



Faculty Rules of Procedure

Approved July 16, 2023

These rules of procedure constitute a part of the Constitution of the Faculty of Reed College.

A. Faculty Activities

Section A-1

In principle, the College encourages faculty research and participation in professional, educational, and public activities beyond the classroom, and it is the responsibility of the Faculty member to determine that such activities do not interfere with the fulfillment of his or her other obligations to the College.

Section A-2

The faculty member is obligated to keep the College informed of major outside commitments to teaching, lecture programs, consulting activities, and other employment and to discuss in advance with the Dean of the Faculty any such commitments that involve the use of College facilities or significant amounts of Faculty time.

Section A-3

No formal application shall be finally submitted for a research grant or other grant that is to be administered by the College except after approval by the President.

B. Conditions of Appointment of Faculty Members

Section B-1

The precise terms and conditions of every appointment or reappointment shall be stated in writing and be in possession of both the faculty member and the College before the appointment is consummated. There are three types of appointment contracts, tenure track, tenured and visiting (as described in Article II91 0 0Ps2elThere cts, teno(.)bers)] TJ /F3 12 Tf 1 (

Section B-4

Once a faculty member has acquired academic tenure, the presumption of both the Faculty and the College is for continuation of service from year to year in the absence of written notice to the contrary. The College will provide annually a statement of the salary established for the ensuing year and, as occasion requires, written notice of promotions and of other specific changes of terms, such as approval of leaves.

Section B-5

Except for matters covered by Section B-3 above, the College shall notify all Faculty members not later than May 15 of each year concerning their status for the next academic year, including rank and (unless unavoidable budgetary conditions forbid) prospective salary.

Section B-6

A faculty member may ask the Committee on Advancement and Tenure to reconsider any decision affecting employment status pursuant to Article VII, Section 5 of the Constitution. A policy describing procedures for any such reconsideration shall be determined by the Faculty and shall be published in the Faculty Handbook. In no case shall requests for reconsideration limit a faculty member's right to submit a formal appeal to the Appeals and Review committee, as per Article VIII, Section 2 of the Faculty Constitution.

Section B-7

Normally, academic tenure will apply only to full-time academic members of the Faculty, but it may occasionally be desirable to accord it to personnel having additional employment outside the College. A faculty member having academic tenure who reduces his or her employment at the College to a continuing part-time basis shall not necessarily lose his or her status of academic tenure as a result. All special cases involving part-time employment shall be accepted or rejected on their individual merits.

Section B-8

An individual on academic tenure will retain such status during official leaves of absence.

C. Sabbatical Leaves and Leaves of Absence

Section C-1

Effective classroom teaching at Reed demands a serious, active engagement with the scholarly materials of one's field. The purpose of a sabbatical leave is to encourage scholarship, research and/or creative endeavor so as to maintain and enhance the intellectual quality of the Faculty and to help ensure thereby the highest quality teaching. A sabbatical leave is defined as one semester or one year of Reed College employment at full pay, without teaching or administrative responsibilities and devoted to independent inquiry and/or creative endeavor. (For the purposes of Section C the

Section C-5

A one semester sabbatical leave at full pay (or a full year at half pay) will be awarded to all untenured tenure-track faculty whose probationary period is five or more years of full-time teaching at Reed, who have earned the terminal degree in an appropriate field, and who submit proposals that are judged to be excellent by the Sabbatical Fellowship Awards Committee, as described in Section C-8. (For individuals who fall into this category except that their original proposals are not judged to be excellent, the Sabbatical Fellowship Awards Committee shall communicate its concerns to the faculty member and shall invite revised proposals for reconsideration in the same academic year.) Normally, untenured faculty will take their sabbatical leaves in the third or fourth year of the probationary period.

Section C-6

For tenured faculty members, sabbatical periods may be for one semester at full pay, one year at half pay, or one year at full pay. Eligibility to apply for a full year sabbatical at full pay will be determined by the President in consultation with CAPP, as described in Section C-2. Full year sabbatical leaves at full pay will be granted only on the basis of a research proposal submitted to the Sabbatical Fellowship Awards Committee and judged excellent by that committee, as described in Section C-8. (For individuals who fall into this category except that their original proposals are not judged to be excellent, the Sabbatical Fellowship Awards Committee shall communicate its concerns through the Dean of the Faculty, and shall invite revised proposals for reconsideration in the same academic year.) Further, the Sabbatical Fellowship Awards Committee will consider and evaluate such research proposals from only those tenured faculty members who also successfully certify that they have either received significant support – which may or may not be faculty salary support – for their projects from extramural funding entities recognized for supporting research or creative endeavor in the relevant field or are seeking such support for their projects from at least two such extramural funding entities. Typically, certification will be achieved by submitting to CAPP complete copies of the extramural grant applications (excluding confidential letters of recommendation that the extramural funding entities may require). In cases where extramural grant proposals will be submitted only after the Sabbatical Fellowship Awards Committee makes its decisions, those decisions will be provisional, pending subsequent submission of extramural proposals to CAPP and certification by CAPP. In cases where it is unreasonable to expect the faculty member to apply for extramural grant support – for example, in disciplines where such support is entirely unavailable – the Dean of the Faculty will work closely with CAPP and the individual faculty member to find an approach that may successfully address the spirit of this requirement. CAPP will have the final decision as to whether a faculty member's extramural applications for support are sufficient – in terms of the type of support requested, the purposes for which the support are sought, and the relative standing of the extramural entity – to make the faculty member eligible to apply for a full year sabbatical at full pay. In the event that extramural grant applications submitted to CAPP under this program are successful, the College's financial support for the faculty member's sabbatical will in all cases be reduced by an amount equal to the total amount of support that the faculty member will receive from extramural entities for salary and benefits (excluding extramural funds explicitly designated for summer salary). However, all sabbatical-eligible faculty are entitled (subject to the provisions of Section C-2) to one semester of college-paid

sabbatical regardless of extramural support. In the absence of a research proposal that the Sabbatical Fellowship Awards Committee judges excellent, or if CAPP determines that the individual has failed to certify that he or she is seeking appropriate extramural

Faculty will place a copy of this report in the faculty member's permanent evaluation file. The faculty member is expected to report on his or her research in a form suitable for dissemination to the Reed community (for example, as a colloquium or a published document).

Section C-13

In accordance with the requirements of OFLA, FMLA, and Paid Leave Oregon (effective September 3, 2023), parental leave will be granted upon the request of a faculty member. The faculty member shall provide written notice of the dates of intended parental leave. This notice must be received by the College at least 30 days before the anticipated date of birth or the date of placement of an adopted child under six years of age. In the event of premature birth, maternal incapacity due to birth rendering them unable to care for the child, or the unanticipated placement of an adopted child, the faculty member shall give the College notice of revised dates of parental leave within seven days after birth or placement. In order to reduce the impact on operations of the College, including staffing requirements and class offerings, informal notification should be provided as soon as is practical. Parental leave will be for 12 weeks in duration, and two additional weeks of leave for limitations related to pregnancy, childbirth or related medical condition, including but not limited to lactation for a total of 14.

Faculty will receive at least one-half of their contractual salary and any amount due under the Reed College Paid Leave Program (which pays more generously than the State's Paid Leave Oregon program) during the parental leave. Please see the separate Reed College Paid Leave Program document for further information about Paid Leave Oregon. In no event shall the parental leave extend beyond one year from the date of birth. Unless otherwise requested by a faculty member, parental leave that would otherwise begin during a school break will begin at the start of the term, i.e., start date listed on faculty salary letter for fall term and January 7 for spring term. Should a faculty member wish to return to work for the balance of the semester, they are invited to speak with the Dean of the Faculty as they plan their parental leave.

Section C-14

The College may require that a faculty member accept a leave of absence for reasons of health, whether or not the individual requests such a leave, on the following conditions:

C-14.a. If the individual disagrees on the need for the leave, they may appeal to the Appeals and Review Committee. The written appeal must be received within 30 calendar days of notification.

C-14.b. A person required to take leave under this paragraph shall receive every benefit that would be available to a faculty member who qualified for total disability benefits under any applicable disability plan maintained by the College.

C-14.c. A special leave of absence under this paragraph shall be reviewed at least once every two years.

D. Resignations of Faculty Members

Section D-1

A faculty member who contemplates resigning or is seriously negotiating other employment shall not delay informing the College of his or her intentions longer than is necessary to protect his or her rights and convenience in seeking employment.

Section D-2

A faculty member who concludes a binding agreement to accept employment elsewhere is obligated to notify the College immediately.

Section D-3

Except in emergency situations, a faculty member is under obligation not to submit a resignation less than six weeks before the end of spring semester to take effect at the end of the academic year. If such a resignation is submitted, the College may refuse to accept the resignation and the faculty member is obligated to conform to the College's decision.

E. Retirement of Faculty

Section E-1

Faculty members whose appointment began prior to September 1, 2001, and who retire both after ten or more years as a member of the Faculty and at the age of fifty-five years or above attain, upon retirement, the title "emeritus" or "emerita" and become eligible for retiree benefits, as specified in written college policies concerning such benefits. Faculty members whose appointment began on or after September 1, 2001, and who retire both after twenty or more years as a member of the Faculty and at the age of fifty-five years or above attain, upon retirement, the title "emeritus" or "emerita" and become eligible for retiree benefits, as specified in written college policies concerning such benefits.

Section E-2

Emeritus members of the Faculty shall retain all normal faculty library privileges. Emeritus members of the Faculty shall retain e-mail accounts as long as they wish, and the College will make reasonable efforts to supply emeritus faculty with technical computing support and, where appropriate and necessary, with equipment, according to policies published in the Faculty Handbook. Where possible and desirable, according to mutual agreement among affected persons and departments, emeritus faculty may retain certain laboratory facilities and research privileges. Emeritus faculty may be principal investigators for research projects, and consonant with the efficient allocation of staff resources, are entitled to assistance in applying for external grants. In accordance with policies established by the Dean of the Faculty and published in the Faculty Handbook, emeritus faculty may be assigned office space and may receive secretarial support.

F. Non-Sexual Harassment/Misconduct Complaints and Charges Brought against Members of the Faculty

(For grievance procedures involving sexual harassment/misconduct see Sections J, K, L below.)

Section F-1

Preliminary Considerations and Procedures

F-1.a. Any member of the Student Body, Staff, or Faculty who has a complaint against a member of the Faculty should first consider informal resolution of the matter through discussion with the faculty member in question or through mediation under Honor Council auspices.

F-1.b.

Committee on Advancement and Tenure as to whether to initiate proceedings under the provisions of Section H of these Rules of Procedure.

F-2.b. In the absence of or independent of a formal signed complaint, the Dean of the Faculty (after informal inquiries and consultation with the Committee on Advancement and Tenure), or the Committee on Advancement and Tenure itself, may determine that an investigation of unprofessional conduct may be warranted according to the procedures of Section G or Section H. Any informal inquiries undertaken by the Dean or the Committee shall be strictly limited to determining whether a formal investigation is warranted. If the Dean or the Committee on Advancement and Tenure determines that possible charges do warrant investigation according to the procedures of Sections

Section F-3
Record Keeping

F-3.a. If sanctions have been imposed under the provisions of Section G or H, and appeal is unsuccessful, a statement of these sanctions and of their grounds shall be placed in the faculty member's evaluation file. Informal or mediated resolutions of complaints or charges may stipulate that an appropriate statement be placed in the faculty member's evaluation file.

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G-1.d.

H-1.b.2. Any member of the Committee who feels in his or her own judgment that he or she cannot participate impartially in a particular case shall withdraw for the duration of the case.

H-1.b.3. Vacancies because of one or two withdrawals shall be filled by faculty members chosen by the remaining members of the Committee. If there are more than two vacancies because of withdrawals, all of the vacancies shall be filled by faculty members elected by the Faculty from nominees of the Committee on Advancement and Tenure in a number equal to twice the number to be elected.

H-1.c. The Committee on Tenure shall promptly appoint an Investigating Committee of five faculty members on academic tenure, one of whom shall be chosen from among three nominated by the individual under investigation, one of whom shall be chosen from among three nominated by the President, and one of whom shall be chosen from among three nominated by the Committee on Advancement and Tenure. The Investigating Committee shall choose its own chair.

H-1.d. The Investigating Committee shall investigate the charges, hold hearings,

less than suspension or termination would be more appropriate, it will so recommend in its report, with supporting reasons.

H-1.e. The President or his or her designated representatives shall have the right to attend any hearings or meetings of the Investigating Committee or the Committee on Tenure as an observer.

H-1.f. The President may seek clarification or further information from the Investigating Committee, and this additional information will become a part of the report of the Committee. Within five working days of receiving the final report of the Investigating Committee, the person accused may submit a written statement of his or her position to the President. If the President rejects the recommendations of the report, the President will state the reasons for so doing, in writing, to the Investigating Committee and to the faculty member, and will provide an opportunity for response before transmitting the case to the Board of Trustees. The faculty member or the President may request a review and recommendation from the Appeals and Review Committee, based on the record of the Investigating Committee hearing, supplemented by any written statements which the Investigating Committee, the President, or the affected faculty member may wish to submit.

H-1.g. If the President recommends termination or fixed-term suspension, the President will transmit to the Board of Trustees the entire record of the case. The Board of Trustees' review will be based on this record, and the Board of Trustees will provide opportunity for argument, oral or written or both, by the principals in the case or by their representatives. The decision of the Investigating Committee will either be sustained or the proceedings returned to the Committee with specific objections. The Investigating Committee will then reconsider, taking into account the stated objections and receiving new evidence if necessary. The Board of Trustees will make a final decision only after study of the Committee's reconsideration.

H-1.h. The President, after consultation with the Committee on Tenure, may suspend a person charged during the proceedings only if immediate harm to him or herself, the College, or others is threatened by his or her continuance. Any such suspension shall be with pay.

H-1.i. The Board of Trustees shall fix the financial arrangements with respect to termination. In the case of tenured faculty, unless the grounds for termination include personal conduct covered by Article VI, Section 1.C of the Constitution, the individual shall receive 12 months' salary from the date of termination at his or her prevailing rate. Fixed-term suspension shall normally extend over not more than one academic year. Such suspension will be without pay or benefits, except for health insurance benefits.

I. Proceedings for Termination because of Financial Exigency

Section I-1

Proceedings for termination because of financial exigency shall be carried out as follows:

I-1.a. The existence and extent of a bona fide financial exigency shall first be discussed with the Faculty and all means of meeting the exigency shall be analyzed.

I-1.b. Only after consultation with the Committee on Academic Policy and Planning, the President or the Board of Trustees may carry out the termination.

I-1.c. The person terminated may, after receiving notice of termination, request a written statement from the President giving the reasons for his or her being selected for termination and may appeal the decision in writing to the Appeals and Review Committee. The written appeal must be received within 30 calendar days of receiving the President's statement or, in cases where the faculty member has also asked to have a copy of the faculty member's file upon which the decision was made, within 30 calendar days after having received that copy, whichever comes later. In event of appeal, the person terminated may make such written or oral presentation as he or she desires and may present witnesses and other evidence in his or her behalf. He or she may be accompanied by an academic advisor or legal counsel of his or her own choosing or both.

I-1.d. The Board of Trustees shall fix the financial arrangements with respect to termination. In the case of tenured faculty, the individual shall receive 12 months' salary from the date of termination at his or her prevailing rate; however, the College and the individual shall use reasonable efforts to obtain another position for the individual and, if another position is obtained, the termination pay shall cease when pay from the new position begins.

J. Complaints against Members of the Faculty involving Allegations of Sexual Harassment/Misconduct

Section J-1

Preliminary Considerations

J-1.a. Overview

The following three sections of the Rules of Procedure, J, K, L detail the procedures for complaints against faculty members involving sexual harassment/misconduct, as outlined in the Discriminatory Harassment and Sexual Misconduct policy.

These procedures are intended to create an environment free of sex-based discrimination and harassment in accord with the College's regulations and policies, the Honor Principle, and the requirements of the U.S. Department of Education's Office of Civil Rights. These procedures are not intended to regulate academic discourse or content of speech. Academic discourse involving acts or speech of a sexual nature, even if perceived by some as offensive is not sufficient basis in and of itself to establish sexual harassment/misconduct. Discourse that is germane to the scholarly exploration of the subject matter will generally not meet this test.

Allegations of sexual harassment that fall under the jurisdiction of Title IX as outlined in the Title IX policy will be addressed through sections M, N, and O of the Rules of Procedure. The final decision as to which grievance procedures shall be used in a given case rests with the Title IX Coordinator.

J-1.b. Advisers

For all sexual harassment/misconduct cases conducted under section J, K, and L, the Complainant and the Respondent each may retain legal counsel and have as many as two advisers from the College community assist in the formal complaint process. The role of an adviser from the college community is to help the Complainant or Respondent

prepare for any investigation or hearing, to advise on procedure, and to be a non-participating supporter in any interview or hearing that may result. The Complainant and the Respondent are, however, expected to represent themselves in any hearing or interview. Outside counsel may attend, but may not speak during hearings and the proceedings that form part of any sexual harassment/misconduct investigation.

J-1.c. Confidentiality

The Dean of the Faculty and anyone who has been designated to perform the Dean's functions in the grievance process shall endeavor to the degree possible to protect the confidentiality of Complainants and Respondents, but must comply with obligations and responsibilities placed on the College by Title IX regulations. The Title IX Coordinator will be advised of reports or complaints of sexual harassment/misconduct. This will include the names of the Complainant(s) and Respondent(s), as well as a brief statement of the event or events which are the cause of the complaint, including the date or dates.

Complainants, Respondents and witnesses are required to keep confidential the details of any formal complaint investigation, resolution or grievance hearing. They may disclose their own experiences that led to the filing of a complaint, and they may disclose details of the case to confidential parties, such as counselors, clergy, family members and lawyers or the advisers allowed by this policy. They may also state that they are participating or have participated in a formal complaint or grievance procedure, whether as Complainant, Respondent, Hearing Board member, witness, or in another role. They must, however, keep confidential any details about the proceedings, the other participants, and any new information gained from testimony given or evidence submitted as part of a hearing or investigation. In cases of sexual assault, Complainants and Respondents may, after the completion of the process, including all appeals, also disclose three additional pieces of information: the name of the Respondent; the

Tenure as part of the faculty evaluation process, that allegation shall normally remain in the Respondent's evaluation file. In cases where such an allegation is discredited by a hearing that clears the Respondent of wrongdoing, the Committee on Advancement and Tenure shall insert a statement to that effect into the evaluation file.

All other records arising from formal complaints against members of the Faculty, all other records arising from informal resolutions reached through interaction with the Dean of the Faculty or the Committee on Advancement and Tenure, and records arising from mediation through the Honor Council which results in acknowledgment of injury to a community member, shall be kept by the Dean of the Faculty in confidential complaint files separate from all other records pertaining to a faculty member. A Hearing Board or Investigating Committee on sexual harassment/misconduct shall consult these files only when determining what sanctions to recommend in a case where allegations have been substantiated through the procedures of Sections K or L. The Committee on Advancement and Tenure shall not consult these files except when determining whether to initiate proceedings pursuant to Section J-3 below. As stated in the Community Constitution, these files shall be maintained for the duration of a faculty member's employment at Reed, or longer if legally required, and shall be destroyed at the end of that period.

All complaints alleging possible violations of Title IX that are brought to the attention of the Dean of Faculty or the Chair of the Grievance Review Panel shall be reported to the Title IX coordinator. The Title IX Coordinator shall be kept informed of the status and outcomes of the investigation and adjudication of such complaints and any resolution, including in cases where the complaint is unsubstantiated.

J-1.f. Suspension and Resumption of Personnel Review

In the event that a hearing according to the procedures of Sections K or L overlap in time with a personnel review affecting title, salary, or term of service of the Respondent, that review shall be suspended pending the final outcome of those procedures. As soon as the procedures are complete, the personnel review will be resumed, and no financial or status penalty will accrue to the Respondent solely by virtue of the delay.

J-1.g. Timeline

The time limits identified in this policy, including for the procedures of Sections K and L, shall be observed in normal circumstances, but may be extended for good cause

Respondent and the Dean, and the Dean will pursue resolution of the complaint, when appropriate, according to the procedures outlined below.

If the Dean or his or her designee concludes that it is more likely than not that the Respondent has committed an act of sexual harassment/misconduct, he or she shall provide the Complainant and the Respondent written notice of this finding and of the procedures for appeal. At this point, the Respondent may accept the findings of the report and accept any sanctions proposed in the addendum, or some other resolution of the complaint may be agreed to by the Respondent, the Dean of the Faculty (or his or her designee), and the Complainant. Any resolution shall include a final determination of the College's finding regarding the occurrence of an act of sexual harassment/misconduct, and any sanctions imposed on the Respondent that directly relate to the Complainant's participation in college programs shall be disclosed to the Complainant.

If no such agreement is reached within five days after notice of the investigation has been received, and if the recommended disciplinary action is less than suspension or termination, the Dean of the Faculty shall forward the complaint together with the written report of the investigation, including the addendum, to the Chair of the Grievance Review Panel. In cases in which the recommended disciplinary action is fixed-term suspension or termination of tenure or of fixed-term appointment prior to expiration, the Dean shall consult with the Committee on Advancement and Tenure as to whether to initiate proceedings under the provisions of Section L of these Rules of Procedure, or instead to pass the complaint to the Chair of the Grievance Review Panel in order to instigate a proceeding under Section K.

Section J-3

Investigation in the Absence of a Formal Complaint

J-3.a. Initiating an Investigation

In cases involving informal complaints of sexual harassment/misconduct or cases when a complainant does not consent to his or her name being used in an investigation of sexual harassment/misconduct, the Dean of Faculty and the Committee on Advancement and Tenure will carefully weigh the wishes of the potential Complainant(s) and the College's responsibility to provide a safe and non-discriminatory environment for all members of the community. If necessary, interim measures will be taken to protect any potential Complainant's health and participation in college programs and to protect against retaliation.

If the Dean or the Committee on Advancement and Tenure determines that possible charges do warrant instituting procedures under Section K or if the Committee on Advancement and Tenure determines that possible charges do warrant instituting procedures under Section K, the Respondent shall within two days receive a written statement of the nature and grounds of the possible charges to be considered against him or her and shall have five days from receipt of this statement in which to reply and to state his or her position, unless there is a substantial reason for extending that deadline.

J-3.b. Investigation

The Dean of the Faculty and the Committee on Advancement and Tenure shall have fifteen days from receipt of the Respondent's reply to conduct an investigation. The

purpose of the investigation is to establish whether or not there is sufficient evidence to suggest that an act of sexual harassment/misconduct has occurred.

J-3.c. Results of the Investigation and Resolution

On the basis of the investigation, the investigator shall prepare a written report describing the complaint and the response (or absence of a response), the information provided by any witnesses, and any other evidence. On the basis of this report, the Dean and the Committee on Advancement and Tenure shall communicate in an addendum to the report whether the Committee on Advancement and Tenure believes, by majority vote, that it is more likely than not that the alleged act(s) of sexual harassment/misconduct occurred. If the Committee on Advancement and Tenure conclude that it is more likely than not that the Respondent has committed an act of sexual harassment/misconduct, the Dean, the Committee on Advancement and Tenure, and the Respondent are bound in good faith to seek resolution of the matter among themselves before instituting proceedings under Sections K or L. Such resolution shall include a final determination of whether or not an act of sexual harassment/misconduct occurred, and may include sanctions stipulated by the Dean of the Faculty and the Committee on Advancement and Tenure. Sanctions imposed on the Respondent that directly relate to any informal or potential Complainant's participation in college programs shall be disclosed to that Complainant.

If a resolution is not agreed to within five days of the determination that grounds for adverse action may exist, and if the alleged conduct appears to warrant a sanction less than fixed-term suspension or termination, the Dean of the Faculty shall promptly forward the written report prepared by the Dean and the Committee on Advancement and Tenure to the Chair of the Grievance Review Panel. If the Committee on Advancement and Tenure determines that the alleged conduct could warrant fixed-term suspension or termination of tenure or of fixed-term appointment prior to expiration, then the Committee on Advancement and Tenure shall promptly initiate proceedings pursuant to Section H.

If the Dean of the Faculty and the Committee on Advancement and Tenure determine that plausible grounds for proceedings under Sections K or L or other adverse action do not exist, the Dean of the Faculty shall immediately so inform the Respondent, and any informal or potential Complainant, in writing.

K. Procedures for Sanctions Less than Fixed-Term Suspension or Termination

Section K-1

Investigation by the Grievance Hearing Board

K-1.a. Filing a Complaint

The Chair of the Grievance Review Panel shall receive sexual harassment/misconduct complaints from the Dean of the Faculty or the Committee on Advancement and Tenure or from any legitimate user of the facilities and programs of Reed College who believes the Dean of the Faculty has a conflict of interest investigating his or her sexual harassment/misconduct complaint.

K-1.b. Constitution of a Grievance Hearing Board

In cases arising from a formal complaint, the Hearing Board shall state whether an act of sexual harassment/misconduct occurred together with a summary of the basis for the Board's determination and the options for appeal, in a written report to the Complainant, the Respondent, and the Dean of Faculty (or the President, in cases against the Dean of the Faculty). The Hearing Board shall also communicate in writing to the Dean of the Faculty (or the President, in cases against the Dean of the Faculty) and the Respondent any recommendations for sanctions against the Respondent. The Hearing Board shall state whether an act of sexual harassment/misconduct occurred.

K-2.b. Sanctions

If the Hearing Board recommends a sanction, the Dean of the Faculty shall forward this recommendation to the President, who shall determine whether to impose that sanction or a different sanction. In case of a complaint against the Dean of Faculty, the Hearing Board shall give its recommendation directly to the President.

The Hearing board cannot recommend fixed-term suspension or termination of tenure or of fixed-term appointment prior to expiration. Should a substantially new allegation come to light during proceedings, the Hearing Board shall refer that new allegation to the Committee on Advancement and Tenure, which will proceed according to the procedures of Section J#3. The Hearing Board shall complete its hearing of the allegation before it.

Any sanctions imposed on the Respondent that directly relate to the Complainant's participation in college programs shall be disclosed to the Complainant in writing.

K-2.c. Appeal

The Respondent and the Complainant may each appeal to the Appeals and Review Committee the dismissal of the complaint by the Hearing Board or any action by the President that is based on a recommendation by the Hearing Board. The Appeals and Review Committee does not hold a new hearing. Its review is limited to determining whether due process has been followed, whether the dismissal or any action of the President was based on a body of evidence sufficient to allow for a reasonably well informed judgment, and/or whether there is any new evidence so substantial that the complaint should be reconsidered. It will make its determinations according to a majority vote of the committee.

If the Appeals and Review Committee rejects the dismissal of the complaint, it will refer the complaint back to the Grievance Hearing Board for a new investigation of the complaint. If the Committee considers an action of the President to be not based on a body of evidence sufficient to allow for a reasonably well informed judgment or considers that there is substantial new evidence that was not considered by the Grievance Hearing Board, it will refer the case back to the Grievance Hearing Board for reconsideration.

In the case of an appeal, the Appeals and Review Committee will normally complete its work within ten days of receipt of the appeal.

L. Procedures for Fixed-Term Suspension or Termination of Academic Tenure or Termination of Fixed-Term Appointment Prior to Expiration in Response to Charges of Sexual Harassment/ Misconduct

L.a. Presentation of Formal Charges

In cases of alleged sexual assault, informal resolution is not an appropriate tool and will not be used by the College to resolve complaints. In other cases, prior to or in lieu of Section L proceedings, the College and the faculty member may agree to informal resolution, such as arbitration or mediation. If such a resolution of the matter cannot be agreed upon, either the Committee on Advancement and Tenure or the Dean of the Faculty, after consultation between them, may present formal charges against the faculty member to the Committee on Tenure.

L.b. The Committee on Tenure

The Committee on Tenure (not to be confused with the Committee on Advancement and Tenure) shall consist of the Faculty members of the Appeals and Review Committee with the following exceptions:

- If the person whose termination or fixed-term suspension is proposed is a member of the Committee, he or she shall withdraw until his or her case is completed.
- Any member of the Committee who feels in his or her own judgment that he or she cannot participate impartially in a particular case shall withdraw for the duration of the case.

Vacancies because of one or two withdrawals shall be filled by faculty members chosen by the remaining members of the Committee from the nominating ballot of the most recent election for the Appeals and Review Committee. If this does not yield sufficient numbers to constitute the Committee on Tenure, the President shall appoint the remaining members.

L.c. Constitution of the Investigating Committee

The Committee on Tenure shall within three days appoint an Investigating Committee of five faculty members on academic tenure, one of whom shall be chosen from among three nominated by the Respondent, one of whom shall be chosen from among three nominated by the President, and one of whom shall be chosen from among three nominated by the Committee on Advancement and Tenure. The Investigating Committee shall choose its own chair.

L.d. Investigation and Recommendations of the Investigating Committee

The Respondent shall be fully informed in writing of the charges against him or her and shall have the opportunity to respond to the charges, to be heard in his or her own defense, to produce witnesses in his or her own behalf and to have with him or her at most two advisers of his or her own choosing and drawn from the college community. The Complainant shall have the same opportunity to produce witnesses and have advisers. Where witnesses cannot or will not appear, but the Investigating Committee determines that the interests of justice require admission of their statements,

the Investigating Committee will identify the witnesses in any hearing and introduce their statements.

The Complainant and the Respondent may be present at the hearing if they choose, or they may choose to participate in the hearing by telephone or video conference. Neither the Respondent nor the Complainant shall be allowed to cross-examine the other during the hearing. Questions may be submitted by the Complainant and the Respondent in advance to the Investigating Committee, which shall decide whether those questions are relevant to the matter and, where applicable, in compliance with Title IX or other legal requirements.

Where appropriate, the Complainant shall be offered the opportunity to participate in the hearing without being in the presence of the Respondent, or accommodations shall be made so that the Complainant may participate in the hearing without facing the Respondent. Similarly, where appropriate, the Respondent shall be offered the opportunity to participate in the hearing without being in the presence of the Complainant, or accommodations shall be made so that the Respondent may participate in the hearing without facing the Complainant. Outside counsel may attend, but may not speak during hearings and the proceedings that form part of the investigation.

Failure to cooperate with or interference in an investigation may result in discipline up to and including discharge for employees (including faculty members), and suspension or expulsion for students, in accordance with the College's established grievance procedures.

The Investigating Committee may see all documents held by the College that pertain to the case. The Committee shall hold such hearings as may be necessary to fully explore the charges. A complete transcript or audio recording of all hearings shall be kept and a transcript shall be prepared and supplied to the person charged upon his or her request. The hearings shall be open to the Faculty only if the Respondent and the Complainant agree to this.

Upon the completion of its investigation, the Investigating Committee shall meet, consider the evidence, and reach its conclusions by a majority vote reached by a secret ballot in which the chair shall have the right to vote. The Committee will make its judgments according to the preponderance of the evidence in the information before it, considered as a whole.

If the proceedings have arisen from a formal complaint, the Complainant shall receive a written statement of the Investigating Committee's determination as to the merits of the allegations, including a determination of whether or not an act of sexual harassment/misconduct severe enough to warrant fixed-term suspension or termination of tenure or fixed-term appointment prior to expiration occurred, and a statement of the grounds for the determination. Any decision to recommend suspension or termination should be based on a careful consideration of whether or not the nature of the accusation and the nature of the evidence in support thereof held by the College that in of tenurI Rfng e, wher7dhe na

concludes that an academic penalty less than suspension or termination would be more appropriate, it will so recommend in its report, with supporting reasons. If the Investigating Committee recommends in favor of suspension or termination, the report shall provide explicit reasons in support of such a recommendation.

The Investigating Committee shall normally complete its investigation within fifteen working days of its appointment, unless the complaint originates from a complaint filed directly with the Chair of the Grievance Review Panel, in which case, the Investigating Committee shall normally complete its investigation within thirty working days of its appointment.

L.e. Review of the President and Trustees

The President or his or her designated representatives shall have the right to attend any hearings or meetings of the Investigating Committee or the Committee on Tenure as an observer.

The President may seek clarification or further information from the Investigating Committee, and this additional information will become a part of the report of the Committee. Within three days of receiving the final report of the Investigating Committee, both the Respondent and the Complainant (where applicable) may submit a written statement of his or her position to the President. The President shall either accept or reject the findings and recommendations of the report. He or she will inform in writing the Investigating Committee, the Respondent and the Complainant (where applicable) of his or her decision, stating the reasons for his or her action in the case where the report is rejected, and making clear the options for appeal. The President will provide an opportunity for a written response before transmitting the case, including all supporting documentation, to the Board of Trustees within five days of receiving the final report of the Investigating Committee.

The Respondent, the Complainant (where applicable) or the President may request a review and recommendation from the Appeals and Review Committee, based on the

L.f. Interim Suspension

The President, after consultation with the Committee on Tenure, may suspend a respondent during the proceedings if immediate harm to him or herself, the College, or others is threatened by his or her continuance or if his or her continued presence on campus is judged to have a sufficiently negative impact on the Complainant. Any such suspension shall be with pay.

L.g. Financial Consideration with Respect to Termination

The Board of Trustees shall fix any financial arrangements with respect to termination. Fixed-term suspension shall normally extend over not more than one academic year. Such suspension will be without pay or benefits, except for health insurance benefits.

M. Complaints against Members of the Faculty involving Allegations of Sexual Harassment that Fall under the Jurisdiction of Title IX

Section M-1

Preliminary Considerations

M-1.a. Overview

The following three sections of the Rules of Procedure, M, N, O, detail the procedures for complaints against faculty members involving sexual harassment that fall under the jurisdiction of Title IX.

These procedures are intended to create an environment free of sex-based discrimination and harassment in accord with the College's regulations and policies, the Honor Principle, Title IX and the requirements of the U.S. Department of Education's Office of Civil Rights. These procedures are not intended to regulate academic discourse or content of speech. Academic discourse involving acts or speech of a sexual nature, even if perceived by some as offensive, is not sufficient basis in and of itself to establish sexual harassment. Discourse that is germane to the scholarly exploration of the subject matter will generally not meet this test.

M-1.b. Advisors

For all Title IX sexual harassment cases conducted under section M, N, and O, the Complainant and the Respondent each may retain two Advisors of their choice, who may be but need not be legal counsel. The role of the Advisor is to help the Complainant or Respondent prepare for any investigation or hearing, and to conduct cross-examinations of the other Party and any relevant witnesses at any hearing. Such cross-examinations will not be conducted by the Complainant or the Respondent.

M-1.c. Confidentiality

The Title IX Coordinator and anyone who has been designated to investigate or conduct a hearing shall maintain the confidentiality of the Complainant and Respondent's identities and the substance of the allegations, except as may be necessary to conduct the investigation or hearing.

disclose their own experiences that led to the filing of a Formal Complaint, and they may disclose details of the case to confidential parties, such as counselors, clergy, family members or the Advisors allowed by this policy. They may also state that they are participating or have participated in a complaint or grievance procedure, whether as Complainant, Respondent, witness, or in another role. They must, however, keep confidential any details about the proceedings, the other participants, and any new information gained from testimony given or evidence submitted as part of a hearing or investigation, except as required for Complainant or Respondent to develop their respective cases. Complainants and Respondents may, after the completion of the process, including all appeals, also disclose three additional pieces of information: the name of the Respondent; the institution's final determination concerning the allegation of sexual assault; and any sanction imposed on the Respondent (if applicable).

M-1.d. Retaliation

As outlined in the Title IX policy, Title IX prohibits retaliation against any Party or participant in the Title IX reporting or grievance process. Retaliation includes intimidation, threats, coercion or adverse employment or educational actions taken against an individual because of the individual's participation in the reporting, investigation or resolution of a complaint. Retaliation may include acts committed by Complainants, Respondents or any other individual or group of individuals. A student Complainant may bring to the Title IX Coordinator's attention any concerns about completion of a particular course or concerns about any evaluations of their performance by faculty. The Title IX Coordinator will follow relevant college policy where it exists, and consult with and inform the Dean of Faculty as appropriate to address the concerns.

M-1.e. Record Keeping

If sanctions have been imposed under the provisions of Section N or O, and appeal is unsuccessful, a statement of these sanctions and of their grounds shall be placed in the Respondent's evaluation file. Informal or mediated resolutions of Title IX Formal Complaints arising from a section M proceeding may stipulate that an appropriate statement be placed in the Respondent's evaluation file. In cases where a Respondent is not found responsible for a violation of the Title IX policy, after an investigation and hearing under Sections N and O results, the Committee on Advancement and Tenure shall insert a statement to that effect into the evaluation file.

All records arising from Formal Complaints against members of the Faculty, and all records arising from resolutions of Formal Complaints, shall be kept by the Title IX Coordinator in confidential files separate from all other records pertaining to a faculty member. As stated in the Community Constitution, these files shall be maintained for the duration of a faculty member's employment at Reed, or longer if legally required, and shall be destroyed at the end of that period.

M-1.f. Suspension and Resumption of Personnel Review

In the event that an investigation or hearing according to the procedures of Sections N or O overlap in time with a personnel review affecting title, salary, or term of service of the Respondent, that personnel review shall be suspended pending the final outcome of those Title IX procedures. As soon as the Title IX procedures are complete, the personnel review will be resumed, and no financial or status penalty will accrue to the Respondent solely by virtue of the delay.

M-1.g. Timeline

In cases of alleged sexual harassment involving students, informal resolution is not an appropriate tool and will not be used by the College to resolve Formal Complaints. In other cases, Respondent and Complainant may agree to informal resolution at any time after the Formal Complaint is filed. If such a resolution of the matter cannot be agreed upon, the matter shall proceed according to the procedure in Section N.

N. Grievance Procedures in Cases involving Allegations of Sexual Harassment that Fall under the Jurisdiction of Title IX

Section N-1

Investigation

N-1.a. Initiation of Investigation

The Title IX Coordinator shall ensure that the Formal Complaint is promptly investigated. The Title IX coordinator shall appoint an Investigator, the Dean of Faculty or other designee, to conduct this investigation. Upon the receipt of a Formal Complaint against a faculty member, the Title IX Coordinator will notify the Dean of Faculty.

N-1.b. Investigation

The Investigator will interview Complainant, Respondent and other individuals identified as having information pertinent to the case, and pertinent evidence shall be reviewed. Written notice will be provided for any investigative interviews or meetings. Complainants and Respondents and their advisors will receive evidence directly pertaining to the allegations, in electronic format or hard copy, with at least ten days to respond to the evidence. The purpose of the investigation is to establish whether or not there is sufficient evidence that sexual harassment has occurred. The investigation shall be completed promptly.

The Investigator shall not access the Complainant's or Respondent's medical, psychological, or similar treatment records without the Party's voluntary, written consent.

Failure to cooperate with or interference in an investigation may result in discipline up to and including discharge for employees (including faculty members), in accordance with the College's established grievance procedures.

N-1.c. Investigation Report

On the basis of the investigation, the Investigator shall prepare an initial written report describing the Formal Complaint allegations and the response (or absence of a response) and a summary of relevant evidence. Copies of the relevant evidence will also be provided to the Parties at this time.

The initial investigative report may make a recommendation of whether it is more likely than not that sexual harassment occurred but may not make a determination of responsibility. The initial investigative report may also recommend sanctions.

Before completion of the investigative report, the initial report will be shared with the Parties and their Advisors, and the Parties will have ten days to provide a written response to the report. After receiving responses from the Parties, or after ten days has elapsed with no response, the Investigator will complete any follow up deemed

necessary, write a final investigation report, and submit it, along with the relevant evidence, to the Parties and the Title IX Coordinator.

N-1.d. Informal Resolution

Faculty and staff complainants will be offered the opportunity for informal resolution after the investigation report is completed. In cases of alleged sexual harassment involving students, informal resolution is not an appropriate tool and will not be used by the College to resolve Formal Complaints.

Parties must consent, in writing, to informal resolution. If such a resolution of the matter cannot be agreed upon, or if the Parties do not consent to informal resolution, the matter shall proceed according to the procedure in Section N.

The matter will then be referred to a live hearing as set forth in Section N-2, below.

Section N-2

Live Hearing by Hearing Officer

N-2.a. Notification of Dean of Faculty and Hearing Officer

Within ten working days of the receipt of an investigation report from the Investigator, the President shall appoint a neutral, third-party Hearing Officer, and the Title IX Coordinator shall notify that Hearing Officer of a need for a live hearing.

N-2.b. Live Hearing by the Hearing Officer

The Hearing Officer shall consult with the Parties regarding the witnesses to be called, the evidence to be presented at the hearing, and potential dates for the live hearing.

The Hearing Officer will conduct a live hearing, and the Investigating Committee, which is responsible for recommending sanctions, will attend the hearing. The Investigating Committee will be selected by the Committee on Advancement and Tenure and will be comprised of five faculty members on academic tenure. The Hearing Officer shall also consult with the Investigating Committee regarding questions to be asked at the hearing.

The Complainant(s) and the Respondent(s) may be present at the hearing if they choose, or they may choose to participate in the hearing by telephone or video conference. The Advisors for the Complainant and the Respondent may cross-examine the other Party or any witness directly, orally and in real time. The Hearing Officer will be responsible for deciding, before the questions are asked, whether those questions are relevant to the matter and, where applicable, in compliance with Title IX or other legal requirements. Questions may be submitted in writing by Respondent(s) and Complainant(s) in advance of the hearing or during the hearing to the Hearing Officer, who will decide whether those questions are relevant and in compliance with Title IX or other legal requirements. If a Party does not have an advisor, the College will provide, without cost, an Advisor of its choice to conduct the cross-examination on the Party's behalf. A transcript of any hearing shall be made.

The Hearing Officer reserves the right to remove an Advisor who disobeys expectations and rules of decorum or who questions a Party or witness in an abusive, intimidating, harassing, or disrespectful manner, or who repeatedly asks non-relevant questions that are harassing, intimidating, disrespectful or redundant in content despite being warned by the Hearing Officer. In the instance that an Advisor is removed, the live hearing

may be suspended until a later date to permit an alternative Advisor to be obtained or assigned.

The Hearing Officer shall not draw an inference about the determination regarding responsibility based solely on a Party's or a Witness's absence from the live hearing or refusal to answer cross-examination or other questions. The Hearing Officer will make the final determination as to whether sexual harassment occurred, guided by a standard of the preponderance of the evidence.

Failure to cooperate with or interference in an investigation or failure to participate in a hearing may result in discipline up to and including discharge for employees (including faculty members) in accordance with the College's established grievance procedures.

Section N-3

Report of the Hearing Officer and Investigating Committee Recommendations

N-3.a. Hearing Officer's Determination of Responsibility

The Hearing Officer shall communicate their determination as to whether an act of sexual harassment has occurred together with a summary of the basis for the determination in a written report to the Investigating Committee and the Title IX Coordinator (or their designee).

N-3.b. Investigating Committee's Recommendation for Sanction

In cases where the Hearing Officer determines sexual harassment has more likely than not occurred, recommendations for sanctions will be in the purview of the Investigating Committee. The Investigating Committee shall review the Hearing Officer's determination of responsibility and add its recommendations for sanctions, with supporting reasons, against the Respondent. This combined report of the Hearing Officer and Investigating Committee recommendations will be communicated in writing to the Title IX Coordinator, Dean of the Faculty (or the President, in cases against the Dean of the Faculty), the Respondent and Complainant.

Possible sanctions range from training, through holding at rank or reducing in rank, to suspension and termination.

N-3.c. Written Determination

The Title IX Coordinator shall forward the determination of responsibility and recommendation concerning sanctions to the President. The President will accept or reject the Investigating Committee's recommendation concerning sanctions and issue a written determination to the Parties and the Title IX Coordinator containing a determination of responsibility and a decision regarding sanctions.

In the case of a recommended sanction of fixed term suspension or termination, the President's decision regarding sanctions will be made in consultation with the Committee on Advancement and Tenure, and the decision shall be based on a careful consideration of the nature of the case and nature of the evidence in support of the finding of responsibility to warrant such a sanction. The Committee on Advancement and Tenure shall be represented by its regular appointed members for that year with the following exceptions: first, if the person whose termination or fixed-term suspension is proposed is a member of the Committee, that person shall withdraw until the case is completed; second, any member of the Committee who feels in their judgment unable to participate impartially in a particular case shall withdraw for the duration of the

case. Vacancies because of one or two withdrawals shall be filled by faculty members chosen by the remaining members of the Committee from the nominating ballot of the most recent election for the Committee on Advancement and Tenure. If this does not yield sufficient numbers to constitute seven members, the President shall appoint the remaining members.

If the President rejects the Investigating Committee's recommendation concerning sanctions, the President will state in the written determination the reasons for rejecting the recommendation. Within five days, both the Respondent and Complainant may submit a written statement of their position regarding the sanction to the President for reconsideration. The President may uphold the sanction contained in the written determination or revise the sanction contained in the written determination based on those statements.

After receiving the Parties' statements regarding the sanction, or after five days have elapsed with no statements from the Parties, the President will then provide the written determination to the Parties, the Title IX Coordinator, and (in the case of a sanction of fixed term suspension or termination only) the Board of Trustees.

Faculty Appeals and Review Committee. If the matter is not appealed to the Faculty Appeals and Review Committee, the Parties will have twelve days from the date of the President's written determination to file an appeal to the Board of Trustees. The Board of Trustees' review will be based on the record, and the Board of Trustees will allow

in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

Appendix II - Resolutions Adopted by the Faculty Governing Conduct of Faculty Meetings

1. The practice of using a tabling motion to cut off discussion of an issue before the Faculty is prohibited in meetings of the Faculty. (September 6, 1962)
2. New business may be introduced at special Faculty meetings by two-thirds vote of those present, provided that a quorum of 60 percent of the Faculty not on leave or sabbatical is present when this procedure is invoked. The Clerk shall be responsible for determining the existence of such a quorum. (September 29, 1969)
3. Regular and special meetings of the Faculty shall be considered to be closed to all members of the community except those defined as Faculty in Article I, Section 1 of the Faculty Constitution of Reed College. Other community members, for example staff or students, may be invited to attend and participate as non-voting members upon invitation by the Faculty. (March 30, 1970)
4. A Motion to reconsider shall require at least 48 hours written notice to the Faculty. (December 7, 1970)
5. The Committee on Academic Policy and Planning shall report its findings and recommendations to the Faculty on all matters except new courses before spring vacation. (November 27, 1972)
6. A motion to ban smoking at Faculty meetings. (May 14, 1973)