chair.

#### 1.1.3.3 Alternative Process for Conducting the Search

In recognition of the uniqueness of each Distinguished Endowed Chair position, before beginning a search, the President, the Provost, the Chair of the Department that will house the Distinguished Endowed Chair, and the Faculty Senate Chair will consult regarding whether the standard process set out in 1.1.3.2 is appropriate as written or whether instead to propose a revised or alternative process. If all agree that 1.1.3.2 is appropriate as written, the search will proceed under the standard process. If the alternative process is selected, the President, the Provost, the Chair of the Department that will house the Distinguished Endowed

Chair, and the Faculty Senate Chair will write a rationale statement that details the need for an alternative process and the details of the alternative search process that will be sent for consideration to the Faculty Senate. If the Faculty Senate agrees that the alternative search process is appropriate, then the process will be formally documented within the Provost's office and the search will commence. If modifications to the alternative search process are necessary, the President, the Provost, the Chair of the Department that will house the Distinguished Endowed Chair, and the Faculty Senate Chair will work with the Faculty Senate until resolution is achieved.

#### 1.1.3.4 Interim Distinguished Endowed Chair Position

In the event that a Distinguished Endowed Chair position is vacated, an interim candidate may be selected to fill that role for up to two years. The interim candidate will be selected based on consistency with the common vision, and codified by the President, Provost, and department. In no case will the President or the Provost unilaterally appoint an Interim Distinguished Endowed Chair.

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#### 1.1.4 Faculty Members with Special Appointment

Special appointment faculty whose teaching or equivalent assignment consists of four or more courses during an academic year are either Visiting (fixed-term) or Adjunct (ongoing), Continuing Instructor (ongoing), or Senior Continuing Instructor (ongoing) and are not eligible for tenure. These appointments may include Visiting Instructor/Assistant Professor, Adjunct Instructor/Assistant Professor, Continuing Instructor/Lab Instructor/Assistant Professor, Senior Continuing Instructor/Lab Instructor/Assistant Professor, Research Professor, Artist, Composer or Writer-in-Residence, Lecturer, Field Study or Internship Supervisor, Laboratory Instructor, leave replacement, and persons funded by grants or other temporary funds. Teaching and/or other assignments, rank, if appropriate, and provisions regarding notice of renewal or termination will be specified at the time of appointment. Persons on special appointment are permitted but are not expected to accept committee or other assignments unless specifically designated to do so in their Position Description.

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#### 1.1.5 Faculty Members with Part-time Appointment

Part-time faculty members whose teaching or equivalent assignment consists of fewer than four courses during an academic year are appointed at the rank of instructor, except in specific instances for which preparation and/or experience clearly warrant a higher rank, and are compensated on a per-course basis. Part-time faculty members are permitted but not expected to accept committee or other assignments. They are not eligible for tenure; provisions regarding notice of renewal or termination will be specified at the time of appointment.

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#### 1.1.6 Professors Emeriti

A faculty member who retires from service at Gustavus Adolphus College is eligible for election to the status of professor emeritus and shall, if elected, be so designated irrespective of the rank held at retirement. Election to emeritus status will be by a majority vote of the ballots cast by those holding the rank of professor. This election will be conducted by the current voting method before the final faculty meeting of the academic year, with the results to be announced at that meeting.

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#### 1.1.7 Faculty/Administration Appointments

#### 1.1.7.1 Appointment of Faculty to Administrative Positions

A faculty member may be appointed to a full-time, fixed-term administrative position for up to three years. If a faculty member on a probationary appointment accepts such an administrative appointment, the time spent in such assignment may be counted toward fulfilling the probationary period prior to tenure. Terms and conditions of such appointment will be stated in writing at the time of appointment. The academic department(s) concerned will normally be permitted to search for a full-time visiting special appointment faculty member to replace their colleague during this fixed-term administrative appointment.

A faculty member who accepts a full-time administrative appointment beyond three years retains rank and tenure status. At the time this appointment is accepted, the academic department(s) will normally be permitted to search for a tenure-track faculty replacement. Administrators holding tenured faculty status will have the option of assuming a regular faculty appointment upon leaving the administration. Should they do so, their appointment normally will constitute an additional faculty position in that department.

#### 1.1.7.2 Appointment of Administrators to Faculty

The President, the Provost, or other senior administrators who hold a terminal degree may be offered faculty status or tenured faculty status. Faculty status may be offered following approval by the designated academic department and the Faculty Senate. If coming to Gustavus from a tenured position, tenured faculty status may be offered following approval by the academic department, the Faculty Senate, and the Board of Trustees. Administrators holding tenured faculty status will have the option of assuming a regular faculty appointment upon leaving the administration. Should they do so, their appointment normally will constitute an additional faculty position in that department.

#### 1.1.7.3 Part-time Appointment of Administrators to Faculty

Administrators may be appointed as faculty to teach courses in J-Term or during the semester with the approval of the Provost and the appropriate academic department. When serving as faculty, administrators have all the rights and privileges of part-time faculty.

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## 1.2.0 Types of Appointment

### 1.2.1 Term Appointments

Continuing Faculty will be appointed to one-year terms that are probationary toward Senior Continuing status and may be renewed, though no such appointment implies a presumption of renewal. Senior Continuing Faculty will be appointed to five-year renewable terms with a presumption of annual renewal to the end of the term except in circumstances of financial exigency. Other faculty members on special appointment and part-time faculty members will be appointed for terms of one year or other stated periods, which may be renewable or non-renewable as stipulated at the time of appointment. Persons with term appointments are not eligible for tenure.

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### 1.2.2 Probationary and Tenured Appointments

Faculty members with regular or joint appointments will be on probationary appointments or on appointments with continuous tenure.

#### 1.2.2.1 Probationary Appointments

Probationary appointments may be made for one year, or for other stated periods; a probationary appointment may be renewed, but no such appointment implies a presumption of renewal.

Previous service at Gustavus Adolphus College and other institutions of higher education may be included in the probationary period subject to limitations agreed upon in writing at the time of appointment. If not

previously agreed upon in writing, a person with more than three years previous probationary service completed after the terminal degree has been earned will be appointed for a probationary period of not more than four years, even though the person's total probationary period in the academic profession is thereby extended beyond the normal maximum of seven years.

#### 1.2.2.2 Appointments with Continuous Tenure

Appointments with continuous tenure are made after a probationary period of not more than seven years. The probationary period may be interrupted by time not counted as probationary service if the faculty member is substantially incapacitated (for example, due to prolonged illness) or devotes substantial time to an activity such as military service, public office, or caring for a child or disabled adult, independent of whether the faculty member has been granted a leave. To request an interruption of the probationary period, the faculty member must notify the Provost in writing no later than 6 months after the conclusion of the interruption and prior to the start of tenure proceedings. The general presumption is that the Provost should grant such requests. When the probationary period is interrupted, the tenure review will ordinarily be delayed a year and will be conducted in accordance with the usual standards; that is, the faculty member will not be expected to have used the additional elapsed time to accomplish more professional work. Tenure may be granted earlier, but not later, than the expiration of the probationary period.

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## 2.1.0 Appointment

### 2.1.1 Qualifications

To be eligible for appointment to the faculty, a person will be professionally qualified and be sympathetic to the aims and purposes of Gustavus Adolphus College as set forth in the Mission Statement of the College.

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### 2.1.2 Criteria

Professional education is reflected by academic degrees, and by apprenticeship and professional standing as indicated by professional registration, certification or licensure. The appropriate academic degree normally will be the earned doctorate except in the following cases:

- Arts (Dance, Studio Arts, Theatre) and creative writing: the M.F.A.
  - Economics and Management: Earned doctorate in an appropriate field; a relevant master's degree plus appropriate professional certification and substantial experience in accounting, management, international management, or finance may be considered in lieu of the doctorate as fulfillment of the requirement.
  - Library: the master's degree in library science.
  - Nursing: for those hired before 2012, the master's degree in nursing.
  - Athletic Training: Earned doctorate (Ph.D. or Ed.D.) in an appropriate and related field, such as kinesiology, exercise science, human movement studies, higher education, or other such field will be considered to be the terminal degree in the field in addition to an earned doctorate (Ph.D. or Ed.D.) in athletic training
- 

### 2.1.3 Terms and Conditions

Appointment to the faculty will be stated or confirmed in writing by the Provost and a copy of the appointment document will be supplied the faculty member. Normally, appointments begin on September 1. Any subsequent extensions or modifications of any appointment, and any special understandings, will be



stated or confirmed in writing and a copy furnished to the faculty member. An appointment to the faculty is not confirmed until a contract is issued and signed by both parties.

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## **2.2.0 Evaluation**

All probationary faculty members will be subject to periodic evaluation of their performance.

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## **2.3.0 Retention**

Recommendation for retention will be submitted to the Provost by the department concerned through its Chair. Departments in cooperation with the Provost will formalize and make available to all their members the procedure for reaching recommendations regarding retention of untenured persons. The decision to retain or not to retain will be made by the Provost. In addition to merit as a faculty member, enrollment and program needs of the College are proper considerations in deciding whether or not to renew any non-tenured appointment.

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## **2.4.0 Promotion**

The following criteria will be considered in reviewing nominations for promotion to the designated rank. In addition to the criteria listed below, librarians may have professional responsibilities in addition to teaching and scholarship. Their ability to set strategic initiatives, develop policies, organize, and manage in a given area of service may merit consideration.

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### **2.4.1 To Assistant Professor**

Promotion to the rank of assistant professor will normally be made effective with the beginning of the first semester after the appropriate terminal degree is conferred. This may be done upon the recommendation of the department with the approval of the Provost without the promotion review process.

#### **2.4.1.1 Criteria**

1. The terminal degree of certification in the discipline. (Faculty in the library will have earned a second master's degree.)
  2. Competence in subject matter field as reflected in the confidence of professional peers as well as students, colleagues, and administrators.
  3. Experience as reflected in the apprenticeship served in college teaching and related activities. Teaching at a level other than college and/or other professional experience may be recognized as legitimate bases for partially satisfying the apprenticeship requirement.
  4. Continuing evidence of sympathy with the aims and purposes of Gustavus Adolphus College as stated in the Mission Statement of the College.
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### **2.4.2 To Associate Professor**

The Faculty Personnel Committee will assume that all successful candidates for tenure are automatically nominated for promotion to Associate Professor. Those candidates may, but need not, add material to their files for the committee's deliberations regarding promotion.

#### **2.4.2.1 Criteria**

A candidate for promotion to associate professor normally will hold tenure and will obtain an overall superior rating on the criteria for assistant professor and, in addition, the following criteria:

1. Excellence as a teacher as reflected for example, in quality of and enthusiasm for work, effectiveness of methods, interest in subject matter, concern for student learning, effective advising of students within and outside the major, continued academic preparation and improvement, and demonstrated commitment to equity and inclusion.
  2. An emerging pattern of professional activities as reflected, for example, by publications, presentations at scholarly meetings or conferences and, in the arts, by manifestations of creativity demonstrated through exhibits or performances; another example may be involvement in professional and/or public organizations, boards, and commissions related to one's academic fields or college assignments.
  3. An emerging pattern of involvement in the activities of the College.
  4. Continuing evidence of sympathy with the aims and purposes of Gustavus Adolphus College as stated in the Mission Statement of the College.
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### **2.4.3 To Professor**

Faculty who wish to be considered for promotion to full professor will indicate their desire in writing in accordance with the timetable established by the Faculty Personnel Committee. Promotion will be granted upon recommendation of the Faculty Personnel Committee, recommendation of the Provost, and approval by the President and report to the Board of Trustees. Promotion will commence in the following academic year.

#### **2.4.3.1 Criteria**

In addition to the criteria set forth for assistant professors and for associate professors, the following apply:

1. The continuing excellence and growth as a teacher, as evidenced, for example, by student and peer evaluations, course and program development, or participation in workshops and seminars related to one's field of expertise or teaching.
  2. Established record of professional accomplishments as evidenced, for example, by demonstrated research activities in private, public or corporate settings; publications; presentations at scholarly meetings or conferences; (in the arts) exhibits or performances; and leadership in professional and/or public organizations, boards, or commissions related to one's academic field(s) or assignments.
  3. An established record of leadership in the governance of the College in the candidate's department, in the faculty and its committees, or in other college positions.
  4. Continuing evidence of sympathy with the aims and purposes of Gustavus Adolphus College as stated in the Mission Statement of the College.
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### **2.4.4 To Senior Continuing Instructor**

Each Continuing faculty member in their final probationary year is evaluated for promotion to Senior Continuing status by the department or program to which they are appointed. Ordinarily this will be in the sixth year, unless a shorter probationary period was agreed to at the time of initial appointment. The

probationary period may be interrupted by time not counted as probationary service under the same circumstances as for appointments with continuous tenure. Upon completion of the evaluation, the department or program will recommend either that the Provost promote the candidate to Senior Continuing status or that the Continuing Instructor appointment be brought to a conclusion in accordance with section 2.6.2.1.

#### 2.4.4.1 Criteria

A candidate for promotion to Senior Continuing status normally will obtain an overall superior rating on the criteria established for them as a Continuing faculty member and, in addition, the following criteria:

1. Excellence as a teacher as reflected in quality of and enthusiasm for work, effectiveness of methods, interest in subject matter, concerns for student learning and continued academic preparation and improvement.
2. Continuing evidence of sympathy with the aims and purposes of Gustavus Adolphus College as stated in the Mission Statement of the College.

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## 2.5.0 Tenure

Election to appointment with continuous tenure is by the Board of Trustees upon recommendation of the President who will have received a recommendation from the Provost subsequent to an established system of peer review. Regular and joint appointment faculty will be considered for appointment with continuous tenure in the semester specified at the time of hire or in accordance with a written modification of that agreement. Appointments with continuous tenure are not made at the rank of instructor.

### 2.5.1 Criteria

The candidate for appointment with continuous tenure must demonstrate competence in subject matter field as reflected in the confidence of professional peers as well as students, colleagues, and administrators, must hold the appropriate terminal degree, and must demonstrate experience as reflected in the apprenticeship served in college teaching and related activities. Teaching at a level other than college and/or other professional experience may be recognized as legitimate bases for partially satisfying the apprenticeship requirement. The specific criteria for tenure are as follows:

1. Excellence as a teacher as reflected for example, in quality of and enthusiasm for work, effectiveness of methods, interest in subject matter, concern for student learning, effective advising of students within and outside the major, continued academic preparation and improvement, and demonstrated commitment to equity and inclusion.
2. An emerging pattern of professional activities as reflected, for example, by publications, presentations at scholarly meetings or conferences and, in the arts, by manifestations of creativity demonstrated through exhibits or performances; another example may be involvement in professional and/or public organizations, boards, and commissions related to one's academic fields or college assignments.
3. An emerging pattern of involvement in the activities of the College.
4. Continuing evidence of sympathy with the aims and purposes of Gustavus Adolphus College as stated in the Mission Statement of the College.

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## 2.6.0 Termination

### 2.6.1 By Faculty

#### 2.6.1.1 Resignation

Following the acceptance of a contract by a non-tenured faculty member or the document containing the ongoing contract provisions for a tenured faculty member, it is expected that the faculty member will fulfill the contract except in cases of hardship or in a situation where the faculty member would otherwise be denied substantial professional advancement or other opportunity. Faculty members who wish to resign shall notify the Provost's Office in writing within ten days of receiving a contract for the next academic year.

#### 2.6.1.2 Retirement

The College does not have a mandatory retirement age. Faculty members who wish to retire shall notify the Provost's Office in writing by March 1 preceding the academic year in which they plan to terminate employment.

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### 2.6.2 By College

#### 2.6.2.1 Non-renewal of Probationary and Special Appointment

Probationary or special appointments may be made for one year, or for other stated periods; a probationary or special appointment may be renewed, but no such appointment implies a presumption for renewal.

Written notice that a probationary appointment is not to be renewed will be given to the faculty member by the Provost in advance of the expiration of her or his appointment as follows:

1. 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 one-year appointment terminates during an academic year, at least three months in advance of its termination.
2. 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, then at least six months in advance of its termination.
3. At least twelve months before the expiration of an appointment after two or more years of service at the College.

#### 2.6.2.2 Programmatic change/financial exigency

Financial exigency of the College is defined using AAUP criteria as a severe financial crisis that fundamentally compromises the academic integrity of the institution as a whole and that cannot be alleviated by less drastic means. Where termination of an appointment is based upon a bona fide financial exigency as determined by the administration, or discontinuance of a program or department of the College, faculty members affected by such an action will be able to have the issues reviewed at a hearing according to procedures established by the Faculty Senate. During that hearing the Senate will decide whether that determination of financial exigency is bona fide and may include testimony and/or evidence from faculty representatives from the Internal Budget Committee, the Vice-President for Finance, the President and the Provost. The Senate's review of these issues will be completed within sixty (60) calendar days and forwarded to the Board for its ultimate decision.

#### 2.6.2.3 Medical Causes

Termination of an appointment for medical reasons before the end of the period of appointment will be based on clear and convincing medical evidence that the faculty member cannot continue to fulfill the terms and conditions of the appointment. The decision to terminate will be reached after appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position and to respond to the evidence. If a faculty member so requests, the termination decision will be reviewed by the Faculty Senate. The final decision shall be made by the Board of Trustees which shall receive both the result of the Faculty Senate deliberations and the recommendation of the President.

#### 2.6.2.4 Dismissal

Dismissal of a faculty member with a tenured appointment or a probationary or term appointment before the end of the specified term may be effected by the College only for adequate cause and will be in accordance with the procedures set forth in the Major Sanction Proceedings section (Section 3.2.4.3.2) of this manual.

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### **3.1.0 Responsibilities and Duties**

The faculty has primary responsibility for curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. On these matters, the power of review or final decision lodged in the Board of Trustees or delegated by it to the President should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty. It is desirable that the faculty should, following such communication, have opportunity for further consideration and further transmittal of its views to the President or Board. Budgets, personnel limitations, the time element, and the policies of other groups, bodies and agencies having jurisdiction over the institution may limit the realization of faculty advice.

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#### **3.1.1 Academic Program Responsibilities**

It will be the faculty's responsibility:

1. to establish the requirements for the degrees offered, to determine when the requirements have been met, and to recommend to the administration candidates for degrees;
  2. to prepare and approve courses of study to the administration;
  3. to adopt aims and policies with respect to instruction;
  4. to determine standards, time, and manner of examinations;
  5. to develop policies regarding admission, promotion, probation, and discipline of students for academic reasons;
  6. to recommend annually the academic calendar to the administration;
  7. to promote measures whereby the spiritual, intellectual, and social life of the College may be enriched and ennobled, and the cultural aims of the College may be achieved.
  8. to regularly assess student learning.
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#### **3.1.2 Teaching, Committee, and Ceremonial Responsibilities**

In addition to teaching assignments, regular and joint appointment faculty, not on leave, whatever their teaching assignment, are expected to accept committee or other special assignments and to attend convocations and ceremonial occasions, including commencement.

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#### **3.1.3 Responsibilities to Colleagues**

Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues; in such competence it is implicit that responsibility exists for both adverse and favorable judgments. Likewise, there is the more general competence of experienced faculty personnel committees having a broader [college-wide] charge. Determinations in these matters should first be

by faculty action through established procedures, reviewed by the chief academic officers with the concurrence of the Board. The governing board and the President should, on questions of faculty status as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.

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### **3.1.4 Participation in College Governance**

Agencies for faculty participation in the governance of the College will be established at each level where faculty responsibility is present. The faculty participates in College governance in its actions as a total faculty, and through elected representatives on standing or special committees for such purposes as the search for and periodic evaluation of the President and the Provost, the development of the College budget, and the determination of faculty compensation. The faculty may constitute and elect committees as may be needed for the discharge of its responsibilities and duties, and determine the function and membership of such committees.

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### **3.1.5 External Employment**

Faculty members may provide compensated services as consultants or in other capacities to persons or agencies outside the College, providing such employment does not interfere with the fulfillment of their commitment to the College. (See Conflict of Interest Policy in *All-College Policies Handbook* for specific guidelines.)

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### **3.1.6 Sale of Texts or Supplies**

Faculty members will not sell texts or supplies to students; all course materials, including texts and handbooks authored by faculty members, will be sold on campus through the college book store or officially approved outlets of the College.

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## **3.2.0 Rights and Privileges**

### **3.2.1 Academic Freedom**

All members of the faculty, whether on appointment with continuous tenure or not, are entitled to academic freedom as set forth in the 1940 Statement of Principles on Academic Freedom and Tenure (See Appendix A) and additions and amendments thereto formulated by the American Association of University Professors and incorporated in the Constitution and Bylaws of the College (See Article X, Section 2.)

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### **3.2.2 *All-College Policies***

Faculty members are afforded rights and protections under the policies found in the college's *All-College Policies Handbook*—such as the policies related to harassment and discrimination. To ensure the continued protection of academic freedom, nothing in these policies will supersede a faculty member's rights and protections as outlined in relevant sections of the *Faculty Manual*, especially those governing grievances, tenure, discipline, and dismissal.

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### 3.2.3 Participation in Political Activities

Faculty members, as citizens, are free to engage in political activities. A faculty member's participation in political activities is as an individual, not as a representative of the College, and he/she will not make use of any college position or property; facilities may be available only insofar as they may also be available to non-college participants in political activities.

When necessary, a faculty member may be given an unpaid leave of absence for the duration of an election campaign or for the duration of a term of office of an elective or appointive position, on timely application and for a reasonable period of time. The terms of such leave will be set forth in writing, and the leave will not affect unfavorably the tenure status of a faculty member, except that the time spent on leave need not count as probationary service unless otherwise agreed.

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### 3.2.4 Grievance, Disciplinary, and Appeal Procedures

#### 3.2.4.1 Grievance Procedures

Faculty members who believe that they have been subject to sexual harassment or sexual misconduct may seek redress under the Sexual Harassment and Sexual Misconduct Policy which is found in the *All-College Policies*. When a faculty member's complaint is adjudicated under the Sexual Harassment and Sexual Misconduct Policy, at least one faculty member will be present on the Title IX Hearing Panel, Sexual Misconduct Board, and/or Sexual Misconduct Appeals Board, as applicable, to ensure that the rights and responsibilities of faculty are reflected in the discussion and decision-making process. Faculty members who believe that they have been subjected to other forms of harassment may seek redress under the Policy Against Harassment, which is found in the *All-College Policies*. Faculty members who seek redress for any other grievance may petition the Faculty Personnel Committee for appropriate action

#### 3.2.4.2 Disciplinary Procedures

Disciplinary Procedures may be initiated by the provost when a faculty member's alleged conduct justifies a minor sanction or is sufficiently grave to merit a major sanction. Disciplinary Procedures outlined within this section 3.2.4.2 of the *Faculty Manual* will be followed in responding to alleged conduct by a faculty member, except in cases in which the alleged conduct falls within the College's Sexual Harassment and Sexual Misconduct Policy found in the *All-College Policies*. Alleged conduct that falls within the College's Sexual Harassment and Sexual Misconduct Policy will be investigated, adjudicated, and appealed, if applicable, according to the complaint resolution process outlined within the College's Sexual Harassment and Sexual Misconduct Policy, and the Disciplinary Procedures and rights outlined in this section 3.2.4.2 will not apply. When a complaint of alleged conduct by a faculty member is adjudicated under the Sexual Harassment and Sexual Misconduct Policy, at least one faculty member will be present on the Title IX Hearing Panel, Sexual Misconduct Board, and/or Sexual Misconduct Appeals Board, as applicable, to ensure that the rights and responsibilities of faculty are reflected in the discussion and decision-making process.

In responding to alleged conduct by a faculty member that does not fall within the College's Sexual Harassment and Sexual Misconduct Policy, the following Disciplinary Procedures apply.

- 3.2.4.2.1 If the Provost believes that the conduct of a faculty member justifies the imposition of a minor sanction such as a formal reprimand, the Provost will notify the faculty member of the basis for the proposed sanction and provide her or him with an opportunity to persuade the Provost that the proposed sanction should not be imposed. If the faculty member so requests, a written copy of the charges will be provided before any sanctions are imposed. Should a satisfactory resolution between the faculty member and the Provost not be reached, or if the faculty member believes that

what is termed to be a minor sanction constitutes a major sanction, the faculty member may petition the Faculty Personnel Committee for redress as outlined under the Faculty Personnel Committee in the *Faculty Handbook*.

- 3.2.4.2.2 Major Sanction Proceedings
  - 3.2.4.2.2.1 Preliminary considerations
    - a. Before major sanction proceedings are initiated against a faculty member with continuous tenure or with a probationary or special appointment before the end of a specified period, discussions between appropriate administrative officers and the faculty member will seek a mutually acceptable resolution. If the parties reach a mutually acceptable resolution, the faculty member will waive the right to a hearing and the process will be concluded.  
If required by law or by the need to ensure the welfare of students or other members of the Gustavus Adolphus College community, the administration may suspend with pay the faculty member in question or take other appropriate measures pending completion of these proceedings. Promptly upon suspending a faculty member, the administration will notify the Senate concerning the propriety, the length, and the other conditions of suspension.
    - b. Informal discussions seeking resolution may be continued, if necessary, by a panel designated equally by the administration, by the faculty member, and by the Faculty Senate. If informal attempts at resolution are not successful, the panel may recommend to the President, without its recommendation being binding upon the President, whether or not major sanction proceedings should be initiated.
  - 3.2.4.2.2.2 Initiating proceedings

Preceding the imposition of a major sanction, the President or the President's delegate will initiate a major sanction by presenting a statement of the charges in writing, framed with reasonable particularity, to the faculty member and the Faculty Senate. The faculty member against whom the charges have been brought has a right to a hearing before the Faculty Senate. The Senate, in a timely fashion, will initiate the hearing procedures outlined below, such that the hearing is scheduled no later than the twentieth class day subsequent to the twentieth calendar day after the statement of charges is presented.

Adequate cause for a major sanction will be related, directly and substantially, to the fitness of the faculty member in her or his professional capacity as a teacher and/or researcher. Fitness for duty requires, but is not limited to, refraining from harassment or discrimination prohibited by state or federal law. No exercise of academic freedom or other rights as citizens will be cause for a major sanction.

The burden of proof that the faculty member is responsible for the conduct as charged and that the sanction proposed is appropriate rests with the College and will be satisfied only by the preponderance of evidence and argument in the hearing record.
  - 3.2.4.2.2.3 Procedures
    - a. The faculty member against whom charges have been brought may waive a hearing and/or respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, and denies the charges or asserts that the charges do not constitute adequate cause for a major sanction, the Senate will make its recommendation on the basis of available evidence and argument in the record.
    - b. Members of the Faculty Senate disqualified by reason of bias or conflicting interest will be removed from the hearing either by themselves or at the request of either party. Each party will have a maximum of two challenges without stated cause.



- c. Notice of the hearing with specific charges in writing will be served at least twenty (20) calendar days prior to the hearing. The Faculty Senate may, with the consent of the parties concerned, hold joint prehearing meetings with the parties in order to (1) simplify the issues, (2) effect stipulations of facts, (3) provide for the exchange of documentary or other information, and (4) achieve such other appropriate prehearing objectives as will make the hearing fair, effective, and expeditious.
- d. The Faculty Senate in consultation with the President and the faculty member will determine whether the hearing should be open or closed. The Senate and/or the Administration may be represented by legal counsel.  
The faculty member may be represented by an academic advisor and/or legal counsel of her or his choice during the proceedings. Additionally, a representative of a responsible educational association may attend the proceedings as an observer at the invitation of either party or the Senate.
- e. The Faculty Senate will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Reasonable efforts will be made to obtain the most reliable evidence available. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the Faculty Senate in securing witnesses and making available documentary and other evidence.  
In the hearing of charges of incompetence, the testimony will include that of qualified faculty members from this and/or other institutions of higher education. The faculty member and administrative officials will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the Faculty Senate determines that the interests of justice require admission of their statements, the Faculty Senate will identify the witnesses, disclose their statements, and if possible, provide for interrogatories.  
The Faculty Senate will grant recesses to enable either party to investigate evidence as to which a valid claim of surprise is made.  
In the event that anything in this policy conflicts with state or federal law, the state or federal law takes precedence.
- f. A verbatim record of the hearing will be taken by the Senate and copies will be made available without cost to both parties.
- g. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers or the Senate will be avoided so far as possible until the proceedings have been completed, including consideration by the Board of Trustees.
- o 3.2.4.2.2.4 Disposition
  - a. Within fourteen (14) calendar days after the hearing, the Senate will report in writing to the President and to the faculty member its findings and recommendations which will be based solely on the record of the hearing. If the Senate concludes that the burden of proof that the faculty member is responsible for the conduct as charged has been met, but that a sanction other than that proposed by the Administration would be more appropriate, it will so recommend, together with supporting reasons.

- b. Within 14 calendar days of the Senate's report, either party may provide the other party a written request for review by the Board of Trustees. If neither party requests a review, the President will accept the Senate's conclusion.
- c. A request for review must include specific arguments supporting one or more of the following propositions: (1) the Senate's conclusion was based on improper procedure that materially prejudiced the party seeking review, (2) the Senate's conclusions were clearly erroneous or not reasonably supported by evidence contained in the hearing record, or (3) one or more of the Senate's recommendations was substantially disproportionate to the Senate's findings. The non-requesting party will have a 14-calendar-day opportunity to respond in writing to the requesting party's argument. The President will transmit to the Board of Trustees the record of the case, request for review, and response (if any).
- d. The review by the Board of Trustees or the Executive Committee of the Board will be based exclusively on the record of the Faculty Senate's hearings, the written argument submitted by the party requesting review, and any written response submitted by the other party. Within 30 calendar days, the decision of the Faculty Senate will either be sustained, or the proceedings returned to the Faculty Senate with specific objections. The President will notify the faculty member of the decision by the Board or Executive Committee. If the proceedings are returned to the Faculty Senate, the Faculty Senate will then reconsider, taking into account the stated objections and receiving new evidence if necessary. Within 14 calendar days of reconsideration, the Senate will communicate a revised report to both parties. The Board of Trustees, at its next regularly scheduled meeting, will make a final decision, which it will communicate to both parties, only after study of the Faculty Senate's reconsideration.
- e. If the appointment is terminated, the faculty member will receive salary or notice in accordance with the following schedule: At least three [3] months, if the final decision is reached by March 1 of the first year of probationary service (or three [3] months prior to the expiration of the first year of probationary service); at least six [6] months, if the decision is reached by December 15 of the second year of probationary service (or after nine [9] months but prior to eighteen [18] months of probationary service); at least one [1] year, if the decision is reached after eighteen [18] months of probationary service or if the faculty member has tenure. This provision for terminal notice or salary need not apply in the event that there has been a finding that the conduct which justified dismissal involved moral turpitude. On the recommendation of the Faculty Senate or the President, the Board of Trustees, in determining what, if any, payments will be made beyond the effective date of dismissal, may take into account the length and quality of service of the faculty member.

### 3.2.4.3 Appeals to the Faculty Senate

Faculty members shall have the right to request a hearing before the Faculty Senate on matters involving (1) reconsideration of grievances adjudicated by the Faculty Personnel Committee; and (2) reconsideration of a tenure decision made by the Faculty Personnel Committee, the Provost, and/or the President. Appeals of a tenure decision or of a promotion decision will be initiated with the Faculty Review Committee (see section 3.2.4.3.2).

- 3.2.4.3.1 Reconsideration of grievances adjudicated by the Faculty Personnel Committee  
An intent to appeal a finding by the Faculty Personnel Committee regarding a grievance must be filed

to the Faculty Senate within thirty (30) days of the original finding, and the rationale for the appeal will be submitted to the Senate within sixty (60) days of the original finding. The Senate will hold a preliminary hearing to determine if a Grievance Appeal Hearing is warranted, and transmit its findings to the Faculty member filing the petition and to the Faculty Personnel Committee. If the Senate determines that a Grievance Appeal Hearing is warranted, the Senate will convene the hearing in a timely manner. There is no requirement for a quorum—rather the appeal of grievances adjudicated by the Faculty Personnel Committee will be deliberated by the number of elected members of the Senate who are not recused for conflict of interest. The Provost and the President or their designated representatives may also be present but may not participate in the reconsideration of a decision.

- 3.2.4.3.1.1 Disposition of a petition regarding grievances adjudicated by the Faculty Personnel Committee

Should the Senate, after deliberation of the evidence presented at a Grievance Appeal Hearing, find that the evidence does not warrant a reconsideration of the original Faculty Personnel Committee decision, it will promptly notify the Faculty member and the Provost of its findings in writing, providing appropriate rationale. Should the Senate find that a reconsideration of the original decision is warranted, it will promptly remand the case by transmitting its findings in writing to the Faculty Personnel Committee with appropriate rationale, and to the Faculty member. The Faculty Personnel Committee must rehear the case, but is not bound to concur with the Senate.

The Provost and, ultimately, the President will make the final decision after consideration of recommendations from the Senate and/or the Faculty Personnel Committee.

- 3.2.4.3.2 Appeals of decisions regarding tenure or promotion are initiated with the Faculty Review Committee. The charter for this committee can be found in section 3.2.4.3.2.9.

- 3.2.4.3.2.1 Appeal Rights

The purpose of this policy is to provide appeal rights to faculty members for these specific circumstances: 1) to a tenure-track faculty member who is denied tenure or 2) to a tenured faculty member who is denied promotion.

- a. An appeal must be based upon one or more of the grounds for appeal listed below.
- b. The remedy available through this procedure is that some or all of the applicable procedures be reviewed and the College's decision be reconsidered.

- 3.2.4.3.2.2 Grounds for Appeal

The grounds upon which appeals may be made are the following:

- a. Improper consideration: An appeal may allege that a decision against tenure or promotion was based significantly on improper consideration because the review process involved at least one of the following:
  - 1. violation of academic freedom
  - 2. unlawful discrimination
  - 3. violation of applicable College policies on discrimination.
- b. Improper procedure: An appeal may allege that a decision against tenure or promotion was based significantly on improper procedure. Although the Review Committee does not rehear the case, it determines in instances where improper procedure is alleged whether a department, the Faculty Personnel Committee, the Provost and/or the President followed the procedures stated in the *Faculty Manual*. Proper procedure defined: For the purposes of this policy, proper procedure refers essentially to procedural issues having a bearing on the substance of the decision. The standard of proper procedure would suggest the following kinds of questions:

1. Was all available evidence bearing on the relevant performance of the candidate sought out and considered?
2. Was there adequate deliberation over the import of the evidence in the various interviews with the candidate and department, and in subsequent closed committee?
3. Were irrelevant and improper considerations excluded?

Thus, a finding of improper procedure involves a critique of process and not a substitution of the Review Committee's judgment of the merits for that of the Faculty Personnel Committee, Provost, and/or the President.

- c. The merits of the case: With departmental support, an appeal of a negative decision for tenure may allege that the evidence available at the time of the original decision did establish a clear and convincing case for a positive recommendation. A negative recommendation for promotion cannot be appealed on the merits of the case. An appeal on the merits suggests that an error has been made in not granting the appellant tenure. Since proper procedures have assured tenure candidates of a thorough, conscientious review, the standard for overturning a negative decision for tenure on the merits must be high. It will not be sufficient for the Review Committee or the Faculty Senate to simply reach a different conclusion than did the Faculty Personnel Committee, the Provost, and/or the President. They must also conclude that the negative decision for tenure was clearly in error.
- o 3.2.4.3.2.3 Initiating an Appeal
- a. To initiate an appeal, the faculty member shall deliver a written petition to the Chair of the Faculty Personnel Committee, the Chair of the Faculty Review Committee, the Office of the President, and the Office of the Provost. The petition must be delivered within fifty (50) calendar days of receipt of official written notice of the decision. In exceptional cases, the Faculty Review Committee may grant an extension of the deadline.
  - b. The petition must state the decision being appealed, the grounds for appeal and a statement of evidence in support of the allegations. The burden of proof in cases alleging improper consideration and/or improper procedure rests upon the appellant to establish a prima facie case.  
A prima facie case of improper consideration and/or improper procedure has been established if the appellant's petition contains statements alleging facts, which, if they were not contradicted, would reasonably allow the Faculty Review Committee to conclude that the College's decision was based on improper consideration and/or improper procedure as defined above.
  - c. For an appeal on the merits of a negative tenure decision, the faculty member's petition must be accompanied by a letter of support from the faculty member's department. The letter must list the voting members of the department and report the outcome of the vote to support the appeal. The departmental letter, along with the appellant's petition, should also offer specific evidence in support of the appeal. A clear and convincing case for error has been established if the appellant's petition, as supported by his/her department, has not been sufficiently challenged or contradicted by the Faculty Personnel Committee, the Provost, and/or the President. The Review committee must conclude, not only that it disagrees with the

negative decision for tenure, but that any other reasonable body reviewing the same evidence would likely also disagree.

o 3.2.4.3.2.4 Appeal Procedures

a. Within twenty-one (21) calendar days of receipt of the petition, the Faculty Review Committee shall meet to determine whether:

1. the faculty member has alleged a proper basis for appeal;
2. the appeal was commenced within the deadline;
3. the appellant has established a prima facie case for improper consideration and/or improper procedure; or
4. the faculty member has established a clear and convincing case for error in a negative tenure recommendation.

The Committee will establish its own procedures for this preliminary meeting.

In the case of an appeal on the merits the Faculty Review Committee shall request a response to the appellant's petition from those parties involved in the negative decision for tenure, including the Faculty Personnel Committee, the Provost, and/or the President. The response letters from these parties shall be sent to the Faculty Review Committee within fourteen (14) calendar days after a copy of the petition has been provided to those parties. The response letters shall be available to Committee members prior to the Committee's preliminary hearing.

b. If the Faculty Review Committee determines that proper grounds for an appeal have not been alleged, or that an appeal has not been timely commenced, or that a prima facie case has not been established for improper consideration and/or improper procedure, or that a clear and convincing case for error in a negative tenure decision has not been made, it shall so notify the appellant, the Provost, and the President, and no further action shall be taken in review of the appeal.

c. If the Faculty Review Committee determines that proper grounds have been alleged, and that the appeal is timely, and that a prima facie case for improper consideration and/or improper procedure has been established, the Committee shall next determine how best to conduct its review of the appeal. Depending on the circumstances of each particular case, the Committee may request both parties to state their positions in writing, and make a determination based upon these submissions, or the Committee may choose to hold a hearing. Either the appellant or the respondent may also request a hearing.

In the case of an appeal on the merits, if the Faculty Review Committee determines that proper grounds have been alleged, and that the appeal is timely, and that a clear and convincing case for error in a negative tenure decision has been made, it will report this decision to the Provost and the Chair of the Faculty Senate as specified in section 3.2.4.3.2.5.d.

d. If the Faculty Review Committee determines that a hearing is warranted, in the case of an appeal of improper consideration and/or improper procedure, the following procedures will govern such a hearing. It is imperative that the procedures of the Committee assure due process while at the same time are pursued sensibly and in good faith. The hearing shall take place within fourteen (14) calendar days after the Committee's preliminary meeting.

1. The appellant shall have the right to have present an advisor chosen from among the College's faculty or administration. The advisor shall not be a member of the Provost's office or a member of the Faculty Personnel

Committee that voted on the decision being appealed. The decision being appealed will determine whether the Chair of the Faculty Personnel Committee, the Provost, or the President shall be the respondent. The respondent shall also have the right to have an advisor selected from the faculty or administration of the College. The role of the advisors is to listen to the proceedings, offer advice to the advisee, take notes and provide personal support to the advisee. Although the appellant and the respondent should be the primary speakers, advisors may speak and answer questions if the Faculty Review Committee feels doing so is appropriate and can be done fairly. Hearings of the Committee are open only to the appellant, the respondent, the Provost, the advisors to the parties, and other persons invited by the Committee.

2. The Faculty Review Committee may obtain information from whatever sources it deems necessary. If either the appellant or respondent believes that information from witnesses or other documentary evidence would be helpful in clarifying, but not supplanting, the existing tenure/promotion file, either or both may so inform the Committee. The Committee should provide the opportunity for such clarification, but also maintains the right to limit all additional material. The Committee is entitled to access to the appellant's tenure or promotion file used in making the original decision.
  3. The Faculty Review Committee shall have discretion to determine the manner and order in which it will take evidence. It may question all persons involved in the hearing. Neither the appellant nor the respondent, nor either of their advisors, if any, may question witnesses without the consent of the Committee. Rules of evidence and other rules and procedures applicable to a court of law need not apply.
  4. All hearings and deliberations of the Faculty Review Committee shall be conducted confidentially. All participants are bound to keep confidential the evidence and testimony presented or reviewed in hearings and deliberations. This provision is not intended to limit the ability of the appellant or the College to communicate freely with attorneys, governmental agencies, or as otherwise allowed or required by law.
- o 3.2.4.3.2.5 Disposition of Faculty Review Committee Appeals
- a. In the case of alleged improper consideration and/or improper procedure, the Faculty Review Committee is charged with studying the merits of the appeal and reporting its findings to the President within fourteen (14) calendar days of the Committee's preliminary meeting or hearing, whichever is later.
  - b. In the case of alleged improper consideration and/or improper procedure, the Faculty Review Committee shall not substitute its judgment on the merits of the decision for that of the Faculty Personnel Committee, Provost, or the President as to the faculty member's suitability for tenure or promotion, but instead shall limit its findings of fact to the following:
    1. If the Faculty Review Committee finds improper consideration or improper procedure on the part of the Provost or Faculty Personnel Committee, the Faculty Review Committee shall recommend to the President that some or all of the applicable procedure shall be reviewed and that the decision shall be reconsidered. The Committee shall prepare a report explaining why the

Committee arrived at its findings and identifying which procedures shall be reviewed or repeated and by whom. The President shall provide copies of the Committee's report to the appellant, the Provost, and to the members of the Faculty Personnel Committee. The findings and contents of the report shall otherwise remain confidential.

2. If the Committee finds improper consideration or improper procedure on the part of the President alone, the Committee report shall recommend to the President that the President's decision be reconsidered. The report of the Committee shall explain why the Committee arrived at its findings. The President shall provide copies of the Committee's report to the Chair of the Board of Trustees, the Provost and to the members of the Faculty Personnel Committee. The findings and contents of the report shall otherwise remain confidential.
- c. Within ten (10) calendar days of receipt of the Faculty Review Committee Report of improper consideration or improper procedure, the President will either reverse the decision without further consideration or direct that some or all of the applicable procedures be reviewed as identified in the Committee's report. The directive for reconsideration shall include specific instructions for individuals or committees. Within twenty-one (21) calendar days of receipt of instructions to do so from the President, the Faculty Personnel Committee and/or the Provost shall review procedures, reconsider their recommendation, and report in writing to the President.  
Within ten (10) calendar days of receipt of all required responses for reconsideration from individuals and committees, the President will either reverse the original negative tenure decision or let stand the decision and notify the appellant, the Provost, and the Faculty Personnel Committee. If the President decides to reverse the original negative tenure decision, positive recommendations for tenure or promotion will be forwarded to the Board of Trustees for final action. If the President decides to let stand the original decision, this decision of the President cannot be appealed further under this Appeals procedure.  
The President's notification to reverse or let stand the original decision should include an explanation for the decision.
- d. In the case of an appeal on the merits, if the Faculty Review Committee determines that a clear and convincing case for error in a negative tenure decision has been made, it will report this decision to the Provost, the President, the appellant, the Chair of the Faculty Personnel Committee, and the Chair of the Faculty Senate within fourteen (14) calendar days of the Committee's preliminary meeting. The Faculty Senate will then convene a hearing of the appeal based on the procedures outlined in section 3.2.4.3.2.6. The Faculty Review Committee shall report in writing explaining why the Committee arrived at its findings and identifying specific evidence it believes was not properly interpreted. The Faculty Senate chair and Faculty Personnel Committee chair can share the report with their respective membership. The findings and contents of the report shall otherwise remain confidential.
- o 3.2.4.3.2.6 Faculty Senate Tenure Appeal Procedures  
It is imperative that the procedures of the Faculty Senate assure due process while at the same time are pursued sensibly and in good faith.

- a. In the event a hearing is held, the appellant shall have the right to have present an advisor chosen from among the College's faculty or administration. The advisor shall not be a member of the Provost's office, the Faculty Senate hearing the appeal, or a member of the Faculty Personnel Committee that voted on the decision being appealed. The decision being appealed will determine whether the Chair of the Faculty Personnel Committee, the Provost or the President shall be the respondent. The respondent shall also have the right to have an advisor selected from the faculty or administration of the College. The role of the advisors is to listen to the proceedings, offer advice to the advisee, take notes and provide personal support to the advisee. Although the appellant and the respondent should be the primary speakers, advisors may speak and answer questions if the Committee feels doing so is appropriate and can be done fairly. Hearings of the Faculty Senate are open only to the appellant, the respondent, the Provost, the advisors to the parties, and other persons invited by the Senate.
  - b. The Faculty Senate may obtain information from whatever sources it deems necessary. If either the appellant or respondent believes that information from witnesses or other documentary evidence would be helpful in clarifying, but not supplanting, the existing tenure/promotion file, either or both may so inform the Senate. The Senate should provide the opportunity for such clarification, but also maintains the right to limit all additional material. The Senate is entitled to access to the appellant's tenure or promotion file used in making the original decision.
  - c. The Faculty Senate shall have discretion to determine the manner and order in which it shall take evidence. It may question all persons involved in the hearing. Neither the appellant nor the respondent, nor either of their advisors, if any, may question witnesses without the consent of the Senate. Rules of evidence and other rules and procedures applicable to a court of law need not apply.
  - d. All hearings and deliberations of the Faculty Senate shall be conducted confidentially. All participants are bound to keep confidential the evidence and testimony presented or reviewed in hearings and deliberations. This provision is not intended to limit the ability of the appellant or the College to communicate freely with attorneys, governmental agencies or as otherwise allowed or required by law.
- o 3.2.4.3.2.7 Disposition of Faculty Senate Tenure Appeals
 

The Faculty Senate is charged with conducting a hearing on the appeal, and reporting its findings to the President within twenty-one (21) calendar days of notification from the Faculty Review Committee.

    - a. If, in the Faculty Senate's judgment, there is not clear and convincing evidence to overturn the recommendations of the Faculty Personnel Committee or the Provost, or the decision of the President, it will report this finding in writing to the President, the Provost, the appellant, and to the chair of the Faculty Personnel Committee. The report should specifically address the findings of the Review Committee, and why the Senate was not persuaded that the original negative tenure decision was in error. The findings and contents of the report shall otherwise remain confidential.
    - b. If, in the Faculty Senate's judgment, the evidence is clear and convincing that the Faculty Personnel Committee, the Provost, or the President has erred on the merits of a properly appealed tenure case, the Faculty Senate shall recommend to the President that the decision be reversed. The Faculty Senate shall report in writing explaining why the Senate arrived at its findings and identifying specific evidence



that it believes was not properly interpreted. This report shall go to the President, the Provost, the appellant, and the chair of the Faculty Personnel Committee (who may share it with members of the Faculty Personnel Committee). The findings and contents of the report shall otherwise remain confidential.

Within fourteen (14) calendar days of receipt of a Faculty Senate recommendation to reverse a negative tenure decision, the Faculty Personnel Committee and/or the Provost will provide a written rebuttal to the President, explaining why they believe that the Faculty Senate is in error regarding the merits of the case.

Within ten (10) calendar days of receipt of all required responses for reconsideration from individuals and committees, the President will either reverse the original negative tenure decision or let stand the decision and notify the appellant, the Provost, the Faculty Personnel Committee, and the Faculty Senate. If the President decides to reverse the original negative tenure decision, positive recommendations for tenure or promotion will be forwarded to the Board of Trustees for final action. If the President decides to let stand the original decision, this decision of the President cannot be appealed further under this Appeals procedure.

The President's notification to reverse or let stand the original decision should include an explanation for the decision.

- o 3.2.4.3.2.8 Appeals to the Board of Trustees
  - a. After all of the appeals processes outlined above have been completed, and if the Faculty Senate and/or the Faculty Review Committee has found that the President alone made improper considerations or used improper procedure that likely affected the decision, and if the President decides not to reverse the original negative decision on tenure, the appellant may appeal the decision of the President to the Board of Trustees by writing to the Chair of the Board.
  - b. After the Board has completed its review, the Board will either reverse the decision or let stand the original decision and the Board Chair will notify the appellant, the President, the Provost, and the members of the Faculty Personnel Committee.
  - c. The Board Chair's notification to reverse or let stand the original decision should include an explanation for the decision.
- o 3.2.4.3.2.9 Charter of the Faculty Review Committee
  - a. Charge:  
The Faculty Review Committee receives petitions, investigates, conducts hearings, and makes recommendations on appeals of decisions of tenure and promotion made by the Faculty Personnel Committee, the Provost or the President.
  - b. Committee staffing:
    - 1. Three tenured faculty members designated as regular members at the time of their elections. No two members can be from the same department.
    - 2. One tenured faculty member, also from a different department, designated as an alternate at the time of election.
    - 3. All members of the committee shall have been members of the faculty for at least five academic years.
    - 4. No member of the committee may be an administrative officer.
    - 5. No member may serve concurrently on the Faculty Personnel Committee or the Faculty Senate.
  - c. Terms of Office, Nominations, and elections:
    - 1. The term of office is three years. The terms shall be staggered.

2. When it is necessary to fill a position on or replace permanently a member of the committee, the Faculty Senate shall present nominations according to regular Faculty election rules, with additional nominations from the floor of the Faculty, providing all meet the requirements stated in 3.2.4.3.2.9.b.
- d. Procedures:
1. The committee shall elect a chair from among its regular members.
  2. Members shall excuse themselves, or the chair may excuse a member, from consideration of those cases where the member's impartiality could be questioned by the appellant, the Provost, the President or the Chair of the Faculty Personnel Committee. Such cases may include, but are not limited to, those that present a clear conflict of interest, or those in which the committee member may be called upon to offer testimony. The individuals raising questions of impartiality must address their concern to the committee chair at the time the appeal is initiated.
  3. If a regular member is excused from the consideration of a case, an alternate, if not also excused, will serve for the consideration of that case.
  4. If the chair is excused, the remaining members will elect a chair for the consideration of that case.
  5. Three members constitute a quorum. An alternate should attend all meetings, but not participate until and unless needed as a replacement.
  6. In the event that a quorum cannot be reached because of excuses, the elected members of the Faculty Senate shall elect sufficient replacements for the excused members to reach a quorum. These replacements shall serve only for the particular appeal and must meet the requirements for membership in 3.2.4.3.2.9.b.
- 

### **3.2.5 Compensation**

#### 3.2.5.1 Contracts

Contracts between all faculty members and the College will set forth in writing the commitments of each party. Contracts for renewed appointments and appointment letters for faculty with tenure will be offered not later than April 15 unless notification and explanation has been made to the Faculty Senate and, except for appointments with tenure, will be returned not later than thirty (30) calendar days after being tendered. Contracts not signed and returned within thirty (30) calendar days will be regarded to have been refused and to have expired.

#### 3.2.5.2 Salary

Salary for regular appointment faculty will be in accordance with a published salary schedule (See Appendix B).

#### 3.2.5.3 Fringe Benefits

Fringe benefits for all faculty members except part-time faculty members who teach fewer than four courses or equivalent per year, normally will be in accordance with a published fringe benefit schedule (See Appendix B).

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### **3.2.6 Faculty Development and Leaves**

#### 3.2.6.1 Faculty Development

Faculty may participate in the faculty development programs in accordance with the stipulations of each of those exchanges, leaves, grants, seminars, and workshops.

### 3.2.6.2 Leaves of Absence

- 3.2.6.2.1 Compensated Academic Leaves
  - a. Sabbatical Leaves for Regular Professional Development

Procedures regarding leaves of absence are outlined in the *Faculty Handbook*.  
Regular professional development is a normal part of an academic career. The College affirms the teacher-scholar model of professional development as a way of valuing all legitimate professional development activities that contribute to a vital and healthy academic community. Since a sabbatical leave is a major investment in the faculty member's professional future, the individual, the relevant department, the Provost and the Faculty Development Committee will work together to devise a plan that is mutually beneficial to the individual and to the College. Faculty who apply for a sabbatical leave as part of their professional development must provide a coherent, well-planned proposal to the Faculty Development Committee for evaluation. The committee will review leave proposals and will forward its recommendation to the Provost. The college will fund all proposals recommended to it by the Committee, if possible. In cases where funding is insufficient, a recommended leave may be delayed one year after the Provost has consulted with the individual and the department.
- 3.2.6.2.2 Other Leaves
  - a. Leaves for Graduate Study

Leaves of absence without salary from the College may be granted for graduate study toward an advanced degree and are negotiated with the Provost after consultation with the department concerned.
  - b. Parental Leave

The College recognizes the important role of both parents in the arrival of a new child. The College's Parental Leave policy is found in the *All-College Policies* document.
  - c. Family and Medical Leave

The College's Family and Medical Leave policy is found in the *All-College Policies* document.
  - d. Leaves for Other Reasons

Leaves of absence for public service, exchange professorships, medical or other reasons may be negotiated with the Provost. Leaves of absence do not supersede, extend or otherwise alter the terminal limit of an employment contract between the employee and the College.

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### 4.1.0 Procedures for Amending the *Faculty Manual* are as follows:

1. Any proposed amendment to the *Faculty Manual* (except for Appendix B as explained below), whether from Faculty or Board of Trustees, will be submitted in writing to the faculty at least ten (10) days prior to the faculty meeting at which it is to be discussed. The written notice will indicate the date of the faculty meeting at which the proposal will be discussed. Once the vote has been called, faculty will have no less than one week to vote on the amendment. A simple majority of faculty votes cast is required to adopt the amendment and recommend it to the Board of Trustees.  
In Appendix B, the Faculty Salary Schedule and the details and provisions of Fringe Benefits may be amended annually by the Board of Trustees or its designees after consultation with the Faculty Senate or its designees and the Budget Committee.
2. Approval by the Faculty and the Board of Trustees is required for an amendment to be adopted.

## **Appendix A: AAUP 1940 Statement of Principles on Academic Freedom and Tenure**

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) Freedom of teaching and research and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

### **Academic Freedom**

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

### **Academic Tenure**

a. After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, [NOTE: Gustavus Adolphus College does not have a mandatory retirement age. See *Faculty Manual* 2.6.1.2] or under extraordinary circumstances because of financial exigencies. In the interpretation of this principle, it is understood that the following represents acceptable academic practice:

1. The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.
2. Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that the new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.

3. During the probationary period a teacher should have the academic freedom that all other members of the faculty have.
  4. Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges and should have the opportunity to be heard in his or her own defense by all bodies that pass judgment upon the case. The teacher should be permitted to be accompanied by an advisor of his or her own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence, the testimony should include that of teachers and other scholars, either from the teacher's own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.
  5. Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.
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## Appendix B: Faculty Salary and Compensation

Note: The salary and fringe benefits schedules listed below are an indication of intention only and carry no contractual commitment beyond the contract year. Specific provisions of the salary and fringe benefits schedules are subject to annual review by the appropriate committees, the administration, and the Board of Trustees.

### 2022-23 Step System for Regular Appointment Faculty

	<b>Assistant</b>		<b>Associate</b>		<b>Professor</b>
105	\$57,854	207	\$62,007	315	\$73,557
106	\$58,786	208	\$63,014	316	\$74,680
107	\$59,718	209	\$64,021	317	\$75,803
108	\$60,650	210	\$65,028	318	\$76,926
109	\$61,582	211	\$66,035	319	\$78,049
110	\$62,514	212	\$67,042	320	\$79,172
111	\$63,446	213	\$68,049	321	\$80,295
112	\$64,378	214	\$69,056	322	\$81,418
113	\$65,310	215	\$70,063	323	\$82,541
114	\$66,242	216	\$71,070	324	\$83,664
115	\$67,174	217	\$72,077	325	\$84,787
116	\$68,106	218	\$73,084	326	\$85,910
117	\$69,038	219	\$74,091	327	\$87,033
118	\$69,970	220	\$75,098	328	\$88,156
119	\$70,902	221	\$76,105	329	\$89,279
120	\$71,834	222	\$77,112	330	\$90,402
121	\$72,766	223	\$78,119	331	\$91,525
122	\$73,698	224	\$79,126	332	\$92,648
123	\$74,630	225	\$80,133	333	\$93,771
124	\$75,562	226	\$81,140	334	\$94,894
125	\$76,494	227	\$82,147	335	\$96,017
126	\$77,426	228	\$83,154	336	\$97,140
127	\$78,358	229	\$84,161	337	\$98,263
128	\$79,290	230	\$85,168	338	\$99,386
129	\$80,222	231	\$86,175	339	\$100,509
130	\$81,154	232	\$87,182	340	\$101,632
131	\$82,086	233	\$88,189	341	\$102,755
132	\$83,018	234	\$89,196	342	\$103,878
133	\$83,950	235	\$90,203	343	\$105,001
134	\$84,882	236	\$91,210	344	\$106,124

2022-23 Step System for Continuing Faculty

	<b>CF</b>		<b>SCF</b>
1	\$ 46,850	50	\$ 48,075
2	\$ 47,350	51	\$ 48,585
3	\$ 47,850	52	\$ 49,095
4	\$ 48,350	53	\$ 49,605
5	\$ 48,850	54	\$ 50,115
6	\$ 49,350	55	\$ 50,625
7	\$ 49,850	56	\$ 51,135
8	\$ 50,350	57	\$ 51,645
9	\$ 50,850	58	\$ 52,155
10	\$ 51,350	59	\$ 52,665
11	\$ 51,850	60	\$ 53,175
12	\$ 52,350	61	\$ 53,685
13	\$ 52,850	62	\$ 54,195
14	\$ 53,350	63	\$ 54,705
15	\$ 53,850	64	\$ 55,215
16	\$ 54,350	65	\$ 55,725
17	\$ 54,850	66	\$ 56,235
18	\$ 55,350	67	\$ 56,745
19	\$ 55,850	68	\$ 57,255
20	\$ 56,350	69	\$ 57,765
21	\$ 56,850	70	\$ 58,275
22	\$ 57,350	71	\$ 58,785
23	\$ 57,850	72	\$ 59,295
24	\$ 58,350	73	\$ 59,805
25	\$ 58,850	74	\$ 60,315
26	\$ 59,350	75	\$ 60,825
27	\$ 59,850	76	\$ 61,335
28	\$ 60,350	77	\$ 61,845
29	\$ 60,850	78	\$ 62,355
30	\$ 61,350	79	\$ 62,865
31	\$ 61,850	80	\$ 63,375
32	\$ 62,350	81	\$ 63,885
33	\$ 62,850	82	\$ 64,395
34	\$ 63,350	83	\$ 64,905
35	\$ 63,850	84	\$ 65,415
36	\$ 64,350	85	\$ 65,925
37	\$ 64,850	86	\$ 66,435
38	\$ 65,350	87	\$ 66,945
39	\$ 65,850	88	\$ 67,455
40	\$ 66,350	89	\$ 67,965
41	\$ 66,850	90	\$ 68,475
42	\$ 67,350	91	\$ 68,985
43	\$ 67,850	92	\$ 69,495

	CF		SCF
44	\$ 68,350	93	\$ 70,005
45	\$ 68,850	94	\$ 70,515
46	\$ 69,350	95	\$ 71,025
47	\$ 69,850	96	\$ 71,535
48	\$ 70,350	97	\$ 72,045
49	\$ 70,850	98	\$ 72,555

### Per-Course Rate

The per-course rate for the 2022-23 academic year will be \$4,300 for a standard 1-credit semester or January term course. Partial-credit courses will be prorated.

### Fringe Benefits

All eligible full-time employees receive the following fringe benefits. For complete terms and conditions of each benefit see the *Benefits Guide*, published annually by the Office of Human Resources.

1. Comprehensive medical insurance
2. Dental insurance
3. Term life insurance
4. Short-term salary continuation (for salaried employees)
5. Short-term disability (for hourly employees)
6. Long-term disability income insurance
7. A tax shelter retirement plan
8. Tuition Scholarship Plan for Dependent Children
9. Employee and Spouse/Domestic Partner Tuition Benefit Plan.

Additionally, all eligible faculty members may receive the following benefits in accordance with the stipulations specified for each:

1. Leaves of absence
2. Professional travel and mileage allowance.

## Appendix C: Faculty Emeriti Privileges

Privileges of faculty emeriti shall include:

1. Medical insurance benefits, if eligible, as provided in Gustavus Adolphus College Post-Employment Medical Benefits Plan (see *All-College Policies*);
2. provision for office space at the College where possible;
3. participation in all public academic events such as commencement exercises;
4. library privileges and use of athletic facilities;
5. faculty identification cards for admission to all college events such as plays, concerts, recitals, and athletic contests; and
6. complimentary subscriptions to college publications.

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Last modified: October 7, 2022 by Mark Braun, Faculty Secretary.



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## Mission Statement

Gustavus Adolphus College is a church-related, residential liberal arts college firmly rooted in its Swedish and Lutheran heritage.

The College offers students of high aspiration and promise a liberal arts education of recognized excellence provided by faculty who embody the highest standards of teaching and scholarship. The Gustavus curriculum is designed to bring students to mastery of a particular area of study within a general framework that is both interdisciplinary and international in perspective.

The College strives to balance educational tradition with innovation and to foster the development of values as an integral part of intellectual growth. It seeks to promote the open exchange of ideas and the independent pursuit of learning.

The College aspires to be a community of persons from diverse backgrounds who respect and affirm the dignity of all people. It is a community where a mature understanding of the Christian faith and lives of service are nurtured and students are encouraged to work toward a just and peaceful world.

The purpose of a Gustavus education is to help students attain their full potential as persons, to develop in them a capacity and passion for lifelong learning, and to prepare them for fulfilling lives of leadership and service in society.

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# **Amended and Restated Articles of Incorporation of Gustavus Adolphus College**

## **Article I: Name**

The name of this corporation is Gustavus Adolphus College.

## **Article II: Purpose**

This corporation is organized and shall be operated under the Minnesota Nonprofit Corporation Act (the “MNCA”), Minnesota Statutes Chapter 317A, exclusively for religious, charitable, literary, educational, and scientific purposes within the meaning of Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 (the “Code”). Within the limitations established by the preceding sentence, this corporation is organized and shall be operated to conduct and maintain an institution of higher education in collaboration with the Gustavus Adolphus College Association of Congregations of the Evangelical Lutheran Church in America and the Evangelical Lutheran Church in America.

## **Article III: Members**

The corporation shall have no members.

## **Article IV: Restrictions**

Notwithstanding any other provisions of these Articles, the restrictions enumerated in this Article IV shall govern the activities of this corporation.

This corporation shall not engage in any activity that may not be carried on (a) by an organization that is exempt from federal income taxation under Section 501(a) of the Code by virtue of being described in Section 501(c)(3) of the Code or (b) by an organization contributions to which are deductible under Sections 170(c)(2), 2055(a), and 2522(a) of the Code.

No part of net earnings of this corporation shall inure to the benefit of any private individual.

This corporation shall not, as a substantial part of its activities, attempt to influence legislation by propaganda or otherwise. This corporation shall neither directly nor indirectly participate in or intervene in any political campaign on behalf of, or in opposition to, any candidate for public office, whether by the publishing or distributing of statements or otherwise.

This corporation shall not lend any of its assets to any officer or director of this corporation or guarantee to any other person the payment of a loan by any officer or director of this corporation.

## **Article V: Duration**

The duration of this corporation shall be perpetual.

## **Article VI: Registered Office**

The College’s registered office is at 800 West College Avenue, St. Peter, Minnesota.

## **Article VII: Capital Stock**

This corporation shall have no capital stock.

## **Article VIII: Board of Directors**

Section 1: The government and management of this corporation shall be vested in its Board of Directors (the “Board”). By tradition, the corporation calls its Board the “Board of Trustees.” However, directors are not

trustees either with respect to the College or with respect to property held or administered by the College, including without limitation, any property that may be subject to donor-imposed restrictions.

Section 2: The number of directors and the manner of their selection shall be set forth in the Bylaws of this corporation.

Sections 3: Any action required or permitted to be taken at a meeting of the Board of Directors may be taken without a meeting by written action signed, or consented to by authenticated electronic communication, by the number of directors that would be required to take the same action at a meeting of the Board at which all directors were present; provided that when the action is taken by less than all directors, all directors must be notified immediately of its text and effective date. The written action shall be effective when signed or consented to by the required number of directors, unless a different effective time is provided in the written action. Failure to provide the notice does not invalidate the written action. A director who does not sign or consent to the written action is not liable for the action.

### **Article IX: Amendment of Articles**

These Articles of Incorporation may be amended as provided in the Minnesota Nonprofit Corporation Act.

### **Article X: Dissolution**

This corporation may be dissolved in accordance with the Minnesota law. Upon dissolution, any property remaining after the payment of debts shall be transferred, in such proportions as the Board shall determine, to one or more organizations that are exempt from federal income taxation under Section 501(a) of the Code by virtue of being described in Section 501(c)(3) of the Code, or to the State of Minnesota or any political subdivision or agency of the State for exclusively public purposes. No provision of these Articles shall be construed to affect the disposition of property held by this corporation upon trust or other condition, and upon dissolution of the corporation, such property shall be transferred in accordance with the trust or condition imposed with respect to it.

4/25/92, 6/14/10

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## **Restated Bylaws of Gustavus Adolphus College**

### **Article 1: General**

1.1 **General Purposes.** Gustavus Adolphus College (the “College”) is organized and operated as a nonprofit corporation under the Minnesota Nonprofit Corporation Act (Minnesota Statutes Chapter 317A) exclusively for religious, charitable, literary, educational, and scientific purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986. The College operates in the tradition of Lutheran higher education and in collaboration with the Evangelical Lutheran Church in America (the “ELCA”) and the Gustavus Adolphus College Association of Congregations of the Evangelical Lutheran Church in America (the “Association of Congregations”). The College acknowledges the intention of the ELCA and the Association of Congregations, set forth in their constitutions, to strengthen the College spiritually and academically and to provide oversight and financial assistance. Also, the College declares its intention, in pursuing its educational function, to reflect the faith of the Christian church.

### **Article 2: Registered Office**

2.1 **Location.** The College shall maintain a registered office in the State of Minnesota at a location selected by the College’s Board of Directors (the “Board”).

### **Article 3: Authority and Responsibilities Of The Board Of Directors**

**3.1 Name.** By tradition, the College calls its governing board a Board of Trustees. However, under Minnesota law, Board members are directors and are not trustees either with respect to the College or with respect to property held or administered by the College, including without limitation, any property that may be subject to donor-imposed restrictions.

**3.2 Board Responsibility.** All business and affairs of the College are managed under the direction of the Board. In the exercise of this responsibility, the Board shall have the power to take any actions in the College's interest that are permitted by law, by the College's Articles of Incorporation, and by these Bylaws. Without limitation, the Board's specific responsibilities include:

- 3.2.1 Establishing and periodically reviewing the College's mission and purposes.
- 3.2.2 Establishing the process for selecting the President of the College (the "President").
- 3.2.3 Electing the President.
- 3.2.4 Setting the terms of the President's employment, including compensation.
- 3.2.5 Annually assessing the President's performance based on mutually agreed-upon goals and other criteria, using a process established by the Board.
- 3.2.6 Appointing, upon recommendation of the President, other officers in the administration.
- 3.2.7 Establishing, upon the recommendation of the President, the structure, policies, and rules for the efficient organization, administration, and operation of the College.
- 3.2.8 Approving the College's academic program, upon the recommendation of the President in consultation with the Provost and formed in cooperation with the faculty; enabling the faculty to develop curricula, instructional programs, and degree requirements, while ensuring they are consistent with the mission and purpose of the College as established by the Board, including the academic procedures and policies articulated in the Faculty Manual.
- 3.2.9 Conferring earned and honorary degrees in accord with policies set by the Board, empowering the faculty to establish the requirements and determine when the requirements have been met for earned degrees.
- 3.2.10 Empowering the faculty to exercise its responsibility for the effective conduct of the College's academic program, including the academic life of students in accordance with policies approved by the Board.
- 3.2.11 Adopting institutional policies governing the appointment, promotion, tenure, and dismissal of faculty as articulated in the Faculty Manual.
- 3.2.12 Adopting policies that protect academic freedom and contribute to the best possible environment for the faculty to teach, to pursue their scholarship, to perform public service, and to fulfill the mission of the College.
- 3.2.13 Adopting appropriate policies for all students, faculty, officers, and employees.
- 3.2.14 Adopting non-discrimination policies for all students, faculty, officers, and employees.
- 3.2.15 Overseeing the College's financial affairs and risk management, including the borrowing of money, the assumption of liabilities, the management of funds, the acquisition or disposition of property, the approval of budgets, and appointment of an independent auditor.
- 3.2.16 Establishing tuition and other fees.
- 3.2.17 Monitoring the engagement of the College with the alumni, the community, the Association of Congregations, and the ELCA.
- 3.2.18 Periodically evaluating the Board's own performance.

**3.3 Role of Bylaws and Other Board Policies.** Subject only to applicable law and the College's Articles of Incorporation, these Bylaws take precedence over all other institutional statements, documents, and policies.

Board policies, wherever stated, take precedence over all other institutional statements, documents, and policies.

#### **Article 4: Board Membership**

4.1 **Board Composition.** The Board shall consist of no fewer than twenty-eight (28) and no more than thirty-six (36) directors. All directors shall have equal voting rights.

4.1.1 **Ex Officio Directors.** So long as they hold office, the President of the College, the Bishop of the Southwestern Minnesota Synod of the ELCA, and the President of the Association of Congregations shall be directors.

4.1.2 **Alumni Association Directors.** The Board of Directors of the Gustavus Adolphus College Alumni Association, acting in consultation with the Board, shall be entitled to appoint two Alumni Association directors, each of whom may serve as an Alumni Association director for up to four (4) consecutive years.

4.1.3 **ELCA Director.** The ELCA may designate as a director a member of the churchwide staff with responsibility for higher education.

4.1.4 **Young Alumni Director.** The Board may elect Young Alumni Directors, up to two of whom may serve simultaneously. Each Young Alumni Director will serve a four-year term, unless the Board sets a shorter term. The Board may not extend or renew any Young Alumni Director's term, regardless of that term's length. A Young Alumni Director's term must begin within 15 years of earning a degree from the College.

4.1.5 **Elected Directors.** Elected directors of the Board shall be elected by the Association of Congregations at its annual meeting. The Board shall serve as the nominating committee to the Association of Congregations for the selection of candidates to serve as elected directors of the Board. The composition of the elected directors of the Board shall be no fewer than twenty-four (24) and no more than twenty-eight (28) directors. At least twelve (12) elected directors, the exact number to be determined by the Board, shall be at-large directors nominated by the Board and elected by the Association of Congregations without contest. At least twelve (12) but no fewer than half of the elected directors must be members of congregations that are members of the Association of Congregations, and at least four (4) of these must be rostered ELCA clergy.

- 4.1.5.1 **Term.** Elected directors shall serve three-year (3-year) terms, beginning with the call to order of the Board's annual meeting (see Article 7.1) and ending with the call to order of the Board's annual meeting three years later. To the extent possible, the Board should stagger elections so that the terms of approximately one-third (1/3) of elected directors expire each year.
- 4.1.5.2 **Term Limits.** Elected directors may succeed themselves, but elected directors who have served four (4) consecutive terms (including any partial term) shall not be eligible for reelection until one (1) year has elapsed after the end of their fourth term. The terms of elected directors on the Board shall be extended to enable them to complete their terms as Chair or as Chair-Elect/Chair. Any elected director serving a current term on the effective date of the term limits set forth in this Section 4.1.5.2 that exceeds said term limits shall be allowed to complete their current term.
- 4.1.5.3 **Nomination.** Before the Association of Congregation's annual meeting each year, the Board shall nominate a slate of candidates for election.
- 4.1.5.4 **Vacancies.** Vacant elected director seats on the Board may be filled by the Board until the next meeting of the Association of Congregations, at which time a director shall be elected by the Association of Congregations to complete the remainder of the unexpired term of the director whose position was vacant.

4.1.6 **Resignation.** Any director may resign by delivering written notice to the Chair or the President. The resignation shall be effective upon delivery or at such later time given in the notice.

4.1.7 **Removal.** All directors serve at the pleasure of the Board and may be removed at any regular meeting by a two-thirds (2/3) majority of directors present and voting.

4.1.8 **Expectations For Directors.** The Board expects all directors to share certain characteristics:

- 4.1.8.1 A deep commitment to the College; to its mission, vision, values, and purpose; and to Lutheran higher education.
- 4.1.8.2 A genuine care for the education, health, and spiritual development of the College's students.
- 4.1.8.3 A passion for the welfare and development of the administration, faculty, and staff of the College.
- 4.1.8.4 An understanding of educational and organizational administration.
- 4.1.8.5 A willingness to serve as an advocate for the College.
- 4.1.8.6 A sense of stewardship for the College, its people, and its property.
- 4.1.8.7 A willingness and ability to contribute to the Board's work by attending meetings, participating in committee projects, and being present on campus frequently for College activities.
- 4.1.8.8 A commitment to support the College financially at a level that is generous and appropriate in light of the director's means.
- 4.1.8.9 A commitment to avoid a conflict of interest with the College and, when not feasible, disclose any and all possible conflicts of interest in accordance with Board/College policies.

## **Article 5: Officers Of The College**

5.1 **Officers Identified.** The officers of the College shall be (i) the Chair; (ii) one or more Vice Chairs; (iii) the President; (iv) the Secretary; (v) the Provost; (vi) the Treasurer; and (vii) any other officer positions created by the Board upon the recommendation of the President.

5.2 **Chair.** At an annual meeting, the Board shall elect the Chair from among the directors for a three-year (3-year) term. No director may serve as Chair for more than one (1) consecutive three-year (3-year) term; provided, however, that a two-thirds (2/3) majority of directors present and voting may choose for good cause to extend the Chair's term (and any Chair-Elect's term) for an additional one-year (1-year) term. The Chair shall preside at all Board and Executive Committee meetings and shall perform such other duties as the Board may prescribe. In addition, the Chair shall be the Board's principal spokesperson and its principal agent for dealing with the President. At the annual meeting of the Board in the last year of the Chair's term, the Board shall elect one of its members as the Chair-Elect, who shall, unless provided otherwise by the Board, take office as Chair at the annual meeting at which the current Chair's term expires. At any time there is a Chair-Elect, the Chair shall work to affect a smooth transition of the Chair-Elect to the office of the Chair.

5.3 **Vice Chair.** At each annual meeting, the Board shall elect one (1) or more Vice Chairs from among the directors for one-year (1-year) terms. In the absence of the Chair, a Vice Chair shall preside at Board and Executive Committee meetings. Each Vice Chair shall perform such other duties as the Board may prescribe.

5.4 **Secretary.** At each annual meeting, the Board shall elect the Secretary for a one-year (1-year) term. The Secretary may be a director, but need not be. The Secretary shall ensure that the minutes of all Board and Executive Committee meetings are accurate and distributed to all directors and that all Board policy

statements and official records are properly maintained. The Board may assign additional responsibilities to the Secretary.

**5.5 President and Other Officers.** The Board shall elect the President and appoint other officers from the administrative team as set out in Article 6 below.

**5.6 Vacancies, Resignations, And Removals.** The Board may fill any vacant office at any regular or special meeting. Any officer may resign at any time by delivering written notice to the Chair or the President. The resignation shall be effective upon delivery or at such later time given in the notice. The Board may remove any officer at any time, with or without cause, by an affirmative vote of a majority of all directors.

## **Article 6: The President and Administrative Officers**

**6.1 Election Of The President.** The Board shall elect the President, who shall serve at the pleasure of the Board. The Board shall set the President's compensation and other terms of employment.

**6.2 Duties Of The President.** The President shall be the College's chief executive officer. The President's authority is derived from the Board and includes responsibility for all educational and managerial affairs. The President is responsible for implementing all Board policies, keeping the Board informed of important matters as appropriate, consulting with the Board on matters relating to its fiduciary and policy-making responsibilities, and serving as the chief spokesperson for the College. The President shall serve as a voting member of the executive committee and of all other Board subgroups, except the audit committee and presidential review committee.

**6.3 Presidential Incapacity or Absence.** In the event that the President is unable, in the Board's determination, to fulfill the duties of the office for an extended period of time due to absence or incapacity, an interim President shall be appointed by the Board to serve in his or her stead.

**6.4 President's Commitment to Lutheran Higher Education.** The President of the College shall be (i) a member of a congregation of the ELCA; (ii) a member of a congregation of another Lutheran Church body, the congregations of which are eligible for Association of Congregations membership under Association of Congregations bylaws; (iii) a member of a congregation of one of the church bodies in full communion with the ELCA; or (iv) able to understand, appreciate, articulate, and preserve the College's practices and values that are rooted in its Lutheran heritage. The President shall be able to effectively articulate the essence of Lutheran higher education to all College constituencies.

**6.5 Administrative Officers.** Upon the recommendation of the President, the Board shall appoint (i) the Provost and (ii) the Treasurer. Upon the recommendation of the President, the Board may appoint additional administrative officers. The President shall have the authority to determine the process by which he or she selects the persons recommended for appointment as an administrative officer.

**6.6 Terms, Authority, And Responsibilities of Administrative Officers And Other Administrative Leaders.** The administrative officers and other administrative leaders serve at the pleasure of the President. The President shall set the employment terms for all administrative vice presidents and other administrative leaders and is responsible for evaluating the performance of all such persons. The President shall define for the Board the duties of each administrative officer and each other administrative leader.

## **Article 7: Board Meetings**

**7.1 Regular Meetings.** The Board shall hold at least three (3) regular meetings each year. The first regular meeting following May 1 of each year shall be the Board's annual meeting.



7.2 **Special Meetings.** The President or Chair may call a special meeting of the Board. The Chair shall call a special meeting upon written request signed by at least five (5) directors. The request must state the purpose for the requested meeting.

7.3 **Notice.** The Chair or Secretary shall give written notice of all Board meetings at least ten (10) days in advance. Notice may be delivered either by first-class mail or by e-mail and shall be effective when sent. The notice of any special meeting shall state the purposes for the meeting. Except as specifically permitted in these Bylaws, the business at a special meeting shall be confined to the purposes stated in the notice.

7.4 **Waiver of Notice.** Any director may waive the notice requirement before, at, or after a meeting. The director should put the waiver in writing and submit it to the Secretary for inclusion with the minutes. The director's attendance at a meeting shall be a waiver of any required notice unless the director appears solely to contest the legality of the meeting.

7.5 **Meeting Location.** The Board and each Board subgroup shall determine the location for each meeting. The location shall be included in the meeting notice.

7.6 **Remote Meetings.** Any meeting of the Board and each Board subgroup may be conducted solely by one or more means of remote communication, including electronic communication, conference telephone, video conference, the internet, or such other means by which persons not physically present in the same location may communicate with each other on a substantially simultaneous basis.

7.7 **Remote Participation.** A director may participate in a meeting of the Board or Board subgroup by means of conference telephone, or by such other means of remote communication including electronic communication, video conference, the internet, or such other means by which persons not physically present in the same location may communicate with each other on a substantially simultaneous basis, through which that director and other directors so participating and all directors physically present at the meeting may participate with each other during the meeting.

7.8 **Confidentiality.** Confidentiality at meetings of the Board and Board subgroups is vital to promoting free and candid discussions, deliberations, records and other information generated in connection with the activities of the Board. Board meetings and materials are considered confidential unless the subject matter is otherwise generally available or known to the public. At times, for the avoidance of doubt, the Chair, President, Vice-Chairs, Vice Presidents or others may designate certain agenda items or topics as confidential. Members of the Board shall make no disclosure regarding these confidential items or topics, and those which are not so designated but are not generally known to the public, except as authorized by the Chair or President. This obligation of confidentiality continues for a period of ten (10) years and survives a director's term on the Board, including a director's resignation or removal.

7.9 **Action in Writing.** Any action required or permitted to be taken at a meeting of the Board (or a Board subgroup) may be taken by written action signed, or consented to by e-mail, by the number of directors (or subgroup members) that would be required to take the same action at a meeting of the Board (or subgroup) at which all directors (or members) were present, provided that when the action is taken by less than all directors (or members), all directors (or members) must be notified immediately of its text and effective date. The written action shall be effective when signed or consented to by the required number of directors (or members), unless a different effective time is provided in the written action. Failure to provide the notice does not invalidate the written action. A director (or member) who does not sign or consent to the written action is not liable for the action.

7.10 **Quorum.** A majority of participants (in-person and remote) shall constitute a quorum of the Board and of all Board subgroups.

7.11 **Rules Of Procedure.** Except where the Board has adopted an alternative rule, the Board and all Board subgroups shall conduct their proceedings using *Robert's Rules of Order*, latest edition.

## **Article 8: The Executive Committee**

8.1 **Composition.** The executive committee shall consist of (i) the Chair; (ii) each Vice Chair; (iii) the President; (iv) the Secretary, if the Secretary is a director; (v) the immediate past Chair for one (1) year after leaving office, if the immediate past Chair continues to be a director; (vi) the President of the Association of Congregations; (vii) any Chair Elect; and (viii) up to four (4) and not fewer than two (2) additional directors elected at the annual meeting for one-year (1-year) terms. The Secretary, even if not a member, shall attend executive committee meetings in order to take the minutes, unless the committee determines that the matters under consideration would render such attendance inappropriate.

8.2 **Duties.** The executive committee shall (i) undertake any duties assigned to it by the Board; (ii) assist the Chair and the President with their shared responsibility for effective Board operations by, among other things, participating in the preparation of Board-meeting agendas; and (iii) take any action for the Board that the executive committee determines must be taken before the Board meets again, endeavoring always to preserve for the Board the fullest possible flexibility for addressing the matter at its next meeting. The executive committee shall have the authority to act for the Board on all matters except for the following, which shall be reserved for the Board: presidential selection and termination; director and Board officer elections, changes in institutional mission and purpose, and changes to the Articles of Incorporation or the Bylaws. The executive committee shall provide to all directors prior to each Board meeting minutes of all executive committee meetings that have taken place since the previous Board meeting, and such minutes shall disclose all action as taken by the executive committee.

8.3 **Notice.** The Chair or Secretary shall give written notice of all executive committee meetings at least three (3) days in advance. Notice shall be delivered by e-mail and shall be effective when sent.

8.4 **Waiver Of Notice.** Any executive committee member may waive the notice requirement before, at, or after a meeting. The member should put the waiver in writing and submit it to the Secretary for inclusion with the minutes. The member's attendance at a meeting shall be a waiver of any required notice unless the member appears solely to contest the legality of the meeting.

## **Article 9: Other Board Subgroups**

9.1 **Audit and Presidential Review Committees.** The Board shall have an audit committee and a presidential review committee and shall develop an appropriate charter for each.

9.2 **Other Board Subgroups.** The Board may form such other subgroups as it deems appropriate. The Board shall develop an appropriate charter for each such subgroup. All Board subgroups, irrespective of name, shall be Board committees under the Minnesota Nonprofit Corporation Act.

9.3 **Subgroup Composition.** A director shall chair each Board subgroup. However, the Board may permit non-directors to hold full, voting membership in particular subgroups. All subgroup members serve at the pleasure of the Board. Moreover, in connection with their service, all subgroup members are bound by the standard-of-conduct rules and the conflict-of-interest rules that apply to directors under Minnesota law.

## **Article 10: The Faculty**

10.1 **Faculty Policies and Tenure.** The composition, rights, responsibilities and duties, authority and privileges of the faculty, together with rules of procedure and organization relating thereto, shall be contained in the Faculty Manual, which shall include the provision that all members of the faculty are entitled to academic freedom as set forth in the 1940 Statement of Principles on Academic Freedom and Tenure formulated by the American Association of University Professors. Amendments to the Faculty Manual can be

made and approved only by action of both the Board and the faculty. Continuous tenure shall be conferred only by the Board acting on the recommendation of the President.

### **Article 11: The Students**

**11.1 Student Policies.** Subject to review and approval by the Board, the President and administrative leadership shall prescribe rules, policies, and procedures that govern student life and that are consistent with the mission, vision, purposes, and policies set by the Board. The President shall ensure that these rules, policies, and procedures are published in a form that is available to faculty, students, parents, and all others with a need to know them. The President also shall ensure that the rules, policies, and procedures are fairly and consistently enforced.

**11.2 Non-Discrimination.** The College is open to academically qualified students without regard to race, creed, religion, pregnancy, color, sex, sexual orientation, gender identity, age, national origin, genetic information, or disability.

### **Article 12: Fiscal Year**

**12.1 Fiscal Year.** The fiscal year shall begin on June 1 and end on May 31 each year.

### **Article 13: Limitations on Liability And Indemnification**

**13.1 Indemnification.** The College shall indemnify persons acting in an official capacity on behalf of the College in the manner and to the extent set forth in the Minnesota Nonprofit Corporation Act (Minn. Stat. § 317A.521). However, if two or more persons seek indemnification with respect to one or more proceedings that arise from a single transaction or occurrence, or closely related transactions or occurrences, the Board may condition indemnification, in whole or in part, upon agreement of those persons to joint representation by legal counsel (who may be counsel for the College), except: (1) as to matters with respect to which legal counsel concludes joint representation is impermissible under applicable Rules of Professional Conduct or would materially prejudice the ability of a jointly represented person to assert a defense that in good faith is available to that person or to assert a mandatory counterclaim; or (2) if a court determines that joint representation by legal counsel is unreasonable under the circumstances. In addition, the College may, in the sole discretion of the Board of Directors, indemnify such persons or any other person under such circumstances or different circumstances as the Board of Directors shall deem appropriate as long as the Board reasonably believes such indemnification to be in the best interests of the College.

**13.2 Advances.** If a person acting in his or her official capacity on behalf of the College is made or threatened to be made a party to a legal proceeding, the person is entitled, upon written request to the College, to payment or reimbursement by the College of reasonable expenses, including attorneys' fees and disbursements, incurred by the person in advance of the final disposition of the proceeding, (a) on receipt by the College of a written affirmation by the person of a good faith belief that the criteria for indemnification described in Section 13.1 have been satisfied, and a written undertaking by the person to repay all amounts so paid or reimbursed by the College, if it is ultimately determined that the criteria for indemnification have not been satisfied, and (b) after a determination that the facts then known to those making the determination would not preclude indemnification. The written undertaking that is made a precondition to advances under this Section 13.2 shall be an unlimited general obligation of the person making it, but need not be secured and shall be accepted without reference of financial ability of the maker to make the payment.

**13.3 Rights Not Exclusive.** Nothing contained in this Article 13 shall affect any rights to indemnification to which the College's employees may be entitled by contract or otherwise under law.

13.4 **Insurance.** The College shall purchase and maintain insurance on behalf of a person in that person's official capacity against any liability asserted against or incurred by the person in or arising from that capacity, regardless of whether the College would have been required to indemnify the person against the liability.

#### **Article 14: Amendments to The Bylaws**

14.1 **Amendment.** The Board may amend these Bylaws at any regular meeting (i) upon the approval of two-thirds (2/3) of directors present and voting or (ii) upon the approval of a majority of directors present and voting, provided that the proposed amendment was delivered to all directors at least thirty (30) days before the beginning of the meeting.

7/93; 6/96; 10/01; 4/03; 1/06; 4/06; 3/07; 6/08; 1/09; 6/10; 2/20; 5/22

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## **Articles of Incorporation of Gustavus Adolphus College Association of Congregations of the Evangelical Lutheran Church of America**

We, the undersigned, for the purpose of forming a corporation under and pursuant to the provisions of Chapter 317 Minnesota Statutes, known as the Minnesota Non-Profit Corporation Act, do hereby associate ourselves together as a body corporate and adopt the following Articles of Incorporation.

#### **Article I: Name**

The name of this corporation shall be Gustavus Adolphus College Association of Congregations of the Evangelical Lutheran Church in America.

#### **Article II: Purpose**

The purpose for which this corporation is formed and organized is to elect persons to serve on the Board of Trustees of Gustavus Adolphus College; to strengthen Gustavus Adolphus College spiritually and academically; to support the Lutheran tradition of academic freedom; and to provide oversight and whatever financial assistance it may find feasible and appropriate.

#### **Article III: Members**

The members of this corporation shall be members of the Board of Trustees of Gustavus Adolphus College and the congregations of the Evangelical Lutheran Church in America that elect membership in the corporation according to the procedures established in the by-laws or constitution of this corporation.

#### **Article IV: Pecuniary Gain**

This corporation shall be a non-profit organization and shall not afford pecuniary gain, incidentally or otherwise, to its members.

#### **Article V: Duration**

The duration of this corporation shall be perpetual.

#### **Article VI: Registered Office**

The registered office of this corporation shall be in the City of St. Peter, in the County of Nicollet and State of Minnesota.

#### **Article VII: Individual Liability of Members**

The members of this corporation shall not be personally liable for the obligations of the corporation.

## **Article VIII: Capital Stock**

This corporation shall have no capital stock, and no dues or fees shall be required as a condition of membership.

## **Article IX: Board of Directors of the Gustavus Adolphus College Association**

Section 1: The government and management of this corporation shall be vested in its Board of Directors of at least six and not more than thirty-six (36) members, who shall be elected so that as nearly as possible one-third of their number are elected for three-year terms each year.

Section 2: The number, manner of election, and powers and duties of the Board of Directors shall be set forth in the Constitution of Gustavus Adolphus College Association of Congregations of the Evangelical Lutheran Church in America and amendments thereto.

Section 3: The incorporators of this corporation shall be the first Board of Directors until their successors are elected pursuant to the Constitution of the corporation.

## **Article X: Officers**

The officers of this corporation shall consist of a president, one or more vice-presidents, a secretary, a treasurer and such other officers as the Board of Directors shall provide from time to time. The President shall be a member of the corporation.

## **Article XI: By-Laws**

This corporation may have and adopt by-laws for the purpose of administering and regulating the affairs of the corporation, which by-laws shall for convenience be called and known as “The Constitution” of the corporation.

## **Article XII: Powers**

This corporation shall have and enjoy all the powers granted corporations organized under the provisions of the Minnesota Non-Profit Corporation Act, and amendments thereof, under which it is now established and governed, including the power to take, hold, and invest trust property.

## **Article XIII: Incorporators**

The names and post office addresses of the incorporators of the corporation are as follows:

### **Board of Trustees of Gustavus Adolphus College**

Clyde E. Allen  
10736 James Circle  
Bloomington, MN 55431

Warren Beck  
4421 West 52nd Street  
Edina, MN 55424

Thomas G. Boman  
2045 Woodland Avenue  
Duluth, MN 55803

Daniel Buendorf  
Pastor, First Lutheran Church  
703 South Sibley  
Litchfield, MN 55355

Edgar M. Carlson  
5320 Brookview Avenue  
Minneapolis, MN 55424

Ogden P. Confer  
Chairman of the Board  
Hubbard Milling Company  
424 North Front Street  
Mankato, MN 56001

James Hansen  
R.R. 2  
Brookings, SD 57006

Dwight Holcombe  
Hok Ridge Farm  
11349 219th Avenue, N.W.  
Elk River, MN 55330

Ben Johnson  
1628 13th Avenue, N.W.  
St. Cloud, MN 56301

Carl M. Johnson  
Route 3, Box 60  
Saint Peter, MN 56082

Edgar F. Johnson  
520 Ninth Street, N.E.  
Waseca, MN 56093

John S. Kendall  
President  
Gustavus Adolphus College  
Saint Peter, MN 56082

Theodore M. Kunze  
603 Ninth Avenue, North  
St. James, MN 56081

Harold R. Lohr  
Bishop, Red River Valley Synod  
Lutheran Church in America  
1351 Page Drive, Suite 320  
Fargo, ND 58103

Patricia Lund  
4814 Lakeview Drive  
Minneapolis, MN 55424

Peter Erickson  
Deputy Bishop, Minnesota Synod  
of the Lutheran Church in America  
122 West Franklin, Room 600  
Minneapolis, MN 55404

Kim Erickson Cornell  
Director of Risk Management  
The Pillsbury Company  
200 South 6th Street  
Minneapolis, MN 55402

Thomas O. Dahlstrand  
556 North Prospect Street  
Hartville, OH 44632

Richard A. DeRemee  
2209 5th Avenue, N.E.  
Rochester, MN 55904

Lloyd Engelsma  
5208 Dundee Road  
Minneapolis, MN 55436

Rev. Dr. Paul A. Gustafson  
Box 61  
Warroad, MN 56763

Eric J. Gustavson, Jr.  
1700 Baywood Shores Drive  
Mound, MN 55364

Paul A. Magnuson  
Judge  
754 Federal Court Building  
St. Paul, MN 55101

John Manz  
2114 Palace Avenue  
St. Paul, MN 55105

Terry R. Morehouse  
Minister, Trinity Lutheran Church  
Ill Sixth Avenue, South  
Princeton, MN 55371

Gwendolyn Peyton  
1005 Carroll Avenue  
St. Paul, MN 55104

Marge Pihl  
2605 North Shore Drive  
Wayzata, MN 55391

Dennis M. Sobolik  
Hallock, MN 56728

Florence Sponberg  
Route 2, Box 9  
Mankato, MN 56001

Lloyd O. Swanson  
249 Interlachen Road  
Hopkins, MN 55343

Gretchen Taylor  
625 Owatonna Street  
Mankato, MN 56001

Sybil L. Wersell  
5124 Tifton Drive  
Edina, MN 55435

Phyllis M. Young  
414 Forest Avenue, North  
Fargo, ND 58102

#### **Article XIV: Amendments**

These Articles of Incorporation may be amended by the members of the corporation at an annual meeting of the members on a two-thirds majority vote of all members present and voting after the proposed amendment has been first submitted to the members at the preceding annual meeting.

9/92, 4/07

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## **Constitution (By-Laws) Gustavus Adolphus College Association of Congregations of the Evangelical Lutheran Church in America**

Saint Peter, Minnesota

#### **Article I: Members**

Section 1 - Membership: Any congregation of the ELCA shall be eligible for membership by electing or appointing delegates to the annual convention of the corporation. Notification of this election or appointment should be sent to the corporation.

Section 2 - Voting Members: The voting members of the corporation shall be the members of the Board of Trustees of Gustavus Adolphus College; the members of the Board of Directors of the Association; the pastor(s) of each member congregation; and one lay delegate per 500 baptized members, or fraction thereof, with one additional delegate for every additional 500 baptized, or greater fraction thereof, of each member congregation.

Section 3 - Annual Meeting: The annual meeting of the voting members of the corporation shall be held on a date determined by the Board of Directors.

Section 4 - Notice of Meeting: Notice of the annual meeting of the voting members shall be given to all members of the corporation not less than 30 days prior to the date of such meeting. Said notice shall be by written notice sent to each member congregation. Notice to a member congregation shall serve as the notice to all pastors and lay delegates from that member congregation.

Section 5 - Quorum: A quorum of the voting members for any annual or special meeting shall consist of no fewer than fifty (50) members.

Section 6 - Special Meeting: The Board of Directors may call a special meeting at any time upon 60 days written notice to all members. Notice to a member congregation shall serve as the notice to all pastors and lay delegates from that member congregation.

Section 7 - Place of Meeting: The annual and any special meetings of the voting members of the corporation shall be held at such place as shall be determined by the Board of Directors.

Section 8 - Proxies: No member at any meeting of the voting members may vote or be represented by proxy.

## **Article II: Board of Directors**

Section 1 - Management: The management of the corporation shall be vested in the Board of Directors composed of nine (9) elected members.

Section 2 - Members: The president of Gustavus Adolphus College and a bishop of the regional unit of the Evangelical Lutheran Church in America in which the College is located shall be members of the Board of Directors. These are ex officio members who serve with the 9 elected members.

Section 3 - Term of Office: Members of the Board of Directors shall hold office from the adjournment of the annual meeting of the corporation at which they are elected until the adjournment of the annual meeting of the corporation the third calendar year thereafter.

Section 4 - Election: One-third of the members of the Board of Directors shall be elected at each annual meeting of the voting members of the corporation.

Section 5 - Nomination: Nominations to the Board of Directors of the Gustavus Adolphus College Association of Congregations shall be made by a nominating committee consisting of five persons: two representatives from the current Board of Directors of the Association and three at-large delegates to the GACAC. Nominations to this committee shall be made by the Board of Directors of the Association with the at-large nominees elected annually by the convention delegates.

Section 6 - Meetings: The Board of Directors shall meet at such times and places as the Board of Directors may designate.

Section 7 - Quorum: A quorum of the Board of Directors for any meeting shall consist of not less than one-third of the Board of Directors.

Section 8 - Vacancies: Vacant elected seats on the Board of Directors may be filled by Board appointment until the next meeting of the Association, at which time a director shall be elected by the Association to fill out the remainder of the unexpired term of the director whose position was vacant. Vacancies in any office of the Board may be filled by the Board at the next meeting thereof.

Section 9 - Operating Rules: The Board of Directors shall adopt such operating rules as in its discretion it deems appropriate to manage the corporation.

## **Article III: Election of Trustees of Gustavus Adolphus College**

Section 1 - Nominating Committee: The Board of Trustees of Gustavus Adolphus College shall constitute the nominating committee to submit names of persons to the general members of the corporation for election to the Board of Trustees of Gustavus Adolphus College. This nominating committee shall seek recommendations for candidates from members of the corporation.



Section 2 - Floor Nominations: Nominations from the floor at annual meetings shall be permitted in all categories of trustees except for those trustees to be elected at large.

#### **Article IV: Officers**

Section 1 - Appointment: The Board of Directors shall appoint a president, vice president, treasurer and secretary of the corporation. The secretary of the corporation shall also act as secretary to the Board of Directors. The Board of Directors shall have the authority to create and appoint such other committees or officers as they determine appropriate to manage the affairs of the corporation.

Section 2 - Duties: The president of the corporation shall be the chief executive officer of the corporation. The vice president shall serve in the absence of the president and shall perform such other duties as may be designated by the president. The treasurer of the corporation shall have charge and custody and be responsible for all funds of the corporation. The secretary of the corporation shall keep the minutes of the meeting of the voting members of the corporation and the minutes of the Board of Directors and such other functions as shall be designated by the Board of Directors.

#### **Article V: Amendment**

These By-laws may be amended at any annual meeting of the members of this corporation upon a two-thirds vote of all members present and voting.

4/95, 4/07

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In 2013 the Gustavus Adolphus College Board of Trustees created a Shared Governance Working Group. This document is the product of working group deliberations that drew on various sources and took into account differing perspectives. Most notably, the working group relied heavily on input gathered through a series of well-attended open meetings under the umbrella title “Revitalizing Our Covenant: A Discussion of Shared Governance at Gustavus, In Which the Trustees, Administration, and Faculty Work Together to Understand Working Together.”

Effective governance is a shared responsibility and is essential for a healthy academic community. We recognize the need for the active engagement of all members of the community in order to live the Gustavus mission and core values to their fullest extent. This recognition is consonant with the liberal arts and Lutheran higher education traditions and positions Gustavus Adolphus College with confidence and high aspiration for the 21st century and beyond.

With this document, the Board, Administration, and Faculty of Gustavus Adolphus College clarify and recommit to the foundational principles and best practices of a shared governance model, which also undergird the College’s Amended Constitution (By-Laws) and *Faculty Manual*. The intention of this document is to contextualize shared governance as discussed in the Constitution, *Faculty Manual*, and other properly enacted policy documents of the College, and not to amend or replace them. While this document is mostly concerned with the relationship between the three principal shared governance parties, namely the Board, the Faculty, and the Administration, we also recognize the importance of staff and students in fostering and maintaining a productive and healthy community of learners.

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## **Principles**

### **Mission and Vision**

The entire Gustavus Adolphus College community participates in fulfilling the College's mission and envisioning its future. Tradition and best practice bring the Board of Trustees, the Administration, and the Faculty together in a cooperative spirit of engagement around shared governance in order that the College's mission might be realized.

### **Academic Excellence**

Students are at the center of our mission, and all parties to these principles commit to operate in a way that prioritizes academic excellence and student academic success in both the short and long term.

### **Strategic and Financial Planning**

The College's mission and vision will be realized through effective advance planning with respect to programs, facilities, and related resources. This planning is an essential joint effort in our approach to shared governance. Strategic and financial planning will be led by the Administration and approved by the Board. It will feature early and continuous involvement from the Faculty and, where appropriate, other interested members of the community. Planning aims to anticipate institutional challenges and determine overall strategic direction to create and maintain distinction. This allows the prioritization of objectives, which should act to reduce unpleasant surprises and provide a context for discussing trade-offs and resource allocation. All parties are responsible for playing their part – initiating discussions early and digging in to craft solutions ahead of need.

### **Budgeting**

Budget development and execution is primarily the domain of the Administration. Although necessarily including elements that are confidential, budgeting will be done with the early and continuous involvement of the Internal Budget Committee (IBC) or its successor, consulting relevant constituencies as appropriate. The internal budgeting process should recognize the formal governance role afforded to the Faculty<sup>1</sup> by providing for representation on the IBC or its successor through standard faculty procedures.

### **Curriculum**

Curriculum development and execution within resource constraints is primarily the domain of the Faculty in accordance with the 1966 Statement. When disagreements arise relating to curriculum development or execution, the parties involved should work to (a) respect and, wherever possible, concur with faculty judgment on these matters; and (b) maintain open lines of communication until a final decision has been reached. As in matters of faculty status, final curricular decisions “should be exercised adversely (to faculty judgment) only in exceptional circumstances, and for reasons communicated to the faculty.”<sup>2</sup>

### **Faculty Status**

In matters of faculty status, the composition of the faculty, as well as processes for appointment, advancement, and termination are all articulated in the *Faculty Manual*. Once the Faculty has exercised its professional judgment regarding appointment and advancement, the Board and Administration commit to generally respect that judgment in keeping with the 1966 Joint Statement. In particular, for high-profile faculty appointments (e.g., Distinguished Endowed Chairs, Artists-in-Residence) the Board, Administration,

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<sup>1</sup> AAUP 1966 Statement on Government of Colleges and Universities.

<sup>2</sup> AAUP 1966 Statement.

and Faculty commit to communicate clearly so that the full range of qualifications is reflected in the position description at the outset of any search.

### **Selection of President**

The Board selects the President. It commits to engage a diverse set of members of the community and to provide formal roles for the Faculty, Administration, and Board in the search process. The final decision should seek to concur with the sentiment of the working group convened for purposes of the search.

### **Selection of Chief Academic Officer**

Selection of the Chief Academic Officer should be a joint effort including the Faculty, Administration, and members of the Board. The President's recommendation to the Board for appointment should take into account the considerations of the Faculty, Administration, and Board, and the basis for the recommendation should be communicated to the Board.

### **Reviews**

For all employees, the ethic of performance reviews should be honest and developmental in the interest of joint effort and shared governance.

Presidential reviews will be conducted in accordance with a Board policy made available to the College community and consist of a mix of annual reviews and comprehensive reviews as defined in that policy. The contents of these reviews will not be public, but their occurrence should be known and all members of the Board should have access to their contents. (The President, though a member of the Board, will naturally have limited access to some elements of the review file.) This approach recognizes the formal governance role played by the Faculty by providing a specific mechanism for its inclusion in any comprehensive review of the President.

The President will establish the process for evaluating the Provost's performance. That process will conform to the College's governing documents. The process, among other things, will provide a role for faculty participation. Again, the contents of these reviews will not be public, but their occurrence should be known and members of the faculty should have the opportunity to provide input.

### **Communication**

With this document the Board, Administration, and Faculty of Gustavus Adolphus College recommit to open, honest, and respectful communication while pledging to maintain confidentiality when appropriate. We further pledge to address serious disagreements by developing and regularly exercising a shared mechanism to improve communication and to engage in productive conflict resolution strategies as appropriate. In support of a culture of continuous improvement, our individuals and organizational entities will also communicate to provide and obtain constructive, developmental advice.

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## Appendix

*Governance practices requiring clarification via a collaborative process, which should be initiated by the primarily responsible body*

### **1. Selection and review of the President and Provost.**

***Primary Responsibility for Selection and Review of the President: Board; Primary responsibility for Selection and Review of the Provost: President***

The Board, Administration, and Faculty agree that the selection and review of the leadership of the College shall be conducted in accord with the College's governing documents and the widely accepted best practices of higher education shared governance in the United States. We pledge to work cooperatively towards a future in which such best practices are documented, standard procedure at Gustavus.

### **2. Faculty Status**

***Primary Responsibility for Determining Faculty Status: Faculty***

Gustavus has long subscribed to the norm that "Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal."<sup>3</sup> Despite this general consensus, the matter of faculty status may, in some particular instances, intersect strongly enough with Administrative or Board interests to benefit from engagement deeper than routine concurrence. We seek to work collectively to anticipate such intersections and develop a protocol specified in the *Faculty Manual* for dealing with them.

### **3. Curriculum Development and Implementation**

***Primary Responsibility for Curriculum Development and Implementation: Faculty***

The mission of the College is advanced by adhering to the broadly accepted principle that "the faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process."<sup>4</sup> Each governance constituency pledges to collectively develop a mechanism, based on clear two-way communication, to resolve any curricular disputes.

### **4. Strategic Plan Development and Resource Allocation**

***Primary Responsibility for Strategic Plan Development and Resource Allocation: Administration***

All decisions regarding resource allocation and the offering of curricular and co-curricular programs ought to be driven by the College's strategic priorities. Because these priorities intersect the core concerns of all constituencies, and because prioritization inherently involves tradeoffs, strategic planning ought to be a prime example of joint effort and shared governance. The Board, Administration, and Faculty commit to develop a college wide strategic plan through a shared governance process. Furthermore, all parties will seek to work collaboratively to ensure that future resource allocations are in harmony with this strategic vision.

### **5. Disagreement Resolution**

***Primary Responsibility for Disagreement Resolution: The entire community<sup>5</sup>***

We must make good on our pledge to develop and regularly exercise a shared mechanism to improve communication and deal with outstanding governance questions before they have a chance to become acute.

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<sup>3</sup> AAUP 1966 Statement.

<sup>4</sup> AAUP 1966 Statement.

<sup>5</sup> The collaborative clarification process is to be initiated by the President.

Although our priority is to resolve disagreements without allowing them to become conflicts, we will develop conflict resolution mechanisms for use when needed.

## **6. Ongoing Self-Assessment of Shared Governance Structures and Mechanisms**

### ***Primary Responsibility for Self-Assessment: President***

We will develop specific practices for ongoing self-assessment of shared governance structures and mechanisms including regular review of this document.

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***Working Group:*** *Becky Bergman, Mark Braun, Dan Currell, Bill Frame, Jim Gale, Max Hailperin, Paul Saulnier, Kathi Tunheim, Ken Westphal*

*Endorsed by the Faculty on December 12, 2014, the Cabinet on December 16, 2014, and the Board of Trustees on January 23, 2015.*