

# EMPLOYEE POLICY MANUAL



  
**MERCY COLLEGE**  
OF HEALTH SCIENCES

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# **Mercy College of Health Sciences Employee Policy Manual**

## ***PRESIDENT'S WELCOME***

This Employee Policy Manual sets forth the terms and conditions of your employment. All employees at the College have responsibility to read and adhere to these policies. The College will provide regular updates to official documents including the Employee Policy Manual, the College Catalog, Student Handbook, and other policies through electronic communications. All documents may be accessed through the College's website or share drive. Your comments are invited to assure understanding in meeting expectations articulated in these documents. To facilitate any policy-related needs, please contact your manager or the Human Resources office.

With our rich heritage of healing service and Catholic traditions, we encourage employees from all backgrounds to participate in the many and varied events and activities offered to the campus community.

## **ABOUT THE COLLEGE**

### **Catholic Identity Statement**

Mercy College of Health Sciences (College) is a Catholic institution of higher education whose purpose is to educate students for service and leadership roles in health care in fulfillment of the universal mission of the Roman Catholic Church and the particular charisms of the Religious Sisters of Mercy (RSM).

As a Roman Catholic institution of higher education, Mercy College strives to witness to and promote the Church's social teaching and moral principles in areas such as the respect for all human life, the fostering of peace and justice, the eradication of poverty and unjust discrimination, the development of all peoples, and the growth of human culture.

In response to the specific call of the RSM community, the College fosters the pursuit of truth and knowledge and strives to nurture the growth and wellness of the whole person – physically, spiritually, intellectually and morally.

The College manifests these beliefs by:

- Providing health sciences education rich in values and offering opportunities for spiritual, intellectual, cultural and ethical growth;
- Demonstrating leadership in service to the community, especially those who are underserved;
- Building and sustaining a Catholic Christian community called by God to live together as a holy people bound by love, solidarity and self-giving, and faith. This Catholic Christian community thus becomes a sign of God's presence within and among us;
- Respecting the beliefs of those members of other religious and spiritual traditions and inviting them to share the gifts they bring to the community;
- Providing opportunities for prayer, reflection and the study of Sacred Scripture;
- Celebrating liturgy and participating in the Sacraments; and
- Participating in the creation and development of societal structures that are humane, just and respectful of the rights and dignity of the human person.

*Inspired by the example of Catherine McAuley, who founded the RSM community and who dedicated her life to reaching out in service in Jesus' name, we, as a college community, strive continually to make this vision of our Catholic identity a reality throughout the living and learning environment of the College.*

## **College History and Sponsorship and the Religious Sisters of Mercy**

Many of the healthcare educational programs now offered by the College spring from the educational and healing ministries of a group of religious women founded in 1831 in Dublin, Ireland. Catherine McAuley responded to the desperate poverty of Ireland's Catholics under the British penal laws by reaching out to provide comfort and education.

Using a significant inheritance, Catherine, in 1827, built and opened Baggot Street House of Mercy, a place where she and like-minded women instructed children and taught young women the skills they needed to become independent. This focus on women and children remains an important charism of the community to this day. It was only after the work being done at the Baggot Street facility was noticed, that Catherine moved to establish a religious community. Their visiting the sick in homes and hospitals resulted in the nickname "The Walking Nuns" because their ministry was among the people. The Vatican formally recognized the community in 1841, shortly before Catherine died. Frances Warde, one of the first women to profess vows as a RSM, came to the United States in 1843 in response to requests from American bishops to minister to Irish immigrants.

By 1893, three sisters from Mercy Hospital in Davenport were asked to open the first hospital in Des Moines. Under the leadership of Mother Mary Baptist Martin, these women provided their first care from rooms rented at Hoyt Sherman Place. By 1899, the need for more help with their ministry prompted the local community to establish the Mercy Hospital Training School to educate nurses. Seven students graduated in the first class in 1901. The historical roots of several other academic offerings, currently available at the College, also originated within what is now known as Mercy Medical Center – Des Moines (MMC).

These early programs met growing workforce needs, expanding technology and care options (clinical laboratory science, established 1956 and radiologic technology, established 1960), and were established as part of MMC where the academic instruction was focused as "hands-on" or "on-the-job training." A legacy of these experiences necessitated a focus on certificate and associate degree programs at the time the College sought formal entry from the North Central Association as a College in 1995.

Since 1996 when the RSM community set in motion a transition from direct control of their health care ministry in Des Moines and other cities, both the College and MMC have been sponsored by Catholic Health Care Federation (CHCF), a corporation formally recognized by The Vatican as responsible for the Catholic character of the many facilities under its ownership. CHCF operates as Catholic Health Initiatives (CHI), a corporation located in Denver, Colorado.

Together, Mercy College and all of the entities within CHI operate under a set of shared core values which remain congruent with those of the RSM community, who remain engaged as a member of the sponsorship board of CHI. The College is unique in that it adopted not only the CHI core values -- reverence, integrity, compassion and excellence, but a fifth value – knowledge, to reflect the College’s academic culture.

Mercy College is an associate member of the Conference for Mercy Higher Education, which is the national corporation overseeing all RSM colleges and universities in the United States. The College continues to live the charisms of the RSM community by advancing the mission and vision in the delivery of health science education to communities of interest.

### **Our Vision**

To be a national leader for excellence in the delivery and innovation of health sciences education.

### **Our Mission**

Mercy College of Health Sciences prepares graduates for service and leadership in the healthcare community by integrating its core values with a professional and liberal arts and sciences education.

The College articulates its mission, direction, and planning through the *Strategic Plan*, *Institutional Outcomes*, *College Catalog*, *Viewbook* and publications on the College website.

The *Strategic Plan* outlines the, goals, and objectives that guide the institution in fulfilling its mission. The *Institutional Outcomes* statements, guided by the core values, serve as the benchmark in achieving the mission. The *College Catalog* communicates the mission in defining the academic programs and operations of the College. The *Viewbook* creatively brings the mission to prospective students and visitors.

### **Our Values**

Mercy College of Health Sciences is a Catholic institution of higher education, rooted in the heritage of the Sisters of Mercy, guided by our core values of knowledge, reverence, integrity, compassion, and excellence.

### **Our Core Values**

**Knowledge:** The ability to instill in our college community a thirst to continually study, observe, and investigate the world for facts and ideas that can improve the health and well- being of humankind, as well as create a love for learning.

**Reverence:** Profound spirit of awe and respect for all creation, shaping relationships to self, to one another, and to God, as well as acknowledging that we hold in trust all that has been given to us.

**Integrity:** Moral wholeness, soundness, uprightness, honesty, and sincerity as the basis of trustworthiness.

**Compassion:** Feeling with others, being one with others in their sorrows and joy, rooted in the sense of solidarity as members of the human community.

**Excellence:** Outstanding achievement, merit, virtue; continually surpassing standards to achieve and maintain quality.

### **Hiring for Mission and Identity Affirmation**

Mercy College is a religious educational institution, founded and actively engaged with the Sisters of Mercy. The College sustains its faith heritage as a Catholic witness within higher education. As a religious educational institution, the College may grant preference to employees who commit to conduct their work in line with its mission and identity. Employees are encouraged to live out the mission, identity, vision, and values in serving the College and the community.

Mercy College does not discriminate in any way contrary to law or justice in its hiring of employees. The College values the right to seek and retain employees who will make a positive contribution to its identity as a Catholic educational institution and who will uphold its mission, identity, vision, and values of knowledge, reverence, integrity, compassion, and excellence.

### **Campus Mission and Ministry**

In support of the legacy of the Religious Sisters of Mercy community, the Campus Mission and Ministry office provides a variety of ways to explore, challenge, develop, and live out their faith. Rooted in the heritage of the Sisters of Mercy, Campus Mission and Ministry promotes the Core Values in unifying the community with retreats, service, friendship, and prayer.

Campus Ministry's programs are inclusive of all faith backgrounds and designed to make every student, faculty and staff member feel comfortable and welcome in the College family.

### **Accreditation**

Mercy College is accredited by The Higher Learning Commission (HLC)

The Medical Laboratory Science Certificate is accredited by the National Accrediting Agency for Clinical Laboratory Sciences (NAACLS).

The Diagnostic Medical Sonography Degree is accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP).

The Emergency Medical Services Certificates are accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP).

The Medical Assisting Certificate is accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP).

The Bachelor of Science in Nursing Degree, the Accelerated Bachelor of Science in Nursing Degree, the Paramedic to Bachelor of Science in Nursing, the RN to



Bachelor of Science Degree and the Master's in Nursing are accredited by the Commission on Collegiate Nursing Education (CCNE).

The Associate of Science in Nursing Degree Program is accredited by the Accreditation Commission for Education in Nursing (ACEN).

The Associate of Science in Nursing Degree, the Bachelor of Science in Nursing Degree, the Accelerated Bachelor of Science in Nursing Degree, the Paramedic to Bachelor of Science in Nursing Degree, RN to Bachelor of Science in Nursing Degree and Master's in Nursing have approval of the Iowa Board of Nursing.

The Physical Therapist Assistant Degree is accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE).

The Radiologic Technology Degree Program is accredited by the Joint Review Committee on Education in Radiologic Technology (JRCERT).

The Mercy College Training Center is accredited by the American Heart Association.

### **MercyPlus**

MercyPlus is Mercy College's expansion of the online educational offerings. Programs within MercyPlus have multiple start dates per year and a reduced tuition schedule.

### **College Governance**

The Mercy College Board of Directors (the Board) is responsible for all strategic, operational, fiscal, and policy decisions at the College. Board members represent expertise in higher education, healthcare administration, development, marketing, legal, religious communities, and related community organizations. The Board leads the institution within a set of defined Articles of Incorporation and Bylaws and has established Board Committees to help in directing strategic plans and operations of the College. The President is the reporting officer to the Board and regularly engages with the Board in leading and providing oversight of the College. The President is supported by a Cabinet that meet weekly to discuss and assess strategic plan achievement and operations imperatives, as well as to identify and respond to trends within the College and in higher education.

The Vice President of Academic Affairs/Provost is the chief academic officer for the College and serves as the primary administrative contact in working with the College Senate. The College Senate, using a shared governance model, engages internal constituencies in its governance. The College Senate has defined formal Committees that serve to assess, develop, and recommend institutional and academic activities. Within the College Senate, there is an Undergraduate Council composed of all faculty and a Staff Council with membership from professional and support staff and Graduate Council.

Information regarding the College Senate Governance is found in Appendix A in this manual. Students have an opportunity to take an active role in the governance of the College through the Student Senate. Information about the Student Senate is located in the Student Handbook on the College's website.

### **Institutional Assessment**

Mercy College aspires to generate the best possible learning and working environment for all

students and employees by delivering continuous and ongoing assessment opportunities while providing dependable and usable data in a timely manner. The success of Mercy College in this endeavor depends upon our employees acting on a commitment in their roles to the College, its students, and the public good. Accordingly, our employees are compelled to consider and make data-driven decisions to better the College within the framework of its mission and purpose. This charge includes leadership as role models to demonstrate accurate and transparent information to communities of interest regarding students and employees stated expectations and outcomes.

### **Library**

The library provides a collection of online and physical resources that includes, books, eBooks, journal literature, digital images and films, CDs, and DVDs. Faculty and students have online access through the library's website, the distance learning software and physical access through the College Library and the MercyOne-Des Moines' Levitt Medical Library. Information literacy instruction, resources, and services are introduced in student orientations (both face-to-face and online). The library also provides interlibrary loan service for acquiring materials not held locally.

### **Budgeting**

The College conducts a formal annual budgeting process for all departments. This process allows for budgetary planning, including staffing, capital, and operating expenses. Academic enrollment targets are initiated at the program level annually. Annual capital allocations and expenditures are also identified. The proposed operating budget for the fiscal year is submitted for review and approval by the Board.

## ***EMPLOYMENT***

### **Policies Applicable to All Employees**

All policies, in this Employee Policy Manual, apply to all College employees, regardless of status. Policies contained in this Manual are conditions of employment and should not be considered as a contract, an employment agreement, or create any expectation of continued employment or job security with the College. Policies and procedures can be changed or withdrawn by the College without notice.

Non-contractual employees are considered "employees-at-will" which means that employment can be terminated at any time and for any lawful reason by either the employee or the College. Only the President (or designee) is authorized to offer a contract of employment other than at-will.

Employees are responsible for reviewing new or revised policies and procedures. Employees may contact their manager or the Human Resources office for questions or clarifications.

Mercy College employees are also expected to review and follow the policies of MercyOne-Des Moines and CommonSpirit Health.

## **Excess Benefits Transaction Policy**

The College ensures, to the extent reasonably possible, that its activities are conducted for the benefit of the community. It will not operate for the benefit of employees, or other private interests, nor will its governance be under the control or influence of such interests.

The College ensures, to the extent reasonably possible, that no part of its earnings will, directly or indirectly, excessively benefit its directors, officers, or employees. Any private benefits which result from the College's activities will be only such as are incidental to the public benefits intended to be achieved by such activities.

## **Equal Opportunity**

The College is committed to equal opportunity and nondiscrimination to applicants, employees and students without regard to race, ethnicity, religion, color, national origin, sex, marital status, sexual orientation, gender identity, age, religion, genetic information, disability, veteran or military status or any other protected status or characteristic protected by law.

Mercy College is committed to a culture of inclusion and taking affirmative action to employ and advance in employment qualified women, minorities, protected veterans and individuals with disabilities.

All activities are governed by principles of equality of opportunity and all students are helped to achieve their full academic potential. This statement applies to recruitment and admissions, to the curriculum, teaching and assessment, to welfare and support services, and to employee development and training.

All visitors to the College, including contractors, and people operating on behalf of the College, whether on College premises or elsewhere, have a responsibility to behave in accordance with the principles of this policy.

## **Telecommuting**

Telecommuting is a work arrangement that allows an employee to regularly perform work at home. It allows employees to work away from the College premises on one or more workdays per week. Not all College positions lend themselves to telecommuting; therefore, decisions will be made on a case-by-case basis and will be dependent on the best interests of the College as determined by its goals and objectives.

This policy is not meant for employees who may occasionally participate in flexible work arrangements under special circumstances. Examples of occasional arrangements include weather conditions that prevent an employee from traveling to work, when an employee wants to work at home to complete a report or when faculty work at home or complete research off-site.

All terms and conditions of employment remain unchanged during telecommuting arrangements except those addressed, specifically, by the telecommuting agreement. Telecommuting arrangements must conform to the overtime, record keeping and other provisions of the Fair Labor Standards Act, other applicable laws and regulations and to Mercy College policies.

A written proposal must be prepared by the manager of the need for telecommuting and be submitted to the department Vice President for approval.

The Vice President and Human Resources will review and approve the proposal. If approved, a telecommuting agreement will be signed by the employee, the manager and the Vice President. The signed document will be maintained in the employee's Human Resources' file.

### **Employment and Accommodations of Persons with Disabilities**

The College is committed to the hiring and advancement in employment of qualified persons with disabilities as defined by the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendment of 2008 (ADAAA). The ADA defines a disability as "mental or physical condition that substantially limits an individual's ability to perform one or more major life activities" as compared with the average person in the general population.

All employment decisions, at the College, will be based upon objective determinations of each person's job-related qualifications. The College will investigate and take appropriate action to correct any reasonable complaint concerning an accommodation or allegation of a discrimination based on disability. The College will comply fully with applicable local, state and federal laws regarding the employment of persons with disabilities. Employees with questions or concerns should contact Human Resources.

### **College Alcohol Policy**

The laws of the State of Iowa regulating the purchasing, dispensing, possession and consumption of alcoholic beverages will apply to all members of the College community. Each person will be expected to abide by those laws and will be held responsible, by civil law enforcement, for his or her own actions in any situation involving violations of Iowa state laws regarding alcoholic beverages.

Alcoholic beverages may not be served, consumed, possessed, distributed, or sold on campus without authorization from the department Vice President. Alcohol beverages may not be served or consumed by students on campus.

### **Alcohol and Illegal Drug Use Concern**

The use of alcoholic beverages, though acceptable for persons of legal age, is a matter of concern, because Mercy College is committed to maintaining an academic and social environment conducive to the intellectual and personal development of students and to the safety and welfare of all members of the College community. The College believes that it cannot deny persons of legal age the right to use alcoholic beverages, but sees its responsibility as preventing the abuse of drinking privileges by encouraging individuals to behave in an appropriate and responsible manner where the use of alcoholic beverages is concerned.

It is expected that all who use alcohol will:

- Be of legal age.
- Make healthy choices that avoid high-risk behaviors
- Maintain control of self and circumstances.

The College does not condone alcohol use which results in:

- Abuse to one's self, others, or property.
- Compromised control of one's self, circumstances, or values.
- Negative effects on academic, health, or relationships.
- A pattern of problems.
- Violation of the law.

Consistent with the College's core values, it is expected that members of the campus community take ownership in and responsibility for establishing and reinforcing community alcohol standards as follows by creating and maintaining a view on alcohol that:

Alcohol should not be the focal point of any activity.

- Supports an individual's decision not to drink.
- Understands that those who drink together have an obligation to be informed, supportive peers who look out for one another's welfare.

As part of a responsible alcohol educational effort, all employees will receive information on:

- Alcohol standards and policies.
- Signs of alcohol problems.
- How to explore and understand drinking choices.
- Available campus and off-campus resources
- Levels of alcohol impairment.
- Effects of tolerance on alcohol consumption.
- Effects of other drugs on alcohol consumption.
- How to calculate blood-alcohol levels.
- Emergency responses and procedures.
- Issues that drive substance abuse.

### **Drug Free Schools and Communities Act and the Higher Education Amendments of 1998, Section 120.**

The Federal Drug-Free Schools and Communities Act and the Higher Education Amendments of 1998, Section 120, require all students and employees to be informed of the institution's drug and alcohol policy guidelines. The following is Mercy College's policy related to a drug-free campus environment which applies to all College students, faculty, and staff. Should an employee have any questions, contact Human Resources.

### **Alcohol and Drug Abuse Prevention Policy**

Mercy College prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on its property or as a part of any of its programs or activities. Students and employees who engage in prohibited or illegal conduct face sanctions, including suspension, dismissal, expulsion, termination of enrollment and/or employment and referral for prosecution.

Health risks associated with the use of illicit drugs and alcohol abuse vary with the nature of the substance and pattern of abuse and include, but are not limited to:

- Depression and/or moodswings.
- Dependency.
- Organ damage.
- Mental problems, hallucinations, confusion.
- Accidents.
- Violent reactions.

Further information concerning the uses and penalties associated with controlled substances is summarized below. Materials outlining health risks in detail and with specificity concerning particular drugs are available from Human Resources.

The unlawful use, possession, or distribution of illicit drugs and alcoholic beverages may result in local, state and federal legal sanctions which may include fines, imprisonment or both. Legislation is extensive in this area, and penalties vary with the type of illicit drug and/or alcohol abuse. Ordinances and statutes collected in local, state and federal codes including but not limited to Title 21, Chapter 13 of the United States Code, Chapters 123, 124, 124A, and 124B of the Iowa Code, and Chapters 10 and 70 of the Municipal Code of the City of Des Moines, should be consulted. A partial description of applicable sanctions is listed below.

Drug and alcohol counseling is available through the Employee Assistance Program. Employees, while on campus, in clinical settings, or participating in College-sanctioned activities will be subject to the College's discipline procedures if they:

- Use, possess, distribute, or sell alcohol (unless authorized to serve or consume).
- Are under the influence of alcohol.
- Possess, manufacture, distribute, dispense, buy transfer, sell, or use illegal drugs, alcohol, or legal drugs without a physician's prescription.
- Engage in off-campus possession, manufacture, distribution, dispensing, buying, transferring, selling or using of illegal drugs resulting in a conviction.

If an employee of the College is convicted of any violation, the employee is required to inform Human Resources within five days of the conviction. Drug or certain alcohol-related convictions may result in disciplinary measures up to and including termination.

Human Resources will notify all appropriate agencies and registries of relevant drug or alcohol-related convictions within thirty days of receiving the information. Employees licensed as Registered Nurses or Allied Health care providers are additionally subject to all sanctions imposed by the Iowa Nurse Practice Act and Allied Health Licensure Guidelines and will be referred for disciplinary action where appropriate.

### **Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance and Alcohol Related Offenses**

21 U.S.C. 844(a): 1st conviction up to 1 year imprisonment and fined at least \$1,000 or both. After 1 prior drug conviction at least 15 days in prison, not to exceed 2 years, and fined at least \$2,500, or both. After 2 or more prior drug convictions at least 90 days in prison, not to exceed 3 years, and fined at least \$5,000, or both.

21 U.S.C. 853(a)(2) and 881(a)(7): Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year of imprisonment. (See special sentencing provision re: crack).

21 U.S.C. 881(a)(4): Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance and any real property used to facilitate such crime.

21 U.S.C. 862(b): Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses and completion of drug treatment program and community service.

### **Miscellaneous**

Revocation of federal licenses and benefits are vested with the authorities of individual Federal agencies. Note: Federal penalties for manufacture or distribution of controlled substances include various prison sentences ranging up to life in prison and various fines ranging up to \$2 million. 21 U.S.C. 960

### **State Penalties and Sanctions**

Iowa Code §123.46: (consumption of alcohol in public places; public intoxication). Either imprisonment, not to exceed 30 days, or a fine of at least \$50, but not more than \$100.

Iowa Code §§123.47: (Providing alcoholic liquor, wine or beer to persons under age 21; possession or control by persons under age 21). First offense: fine of \$200 to \$1,000. Second offense: fine of \$500 and completion of substance abuse evaluation or suspension of driver's license for up to 1 year. Third and subsequent offenses: fine of \$500 and suspension of driver's license for up to 1 year.

Iowa Code §123.49: (Providing alcoholic liquor, wine or beer to an intoxicated person). Imprisonment not to exceed 30 days or fine not to exceed \$625.

Iowa Code §124.401(5): (Possession of a controlled substance). Substances other than marijuana: imprisonment not to exceed 1 year and/or fine not to exceed \$1,875. Marijuana: imprisonment not to exceed 6 months and/or fine not to exceed \$1,000. Suspended sentences may include probation and required participation in drug treatment program.

Iowa Code §124.401(1) and (2): (Manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance or counterfeit or simulated controlled substance). Depending on the nature and amount of substance, penalties range from imprisonment for periods not to exceed 2 years, 5 years, 10 years, 25 years or 50 years and/or fines not to exceed \$5,000, \$6,250, \$7,500, \$50,000, \$100,000 or \$1,000,000.

Iowa Code §124.406: (Distribution of a controlled substance to a person under age 18). Depending on nature of substance and ages of parties, penalties range from imprisonment for periods not to exceed 25 years, 10 years, 5 years, or 2 years and/or fines not to exceed \$5,000, \$6,250, \$7,500, or \$10,000.

Iowa Code §124.407: (Sponsoring, promoting or assisting with a gathering with knowledge that controlled substance will be distributed, used or possessed there). Controlled substances other than marijuana: imprisonment not to exceed 5 years and/or fine not to exceed \$7,500.

Marijuana: imprisonment not to exceed 1 year and/or fine not to exceed \$1,875. Second or subsequent offenses of most of the above-referenced offenses may be punished by imprisonment for a period up to three times the term otherwise authorized and/or a fine of up to three times the amount otherwise authorized.

Iowa Code §124A.4: (Manufacture, delivery or possession with intent to deliver an imitation controlled substance). Depending on ages of the participants, penalties may range from imprisonment for periods not to exceed 1 year, 2 years or 5 years and/or fines not to exceed \$1,875, \$6,250 or \$7,500.

Iowa Code §124B.9: (Sale, transfer, furnishing or receipt of a “precursor substance” with knowledge or intent it will be used to unlawfully manufacture a controlled substance). Imprisonment not to exceed 10 years and/or fine not to exceed \$10,000.

### **Local Penalties**

Violations of local ordinances dealing with alcohol consumption, such as public intoxication and similar offenses, generally are punishable by fines not to exceed \$500 or imprisonment not to exceed 30 days.

### **Employee Alcohol/Substance Abuse During Clinical Time**

All employees in a clinical setting may be subject to testing under certain circumstances including but not limited to post accident or injury to a student or employee and probable cause or reasonable suspicion to believe that the employee may be under the influence of alcohol or illegal drugs.

- Probable cause/reasonable suspicion includes but is not limited to the smell of alcohol and/or impaired behaviors.
- If an employee is suspected of alcohol or substance abuse, they may be excused from the clinical site. Alternate transportation for the employee will be arranged from the clinical site.

### **Tobacco Free Workplace**

To promote the health and welfare of students, faculty, and staff, the College campuses are tobacco-free including, cigarettes, electronic cigarettes, vaping, cigars, chewing tobacco, snuff, pipes and snus, while complying with applicable state and local laws.

### **Violence Free Workplace**

The College is committed to maintaining a work environment free of intimidation, threats, or violent acts. These include but are not limited to: intimidation, threatening or hostile behavior, physical abuse, vandalism, arson, sabotage, use of weapons, possession of weapons of any kind or articles which could be potentially used as weapons, or any other act which, in the opinion of management, is inappropriate to the workplace and violates the core values. In addition, jokes, offensive comments, or comments that imply threats of violence are considered violations of this policy.

### **Reporting Responsibility**

Employees are responsible for promptly reporting potential violations of law, regulation, policy or procedure. Employees are protected from retaliation when making a good faith report, complaint or injury. The College also has a responsibility to communicate such violations through defined protocols and reporting requirements.



## **Reporting Process**

Employees should use the following options for reporting:

- Visit with your manager or a member of management.
- Human Resources' office.
- Integrity & Compliance Hotline: 1-866-477-4661.
- Filing a report at [www.mycompliancereport.com](http://www.mycompliancereport.com) (Access code: THO)

## **Code of Conduct**

Mercy College believes in a respectful workplace which promotes acceptance, is committed to diversity and inclusion, and requires respect for dignity and the interest of others. Each employee has a personal responsibility to behave ethically, appropriately and in accordance with the College's core values.

The College strives to integrate its core values into its teaching, scholarship, business practices, and daily interactions among all members of the campus community. Each employee is expected to conduct College business with the utmost honesty, accuracy and fairness. College business includes, but is not limited to, recruitment of employees and students, contracting with outside vendors, teaching and advising students and marketing.

## **Non-Discrimination and Harassment (Non-Sex Based)**

Mercy College fosters respect and dignity for all members of the College community by providing an educational and work environment free from discrimination and harassment.

The College prohibits discrimination based upon race, ethnicity, religion, color, national origin, sex, marital status, sexual orientation, gender identity, age, religion, genetic information, disability, veteran or military status or any other protected status or characteristic protected by law.

Discriminatory harassment are any patterns of conduct aimed at another because of the protected characteristics mentioned above that belittle, distress or humiliate. Examples include:

- Name-calling, jokes or negative comments
- Physical intimidation, vandalism, or pranks
- Displays of materials containing negative information about the protected characteristics.

Employees who feel they are a victim of this behavior or who observe the behavior aimed at another should contact Human Resources as soon as possible.

## **Sexual Harassment Policy**

Mercy College (College) fosters respect and dignity for all members of the College community by providing an educational and work environment free from discrimination and harassment, including Sexual Harassment.

The College prohibits discrimination based upon race, ethnicity, religion, color, national origin, sex (including Sexual Harassment), marital status, sexual orientation, gender identity, age, religion, genetic information, disability, veteran or military status or any other protected status or characteristic protected by law.

Consistent with the U.S. Department of Education's implementing regulations for Title IX of the Education Amendments of 1972 ("Title IX") (see 34 C.F.R. § 106 et seq.), the College prohibits Sexual Harassment that occurs within its Education Programs or Activities.

The College provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the Mercy College Education Programs or Activities.

### **Scope**

Sexual Harassment, whether verbal, physical, or visual, that is based on sex is a form of prohibited conduct. For purposes of this policy, Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. The specific definitions including examples of such conduct, are listed below.

This policy applies to all members of the College community (employees, students, applicants for employment, customers, third-party contractors, and all other persons) that participate in the College's Education Programs or Activities, including third-party visitors on campus.

Mercy College's prohibition on Sexual Harassment extends to all aspects of its educational programs, activities and operations, including, but not limited to, admissions, employment, academics, and student services.

This policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of the College's Education Programs or Activities; such sexual misconduct may be addressed in the employee and student conduct policies.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in Mercy College's Education Programs or Activities.

Members of the College community who commit Sexual Harassment are subject to the full range of discipline including verbal reprimand; written reprimand; mandatory training, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; fines; permanent separation from the institution (that is, termination or expulsion); physical restriction from Mercy College property; cancellation of contracts; and any combination of the same.

### **Reporting Sexual Harassment**

The College has designated the following Title IX Coordinator to coordinate its compliance with Title IX and its implementing regulations and to receive inquiries regarding Title IX,

including reports of Sexual Harassment. Any person may report Sexual Harassment to the Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

**Title IX Coordinator**

Amanda Kearns, MBA  
Director of Human Resources  
515-643-6678  
Sullivan Center Room 1110  
928 6th Ave.  
Des Moines, IA 50309  
amanda.kearns@commonspirit.org

**Deputy Title IX Coordinator-Students**

Lyneene Richardson  
Dean of Students  
515.643.6659  
ACE 181  
928 6<sup>th</sup> Avenue  
Des Moines, IA 50309  
Lyneene.richardson@commonspirit.org

Counselors working with UWILL, are the only individuals who are not required to report an issue of sexual harassment, discrimination or retaliation to the Title IX Coordinator.

Reports of Sexual Harassment may also be filed with the United States Department of Education's Office for Civil Rights by calling 1-800-421-3481 or visiting <http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>.

**Definitions**

**Complainant** is an individual who is alleged to be the victim of conduct that may constitute Sexual Harassment. The Complainant must be, at the time of filing the Formal Complaint, participating in or attempting to participate in the College's Education Programs or Activities.

**Respondent** is an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment. The Respondent must be participating in or attempting to participate in the College's Education Programs or Activities.

**Formal Complaint** is a document filed by a Complainant and/or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and specifically requesting the College investigate the allegation of Sexual Harassment in accordance with this policy. A "document filed by a Complainant" means a document or electronic submission (such as an email) that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint. A parent, friend, or other third party cannot file a Formal Complaint on behalf of a Complainant. However, the Title IX Coordinator may sign a Formal Complaint as long as the decision to do so is clear and not unreasonable.

**Title IX Team**

Members of Mercy College who participate in the investigation of a Formal Complaint.

**Hearing Panel**

A panel of individuals, free of a conflict of interest or bias, responsible for issuing a written determination of responsibility after a live hearing.

**Administrative Resolution**

Investigation of a policy violation and recommended finding by an administrator with an opportunity to appeal.

**Administrative Officer**

The individual who will conduct the Administrative Resolution process and determine the resolution. This individual will not be the Title IX Coordinator or Investigating Officer.

**Investigating Officer**

Individual, free of a conflict of interest or bias, assigned by the Title IX Coordinator with gathering facts about an alleged Sexual Harassment, assessing the relevance and credibility and preparing a written report.

**Advisor**

An individual chosen by the Complainant and Respondent or appointed by Mercy College to accompany the party to meetings, provide advice to the party, and conduct cross-examination for the party at the hearing.

**Preponderance Standard**

The standard of “more likely than not” used to determine if the allegation occurred.

**Sexual Harassment**

Sexual Harassment is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

**Quid Pro Quo:**

- Quid Pro Quo Sexual Harassment is when an employee of Mercy College conditions an aid, benefit, or service of the College to an individual who participates in unwelcome sexual contact.

**Hostile Environment**

Hostile Environment Sexual Harassment is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to Mercy College Education Programs or Activities.

In determining whether a hostile environment exists, Mercy College will consider the circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including whether one individual has power or authority over the other); the context in which the conduct occurred; and the number of persons affected. The College will evaluate the circumstances from the perspective of a reasonable person in the Complainant’s position. A person’s adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

Some specific examples of conduct that may constitute Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact.
- Unwelcome kissing, hugging, or massaging.
- Sexual innuendos, jokes, or humor.
- Displaying sexual graffiti, pictures, videos, or posters.
- Using sexually explicit profanity.
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.
- E-mail, internet, or other electronic use that violates this policy.
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin.
- Sending sexually explicit emails, text messages, or social media posts.
- Commenting on a person's dress in a sexual manner.
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship.
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes.

### **Sexual Assault**

"Sexual Assault" includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.<sup>1</sup>

"Rape" is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is "carnal knowledge" if there is the slightest penetration of the vagina or penis by the sexual organ of the other person. Attempted Rape is included.

"Sodomy" is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

"Sexual Assault with an Object" is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.

"Fondling" is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

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<sup>1</sup> The College's definition of "Sexual Assault" is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the College to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

“Incest” is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Iowa law.

“Statutory Rape” is sexual intercourse with a person who is under the statutory age of consent as defined by Iowa law.

### **Domestic Violence**

Domestic Violence is felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Iowa, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Iowa.

### **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 and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

### **Stalking**

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.

The conduct would include two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, 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.

### **Consent**

Consent refers to words or actions that a reasonable person from the perspective of the Respondent would understand as agreement to engage in sexual activity. Consent is a voluntary and knowing act. A person who is incapacitated is not capable of giving consent. Lack of consent is critical in determining whether Sexual Harassment has occurred. Consent must be given for each form of sexual contact and with each sexual partner. Consent requires affirmative, clear, unambiguous acts or statements by each person involved. Consent is not passive.

- If coercion, intimidation, threats, and/or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired by alcohol or drugs such that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent.
- If a person is asleep or unconscious, there is no consent.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Previous consent for sexual activity does not give consent for future sexual activity.
- Consent can be withdrawn at any time. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent.
- Within the state of Iowa consent cannot be given by a minor under the age of 16.

### **Incapacitation**

Incapacitation refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.

Incapacitation is a state where an individual cannot make an informed and rational decision to consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, where, when, why or how” of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered incapacitated, when asleep, unconscious, or otherwise unaware that sexual contact is occurring.

Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person. One’s own intoxication is not an excuse for failure to recognize another person’s incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol or drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual’s:

- Decision-making ability
- Awareness of consequences
- Ability to make informed judgments
- Capacity to appreciate the nature of circumstances of the act.

No single factor determines incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

### **Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to Mercy College’s Education Programs or Activities without unreasonably burdening another party. These measures include measures designed to

protect the safety of all parties implicated by a report or Mercy College's education environment, or to deter Sexual Harassment. Supportive measures may include contact information for counseling, community resources for Sexual Harassment and law enforcement. They may also include mutual restrictions on contact between the parties implicated by a report.

### **Retaliation**

Retaliation is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or because an 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.

### **Education Programs or Activities**

Education Programs or Activities refers to all the operations of the College, including, in-person and online educational instruction, employment, research activities, extracurricular activities, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by Mercy College. It also includes off-campus locations, events, or circumstances over which Mercy College exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs.

### **Preliminary Assessment**

After receiving a report, the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls or could fall within the scope of this policy; and
- Whether the conduct, as reported, constitutes or could constitute Sexual Harassment. If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the policy, and/or could not constitute Sexual Harassment, even if investigated, the Title Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act ("FERPA"). The Title IX Coordinator may refer the report to other College offices, as appropriate.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of the policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant.

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if it is not apparent from the report.

### **Contacting the Complainant and Respondent**

If a report is not closed as a result of the preliminary assessment and the Complainant's identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss Supportive Measures available, to discuss and consider the Complainant's wishes with respect to Supportive Measures, to inform the Complainant about the availability of such measures with or without filing a Formal Complaint, and to discuss the process of filing and pursuing a Formal Complaint.



The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

During this time, the Respondent will be notified of a Formal Complaint, by the Title IX Coordinator and will be notified of the availability of Supportive Measures for the Respondent. Mercy College will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant.

The College will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

Confidentiality of Supportive Measures provided to either a Complainant or Respondent will be maintained, to the extent that maintaining such confidentiality does not impair the College's ability to provide the Supportive Measures in question.

### **Filing a Formal Complaint**

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that the College investigate and resolve a report of Sexual Harassment in person, by regular mail, or by email using the contact information specified above.

In any case, including a case where the Complainant does not want the investigation to take place or does not want to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the College if doing so is not clearly unreasonable. The Title IX Coordinator will evaluate the allegation to ensure the safety of the campus and to comply with federal or state law.

The Title IX Coordinator has discretion to determine if an investigation should be initiated and may sign a Formal Complaint to initiate the investigation after completing a violence risk assessment. Such action normally will be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College community.

If the Complainant or the Title IX Coordinator files a Formal Complaint, the College will begin an investigation and proceed to resolve the matter. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, regardless of the party's level of participation.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and resolution.

Mercy College may consolidate Formal Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the investigation and resolution involve more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment.

### **Conduct that Constitutes a Crime**

Any person who wishes to make a complaint of Sexual Harassment that also constitutes a crime—including Sexual Assault, Domestic Violence, Dating Violence, or Stalking—is encouraged to make a complaint to local law enforcement. If requested, the College will assist the Complainant in notifying the appropriate law enforcement authorities. An alleged victim may refuse to notify such authorities. In the event of an emergency, contact 911.

Parties who have obtained a legal temporary restraining order or no contact order against the Respondent should provide the information to the Title IX Coordinator. The College will take all reasonable and legal action to implement the order.

### **Special Guidance Concerning Complaints of Sexual Assault, Domestic Violence, Dating Violence, or Stalking**

A victim of Sexual Assault, Domestic Violence, Dating Violence, or Stalking, should do everything possible to preserve evidence by making certain the crime scene is not disturbed.

Victims of Sexual Assault, Domestic Violence, or Dating Violence should not bathe, urinate, douche, brush teeth, or drink liquids until after they are examined and, if necessary, a rape examination is completed. Clothes should not be changed. When necessary, victims should seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order.

For cases of stalking, it is important to take steps to preserve evidence to the extent that such evidence exists. This evidence may be in the form of letters, emails, or text messages rather than evidence of physical contact or assault. This type of non-physical evidence will also be useful in all types of Sexual Harassment investigations.

Once a report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is made, the victim has several options such as, but not limited to:

- Obtaining Supportive Measures.
- Contacting parents or a relative.
- Seeking legal advice.
- Seeking personal counseling.
- Pursuing legal action against the perpetrator.
- Filing a Formal Complaint.
- Requesting that no further action be taken.

### **No Retaliation**

It is a violation of this policy to engage in Retaliation against any member of the Mercy College community who reports or assists in making a report or Formal Complaint of Sexual Harassment, participated in an investigation, testified at a hearing, filed an appeal, tries to interfere with an individual's Title IX rights, refuses to participate in an investigation of a Formal Complaint, or who assisted in the process.

Persons who believe they have been retaliated against in violation of the policy should file a complaint with the Title IX Coordinator. Complaints of retaliation may be subject to the same procedures as Formal Complaints of Sexual Harassment.

### **Academic Freedom**

The College will construe and apply this policy consistent with the principles of academic freedom. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected the principles of academic freedom.

The exercise of the principles of academic freedom does not constitute retaliation.

### **Timing of Complaints**

The College encourages timely reporting of Sexual Harassment. A delay in filing a report may limit the ability to investigate and respond to the conduct appropriately.

### **Confidentiality**

Every effort will be made to preserve the confidentiality of the identity of any individual who has made a report or Formal complaint; the parties involved and witnesses, except as required by this policy, permitted by FERPA or as required by law. The College will also maintain the confidentiality of its various records generated in response to reports and Formal Complaints, including, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. However, the identity of any person or the contents of any record, if permitted by FERPA, may be revealed, if necessary to carry out the College's obligations under Title IX and its implementing regulations including the conduct of any investigation, resolution, or appeal under this policy or any subsequent proceeding, or as otherwise required by law. The parties to a report or Formal Complaint will be given access to investigation and resolution materials in the circumstances specified in this policy.

While confidentiality will be maintained as specified in this section, the College will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sexual Harassment or Retaliation in certain circumstances and be subject to discipline according to the processes specified in this policy.

Certain types of Sexual Harassment are considered crimes for which Mercy College must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

Mercy College reserves the right to designate which Mercy College individuals have legitimate educational interest in being informed about incidents that fall within this policy.

### **Bad Faith Complaints and False Information**

While the Mercy College encourages all good faith complaints of sexual harassment, it has the responsibility to balance the rights of all parties.

It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time of filing the complaint, to be false or frivolous. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, resolution, or appeal under this policy. Violations of bad faith complaints and/or false information are not subject to the investigation and resolution processes in this policy; instead, they will be addressed under other policies and standards

Making a false statement in bad faith, even if made during an investigation, is not considered retaliation.

### **Education and Training**

Mercy College offers educational programming and awareness programs for members of the College community. Educational topics include but are not limited to: relevant definitions, procedures, policies, safe and positive options for bystander intervention; and risk reduction information.

Training will be provided for members of the Title IX team, annually, on issues related to, Sexual Harassment. The training will include how to conduct investigations and complaint resolutions as well processes to protect the victim's safety and promote accountability. Training will also include training on relevant technology to be used at any live hearing and the relevance and permissible use of sexual history, as well as any other requirements outlined in 34 C.F.R. § 106.45(b)(1)(iii) and any other applicable federal or state law.

### **Investigation and Resolution of the Formal Complaint**

Members of the Title IX team participating in the investigation shall be relieved of his or her obligations under these complaint resolution processes within a reasonable timeframe fairly and impartially. If a member of the team determines that he or she cannot apply these processes fairly and impartially because of the identity of a Complainant, Respondent, or witness, or due to any other conflict of interest, the Title IX Coordinator will designate another appropriate individual to participate in the processes.

Mercy College reserves the right to utilize external resources to assist in the investigation and resolution of the formal complaint.

The purpose of the investigation is to determinate whether it is more likely than not that the alleged behavior occurred and, if so, whether it constitutes Sexual Harassment in violation of this policy.

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy.

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed,

the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other College offices, as appropriate.

Within five (5) business days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will send a written notice to the Complainant and Respondent that includes:

- A physical copy of this policy or a hyperlink to this policy;
- Sufficient details, including (if known) the identities of the parties, the conduct at issue and the date and location of the alleged incident.;
- A statement indicating the respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the resolution process and any appeal;
- The requirement that all statements must be accurate.
- The parties right to an advisor of their choice. Should a party not have an advisor, one will be provided, free of charge, for the purpose of conducting the cross examination.
- Information for the Complainant and Respondent of their right to inspect and review evidence and information about resources available on campus and in the community.

Should Mercy College elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice an additional written notice will be provided describing the additional allegations to be investigated.

After the written notice of Formal Complaint is sent to the parties, an Investigating Officer will be selected by the Title IX Coordinator, who will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence.

The Investigating Officer will begin the investigation as soon as practical. During the course of the investigation, the Investigating Officer may receive counsel from College administrators, College's attorneys, or other parties as needed.

The burden of gathering evidence sufficient to reach a determination in the resolution lies with Mercy College and not with the parties.

Parties of the investigation and any witnesses will receive a written notice of any interview, meeting or hearing they are expected to attend with sufficient notice to prepare. The notice will include dates, time and location, the participants and the purpose.

During the investigation, both parties will have equal opportunity to present witnesses including both fact and expert witnesses, along with relevant evidence and to present other inculpatory and exculpatory evidence. The investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations, or if the witnesses are offered to provide information that is categorically inadmissible, such as information concerning sexual history of the Complainant. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the resolution absent a showing of mistake, inadvertence, surprise, or excusable neglect.

All parties and witnesses involved in the investigation are expected to cooperate and provide complete and truthful information.

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of the Complainant, Respondent, and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

The Complainant and the Respondent have the right to be accompanied by an advisor of their choice during interviews and meeting.

The Complainant and the Respondent have equal opportunity to inspect and review any evidence gathered during the investigation directly related to the allegations in the formal complaint, including any evidence the College does not intend to rely upon in a hearing. Each party and the advisors will be sent, electronically, the evidence and will have ten (10) business days to submit a written response. The Complainant and Respondent and their advisors are permitted to review the evidence solely for the purposes of this process and may not duplicate or disseminate the evidence.

The Investigating Officer will review the statements and evidence presented, review documentary materials, and take any other appropriate action to gather and consider information relevant to the Formal Complaint. The investigation will end in a written report that will be submitted to the Hearing Panel.

After the period for the Complainant and Respondent and their advisors to provide a written response as has expired, the investigator will complete another written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will send a copy to the Title IX Coordinator. The investigator will also send the investigation report to each party and their advisor, in either electronic or hard copy form.

Although the length of each investigation may vary depending on the circumstances, the College strives to complete each investigation within thirty (30) to forty-five (45) business days of sending the written notice of Formal Complaint.

### **Administrative Resolution**

After the Investigating Officer has sent the report to the parties, the Title IX Coordinator will send to each party a notice advising them of two different resolution processes: a live hearing, which is the default process, and an Administrative Resolution process. Administrative Resolution is in lieu of a live hearing. The Complainant and Respondent must consent to utilizing the Administrative Resolution process. A written consent form will be sent to all the Complainant and Respondent who will have three (3) business days, from the date of the

consent form, to return the signed form. If either the Complainant, Respondent or both do not return the signed consent form within the timeframe, it will be determined that the Administrative Resolution process is not desired and a live hearing will be used. The Complainant and Respondent are encouraged to seek advice from their advisor or others prior to consenting to an Administrative Resolution process.

The Title IX Coordinator will appoint an Administrative Officer. The Administrative Officer will send written notice to the Complainant and Respondent of his/her appointment; a deadline for the Complainant and Respondent to submit any written response to the investigation report, date and time to meet with the Administrative Officer, separately. The meetings will not be held any earlier than ten (10) days from the date of the written notice.

The written response must include the extent the Complainant or Respondent disagrees with the report; if any evidence should be excluded from consideration; whether any allegations are supported by a preponderance of the evidence; and whether the allegations constitute Sexual Harassment.

After reviewing the written responses, the Administrative Officer will meet separately with each party to provide an opportunity to make any statements or ask questions. After reviewing the information, The Administrative Officer will determine the resolution.

### **Hearing**

The investigation will be followed by a live hearing in which the hearing panel, Complainant, Respondent, advisors and witnesses attend. Hearings will be recorded and available to the parties of the investigation for inspection and review on reasonable notice, including for use in preparing any subsequent appeal. The Title IX Coordinator provide the Hearing Panel a copy of the investigation report and a copy of all evidence sent to the parties by the investigator.

The Title IX Coordinator will select the appropriate Hearing Panel depending on whether or not the Respondent is an employee or a student. One of the panelists will be appointed as Hearing Panel Chair.

After the Hearing Panel is appointed, the Chair will promptly send a written notice to the parties notifying them of:

- The Hearing Panel appointments;
- Deadline for to submit any written response to the investigation report;
- Date for the pre-hearing conference;
- Date and time for the hearing.

Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) business days from the date this written notice was sent.

The Complainant's or Respondent's written response to the investigation report must include:

- The extent he/she disagrees with the investigation report, any argument or commentary regarding the disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- A list of any witnesses that the Complainant and Respondent wants to be sent an attendance notice to attend the hearing;
- A list of any witnesses attending the hearing without an attendance notice issued by the Hearing Panel Chair;
- Any objection to the policy or procedures;
- Any request that the Complainant and Respondent be separated, physically, during the pre-hearing conference and/or hearing;
- Any other accommodations with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the Complainant and Respondent at the pre-hearing conference and hearing;
- If an advisor is not available, a request that the College provide an advisor for purposes of conducting questioning.

A written response to the investigation report may also include:

- Information regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Information regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

Prior to the hearing, the Hearing Panel Chair will conduct a pre-hearing conference with the Complainant, Respondent and their advisors. The pre-hearing conference will be conducted live, with simultaneous participation by the Complainant and Respondent their advisors. However, upon request of the Complainant or the Respondent, separate rooms can be used to separate them. Technology will be used to enable them to participate simultaneously by video and audio.

In the Hearing Panel Chair's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously.

During the pre-hearing conference, the Hearing Panel Chair will discuss the hearing procedures; address matters raised in the written responses to the investigation report, as the Hearing Panel Chair deems appropriate; whether any stipulations may be made to expedite the hearing; the witnesses requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the Chair determines, in his/her discretion, should be resolved before the hearing.

After the pre-hearing conference, the Hearing Panel Chair will send notices of attendance to the witnesses. The notice will advise the individual of the date and time of the hearing and to contact the Hearing Chair immediately if there is a material and unavoidable conflict.

The individual who is requested to attend should notify his/her manager or instructor, if attendance at the hearing will conflict with job duties, classes, or other obligations. Managers and instructors are required to excuse the individual of the obligation, or provide some other accommodation, so that the individual may attend the hearing.



Mercy College will not issue a notice of attendance to any witness who is not an employee or a student.

Participants at the hearing include the Hearing Panel Chair, the Hearing Panel, any additional panelists (if applicable), the hearing facilitator (if applicable), the Investigating Officer, the Complainant and Respondent, advisors, witnesses, the Title IX Coordinator and anyone providing authorized accommodation or assistive services as determined by the College. Except as otherwise permitted by the Hearing Panel Chair, the hearing will be closed to all persons except those identified above. With the exception of the investigating Officer, the Complainant and the Respondent, witnesses will be sequestered until they have completed their testimony.

The Complainant and Respondent will be given the names of individuals participating in the hearing, all pertinent evidence and the final investigation report at least ten (10) business days prior to the hearing. Names of the Hearing Panel will be given to them at least five (5) business days prior to the hearing. Objections to the Hearing Panel must be submitted to the Title IX Coordinator no later than one (1) business day prior to the hearing. The Title IX Coordinator will determine if the objection is one of bias or conflict and warrants removal from the hearing process.

The Hearing Panel will be given a list of the names of the Complainant and Respondent, witnesses and advisors at least five (5) business days in advance of the hearing. Any panelist who cannot make an objective determination must recuse themselves from the hearing. The hearing will be conducted live, with simultaneous participation by the Complainant and Respondent and their advisors. By default, the hearing will be conducted with the participants together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling them to participate simultaneously by video and audio.

In the Hearing Panel Chair's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously by use of technology.

Each Complainant and Respondent will have the opportunity to address the Hearing Panel directly and to respond to questions posed by the Hearing Panel.

Advisors will be permitted to cross examine the other party and any witnesses with relevant questions and follow-up questions, including those bearing on credibility. The Complainant and Respondent are not allowed to cross examine. Cross examination must occur in real time, directly and orally. The Complainant and the Respondent will have the opportunity to raise objections to testimonial or non-testimonial evidence and to have such objections ruled on by the Hearing Panel Chair and a reason for the ruling provided.

The Complainant and Respondent and their advisors will have access to the investigation report and evidence that was sent to them. While the Complainant and Respondent have the right to attend and participate in the hearing with an advisor, a Complainant, Respondent and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the Hearing Panel Chair.

Subject to the minimum requirements specified in this section, the Hearing Panel Chair will have sole discretion to determine the manner and particulars of any given hearing, including the length of the hearing, the order of the hearing, and questions of admissibility. The Hearing Panel Chair will independently screen questions for relevance in addition to resolving any objections raised by the parties and will explain the rationale for any evidentiary rulings.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The Hearing Panel Chair will have discretion to modify the procedures when good cause exists to do so, provided the minimal requirements specified in this section are met.

The Complainant and Respondent will be have an opportunity to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect.

If the Complainant, Respondent and/or witnesses prefer not to attend or cannot attend the hearing in person, he/she should request alternative arrangements from the Title IX Coordinator at least five (5) business days prior to the hearing. The Title IX Coordinator will allow remote testimony without compromising the fairness of the hearing.

Should the Complainant, Respondent or witness refuse to submit to cross-examination, that individual's statement will not be considered and a decision will be reached based on the remaining relevant evidence. A conclusion will not be reached solely based on the fact that the individual refused to be cross examined.

The Complainant and Respondent will be given the opportunity to make a brief closing argument. After the hearing is complete, the Hearing Panel will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The Hearing Panel Chair will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, or during the hearing. The Hearing Panel will resolve disputed facts using a preponderance of the evidence standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

In the event the Hearing Panel determines the Respondent is responsible for violating this policy, the Hearing Panel Chair will, prior to issuing a written decision, consult with an appropriate College Cabinet member with disciplinary authority over the Respondent. This individual will determine any discipline to be imposed. The Hearing Panel Chair will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

At the conclusion of the hearing, the Hearing Panel will issue a written determination of responsibility using preponderance of the evidence. The determination will include identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint, description of the process taken upon receipt of the Formal Complaint, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing, findings of fact made under a preponderance of the

evidence standard that support the determination, a statement and rationale for each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident, a statement of any disciplinary actions taken, whether any ongoing support measures or other remedies will be provided to the Complainant, and a description of the appeal process and grounds for appeal.

The Hearing Chair's written determination will be sent to the Complainant and the Respondent which concludes the hearing process, subject to any right of appeal as specified below.

Although the length of each resolution by hearing will vary depending on the circumstances, the College strives to issue the Hearing Panel Chair's written determination within fourteen (14) business days of the conclusion of the hearing.

The notice of outcome will be shared with the Complainant, Respondent and advisors within seven (7) business days of receiving the determination from the Hearing Panel Chair. The notice will include the determination, rationale and any applicable sanction(s).

The written determination will become final upon the earlier of when: the parties are notified of the determination on appeal; **or** the time to file an appeal has passed with neither party appealing.

#### **Dismissal During Investigation or Resolution**

Mercy College will dismiss a Formal Complaint at any point during the investigation or resolution process if the Title IX Coordinator determines that one or more of the following is true:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy.

A Formal Complaint may be dismissed, at any point, during the investigation or resolution process if the Title IX Coordinator determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by Mercy College,; or
- Specific circumstances prevent Mercy College from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator dismisses a Formal Complaint pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other College offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination as it pertains to this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

### **Treatment Records and Other Privileged Information**

During the investigation and resolution processes the investigating Officer and Hearing Panel are not permitted to access, consider, disclose, permit questioning concerning, 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 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; or
- Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege;

unless the College has obtained the party's voluntary, written consent to do so for the purposes of the investigation and resolution process.

The Investigating Officer and/or Hearing Panel may consider any such records or information otherwise covered by this section if the Complainant or Respondent holding the record consents to disclosing the records or information to support their allegation or defense.

### **Sexual History**

During the investigation and resolution processes, questioning regarding a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence is offered to prove that someone other than the Respondent committed the conduct alleged, 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. A Complainant who uses information otherwise considered irrelevant by this section for the purpose of supporting the Complainant's allegations, will be determined to have waived the protections of this section.

### **Interim Measures**

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may determine that interim remedies or protections for the parties involved or witnesses are appropriate. These interim remedies may include separating the Complainant and Respondent, placing limitations on contact between the Complainant and Respondent, suspension, or making alternative class-placement or workplace arrangements.

After conducting an individualized safety and risk analysis, the College may remove a Respondent from campus when there is an immediate threat to the physical health or safety of any individuals stemming from the allegations of Sexual Harassment. The College will notify the Respondent of the decision and will allow an opportunity to challenge the decision within 24 hours the after removal.

In the case of a Respondent who is a non-student employee, and in its discretion, the College may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, for a period leading up to the investigation and resolution process.

For all other Respondents, including independent contractors and visitors, the College retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, after receiving a report of Sexual Harassment or otherwise.

Failure to comply with the terms of the interim remedies or protections may constitute a separate violation of this policy or other Mercy College policies.

### **Pending Criminal**

Some instances of Sexual Harassment may also constitute criminal conduct. In such instances, the Complainant is also encouraged to file a report with the appropriate law enforcement authorities. The pending criminal investigation, does not relieve the College of its responsibilities under the law. Therefore, to the extent doing so does not interfere with any criminal investigation, the College will proceed with its own investigation and resolution of the Formal Complaint.

### **Sanctions and Remedies**

The College will impose reasonable steps to correct the effects of such conduct on the Complainant and others and to prevent the recurrence of discrimination, harassment and retaliation. Those include no-contact orders, change in class schedule for students, the provision of counseling or other support services, training and discipline for appropriate parties, including up to termination for employees or dismissal from the College for students.

### **Appeals**

The Complainant or Respondent may appeal the determination of an resolution or dismissal of a Formal Complaint on one or more of the following grounds:

- Procedural irregularity that affected the outcome;
- New evidence not reasonably available at the time responsibility was determined that could affect the outcome of the matter; and/or
- The Title IX Coordinator, the Investigating Officer or the Hearing Panel had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent that affected the outcome of the matter.

No other grounds for appeal will be allowed.

### **Method of Appeal**

An appeal must be filed with the Title IX Coordinator within seven (7) business days of receipt of the written report determining the outcome of the complaint. The appeal must be in writing and contain the following:

- Name of the Complainant.
- Name of the Respondent.
- A statement of the determination of the complaint, including corrective action, if applicable.
- A detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of it.
- Requested action, if applicable.

An Appeal Chair will be designated to determine if the request meets the grounds for appeal. Upon receipt of an appeal, the Appeal Chair will conduct an initial evaluation to confirm the appeal is timely filed and falls under at least one of the permitted grounds for appeal. If the Appeal Chair determines that the appeal is not timely, or that it does not fall under a permitted

ground for appeal, the Appeal Chair will dismiss the appeal and provide written notice of the same to the Complainant and Respondent.

If the appeal meets the grounds for an appeal, the Appeal Chair will provide written notice to the Complainant and Respondent. The individual not appealing will have five (5) business days to respond to the appeal. The Appeal Chair will obtain, from the Title IX Coordinator, any records from the investigation and resolution processes necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for sending an opposition has passed without one being filed, the Appeal Chair will decide the appeal and send a written decision to the Complainant and Respondent which explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the Appeal Chair has resolved the appeal, either by dismissal or by sending a written decision.

No further review beyond the appeal will be allowed.

Although the length of each appeal will vary depending on the circumstances, the College strives to issue the Appeal Chair's written decision within fourteen (14) business days of an appeal being filed.

### **Informal Resolution**

At any time after the Complainant and Respondent are provided written notice of the Formal Complaint and before the completion of any appeal, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution with the goal of determining a final resolution of the allegations raised in the Formal Complaint and agreed upon by the Complainant and Respondent in writing.

Informal resolution may be used in lieu of the formal investigation and determination procedure.

The Title IX Coordinator will consider the following factors to assess whether an informal resolution is appropriate:

- The amenability to the informal resolution by the Complainant and Respondent;
- The likelihood of a resolution, taking into account the dynamics between the Complainant and Respondent;
- Cleared violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Complaint complexity;
- Rationality of the Complainant and Respondent; and
- Goals of the Complainant and Respondent.

Prior to initiating an informal resolution process, the Complainant and Respondent will be given a written notice of the allegations, a description of the informal resolution process, information regarding the individual responsible for facilitating the informal resolution (Title IX Coordinator or designee), explanation of the effect of participating in informal resolution

and/or reaching a final resolution will have his/her ability to resume the investigation and resolution of the allegations at issue in the Formal Complaint, and description of any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

During the informal resolution process, the investigation and resolution processes that would otherwise occur are halted and all related deadlines are suspended.

The Complainant will not be required to resolve the issue directly with the Respondent.

If the Complainant and Respondent reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will provide a written document with the terms of the agreed resolution and present the resolution to the Complainant and Respondent for their written signature.

Upon their signatures and the Title IX Coordinator's signature, the resolution is considered final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, remediation, or discipline by the College, except as otherwise provided in the resolution itself, absent a showing that the Complainant or Respondent induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid an injustice to either or to Mercy College.

The Complainant or Respondent may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Absent an extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) business days. If an informal resolution process does not result in a resolution within twenty-one (21) business days, and there has been no further extension, temporary suspension, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved using the investigation and resolution processes. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or resolution process that were suspended due to the informal resolution.

Informal resolution cannot be used in situations in which an employee is accused of Sexual Harassment against a student.

### **Recordkeeping**

Throughout all stages of the investigation, resolution, and appeal, the Investigating Officer, the Title IX Coordinator, and Appeal Chair are responsible for maintaining documentation of the case. This includes documentation of all proceedings conducted under these complaint resolution procedures which may include written findings of fact, transcripts, and audio recordings. Mercy College will maintain all documentation pertaining to the case for a period of seven (7) years.

### **Intersection With Other Processes**

These complaint resolution processes are the exclusive means of resolving complaints alleging violations of the Sexual Harassment Policy. To the extent there are any inconsistencies between this process and other Mercy College grievance, complaint, or discipline processes, this complaint resolution process will control the resolution of complaints alleging violations of this policy.

This policy applies only to Sexual Harassment. Complaints of other forms of sex discrimination are governed by the Mercy College's Employee and Student code of policies.

### **Confidentiality**

Employees are required to maintain confidentiality concerning all information regarding the operations, activities, business affairs, student records, medical documentation of any kind, and other data protected under organizational, state, and federal mandates.

### **Family Education Rights and Privacy Act (FERPA)**

The College complies with the Family Educational Rights and Privacy Act (FERPA) of 1974 and amendments, which governs access to and release of student academic and financial records. Employees may contact the Registrar's office for more information regarding FERPA.

A student's education records are not accessible to a parent or guardian without the student's written consent, unless the parent or guardian provides a certified copy of the most recent Federal income tax return that shows the student is a dependent. However, if the College believes it is in the student's best interest, information from the education records may be released to a parent or guardian in cases such as:

- When a student's health or safety is in jeopardy.
- When a student engages in alcohol or drug related behavior that violates College policies.
- When a student has been placed on academic warning.
- When a student has voluntarily withdrawn from the College or has been required by the College to withdraw.
- When a student's academic good standing or promotion is at issue.
- When a student has been placed on disciplinary probation or restriction.
- When a student engages in behavior calling into question the appropriateness of the student's continued enrollment in the College.

The student has the right to consent to disclosures of personally identifiable information contained within their education records, except where FERPA authorizes disclosure without consent. Information may be released:

- To the student
- To the parents of a dependent student
- To a College official
- To a party seeking directory information
- To a party receiving the information pursuant to a judicial order or lawfully issued subpoena.
- Regarding student disciplinary proceedings as expressly permitted by FERPA
- To parties otherwise authorized to receive the information pursuant to FERPA.



## **Intellectual Property**

The College is committed to providing an environment that supports the teaching and research activities of all employees. As a matter of principle and practice, the College encourages all members of the College community to publish, without restriction, their papers, books, and other forms of communication, in order to share openly and fully their findings and knowledge with colleagues and the general public. This policy is intended to promote and encourage excellence and innovation in scholarly research and teaching by identifying and protecting the rights of the College, its faculty, staff, and students.

## **Copyright**

Copyright ownership and rights are concepts defined by federal law. College policy is structured within the context of the federal copyright law. The long-standing academic tradition that creators of works own the copyright resulting from their research, teaching, and writing is the foundation of the College's intellectual property rights policy. Exceptions to this rule may result from contractual obligations, from employment obligations, from certain uses of College facilities, or by agreement governing access to certain College resources.

## **Copyrightable Material**

Ownership of copyrightable materials is to be deemed the property of the creator, who is considered to be entitled to determine how the works are to be disseminated and to keep any income they produce. This applies to books written or other material produced, on campus or off, during a term of teaching, vacation, sabbatical, or faculty fellowship, with normal use of office space, library, and computer resources, but with no other direct College assistance. In recognition of that long-standing practice, the College disclaims ownership of works by faculty, staff, and students, except in the following cases:

- *Assigned Tasks:* Ownership of copyrightable material developed as a result of assigned College duty resides with Mercy College of Health Sciences.
- *Outside Agreements:* When copyrightable material is developed through a sponsored grant or contract, the special provisions contained in that grant or contract must prevail. In the absence of such special provisions, the College policy applies.
- *Significant Use of College Resources:* When the development of copyrightable materials is significantly assisted by the use of College facilities, resources, or staff, the College is entitled to a share of any royalty income pursuant to this Policy. As a matter of principle and practice, the College encourages all employees to publish without restriction their papers, books, and other forms of communication in order to share openly and fully their findings and knowledge with colleagues and the general public. This policy is intended to promote and encourage excellence and innovation in scholarly research and teaching by identifying and protecting the rights of the College, its faculty, staff, and students.

## **Mandatory Education**

New and continuing employees are required to complete various education courses by a defined due date on an annual basis as a condition of employment. The courses may be online or in person. Courses may be assigned periodically throughout the year. Employees are responsible for keeping abreast of the courses assigned and the respective deadlines.

## **Licensure/Certification**

Employees in positions that require specific certifications (e.g. license, certification, credential) must maintain active with the certification. A copy of the renewed certification must be sent to Human Resource on or before the expiration date. If a certification has expired, the employee may be suspended from working until it has been renewed and verified by Human Resources, not to exceed 30 days. If the certification is not renewed and provided to Human Resources within 30 days of the expiration date, the employee will be terminated.

## **Flu Vaccination**

Employees are required to have an annual flu vaccine as a condition of employment. Employees who cannot receive a flu vaccine due to a medical condition or religious belief must complete an "Influenza Vaccination Request for Accommodation" form with supporting documentation.

Information regarding the flu vaccinations will be communicated to employees prior to a new flu season. Employees who do not receive a flu vaccination or have an approved accommodation will be terminated. The College may provide flu vaccines at no cost to employees.

## **COVID-19 Vaccination**

As a condition of employment, all employees are required to be fully vaccinated (2 dosages of Pfizer or Moderna or 1 dosage of Johnson and Johnson).

## **Child Abuse Reporting Policy**

The College is committed to protecting the welfare of children while on the College campus and those who may be participating in off-campus College-sponsored programs and has developed this policy in furtherance of that commitment and to comply with Iowa law (*this law is different than and in addition to the Mandatory Reporter Law*).

The law states that an accredited private institution must develop and implement a consistent written policy for an employee who, in the scope of the person's employment responsibilities, examines, attends, counsels, or treats a child to report suspected physical or sexual abuse. The policy shall include an employee's reporting responsibilities. The reporting responsibilities shall designate the time, circumstances, and method for reporting suspected child abuse to the administration of the accredited private institution and reporting to law enforcement. Nothing in the policy shall prohibit an employee from reporting suspected child abuse in good faith to law enforcement.

**Note:** Definitions for each underlined term appear below. The Iowa Department of Human Services (DHS) maintains definitions of the same or similar terms for the purposes of Iowa's mandatory child abuse reporting requirements.

- **Examines:** To observe, test, or investigate (a body or any part of it), in order to evaluate general health or determine a medical condition.
- **Attends:** To care for; to look after; to take charge of; to watch over.
- **Counsels:** To advise or instruct.
- **Treats:** To deal with (a medical condition, patient, etc.) in order to relieve or cure.
- **Child:** Any person under the age of eighteen years.
- **Suspected:** To believe to be the case or to be likely or probable
- **Physical Abuse:** Physical abuse is defined as any non-accidental

physical injury, or injury which is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child. Common indicators could include unusual or unexplained burns, bruises, or fractures.

- **Sexual Abuse:** Sexual abuse is defined as the commission of a sexual offense with or to a child as a result of the acts or omissions of the person responsible for the care of the child. The commission of a sexual offense includes any sexual offense with or to a person under the age of 18 years. Physical indicators of sexual abuse could include things such as bruised or bleeding genitalia, venereal disease, or even pregnancy.

### **Who Must Report**

The reporting requirement applies to **ALL** College employees. If uncertain about whether reporting is required, the College encourages employees to make a report.

### **When to Report**

Employees must report child abuse when they see, know about, or reasonably suspect the abuse of a child. A report should be made within twenty-four hours after becoming aware of the suspected abuse. The types of abuse that are required to be reported include any physical or sexual abuse of a child.

### **Reporting Procedures**

In the event of an emergency, first call 911; then call Mercy Medical Center Public Safety at 515-247- 3111.

In all instances, suspected abuse must be reported orally or in writing by the employee to both the Vice President of Business and Regulatory Affairs and to local law enforcement.

When reporting child abuse, employees will provide the following information to the best of their knowledge:

- Name of the alleged victim(s)
- Name of the alleged perpetrator(s)
- Time and date of the incident(s) being reported
- Location where the incidents occurred
- Any additional information known about the abuse

Mandatory Reporters have additional duties under that law as described below.

### **Mandatory Reporters Under Iowa Code 232.69**

Some employees, for example, nursing faculty, may be Mandatory Reporters of child abuse under Iowa Code §232.69. These individuals have additional responsibilities to report *all forms* of child abuse as described in Iowa Code § 232.68(2).

Employees designated as Mandatory Reporters will complete two hours of training related to the identification and reporting of child abuse within six months of initial employment, unless they show proof of good standing with Mandatory Reporting training. Two hours of additional child abuse identification and reporting training will be completed every five years.

Employees designated as Mandatory Reporters must report suspected abuse to the Iowa Department of Human Services by calling the toll-free child abuse reporting hotline 24 hours a day: 1-800-362-2178..

The College will take no retaliatory action against any employee who makes a good faith report of child abuse.

## ***SAFETY AND SECURITY***

The College acknowledges its role in campus safety and security and takes this role seriously. However, employees are also responsible for their own personal safety while on campus. Employees must follow all defined safety and security policies during working and non-working hours.

Employees must wear their College ID badge during work hours. If emergencies occur, employees may contact MercyOne Public Safety at 515-247-3111 (external), 7311 (internal), and/or the Des Moines Police Department at 911 (external), 9-911 (internal).

Incidents of vandalism, theft, safety, and security must be reported to the Vice President, Business and Regulatory Affairs and MercyOne Public Safety. The College is not responsible for any lost money, jewelry, other property belonging to students, employees or guests.

A security guard is on duty at the Sullivan Center reception desk from 5pm to 11pm Sunday through Thursday, except during breaks. At periodic intervals, the guard will conduct campus walk-throughs and may also escort students, employees and visitors to their car. If the guard is not at the reception desk and a need arises, employees may contact MercyOne Public Safety who will notify the guard.

### **Workers' Compensation**

The personal safety and health of each employee is of primary importance. If an injury or illness occurs in the course of employment and is work-related, employees must notify their manager and MercyOne Employee Health and Wellness Services (EHWS) department. If the injury or illness occurs after normal business hours, employees need to contact MercyOne's House Supervisor. EHWS or the House Supervisor will work with the employee to determine the appropriate medical care.

The employee or manager must report the injury or illness using the "I-Reporter" tool found on the MercyOne intranet. If the injury is due to an accident in the workplace, the College may request a drug or alcohol test be conducted if there is reasonable suspicion regarding an employee's impairment.

Depending on the nature and seriousness of the injury or illness, an employee may be placed on worker's compensation or transitional duty. Employees on worker's compensation or transitional duty will follow appropriate policies and processes.

**Inclement Weather**

The College intends to remain open during periods of inclement weather. It is each employee's responsibility to determine if he or she can safely travel to work under inclement weather conditions. Employees should notify their manager if they decide not to report to work or are delayed.

When extraordinary circumstances warrant, the College may cancel or delay classes, labs, clinicals, and/or close the College.

**Class, Lab, and Clinical Cancellations or Delays**

The decision to cancel or delay classes, labs, and clinicals is made by the Vice President of Academic Affairs/Provost (VPAA).

Employees will be contacted via text, e-mail, and/or by telephone using the Campus Emergency Notification System. The College will post announcements on media and social networking outlets as well as the Learning Management System.

Announcements may indicate whether the cancellation affects day and/or evening classes.

Cancellation of weekend classes, labs, and clinicals will be made by the VPAA and will be communicated directly to students without the use of the media. The VPAA will communicate the decision to the President.

**College Closings**

If conditions warrant, the decision to close the College will be made by the President after consultation with administrative leaders. The same notification methods as indicated in the Class, Lab, and Clinical Cancellations or Delays policy will be followed.

If the decision is to close, employees do not need to report to work unless otherwise notified and will be paid for the day.

**Fire Alert**

In the event of a fire, employees should take steps to ensure their personal safety. After ensuring personal safety, an employee should notify the Vice President, Business and Regulatory Affairs, the Campus Receptionist, MercyOne Public Safety and 911. Employees should familiarize themselves with the fire plans posted throughout the campus buildings. Fire awareness exercises will occur on an annual basis.

*College employees working at other locations:* employees working in locations other than the College's main campus should follow the protocol for the respective location.

**Tornado and High Wind Warnings**

When the National Weather Service issues a tornado and/or high wind warning for the City of Des Moines, sirens will be activated. The sirens will sound for 3 minutes, then pause for 5 minutes, and sound again for 3 minutes. This cycle will continue until the warning is cancelled. Specific instructions of where to go in the event of severe weather appear on the tornado awareness posters located throughout campus, but if ever in doubt, employees should go to an enclosed, windowless area in the center of a building -- *away from glass* and on the lowest floor possible.

Crouch down and cover your head. Interior stairwells are usually good places to take shelter and if not crowded, allow you to get to a lower level quickly. Employees should stay off the elevators in case power is lost and they stop working.

Severe weather awareness exercises will occur on an annual basis.

*College employees working at other locations:* employees working in locations other than the College's main campus should follow the protocol for the respective location.

### **Bomb Threat**

Bomb threats may be received by mail, e-mail, text, in-person, or via phone.

If the threat is received by phone or in person, an employee should:

- Alert a co-worker to call the Vice President, Business and Regulatory Affairs, or MercyOne Public Safety.
- Try to continue the conversation for as long as possible with the individual to determine where the bomb is located, what it looks like, and when it will detonate.
- Respond to the individual in a calm manner and record the calling number or identifiable characteristics. Listen carefully for other helpful information.
- Contact the immediate manager, the Vice President, Business and Regulatory Affairs, and MercyOne Public Safety.

If the threat is received by mail, e-mail, or text:

- Employees should contact the immediate manager, the Vice President, Business and Regulatory Affairs, and MercyOne Public Safety.

MercyOne Public Safety will issue a "Code White" over the College's broadcast system. Employees should conduct a visual inspection of their areas and the area around them, including public waiting areas, stairwells, and in trash cans, for suspicious items and report the findings to MercyOne Public Safety. Employees should not touch or move any suspicious items and keep others away from the area until help arrives.

If a suspicious item is located and evacuation is required, follow the evacuation route identified in the College's fire plan posters located throughout the campus.

*College employees working at other locations:* employees working in locations other than the College's main campus should follow the protocol for the respective location.

### **Chemical Hygiene**

The College is committed to providing a safe working environment and believes employees have a right to know about health hazards associated with their work. The College has established a Chemical Hygiene Plan which includes procedures to assist in with awareness of potentially hazardous chemicals in the workplace and to train employees to safely work with all chemicals.

## **TECHNOLOGY**

### **Employee Privacy**

Employees should not have an expectation of privacy in connection with their use of College information and technology assets. The College reserves the right, in its sole discretion, to review, audit, intercept, or take any action necessary regarding the employees' internet and email use, and/or the transmission, receipt, or storage of information on or from the College assets to ensure that College information and technology assets are used in compliance with the job functions, the policy, and applicable laws and regulations.

### **Requests for Computer Hardware and Software**

All requests for the purchase of hardware and software require the approval of the employee's Vice-President and must meet Information Technology (IT) policies. Equipment specifications and recommendations should be outlined in the request. The IT office can assist with the reviews and prioritization of requests.

The purchase of all discretionary hardware or software items (i.e., hardware or software not used by similarly situated employees and/or not required by the employee's job) will be paid from the employee's department or program.

### **Use and Distribution of Software**

To comply with copyright laws governing the use and distribution of software, all software used within the College must be legally licensed copies purchased for business use and remain exclusive property of the College.

Only software authorized by the Information Technology office will be loaded or run on computer equipment. Computer software shall be treated like other company assets and therefore, management is responsible for managing and protecting software assets. Disciplinary action may be taken for any violation of software license agreements.

### **Personal Cell Phone**

Employees are expected to exercise discretion when using personal cellphones during work time. Excessive personal calls during the workday can interfere with employee productivity and be distracting to others. To ensure the effectiveness of meetings, cell phones should be turned to vibrate-only or turned off.

The College prohibits the use of cell phones or similar devices while at any work site at which the operation could create an unsafe work environment.

### **Communication Tools**

Mercy College provides employees with various means of communication tools, including facsimile, telephone, voicemail, email and internet. Using these systems for personal use is acceptable in moderation. However, usage of these systems should not be used to engage in behavior that violate College policy. Examples include:

- Excessive personal use
- Use for personal profit or entrepreneurial purposes
- Sending inappropriate messages containing harassing or discriminatory information
- Viewing, storing, downloading or sending pornographic messages.

## **Personal Use of Computers**

Use of College owned computers to prepare, create or store personal files is discouraged. Any personal electronic file stored on a computer or related storage device owned by the College becomes the property of the College. Any request by an employee to receive access to electronic personal files or to receive electronic or paper copies after or at the time employment ends will be denied, excluding a request for a copy of the employee's Human Resources' (HR) file. All requests for copies of the HR file must be made, in writing, to Human Resources.

## **Social Media**

Mercy College recognizes the benefits of social media communications and the importance of establishing a presence on various social media platforms. The use of the College's social media accounts is for deliberate professional engagement to promote the College brand in a positive manner, foster a sense of community and for informational purposes.

Employees who contribute to the College's social media must understand their actions may reflect the College's identity. Posting of private or confidential College information is prohibited.

## **Email**

Employees are responsible for using the email system in a professional, ethical and lawful manner. The College does permit, incidental, personal use of the email system provided that it does not interfere the operations of the College, does not negatively impact job performance and does not violate law or College policies.

## ***WORK ENVIRONMENT***

### **Solicitation and Distribution by Employees**

The College intends to maintain an atmosphere which prevents interruptions to the operations of the institution, employees and others from undue interference in their work. Non-employees may not come onto College premises at any time to distribute materials, literature, or advertisements or to solicit membership, support, contributions, or sale of goods on behalf of any organization, fund, activity, or cause.

Academic course content that involves interactions with outside organizations and non-profit, charitable organizations are encouraged as part of the educational process. However, they should not be confused with granting permission to solicit members of the College community on behalf of non-College sponsored organizations or charities.

Academic course content that seeks to invite charitable participation should be limited to members of that academic course or cohort. Granting of College wide access to such events must be approved by the Vice President, Engagement.

Employees, in all College locations, may not distribute or post any form of written material, supporting a third party organization or solicit employees to join or contribute to any organization, fund, activity, or cause using email, public hallways, bulletin boards or employee mail boxes.



Employees may only post notices in designated employee break rooms regarding community fund-raising activities (i.e., Girl Scout cookies) and/or department social activities. This does not include rest rooms. Notices about such activities will be approved, dated and posted by Human Resources. They will remain posted for no more than 30 calendar days.

Distribution or solicitation is prohibited anywhere on College campuses if it interferes with operations or services or results in littering or health and safety hazards. Employees interested in posting material need to visit with their manager and receive approval from Human Resources.

### **Dress for the Day**

Employees contribute to the culture and reputation in the way they present themselves. Good grooming and appropriate dress reflect employee and College pride and inspire confidence. We expect employees to use good judgment when deciding what to wear at work. Employees know what their workday may entail and should dress accordingly.

Following are guidelines employees should follow:

- When meeting guests or attending an important meeting, business casual attire should be worn (for example, dress or a suit, nice slacks, sweater, blazer)
- When working in your office all day, a more casual attire may be appropriate (jeans, capris, nice shirt, sweater or Mercy College shirt).

Below are examples of items that are not acceptable when working:

- Clothing with potentially offensive graphics or words
- Shorts, overalls, sweats, workout clothes or jogging suits
- Hats or caps, unless for medical or religious reasons
- Leggings unless worn with an appropriate length dress, skirt or top
- Halter tops, sheer or revealing clothing (e.g., bare midriffs, short miniskirts, tube tops)
- Spaghetti-strap tops or dresses unless covered by a jacket or sweater

Management may make exceptions for special occasions or in the case of inclement weather, at which time employees will be notified in advance. An employee unsure of what is appropriate should check with their manager.

### **Internal Use of College Bulletin Boards**

To enhance communication and promote College sponsored clubs, organizations, programs and committees, the College has adopted a policy for the use of internal bulletin boards. Materials may not be placed on windows, walls or in rest rooms.

Student clubs/organizations, academic programs, Senate committees/councils may adopt the use of 1 designated bulletin board to promote the organization. Posted materials must be relevant to the organization and maintain a professional appearance.

Approval for designated bulletin boards and materials posted will be given by the Dean of Students or designee for student clubs/organizations and by the Vice President, Academic Affairs or designee for academic programs and Senate committees/councils. They are responsible for ensuring the materials support the core values of the College and reserves the right to remove materials deemed inappropriate.

Materials to be posted on bulletin boards not assigned must be approved prior to posting by Human Resources and will ensure the materials support the core values of the College. Human Resources reserves the right to remove materials deemed inappropriate.

Employees/students requesting materials to be posted on the campus bulletin boards should submit the materials to the Sullivan Center Receptionist who will record a contact name, date received, and the date to remove the posting. The receptionist will forward the items to the appropriate office for approval and posting.

### **Gifts to the College**

The College has engaged Mercy Foundation to handle and administer all donations and planned giving. All policies implemented and followed by the Foundation shall govern College employees.

### **Employee Children in the Workplace**

Mercy College strives to provide a conducive, safe, and “family-friendly” environment. The College would, however, like to ensure everyone’s safety and minimize interruptions and distractions to students, faculty and staff, that may be caused by having children on campus. While the College recognizes that situations may arise that require children to visit their parents at work, it discourages the presence of employees’ children for extended periods of time during the workday.

Bringing children to work in lieu of other childcare arrangements or when the child is ill is not allowed.

Children visiting the College must:

- Be under direct supervision at all times.
- Refrain from using the College’s computers or other College properties and equipment, intended for use by employees in fulfillment of their assigned duties
- Not be allowed in laboratories, classrooms, workshops, storerooms, kitchens, and all areas that pose safety risks to children.
- Not be left in the care of other employees.

### **Employment of Relatives (Nepotism)**

The College may consider friends and relatives of current employees for employment. For the business reasons involving supervision, safety, security, potential conflict of interest, and morale, relatives will not be placed under the direct supervision of another.

### **Employee and Student Relationships**

Relationships in which College employees have a romantic and/or sexual relationship with a student can easily create conflicts of interest. Employees must avoid establishing such relationships with students. Should a romantic and/or sexual relationship develop, employees must remove themselves from all educational, supervisory, and advisory responsibilities of the student.

In cases where faculty may be in the position of teaching their spouse, faculty should discuss the situation with the Program Chair, Associate Provost or the Vice President of Academic Affairs/Provost.

## **Conflicts of Interest**

Conflicts of Interest occur when personal interest or activities influence, or appear to influence, the ability to act in the best interest of the College. Actions or relationships that could create a conflict of interest must be disclosed in writing, in advance and approved by the appropriate Vice President. Employees should avoid situations in which personal interests conflict or appear to conflict with the interests of the College.

Business relationships with contractors must be conducted fairly and in the best interests of the College. Employees should avoid personal ties to or bias toward contractors.

Employees with concerns or questions should visit with their manager or Human Resources.

## **Conflict of Interest for Student Employees**

An individual's status as an employee takes precedence over the employee's status as a student. This does not apply to students working under the Federal Work-Study program, whose status as a student takes precedent over their status as an employee, but only in instances of conflict.

There may be instances where policies or laws for students on a particular subject will differ from policies or laws for employees on that same subject. In those instances, employees must follow the policy as it applies to employees and may not claim that they are exempt from an employee policy due to their additional status as a student.

## **Public Relations/New Releases/Campus Invitations**

The College endorses a policy of cooperation with the news media. This includes the prompt and accurate release of information to reporters by a designated College spokesperson(s). Any release of information must be done in a manner to safeguard an employee's and student's right to privacy.

Any requests for information by the media, including requests to take photographs or record video on College campuses, must be referred to and approved by the Vice President, Admissions, Financial Aid and Marketing. Such requests may include inquiries about the College, its policies, plans, procedures, employees, or activities, as well as requests for interviews with students or employees. Live reports from College campus properties must also be approved by the Vice President, Admissions, Financial Aid and Marketing.

The Internal Revenue Code has specific requirements for 501(c)(3) organizations to follow in regards to political candidates or elected public officials coming to campus. Therefore, any invitation to a political candidate or elected public official must be pre-approved by the Vice President, Admissions, Financial Aid and Marketing.

## **RECRUITMENT/SELECTION** *(reviewed 06/16)*

The College has a uniform employment procedure to ensure fair and consistent practice in the recruitment, interviewing, referral, and selection of individuals to fill positions.

### **Position Openings and Job Posting**

Position openings are posted by the Human Resources Department and are considered opened until filled. Employees are welcome to apply for any open position in which they are qualified. Human Resources will post open positions on the Mercy College website and the MercyOne's job posting system.

Employees must meet the minimum qualifications of the position to be considered for the position. During their first six months of employment, employees need the appropriate Vice-President approval before applying for an open position.

There may be instances such as departmental restructuring, expansion of existing job duties and temporary assignments when a position may not be posted. These situations will be approved by the President and Human Resources.

Any new or replacement position must be approved by the respective Vice President and Human Resources prior to posting.

### **Applicants**

An individual is considered an applicant when the following occurs:

- A position is posted through the College's designated online posting system.
- An application is submitted through the online posting system.
- The application is for a specific position posted on the online posting system.
- The individual indicates they have the basic qualifications for the position.
- The individual does not withdraw from consideration for the position.

### **Interviews**

External applications, for open positions, will be reviewed by Human Resources to ensure minimum qualifications are met. Applicants interviewed onsite will receive a job description to ensure they understand the essential functions and qualifications of the position.

Qualified internal applicants who meet the minimum requirements may be interviewed.

Interviews may involve various members of the College community. Applicants interviewing for faculty positions will be asked to conduct a teaching presentation as part of the interview process.

All final candidates will visit with the President, preferably, prior to extending an offer. Final candidates for faculty positions will visit with the Vice President, Academic Affairs/Provost.

### **Pre-Employment Requirements**

All offers of employment, to new employees, are made contingent upon clear results of the College's pre-employment process. The pre-employment process includes:

- **Social Security Verification:** validates the applicant's Social Security number, date of birth and former addresses.
- **Prior Employment Verification:** confirms applicant's employment with

the listed companies, including dates of employment and positions held.

- **Professional References:** calls will be placed to individuals listed as references by the applicant.
- **Educational Verification:** confirms the applicant's educational institution(s) including the years attended and the degree received.
- **Criminal History:** includes review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:
  - The nature of the crime and its relationship to the position.
  - The time since the conviction
  - The number (if more than one) of convictions.
  - Whether hiring, transferring or promoting the individual would pose an unreasonable risk to the College, employees or students.
- **Medicare/Medicaid Fraud:** reviews any possible instances of fraud related to Medicare and/or Medicaid.
- **I-9:** confirms eligibility to work in the United States. The information will be verified using the U.S. Department of Homeland Security's "E-Verify" system. Individuals who do not provide the necessary documents within the appropriate timeframe will not be permitted to work until validation of work eligibility is confirmed.
- **Health Review:** completion of a drug screen, TB test and health questionnaire conducted by MercyOne's Employee Health Department.
- **COVID-19:** must be fully vaccinated against the COVID-19 virus (2 doses) and show proof of vaccination. Exemptions may be requested for medical or religious reasons.

The following additional background searches will be required if applicable to the position:

- **Motor Vehicle Records:** provides a report on an individual's driving history in the state requested. This search will be run when driving is an essential requirement of the position.
- **License/Certification:** verifies a valid and current license or certification required for the position.

Faculty must contact their college or university to provide Human Resources with an official copy of their transcripts. The transcripts must be received in Human Resources before a start date is determined.

## Transfers

Transfers occur when an employee moves from one department to another at the same or lower salary range. Background checks, including education, and licensure verifications may be conducted, if applicable to the position.

An employee transferring from one position to another with an equivalent salary range may maintain the same salary, benefits, and credited service of the former position.

A two week notice should be given to the department from which the transfer is being made.

## **Promotions**

A promotion occurs when an employee is hired or moves to a new position with a higher salary range. Not all promotions are required to be posted or have a formal interview. The Vice President and Human Resources must approve all promotions.

Faculty promotion in rank is discussed in the Faculty Section of this manual.

## ***NEW EMPLOYEE EXPERIENCE***

Thee College believes new employees should be welcomed and feel a part of the Mercy College family beginning with the first day of employment. The College provides an orientation process to introduce employees to the College and facilitate the adjustment to the position and work environment.

The orientation program consists of a three parts: College Wide, Job/Department and a Mission Luncheon. The College wide orientation shares information regarding a brief overview of the history of Mercy College, policies, benefits, payroll, and employment-related items. Managers (or designee) oversee the job/department specific training. Human Resources and Mission offices facilitate the Mission Luncheon where more detailed information on the history and values of the College are discussed.

## ***PROFESSIONAL DEVELOPMENT***

The College recognizes that employees are its greatest and most valuable resource and encourages continual learning to foster professional growth and development. The College views this as an integral and vital function of the organization.

Each manager is responsible for evaluating professional development needs, identifying internal and external development opportunities and funding. Employees should work with their manager to determine individual professional development needs and requesting funding through the annual budgeting process

Employees are eligible to participate in the training and educational offerings from the College and MercyOne.

## ***PERFORMANCE MANAGEMENT***

### **Attendance**

Regular attendance is an important aspect of an employee's job performance. Scheduled absences provide a balance between work and home and ensure an organized business operation. Unscheduled absences can create a business disruption and adversely impact co-workers and students.

This policy does not apply to absences covered by the Family and Medical Leave Act (FMLA) or leave provided as a reasonable accommodation under the Americans with Disabilities Act (ADA).

### **Scheduled Absence**

A scheduled absence occurs when an employee provides advance notice to, and receives prior approval from, their manager before the absence. Examples of scheduled absences include, personal or vacation time, jury duty, subpoena to appear in a court proceeding, and bereavement leave.

### **Unscheduled Absence**

Unscheduled absences occur when an employee does not provide notice to his or her manager before the time the absence begins. Employees must notify the manager no later than the scheduled starting time on that same day.

Excessive unscheduled absences, except in the event of a confirmed serious health emergency of the employee, corrective action may apply. An absence may be classified as unscheduled for any amount of time, ranging from tardiness up through and including a full-day absence.

### **Performance Reviews**

The College supports an annual performance review for full- and part-time employees. The purpose of a performance review is to promote communication between employee and manager, provide feedback regarding job performance, identify potential professional development needs, and foster career development. The review time is also an opportunity to set goals for the next review period.

In circumstances where an employee transfers from one department to another, the review is to be completed by the new manager with input from the previous manager.

If the employee is not satisfied with the performance review, employees are encouraged to discuss the concern with the manager. Employees may also write a brief comment on the performance review form. Performance reviews are placed in the employee's official file maintained in Human Resources.

### **Corrective Action Policy**

Employees are expected to follow standards of conduct and demonstrate performance and behaviors that protect the interests, safety, and confidentiality of students, faculty, staff, and the College. Corrective action is used to address and resolve performance issues as they arise so that the performance of any employee does not interfere with the mission, values and operations of the College. Except as may be otherwise stated in an employment agreement, the Corrective Action Policy will apply to employees who are parties to an employment agreement.

#### **Process for Corrective Action:**

Managers should discuss any performance issue(s) with the employee prior to beginning the corrective action process and document the discussion. If performance does not improve following the discussion, the corrective action process can be used.

- Verbal warning
- Written warning.
- Suspension (without pay generally from one to five days), or final warning in lieu of suspension.
- Termination of employment.

Once the corrective action process has begun, the manager generally proceeds to the next step of the process unless twelve months have passed since the last corrective action was issued.

Corrective Action can be cumulative. For example, if a manager has initiated verbal warning for one performance issue and a different issue for corrective action is warranted, the next step could be a written warning.

Immediate corrective action allows immediate action as the result of misconduct or a severe situation in which the normal process is not appropriate. Managers must consult with Human Resources prior to determining any immediate action. These actions may include:

Administrative leave allows for the employee to be placed on leave to allow for time to investigate the concern. Administrative leave is without pay unless the investigation reveals the concern is not justified in which event the employee will be returned to work and paid any wages lost during the leave. All documentation regarding the leave will be removed from the employee's file.

### **Employee Grievance**

The College treats all employees as individuals and strives to be consistent and fair in its employment practices. Employees can raise concerns with their immediate manager or Human Resources. However, the College recognizes that non-management employees may wish to express concerns and resolve work-related issues through a more formal process.

A grievance is defined as a claim by a non-management employee of an improper interpretation, application, or violation of the policies, rules, and regulations, which govern the conduct of each employee. With respect to this grievance policy, the College retains management over a number of matters, including the establishment of policies, rules, and regulations, the selection and assignment of managerial staff, the setting and changing of wage rates and wage structures, and the discharge of employees. An employee may appeal a performance review only through the informal process described in this policy.

Every attempt will be made to resolve concerns prior to filing a formal grievance. Current employees should discuss the concern with the immediate manager or Human Resources.

Former employees who wish to express a concern about a situation or incident which occurred during employment can do so in writing to Human Resources within five calendar days of the of their last day of employment. Human Resources will review the information provided and will make a decision regarding further consideration of any action taken. If policy and procedure was followed, no further review will occur. If policy and procedure was not followed, Human Resources will review the circumstances and make a decision regarding further consideration of the decision.

If an employee voluntarily resigns or is terminated at any point in the grievance process, the grievance process will be discontinued and the process for former employees is followed.

### **Formal Grievance**

Employees requesting a formal grievance must submit the request, in writing, to Human Resources (step 1 of the process). The request must indicate the date of the action at issue, a proposed resolution and rationale for the proposed resolution. The request must be received in Human Resources within 5 calendar days of the issue. Mailing the request is not considered receipt.



Human Resources will notify the immediate manager of the request. The manager will have 5 calendars to schedule and meet with the employee. The manager will provide a written response to the employee within 5 calendar days after the meeting. If the response is mailed, it will be postmarked within the 5 calendar days.

If the employee does not agree with the immediate manager's response, the employee may request to proceed to step 2. The employee must notify Human Resources, in writing, of the request stating the reason for disagreement and may add further rationale for the proposed resolution. Human Resources must receive this request within 5 calendar days of the postmarked delivery date of the response in step 1.

Human Resources will notify the next level of management of the request. The next level manager has 5 calendar days to schedule and meet with the employee. This manager will provide a written response to the employee within 5 calendar days of the meeting. If the response is mailed, the response will be postmarked within 5 calendar days of the meeting.

If the employee does not agree with the response from step 2, the employee to move to step 3 of the grievance process. Step 3 of the process is with the Vice President of the department. The employee must notify Human Resources in writing, of the request stating the reason for disagreement and may add further rationale for the proposed resolution. This request must be received in Human Resources within 5 calendar days of the postmarked delivery date of the response in step 2. Human Resources will notify the appropriate Vice President of the request. The Vice President has 5 calendar days in which to schedule and meet with the employee. The Vice President has 5 calendar days after the meeting to provide a written response. If mailed, the response will be postmarked within the 5 days of the meeting. The decision of the Vice President is considered final and binding.

The employee may not be represented by an attorney or any employee or non- employee third party during the grievance process.

At any stage of the grievance procedure, a reasonable extension may be granted. The person making the request must contact Human Resources to confirm an extension.

Human Resources monitors the established and extended time frame to assure deadlines are met. Failure of either party to adhere to the time limits for filing the grievance or appeal without a request for an extension may result in an adverse decision.

All steps in the formal grievance process may not be utilized. Human Resources determines the number of steps in the grievance process dependent on the levels of management in an employee's department

### **Separation**

Mercy College is an at-will employer which means the employment relationship may end at any time for any reason by the College or the employee.

## **Voluntary**

Employees are encouraged to discuss an impending resignation with their manager, or Human Resources to ensure that all options have been considered. The College asks that employees give notice of resignation, in writing, to their manager and are encouraged to give an appropriate amount of notice.

The following guidelines should be followed when giving notice:

Part-time No Benefits	No notice period required
During the introductory period	3 calendar days
Non-exempt	14 calendar days
Exempt	21 calendar days
Management	28 calendar days

The College reserves the right to waive the notice period. Employees who have an employment agreement will follow the requirements outlined in the agreement.

Employees leaving their position are responsible for returning all College property, keys, and ID badge to the receptionist and settle any outstanding accounts. Employees should make arrangements with their manager to transition work responsibilities, notify internal or external contacts and change voice mail messages.

## **Involuntary**

Involuntary termination may occur due to unsatisfactory performance or disciplinary reasons. In these situations an employee's last day of employment is the date of termination.

## **Workforce Reduction**

Workforce reduction is the elimination of an existing position when, because of technological change or changes in the ways of doing business including economic considerations, the job function is no longer needed or the functions of the job are still needed but fewer employees are needed to perform them.

The following criteria may be used to identify employees who could be Impacted:

Conduct history  
Competencies Performance  
history Seniority

Employees impacted by a workforce reduction will be treated with sensitivity and respect, following the College's core values

When a workforce reduction occurs, the College's severance plan may apply. A severance package may be offered to benefit eligible full-time and part-time employees to assist them through the transition period.

Employees will be notified of workforce reductions following applicable federal and state laws. The College will provide as much advance notice as possible.

## **Severance**

In the case of a workforce reduction, the College's severance plan may apply. Severance pay is based on years of service, position and scheduled hours. To be eligible for severance, an employee must stay with the organization through the end of the separation date, not accept another regular full-time or part-time position within the College, MercyOne or CommonSpirit Health. An employee is not eligible for severance pay if the employee resigns or is asked to leave prior to the separation date or is offered a job transfer to a substantially similar position with no material change in pay.

If an employee is on FMLA or disability and whose position is impacted by a workforce reduction may be separated on the same day as he/she would have been separated had the employee not been on leave. FMLA and Short Term Disability time taken before the reduction will be credited as time worked for severance calculation.

If an employee holds more than one position, the employee will be eligible for severance for the eliminated position. Severance will be paid in one lump sum, will remain in active status and the FTE will be adjusted accordingly. If the employee increases the number of hours worked in the remaining position, the employee is not eligible for severance.

In the event of the death of a former employee receiving severance, the remainder of the severance will be made in one lump sum to the remaining survivor or the estate.

Guidelines for severance pay will be calculated using the base pay at the time of the separation date:

- Non-exempt employees will receive two weeks' pay for each full year of service with a minimum of 2 weeks and a maximum of 12 weeks plus a lump sum for COBRA based on years of service.
- Exempt employees will receive 2 weeks' pay for each full year of service with a minimum of 2 weeks and maximum of 16 weeks plus a lump sum for COBRA based on years of service.
- Managers will receive 2 weeks' pay for each full year of service with a minimum of 4 weeks and maximum of 22 weeks plus a lump sum for COBRA based on years of service.
- Directors will receive 2 weeks' pay for each full year of service with a minimum of 20 weeks and maximum of 52 weeks plus a lump sum for COBRA based on years of service.
- Vice-Presidents will receive a lump sum equal to 9 months of base pay and a lump sum of 9 months' pay for COBRA.

## **Termination of Employee Benefits**

Health, Dental, and Vision Insurance will end on the last day of the month in which employment ends. COBRA options will be offered for these benefits. On or before the last day of coverage, information regarding COBRA will be sent to the employee's home address. Employees have 60 days from the date the coverage ends to enroll in COBRA.

All other benefits will end on the last day of employment. Employees will be offered options of converting to private plans.

Employees fully vested in the Retirement Plan are entitled to receive a benefit from the plan according to plan provisions.

### **Exit Interview**

Employees leaving employment are encouraged to have an exit interview with Human Resources. This information is used to assist the College with retention and developing a quality of work atmosphere for employees. The information is retained in Human Resources separate from the employee's Human Resources' file. Information from exit interviews is aggregated, by theme, and provided to College administration.

### **Employment Verification**

When needing verification of employment, employee should use "The Work Number," a system for employment and income verification. Information regarding this service can be found on Employee Central.

### **References**

Employees may receive inquiries regarding an employee's work record during or after employment at the College. All reference verification requests should be forwarded to Human Resources.

### **Student References**

Employees may receive requests for references related to current or former students. Before releasing any information, employees should verify with the requestor that a written release has been obtained from the student.

## ***PAYROLL/COMPENSATION***

Human Resources is available for employees who have questions regarding compensation issues, including pay status, exemption status, and appropriate deductions.

### **Employment Classification**

The College has developed uniform guidelines to categorize and define employment status of employees.

### **Introductory Period**

New employees are required to successfully complete an introductory period of 6 months. Successful completion of this period should not be construed as creating a contract of employment, guaranteeing employment for any specific duration, or establishing a just cause termination standard.

During the introductory period, employees may voluntarily terminate employment with a three-day notice. Employees with less than satisfactory performance may be terminated. Employees in the introductory period are not covered by the grievance or corrective action policies. This period can be extended beyond six months, if the employee is on an approved leave of absence during the first six months of employment. If this occurs, the introductory period is equal to the length of the approved leave of absence.

**Full-time**

Employment is considered full-time if the employee is scheduled to work 72 - 80 hours in a pay period. Full-time employees are eligible for all Mercy College benefits.

**Part-time With Benefits**

Employment is considered part-time if the employee is scheduled to work 40 - 71 hours in a pay period. Employees in part-time positions are eligible for College benefits with the exception of Long-Term Disability.

**Part-time Without Benefits**

Employment in this status means an employee works on an as needed basis. Employees in these positions have the option to refuse work when contacted by the College and are not covered by the Corrective Action, Employee Grievance, or Workforce Reduction policies. Required conditions of employment (i.e., mandatory education, maintaining licensure) must be maintained. While employees in this status are not eligible for the benefits, they can defer compensation into the Retirement Plan and may receive the employer match if they meet the eligibility requirements of the plan.

**Non-Exempt**

Employees in non-exempt positions are eligible for overtime. Overtime is considered hours worked over 40 in a workweek (Sunday through Saturday) and will be paid 1.5 times the hourly rate.

**Exempt**

Employees in exempt positions are not eligible for overtime pay.

**Compensation**

The College is committed to paying fair and competitive wages to all employees. Salaries and salary ranges for new and current positions are determined by a review of comparable market data from reputable salary survey vendors.

Starting salaries for new employees are determined by reviewing the relative experience and education of the individual, internal equity, and budget.

**Job Descriptions/Job Titles**

Job descriptions and job titles are developed for each position. Employees may request a copy of their job description from their manager or Human Resources.

Managers are asked to review job descriptions on an annual basis, with employees, during the performance review process. Any revisions should be sent to Human Resources for review.

## **Salary Adjustments**

Salary adjustments are extended to eligible employees and are based on the College's overall pay structure within the market and budget. Adjustments may or may not be made every year. Employees who have received a corrective action plan within 12 months of the next adjustment period are not eligible to receive a salary adjustment. Employees who have worked January 1<sup>st</sup> through June 30<sup>th</sup> are eligible for a salary adjustment.

On rare occasions, an employee's salary may fall above the maximum of the salary range. In these situations, employees will not receive an increase to their base salary but may receive an amount equal to the salary adjustment in a lump sum or divided by 26 pay periods and paid over the course of the following 12 months.

## **Job Changes**

A salary adjustment for an employee receiving a promotion within the College will be determined by utilizing the employees' applicable experience and job performance to place them appropriately in the new salary range.

Salaries for employees who move from one salary range to a position in a lower or same salary grade, depending on circumstances, may not receive a salary adjustment.

## **Overtime**

Under the provisions of the Fair Labor Standards Act, positions classified as non-exempt must receive overtime pay. Under this law, the College compensates employees in non-exempt positions by paying 1.5 times the employee's hourly rate of pay for each hour worked over 40 hours in a work week. A work week is defined as Sunday through Saturday. Managers must approve overtime in advance of the time worked. Failure to obtain advance approval may result in disciplinary action for the employee.

Personal, holiday and vacation hours are not considered hours worked for purposes of determining overtime.

## **Travel Time for Non-Exempt Positions**

Some non-exempt positions may require travel as part of their responsibilities. Employees in positions classified as non-exempt under the Fair Labor Standards Act may be eligible for compensation for the time they spend traveling if during normal work hours.

### **Home to Work Travel**

Time is not compensable for travel from home to work before the regular workday and returning to home at the end of the workday.

### **Normal Work Hours Defined**

"Normal work hours," are defined as the employee's scheduled work hours when not traveling. This definition applies to scheduled workdays (Monday through Friday) and to weekends (Saturday and Sunday). For example, an employee's scheduled hours, Monday through Friday, are 8am to 4:30pm. Traveling on Saturday and/or Sunday, between the hours of 8am to 4:30pm are considered normal work hours.

### **Home to Work on a One Day Assignment in Another City**

An employee who regularly works at a fixed location in one city is given a special one

day assignment in another city and returns home the same day. The time spent in traveling to and from the other city is work time.

### **Travel That is All in a Day's Work**

Time spent by an employee when travel is part of their principal activity, such as travel from job site to job site during the workday, is work time and is counted as hours worked.

### **Travel Away from Home**

Travel that keeps an employee away from home overnight is considered travel away from home. Travel away from home is work time when it cuts across the employee's normal workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days.

Time spent travelling away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile is not considered work time and is not compensable.

### **Compensatory Time Off**

The College does not provide compensatory time off for employees.

### **Off Shift Premiums/Holiday Pay**

The College does not pay employees additional pay for working during off shift hours or on holidays.

### **Federal, State and Local Taxes**

Federal, state, and local taxes are calculated based on the current tax tables/rates published by each tax authority.

If an employee does not provide the proper withholding allowance information, a default rate of single and zero will apply. Employees may change their tax withholding on Employee Central.

More information regarding the payroll process may be found on Employee Central.

## ***BENEFITS***

Benefits are integrated with the College pay plan to provide a comprehensive total compensation package. Employee contributions for participation may apply.

The College offers full-time and part-time employees a competitive benefit package, which includes medical, dental, vision, life insurance, short term disability, long term disability, life insurance, and tuition reimbursement.

New employees are eligible for benefits the first of the month following 30 days of hire and must enroll within 30 days of their start date. Employees may make changes to benefits during annual enrollment or if they have a qualifying event such as a change in family status, involuntary loss of other benefit coverage. Verification of dependent status will be required.

### **Parking**

Parking, at Mercy College, is available, at no charge, to employees and students. Parking is available on the north and south sides of the Sullivan Center and in the parking lot across 7<sup>th</sup> street.

To park in the Academic Center for Excellence (ACE) parking lot, employees must obtain a parking permit from the ACE property manager. There are a limited number of parking spots available.

Vehicles may only park in clearly designated, legal, parking spaces. Areas posted with signs restricting parking (e.g., handicap, loading zones) must be observed.

Employees should display a Mercy College parking sticker in their vehicles.

### **Community Service Leave Policy**

To build upon the legacy of the Sisters of Mercy and promote a culture that values service, the College encourages employees to participate in volunteer and service activities.

The Community Service Leave (CSL) benefit allows voluntary participation in community service activities occurring during regularly scheduled work hours.

CSL designed to support community service volunteer activities for non-profit organizations It includes:

- Volunteer or service work for a non-profit community service organization
- Participation in a Mercy College-sponsored community service activity,

Consideration for this leave will be focused on non-profit organizations that hold 501c3 status or are church and/or ministry-based programs. All programs must be consistent with the College's mission, vision, and values. As a paid benefit, the community involvement cannot involve partisan political activity, which is prohibited under the College's tax- exempt status.

Community Service Leave does not include any activity for which you would otherwise receive compensation. It also does not include attendance or participation in any activity or event in which no service or work is performed.

Full time staff employees may receive up to eight (8) hours of leave each fiscal year (July 1 – June 30). Part-time staff working 20 or more hours per week may receive up to four (4) hours of leave each fiscal year. These hours do not accrue, do not carry over into subsequent fiscal years, and are not paid out upon separation from the College. Employees working under grant funding may not be able to participate in the Community Service Leave program due to operational needs, grant, and regulatory requirements.

Requests for leave must be made in writing using the Community Service Leave Request Form and approved by the employee's manager and Vice President and submitted least two weeks in advance of the proposed leave. The leave request form is found online in the community service folder of the College share drive.

### **Mercy Auxiliary of Central Iowa**



Mercy Auxiliary of Central Iowa is a membership organization consisting of current and retired employees, volunteers and friends of MercyOne Des Moines and was established over 60 years ago. The Auxiliary helps support projects benefiting the patients and families of MercyOne. Employees may join the Auxiliary for a nominal fee and receive discounts at MercyOne Gift Shops, Salons, and Starbucks (at MercyOne). Employees may join on an annual or lifetime basis.

Interested employees may contact MercyOne Auxiliary for an application and information.

### **Leaves of Absence**

The College extends policies for leaves of absence. An employee's position is protected if on an approved Family Medical Leave Act (FMLA) leave for a period of 12 weeks. The College does not guarantee the position will remain open after the job protection period is exhausted.

### **Bereavement Leave**

Employees are immediately eligible for bereavement leave. Bereavement leave is pro-rated based on an employee's standard work schedule. If the employee is currently using vacation, the employee may cancel the vacation and replace it with bereavement time off with pay. If the employee is receiving disability benefits or on a leave of absence, the employee may not substitute bereavement leave.

Employees are eligible to receive bereavement leave with pay in the amount of:

Three days' pay per occurrence for the death of an immediate family member

- Immediate family is defined as an employee's spouse, legally domiciled adult, child(ren) (includes miscarriage or stillbirth), child(ren) of legally domiciled adult, sibling (including half-sisters and half-brothers), step- sibling, parent, step-parent, mother-in-law, father-in-law, daughter-in-law, son-in-law, step-child, legal guardian or ward.

One day per occurrence for other family members (see Considerations/Reminders).

- Other covered family members include grandparent, grandchild, grandparent- in-law, grandchild-in-law, siblings-in-law, step-grandparent, step-grandchild, and step-parent-in-law. Special consideration will also be given to any other person whose association with the employee was comparable to that of the relationships listed above.

Bereavement leave is scheduled on consecutively work days (e.g., the day before, the day of, the day after the funeral). Managers may take other factors into consideration, such as funeral locations and the need to make arrangements before or after the funeral, when determining approved days.

### **Cellular Phone Discounts**

Employees receive discounts on cell phone plans from Sprint, Verizon and US Cellular. The discount varies by carrier. The discount varies by carrier. Employees should contact the carrier directly for more information.

### **Office 365**

Microsoft office 365 enables access to Microsoft Office applications (Word, Excel, PowerPoint and OneNote) on the internet. Mercy College employees may subscribe to Office 365 at no charge as long as they are employed by the College. Upon leaving employment from the College, employees will be required to pay the subscription rate.

Office 365 is housed exclusively by Microsoft. Mercy College Information Technology staff are not able to assist with program difficulties.

To participate in this benefit, go to [MCHS.edu/staff](https://MCHS.edu/staff) and review the Office 365 login instructions.

### **Personal Computer Purchases**

Employees can receive academic or employee pricing rates for personal computers from the following vendors:

- [Apple.com/us-hed/shop](https://Apple.com/us-hed/shop)
- [Microsoftstore.com/education](https://Microsoftstore.com/education)
- [Dell.com/epp](https://Dell.com/epp)

Use member ID HS31696883

### **Wellness**

The College is committed to creating a work environment that places a strong emphasis on employee health and wellness. Mercy College participates in CommonSpirit Health's Wellness program which includes webinars, healthy recipes and challenges. Incentives are given for participation in certain activities.

Mercy College has a Wellness Committee which plans and develops a wellness program, each year, for College employees. The program consists of activities and lunch and learns on topics of interest to employees with an incentive for attending the events.

## **SERVICES**

### **Facilities/Equipment**

Except for the use of office space assigned to an employee and available library services, College facilities, including, with limitation, computers and other equipment, may be used by employees in connection with external activities only after written approval by the appropriate Vice President. The employee, outside employer, or sponsor will pay the rate established by the College for the use of the facility, equipment, or services

Employees may use certain College-owned property for personal use. Requests must be made to the Facilities Manager at least two days in advance. Employees must ensure the property is in the same condition as it was prior to use. Requests will be evaluated on a case by case basis.

### **Mercy College of Health Science Name and Seal**

The name, seal, and logo are exclusive property of the College and may not be used in connection with goods or services offered by any outside organization without expressed written authorization of the President or designee.

# ***FACULTY SECTION OF EMPLOYEE MANUAL***

## **FACULTY SECTION OF EMPLOYEE POLICY MANUAL**

This section of the Mercy College of Health Sciences Employee Policy Manual contains the approved policies and procedures specific to faculty. Other policy sections present information which is important to all employees, including faculty. All policies and procedures identified in the manual are a condition of employment with the College.

Faculty are those employees who have a written contract with the College and are responsible for curriculum and curriculum development, instruction, assessment of student learning outcomes, student progression, academic advising, increasing knowledge of the profession with educational progress through scholarly work, and service to the College and community.

Faculty are expected to be knowledgeable and professionally competent in their field, evidenced by a defined academic field of study and associated degree of completion, committed to teaching and learning, student development, and student success. Faculty are expected to be committed to the mission, core values, beliefs, purposes and policies of the College; are respectful of students, employees, guests of the College, and participate in the governance of the College.

### **Academic Administration**

Academic administrators of the College include the Vice President for Academic Affairs/ Provost (VPAA) and the Associate Provost.

### **Faculty Qualifications**

Mercy College of Health Sciences is committed to providing high quality education through faculty who have appropriate expertise in the subjects they teach. Accordingly, Mercy College will only employ faculty members who have demonstrated expertise in the subject matter they teach and are able to effectively communicate knowledge in that subject to students.

This policy defines the qualifications required for faculty members to teach at Mercy College.

Qualifications must be reviewed for each faculty member on a course-by-course basis to determine if a faculty member meets the qualification guidelines set by the Higher Learning Commission, other applicable state, federal, accrediting agency or industry standards and College requirements. Faculty refers to all faculty members, lecturers, clinical instructors, adjuncts and all other instructional staff members.

Faculty may be qualified based on their tested experience as explained below. Tested experience is especially relevant for technical/occupational courses.

Documentation, including official copies of transcripts, are required to demonstrate that a faculty member meets the qualifications.

### **Using Credentials to Determine Qualified Faculty**

Credentials refer to the degrees that faculty have earned and related scholarly and professional experience. When using credentials to determine faculty qualifications to teach a course, the minimal credentials are:

### *Associate Programs:*

- Faculty teaching in career and technical education college-level certificate and occupational associate degree programs must hold a bachelor's degree in the field and/or a combination of education, training and tested experience.

### *Undergraduate Programs:*

- Faculty teaching in bachelor programs must hold a master's degree or higher in the discipline or subfield of the course(s) they teach. If a faculty member holds a master's degree or higher in a discipline or subfield other than that in which he or she is teaching, the faculty member must have a minimum of 18 graduate credit hours in the discipline or subfield in which they teach.

### *Graduate Programs:*

- Faculty teaching in graduate programs must hold the highest degree (i.e., a terminal degree) in the discipline they teach. Additionally, faculty members must have evidence of their experience in the discipline through research, scholarship or achievement appropriate for the graduate program.

## **Using Tested Experience to Determine Qualified Faculty**

Tested experience may substitute for earned credential requirements. Tested experience refers to in-depth experience outside of the classroom in real-world situations relevant to the discipline in which the faculty is teaching. By itself, teaching experience in the discipline does not equate to tested experience.

Tested experience will be evaluated on a case-by-case basis. When using tested experience to determine qualifications, the following minimum qualifications must be met before tested experience can be considered.

### *Minimum Qualifications*

- Certificate and associate degree program faculty must hold the level of education required by the occupation in which they teach.
- Bachelor program faculty must have a Master's degree.
- Graduate program faculty must have the highest degree (i.e., a terminal degree) in the discipline they teach.
- If teaching in an occupational/professional field that requires licensure or registration, faculty must hold a current license/registration in good standing relevant to the course(s).
- A minimum of two years of full-time professional experience relevant to the course(s) taught.
  - All faculty must meet minimum requirements (e.g., clinical and instructional experience and educational experience/credentials) set by applicable programmatic accrediting agencies, state boards or other applicable standards related to the program.

The following may be considered when evaluating tested experience: scholarly publications, presentations, professional engagement, consulting work, honors, awards, continuing education, industry certifications, demonstrated record of research, demonstrated experience that directly correlates with learning outcomes of the course(s), continued documented excellence in teaching, letters of support from past and current employers or colleagues that directly address expertise and other third-party documentation. This is not an exhaustive list.

## **RANKED AND NON RANKED STATUS**

### **Faculty Status for Senior Academic Administrators**

Faculty status may be awarded to an incoming senior administrator by the Vice President, Academic Affairs/Provost (VPAA). An administrator not previously employed as a faculty member at the College must interview with the prospective department for a faculty position. Faculty rank may follow a faculty member to an administrative role. Time spent as an administrator does not count toward faculty promotion

Faculty consist of two groups: Ranked and Non-Ranked.

The following guidelines for rank, promotion, and duties and responsibilities are non- exhaustive in nature. Academic programs may have additional criteria including: licensure/certification, demonstrated knowledge and skill as appropriate for the given profession and board certification.

### **Ranked Faculty**

A “ranked faculty” member is an employee who has been appointed to one of three ranks: Assistant Professor, Associate Professor, or Professor. Only faculty holding ranked positions are allowed to be the instructor of record for teaching didactic courses in academic programs for which an academic degree is awarded.

At the time of initial appointment the VPAA will review recommendations from the Associate/Dean or Program Chair regarding rank using criteria listed herein. Initial rank assignment is based on academic teaching experience, professional experience, service to a college, service to the profession, service to the community, and scholarly work. Academic teaching experience can be determined by a combination of teaching and professional experience.

Years of professional experience equate to academic teaching in a 2:1 ratio of professional experience to teaching experience. Each faculty rank also carries a minimum number of teaching years that cannot be fulfilled by years of professional experience. Individuals whose professional role includes teaching, training, or continuing education will be considered on a case-by-case basis. Credit toward promotion may be granted by the VPAA and must be delineated in writing at the time of appointment.

Credit toward promotion may be granted at the time of initial hiring for professional experience. For every two years of professional experience, one year of academic experience may be granted up to a maximum of three years towards the next available academic rank. No more than 3 years of experience can be applied toward the next appropriate rank. Formal recognition of work experience to be counted as academic experience requires written approval from the VPAA at the time of initial appointment.

For purposes of rank a regionally accredited institution refers to an institution that has received accreditation from an organization approved by the United States Department of Education for the purpose of accrediting educational institutions of higher education.

### **Assistant Professor**

Initial rank of Assistant Professor requires an earned Master’s degree (e.g. MA, MS, and MFA) or the highest academic degree in the applicable field from a regionally accredited institution.

With permission from the VPAA, the foregoing criteria may be modified or waived at the time of hiring to accommodate extraordinary circumstances or meet the needs of the College. Exceptions are rare and only under unique circumstances.

### **Associate Professor**

Initial rank of Associate Professor requires an earned doctorate or the highest academic degree in the applicable field of study from a regionally accredited institution. An Associate Professor must have at least four years of full-time workload, at the rank of assistant professor, from a regionally accredited college or the professional equivalent.

With the permission of the VPAA, the foregoing criteria may be modified or waived at the time of hiring to accommodate extraordinary circumstances or to otherwise meet the needs of the College. Exceptions are rare and only under unique circumstances.

### **Professor**

Full Professor is a proven academic leader with noteworthy scholastic involvement, academic leadership experience, and a demonstrated collaborative disposition across the College and community. Initial rank of Professor requires an earned terminal academic degree in the applicable field from a regionally accredited institution. A Professor must have at least five years of full-time, ranked-level teaching at the associate degree level from a regionally accredited college or the professional equivalent.

### **Program Chairs**

Program Chairs are responsible for providing administration, accreditation and oversight for a specific program in addition to teaching and may hold the rank of Assistant Professor, Associate Professor or Professor and must meet the requirements to do so. Program Chairs are release time for chair responsibilities.

### **Non Ranked Faculty**

A “non-ranked faculty” member is an employee who has been appointed to one of three ranks: Instructor, Lecturer, or Special Appointment. Such appointments are subject to the conditions of any original appointment.

The guidelines for non-ranked faculty duties and responsibilities are non-exhaustive in nature.

### **Instructor**

Instructor requires a completed education from a regionally accredited institution or professional equivalent one level above the degree taught, minimum credential requirement by the licensing and accrediting agencies for the discipline and experience of effective teaching and professional growth.

An Instructor must have a commitment to teaching and student progression, continued professional growth and service to the College and community on behalf of the College.

**Lecturer**

The position of lecturer requires a completed education one level above the level of the program taught, focuses mainly on considerable experience in an appropriate technical, artistic or professional field, and requires the expectation for extended contract beyond a guest lecturer or adjunct faculty but for a stated term of full-time or part-time service as specified in the appointment letter.

**Adjunct**

Adjunct faculty are hired on a temporary basis, as needed basis.

**Special Appointments**

Special appointments do not apply toward promotion. Individuals with special appointments may be assigned to committees or special projects but do not have voting privileges.

**Visiting Faculty**

All visiting faculty appointments are term contracts for a limited period of time with no intent of on-going employment. Visiting appointments are reserved for faculty members of other institutions, Professors Emeriti, and persons distinguished in their fields.

**Developmental Educators**

Developmental educators (teaching assistants), who teach subjects such as writing, reading, mathematics, study skills and special focus areas are critical to the teaching and learning process of the College. The College may employ full or part-time persons who have specialized skills and credentials in these selected academic areas.

**Artist/Writer/Scholar-in-Residence**

The College may appoint distinguished artists, writers and scholars to the special status of Artist/Writer/ Scholar-in- Residence. Such appointments are term contracts and may be full- time or part-time depending on the needs of the College. Ordinarily, the appointment of an Artist/ Writer/ Scholar-in Residence shall be for one year. Individuals in this position may be appointed to committees or other organized groups as a specialist although without voting rights. They may be responsible for teaching classes, giving presentations, conducting demonstrations, or performing readings.

***APPOINTMENTS OF HONOR*****Professor Emeritus**

The award, "Professor Emeritus" is considered an administrative promotion and may be given to fully- retired faculty who have reached the rank of Professor, have worked for the College for at least ten years and served in a distinguished manner. Emeritus status is not automatically awarded upon retirement. The President will make the recommendation to the Board of Directors.

No compensation accrues by virtue of this rank except by a mutual agreement (approved by the Board of Directors) between the President of the College and the faculty member. The emeritus faculty member may be offered a term contract to teach or fulfill other duties. In such cases, supplementary benefits, if any, will be specified in the contract.

The emeritus faculty member has access to the library and other areas of the College as appropriate and if availability permits. Other resources will be made available based upon responsibility identified in a contractual arrangement.



### **Professor with Distinction**

The title “Professor with Distinction” may be awarded to faculty with the rank of Professor who has obtained some form of exceptional recognition in their field, have rendered extraordinary service to the College, or outstanding service to the community on behalf of the College. The conferring of this title is an administrative promotion recommended by the President and granted by the Board of Directors toward the end of a faculty member’s career.

## **CONTRACTS**

Every appointment, except Appointments of Honor, will be made by a formal written contract signed by the faculty member and the President. The contract will state the program of assignment, rank, compensation, start date, length of appointment and other conditions of appointment.

Upon acceptance of the contract, faculty are expected to be held to the terms of the contract. Faculty contracts are retained in the employee’s Human Resources file.

Full time and part time faculty contracts are paid over a 12 month period and may receive multiple year contracts. New faculty will be given a 12 month introductory contract.

Faculty are expected to fulfill the entire length of their contract. In cases when it is not feasible to fulfill the contract, faculty must give appropriate notice and must, at a minimum, complete and fulfill all responsibilities for the academic term that is in progress.

As part of the contract it is expected that every faculty member participate in College sponsored workshops, convocations, orientations Senate meetings and all governance committee assignments, School meetings, graduation ceremonies, and other College events.

### **Renewal**

All contracts renewals will be issued by Human Resources. Faculty contracts are considered non-renewed until signed by the faculty member and returned to Human Resources.

### **Type of Contract**

#### **Full-Time**

Full-time contracts are given to faculty, who are 1.0 or .9 full-time equivalent (FTE) and full-time teaching duties or a combination of teaching and other duties (e.g., department or program chair, research, self-study) equivalent to a full-time teaching load. Faculty with full-time contracts are considered voting members of College Senate, Undergraduate Council, and other assigned College Senate committees.

### **Part-Time**

Faculty, whose FTE is between .5 and .8, have teaching duties less than that of a full-time teaching load. Part-time faculty may teach between 16 and 26 workload units (or the equivalent) per academic year. Faculty with part-time contracts may be considered full-time employees with staff or administrative duties (other than department or program chair).

At the time of hiring it will be determined whether a position combining administration and teaching is a ranked position. Faculty with part-time contracts are considered voting members of College Senate, Undergraduate Council and other assigned College Senate committees.

### **Adjunct**

Adjunct faculty receive appointment letters on a per term basis.

## ***FACULTY ROLES***

Faculty are expected to concentrate their efforts in the following four areas: (1) teaching, (2) scholarship, (3) professional activities, and (4) service. Program Chairs, with support of the Associate Provost, assign annual responsibility and workload to reflect differences in institutional or program need and faculty expertise.

The examples listed below are not exhaustive in nature.

### **Teaching**

Teaching is defined as engaging in specifically designed interactions with students that challenge thinking and promotes student learning through the development of critical thinking through inquiry and inference (acquiring new or modifying existing knowledge, behaviors, skills, values, preferences). It is expected that all faculty fulfill the full extent of their instructional obligations. Evaluation of faculty teaching includes five main components.

- Content Expertise: formally recognized knowledge, skills and abilities in a chosen field by virtue of advanced training, education or experience.
- Instructional Delivery Skills: skills by which faculty creates an intellectually stimulating and supportive learning environment.
- Instructional Design Skills: technical skills in designing, sequencing and presenting experiences that promotes progressive student learning, successfully acquires intended student learning outcomes and skills in developing and using tools and procedures for assessing student learning.
- Course management: management of organizational and administrative tasks; such as, detailed syllabus development that includes a course calendar, keeping and reporting student attendance as appropriate by college policy, grading, safety, appropriate use of technology, timing in course management, formative and substantive student assessment, ensure that course outcomes remain in alignment with the course objectives and program design.
- Ensure that content, skills, assessments, and essential questions of a course are appropriately linked as key components of the larger curriculum plan.
- Timely calculation and reporting of student grades as designated by College policy.

## **Scholarship**

Scholarship is defined as research or analysis that makes a contribution to the field of study. Contribution occurs when the results of research or an analysis are shared with the discipline in a public forum. Standard examples of scholarship are publication of books or articles with scholarly presses or journals, reading of papers or poster presentations at conferences, or producing the results of research in other media (e.g., video), assuming the results are evaluated by a respected outside source in the discipline.

Research which includes or utilizes any information or data owned by or related to the College or College constituents must receive approval from the Institution's leadership team, VPAA, and Institutional Review Board prior to the beginning of the project.

## **Value of Scholarship**

Among the objectives and values of scholarship are the following:

- Scholarship helps faculty keep current in their field and contributes to the resources available to them in their teaching.
- Scholarship promotes involvement in a larger community of learners; both for the faculty member and the College.
- As a result of staying current in the field, faculty are able to be better mentors to novice faculty and students preparing to enter the field.
- Peer-reviewed scholarship advances knowledge in the field and enhances the reputation of the faculty and the College as an institution of higher learning.

Faculty are encouraged to seek assistance from department and campus colleagues or committees to review ongoing scholarship, research and analysis intended for publication or public presentation. Peer-reviewed publications and presentations will weigh more heavily in decisions on promotion. Faculty who wish to have unpublished research or analysis considered as scholarly activity or for promotion in rank, must make the case to their colleagues in the discipline, Associate Dean/Program Chair, Associate Provost, and to the Promotions Committee of the College Senate.

As part of the application process for promotion, scholarly work and artistic achievement is evaluated by the Associate Dean/Program Chair and Associate Provost, in consultation with faculty who may have expertise in the specific area of creative activity.

The weight given to different types of scholarly activity may vary with disciplines. The key distinction is between peer-reviewed or refereed activities and work that is not peer-reviewed.

Examples of scholarship may include the publication of scholarly books, textbooks, chapters in a textbook or scholarly book, presenting a peer-reviewed and artistic display or performance and poster presentations at professional conferences.

- Publication of scholarly books;
- Publication of annotated translations of major works;
- Publication of articles in peer-reviewed (refereed) academic journals;
- Publication in textbooks;
- Editing of published scholarly works;
- Publication of bibliographic work, especially annotated;
- Reading of peer-reviewed papers or poster presentations at professional conferences;
- Publication of scholarly translations in peer-reviewed journals;
- Publication of a comprehensive literature review;

- Co-authorship of articles in peer-reviewed journals (The candidate must make clear the nature and extent of her/his contributions.);
- Publication of a peer-reviewed software program, web-based content or other media;
- Publication of a peer-reviewed audio or video program;
- Publication of a chapter in a scholarly book;
- Public speaking engagement focused on advancement in or content of the faculty's area of expertise.

Funds to support faculty development may be available. The following list of examples is not meant to be exhaustive:

- Publication of a chapter in a textbook book;
- Publication of an essay in a scholarly collection;
- Refereed panel presentation at a professional conference;
- Presenting a peer-reviewed and artistic display or performance

Due to changing technologies and avenues for scholarship, faculty may submit to the Promotions Committee, Associate Provost and VPAA other forms of scholarship to be considered. In such cases, the faculty member applying must have the rationale for the substitution and provide evidence that it meets the College's criteria for promotion.

Other activities, such as book reviews, academic publications outside one's field, contributions to non-refereed publications, unpublished manuscripts, or detailed accounts of ongoing research projects may be considered as evidence of scholarly activity, but to a lesser degree and not as a substitute for the kinds of activities listed above.

Regardless of its form, a scholarly work must be peer-reviewed and disseminated.

- Peer-reviewed: Scholarship is peer-reviewed when it is evaluated by appropriate peers outside of the College.
- Disseminated: Scholarship must be communicated to an audience in a manner that is likely to enhance the reputation of the individual scholar and the College. The size and nature of the audience reached by the work is relevant to this determination. In the case of written works, consideration should be given to the prestige of the publisher and the utilization of work by other scholars. Similar considerations apply to the evaluation of non-written works.

## ***ACADEMIC-FOCUSED LEAVES AND GRANTS***

While academic leaves and internal grants are meant to afford faculty members the means to grow professionally and intellectually, it is an investment by the College in its own future. The availability of academic leaves and internal grants are provided based upon available funds and the focus of each project.

Faculty applying for mini-grants (internal grants) or academic leaves must submit an application and a professional development plan. The documents will enable administration to assess the application in light of the faculty member's larger development goals.

## **Sabbatical**

Sabbatical leave provides faculty an opportunity to accomplish a goal that supports professional development related to scholarship in the discipline and reflects the mission and interests of the College. The College promotes an inclusive view of sabbatical projects.

The College is committed to annually funding sabbaticals to qualified applicants. A sabbatical for intellectual improvement is a privilege accorded to qualified members of the faculty by the College and is granted with the clear expectation that the sabbatical will better enable the faculty member to be of service to the College and its students.

Sabbaticals will be granted for one term at the base salary or two terms at 50% of base salary. During the leave, the salary of the faculty member is charged against the department budget the same as if the faculty member were on campus.

Faculty are eligible to apply for sabbatical given the following:

- After a minimum of 21 continuous terms of full time employment at the College
- In a current ranked position
- Worked the previous 3 terms at full faculty workload (less reassigned time for administrative duties)
- Have not been on a corrective action plan for the last 6 terms or is not currently on a corrective action plan
- In an active employment status.

Academic/educational work at other institutions and/or organizations not sponsored by the College does not count toward the minimum term requirements. All requirements for sabbatical must be met at the time of application. Faculty on sabbatical retain benefits and educational privileges of the College and will be subject to changes made to benefits and educational privileges in their absence.

The number of sabbaticals allowed each year by the College is contingent upon funding available, support required in replacing the faculty member, and the nature of the project.

## **Subsequent Sabbaticals**

Eligibility for subsequent sabbaticals require an additional 21 continuous terms of full time employment at the College. The following also applies:

- A leave, other than sabbatical, initiated or sponsored by the College will not interrupt the 21 continuous terms required for sabbatical.
- An approved, non-academic leave from the College shall not cancel the previously accumulated terms; however, the terms in which the faculty member has been on such leave shall not apply toward the 3 terms required for eligibility for a sabbatical leave.

In addition, faculty cannot accept compensation for employment or other activities outside of the College during a sabbatical unless the additional funds are approved as a condition of the sabbatical.

In cases where faculty represent programs that cannot be sustained at a quality level with a regular sabbatical, an alternative option may be offered to the VPAA for consideration.

Faculty that are granted sabbatical must return to the College and complete terms of full employment equal to the length of the sabbatical granted.

Faculty are expected to comply with the College mission, values, policies, and the terms of the agreement while on sabbatical. Failure to do so may be grounds for disciplinary action up to and including termination of employment.

### **Recommended Timeline**

The year prior to the intended sabbatical, the following timeline for submission must be met:

- October 1 - Submission of completed application to the Promotions Committee. If the sabbatical application is altered after this deadline (e.g., if external funding is required for all or part of the sabbatical and the status of the funding is uncertain), applicants should submit additional supplementary documentation indicating how their sabbatical would be impacted.
- November 10 - Applications and recommendations forwarded to the VPAA
- December 20 - Written notice, from the VPAA, of approval or denial sent to applicants and the Promotions Committee.

### **Application**

Each applicant shall prepare an application describing the sabbatical proposal in complete, clear and specific terms.

Faculty should consider the following points prior to submitting the application:

- Does the application comply with the minimum eligibility and application requirements?
- Is the quality of the proposal adequate, considering specificity, persuasiveness, and thoughtfulness of the project plan?
- Does the application adequately convey the value of the sabbatical project in regards to a faculty member's workload while on sabbatical, the overall benefit to student learning, and the benefit to the College (e.g., will the project lead to a finished product; will it enhance the individual's teaching, scholarship in the discipline, and/or service to the College)?
- Faculty seeking assistance with sabbatical applications are advised to consult with their Associate Dean/Program Chair, other faculty who have written successful applications or former members of the Promotions Committee.

Every application shall include the following information:

- A statement of eligibility for a sabbatical (see section on Eligibility).
- Copy of the signed IRB documentation approving a research project.

A description of the project, including:

- Purpose statement of project for which the sabbatical will be used to support teaching excellence, scholarship in the discipline, or service to the College.
- Specific activities that will be undertaken
- Facilities, equipment or other resources needed (note: The College will not provide funding in addition to salary or faculty development funds.)
- If permission or support is needed from other institutions, organizations, or agencies, provide letters of support as part of the application.
- Tangible outcomes (for example, course materials, submissions for publication or exhibition, and external grant proposals).
- An in-depth explanation of how the project will benefit the College and the students
- An in-depth explanation of how the project will enhance the faculty's professional growth
- Timeline for completion
- Financial sheet of proposed expenses and timeline
- A precise description of the program's plan to staff the applicant's workload.
- The project plan must include the timing of written reports, no less than on a monthly basis. The reports will address the status of the sabbatical. The reports should be sent to the Associate Dean/Program Chair, Associate Provost and the VPAA.
- The VPAA must approve the sabbatical application. If the applicant is the Associate Dean/Program Chair, the letter of recommendation shall be provided by the Associate Provost.
- A final report must include a section stating how the sabbatical experience contributed to the faculty's professional development related to student learning, scholarship in the discipline, and/or service to the college. The final report must be submitted within two months after the end of the sabbatical. A copy will be placed in the faculty's file in Human Resources for use in promotion review as evidence of development.
- Faculty will conduct a presentation to the College community.

### **Evaluation of Application**

The Associate Provost and the members of the Promotion Committee will review each application based upon the following indicators of quality: Completeness of the application, ensuring the faculty meets the qualifications for sabbatical.

- Extent to which the project enhances the professional development of the faculty related to teaching, scholarship in the discipline, student learning, and promotion of the College.
- Clarity of purpose, feasibility and cohesiveness of activities, and proposed results and outcomes.
- The availability of resources to cover the faculty duties in their absence.

## **Final Recommendation**

The Chair of the Promotions Committee will provide the applications to the VPAA, with the Promotions Committee's recommendations. The VPAA will consider the purpose, how the project reflects on the College, and effect on program integrity.

Applications that are not approved due to funding may be carried over to the following year.

The Promotions Committee or the VPAA may request additional information and/or supporting documentation as needed for clarification.

## **Notification Process**

The VPAA will notify approval or denial to the applicant, with a copy also provided to the Promotions Committee.

## **Mercy College Release for Scholarship Program**

Mercy College Release for Scholarship Program (MCRSP) provides a one-term course release (3 hours) to full time and part-time faculty who are actively engaged in scholarship or in pursuit of an advanced degree that supports their role at the College. The number of course releases granted each year is contingent upon the funding available and the ability of the program to financially support the faculty's workload reduction. MCRSP is not available for faculty on sabbatical, other faculty release time, faculty teaching overload, or who are on a corrective action plan.

Selection of faculty for this program is based on the quality of the proposal and the faculty member's record of scholarship. Other factors include the number of years since the faculty member previously received a course release, if the faculty member has previously been granted sabbatical, and academic goals. Priority may be given to new or non-ranked faculty.

Requests for release are submitted to the Promotions Committee six (6) months before the requested release. Applications will include the following:

- Rationale for the release, including an abstract of the nature of the project, the proposed outcome of the project, the plan for dissemination of project outcomes, and how the release fits into the faculty's professional development.
- Letter by the faculty's Associate Dean/Program Chair (or the Dean in the case of an application from the associate dean/chair) supporting the proposal and the program's ability to support the course release.
- Faculty may include an additional letter of support from a professional colleague supporting the project's professional merit.
- Current curriculum vitae.

The Promotions Committee will review the applications and forward the outcome of their review to the VPAA. The VPAA makes the final determination of MCRRP time and notifies all applicants of the decision.

Faculty given MCRRP will be required to provide a written report within eight weeks after the end of the semester in which the MCRRP time was granted. The report should concisely summarize the outcomes or findings of the project completed. The report should be submitted to the Associate Dean/Program Chair (or Associate Provost if the applicant is an Associate Dean/Program Chair). A presentation to the College may also be appropriate.



## **Mini-Grant Program**

The reviews applications for mini-grants and makes recommendations to the VPAA.

In both fine arts and written research, the intellectual property under the sponsorship of these grants remains with the writer or artist as indicated in the College policy section. Tools, equipment, and products purchased with the mini-grant funds are the property of the College.

Funds are applied under the following guidelines:

- Mini-grants are available on an annual basis (one grant per faculty member per year per project) to be applied the length of an academic year. For research and other activities taking place during the fiscal year (July 1 – June 30), applications are due to on the third Monday in September by noon.
- The will complete its recommendations for applications within two weeks following the application deadline.
- ARG forwards the recommendations to the VPAA for approval.
- A higher priority may be given to those projects that expand professional research or creative interests of the faculty.

There is a cap of \$1,000 per individual and per project each fiscal year.

Both full time and part-time faculty are eligible to receive funds; however, a higher priority is given to full-time faculty.

Faculty can apply for and receive three annual mini-grants consecutively within a five year period.

## **Application**

Applications should include:

- a detailed description of the project
- a detailed budget - including all expenses and stipends
- a brief explanation of the benefits to the faculty, students, and College
- Projects that include travel and related expenses shall first apply for travel funds from their supervisor. Requests for funds from program budget and its result should be included with the application to the Associate Provost .
- Status with IRB if applicable

Requests to the VPAA's Office for reimbursement of annual mini-grant funds must be made within the year the grant was funded and no later than April 1 of that year.

In the term following the completion of the mini-grant cycle, a written report will be submitted to the Associate Dean/Program Chair, Associate Provost and VPAA. The report should include how the mini- grant has supported the faculty's research or creative interests. The faculty will be expected to provide feedback to the campus community regarding the outcomes of the project. Faculty will be expected to present their research work during the next Annual Research Conference/Symposium.

## **SERVICE**

Service is expected of faculty as one of the integral components expressed in the College mission and value statements. There are three areas of service: internal to the College, professional within one's discipline (professional contribution), and external within the community.

Service to the College is required of all faculty. Types of internal service can be participation on College committees and activities, involvement in program curriculum development and assessment, and academic advising.

Professional service within one's discipline can be regional or national organizations or through publications within one's discipline.

Service to the community is in keeping with the of the Sisters of Mercy and to the core values of the College. As part of the annual performance appraisal process, as well as the consideration for promotion, service is evaluated by the Associate Dean/Program Chair, Associate Provost, Promotions Committee of the College Senate, and VPAA.

The following examples are not in any particular order of importance within each category and the lists are not exhaustive. The faculty member must make the case for the value of specific instances of service in the promotion portfolio.

### **Service to the College**

Faculty are expected to contribute to the shared operation of the College by participating in service activities such as:

- Active participation on College committees;
- Providing assistance for the Associate Dean/Program Chair in their absence;
- Involvement in program curriculum development and assessment thereof;
- Active involvement in faculty development programs (as an organizer or presenter);
- Service as a formative evaluator/teaching mentor for faculty;
- Active involvement in College required service days;
- Development of grant proposals for external funding in support of College initiatives;
- Other significant service to the College, such as, student recruiting.
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### **Service to the Student Body**

The quality of education at the College requires faculty members have formative contact with students outside of the classroom, laboratory and clinical. The following are examples of such contact:

- Service as advisor to a student organization;
- Service as moderator of student activities;
- Planning/participation in enrichment activities related to the curriculum but outside normal course offerings;
- Participation by faculty in New Student Orientation.
- Participation by faculty in potential student Information Sessions.
- Judging or participating in student competitions, presentations, and/or trips.

## **Professional Service**

As faculty members become assured in their teaching and have obtained appropriate credentials and degree levels, it is important for them to be involved in their professional community. This professional contribution involves faculty performing activities that use their knowledge and expertise in a format that advances practice, education in their field, and/or professional association activities. Activities that would be considered professional service include, but are not limited to:

- Serving as a referee, reviewer, or editor for a journal or publisher (non paid or modest stipend);
- Serving on local, regional, or national boards or committees in professional organizations;
- Participation as a site visitor for regional or professional organizations;
- Serving as an item writer for national examinations;
- Acting as a consultant to other educational facilities or practice settings;
- Advanced clinical practice experiences.

## **Community Service**

The College strongly encourages faculty members to become involved in service to the community and values the work of faculty members who are so involved. Such services may include, but not be limited to:

- Lectures to non-professional community groups;
- Leadership position in political, religious, or community activities;
- Volunteer service in civic, cultural, and charitable organizations which serve the general public.

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## ***FACULTY ORIENTATION***

In addition to the College orientation, Mercy College requires all new faculty (including adjuncts) to attend Faculty Orientation. Faculty orientation will focus on the faculty's role in the educational setting of the College. Orientation specific to the faculty member's teaching assignment is the responsibility of the Program Chair.

## ***PROMOTION***

Faculty should adhere to standards, principles, and values internal to its academic profession. The College affirms the principle of peer review; in that, faculty have the primary responsibility for reviewing, evaluating, and recommending its own members for promotion.

Promotion is based upon careful evaluation of a faculty's years of academic teaching performance; scholarship; professional development; service to the College, profession, and community, and years at prior rank. Part-time faculty earn credit for promotion at one-half the rate of full-time faculty. These criteria for promotion serve as guidelines for evaluating the overall contribution of a faculty member. Faculty must meet the minimum requirements for promotion outlined in the Promotion Grid in Appendix E.

The Promotions Committee of the College Senate is responsible for administering the promotion process and for recommending qualified faculty for promotion based on the stated process for review and recommendation. A faculty member is solely responsible for making his or her own case for promotion through the use of a professional portfolio...

It is the faculty member's responsibility to initiate the promotion process and seek assistance from the Associate Dean/Program Chair or assigned mentor to help with the promotion process and documentation. The Associate Provost recommends the faculty member to the VPAA and Promotions Committee of the College Senate. Faculty are expected to keep a current vita on file in Human Resources.

All requirements for promotion must have been met prior to submitting the application and portfolio to the Promotions Committee. All dates for the promotion process must be met.

### **Professional Portfolio**

Faculty are responsible for providing evidence of meeting the criteria for promotion by preparing a professional portfolio. The Promotions Committee maintains a current list of requirements faculty must meet and include in the portfolio. Faculty are responsible for providing their own materials for the portfolio.

The promotion in rank will be effective at the beginning of the next pay period immediately following the Board of Directors' decision.

Promotion may be accompanied by a one-time bonus payment, a change in the applicable salary-range, however, may not necessarily be accompanied by an increase in base salary.

It is recognized that there may be justification for considering exceptions. In such instances the candidate, committee, or administrator requesting the exception will be expected to substantively validate the request. Exceptions will be made at the time of application and considered by the VPAA in consultation with the Associate Provost and the President. Exceptions are rare and only under unique circumstances.

## **FACULTY RESPONSIBILITIES**

### **Credit Hour Workload**

Workload is the total of teaching, advising, committee work and other duties as indicated herein that faculty are assigned for an academic year. A faculty teaching load assignment is determined each year by the Associate Dean/Program Chair and verified by the Associate Provost.

### **Credit Hour Definition and Teaching Workload** *(reviewed 08/2021)*

All assignments are made in accordance with the needs of the College and academic program, the qualifications of faculty, and in a fair and equitable manner.

The teaching load of all full-time faculty 32 credits for both Mercy College Legacy programs and MercyPlus programs. Workload is calculated for teaching in didactic, clinical, lab or on-line. See Appendix B for the detailed workload calculations.

The standard teaching load per term are 12 fall, 12 spring, and 8 summer, though modifications may occur with approval from the Associate Provost.

### **Teaching Overload** *(reviewed 08/2021)*

Faculty are expected to complete their primary assignment regardless of the time required. This work is to be accomplished without overload compensation. However, teaching overload for

compensation may be offered in limited situations of special need, with each case approved by the Associate Provost and the Vice President of Academic Affairs/Provost. Teaching overload may be approved provided these services do not interfere or conflict with the primary assignments.

### **Pay For Overload**

Overload compensation will be paid during the semester in which the overload is worked.

### **Changes in Schedule**

Deviations from the printed schedule must be agreed upon by all students in the class and approved by the Associate Dean/Program Chair, Associate Provost and the Registrar's Office prior to changes being implemented.

### **Absences from Class**

Faculty should follow the College's attendance policy for unscheduled absences. In these circumstances, faculty must notify the Associate Dean/Program Chair or Associate Provost as soon as possible and must always strive to give notice before the start of class(s). The Associate Dean/Program Chair or Associate Provost will assist in determining if the class(s) should be cancelled, rescheduled, or coverage can be found in other venues. Obligations to meet courses and College work do not interfere with legally protected leave (FMLA).

In instances where an absence is scheduled, notice should be reported to the Associate Dean/Program Chair or Associate Provost with details of the arrangements that have been made for covering the class(s). The Associate Dean/Program Chair or Associate Provost will review the request and the plan for covering the class to ensure minimal impact to students. The absence must be reported no less than 24 hours in advance of the start of the class.

Cancelling a class session does not relinquish the responsibility of meeting course objectives or to ensure class, lab, and clinical hours are fulfilled to meet the designated credit hours.

Students are not obligated to wait for a faculty member who is more than 10 minutes late.

Faculty should refer to the attendance policy of the Employee Policy Manual for further information on absences.

### **Office Hours**

Faculty are to hold six (6) office hours per week spread through the week at times conducive to student access (or the equivalence). Faculty are obligated to be available to see students during posted office hours. Office hours are to be posted on faculty office doors, in all course syllabi, in the email calendar, and in the distance learning software.

Additional office hours may be needed during registration and examination periods. Faculty are encouraged to be available to students outside their posted office hours by appointment.

Two office hours per week may be traded for group tutoring hours, non-credit recitation hours, or other organized, consistent student academic support which offers equivalency to office hour requirements. These hours must be approved by the Associate Provost through the Associate Dean/Program Chair and include more than three students at a time on the same subject areas.

## **Student Advising**

All faculty serve as advisors and are assigned students by the Registrar's Office. Student advising includes, however is not limited to, career counseling, academic counseling, tracking student academic progression, academic tutoring and setting academic development plans. Faculty must become familiar with all College and academic program requirements. Efforts will be made to group advisees by major.

## **Student Registration**

Faculty shall be available to help current students during the registration periods and during orientation for new students. Faculty are expected to be familiar with the registration process, College and program requirements (including prerequisite and co-requisite requirements), and appropriate documentation required. Enrollment and registration includes the "add/drop" process and timeframes.

## **Committee Work**

Faculty are significant contributors to the College and play a substantial role in fulfilling its mission. Participation in College Senate and College committees provides support to shared governance and to institutional/academic process of the College. Faculty are expected to actively participate in institutional committees each academic year (September 1st through August 31st). Committees are often formed to address a specific need (i.e. ad hoc committee, subcommittee, or taskforce groups). Participation in one of these may be added to the workload and must be approved by the Associate Dean/Program Chair and Associate Provost. Special projects can substitute for course work equivalencies conditional to the magnitude of committee work and as approved by the Associate Dean/Program Chair and Associate Provost.

## **Syllabi**

Faculty are responsible for following the approved College Syllabus Template as written. All course syllabi must be submitted to the Associate Dean/Program Chair for approval and forwarded to the Associate Dean three weeks prior to the first day of the course. Syllabi must be uploaded to the distance learning software the week prior to class.

Faculty are to follow the syllabus as prepared. Consultation and discussion with all students in the course must take place before any changes are made. Students are entitled to ample notification and reasonable timelines before changes go into effect.

## **Student Attendance**

According to federal regulation, schools that offer federal student financial aid are required to verify students' enrollment. Mercy College verifies enrollment by documenting student attendance during the first week of class. Attendance is defined as physically attending the class or having meaningful participation in an online class. At the beginning of each term the Registrar's Office provides faculty the attendance verification process and due dates. This may include an official class roster which the faculty must return to the Registrar's Office by the defined due date clearly identifying who have attended the first week of the class. Faculty must notify the Registrar's Office if an enrolled student does not attend or stops attending during the term.

### **Assessment and Evaluation**

Assessment is a College-wide continuous improvement process involving active engagement by all students, faculty, staff, and administrators. In fulfilling the mission, the College evaluates at the course, program, and institutional levels. Faculty are key integral partners in data evaluation, collection, and analysis that provides vital insight on budget, culture of the College, and helps to map its success in future strategic directions. Faculty are expected to support the assessment and evaluation processes within the College.

### **Recruitment of Prospective Students**

Faculty are expected to collaborate with the Admissions Office in the recruitment of students, including inviting and visiting students in the classroom or laboratory, writing letters, calling prospective students, or assisting with campus visits when appropriate.

### **Collegial Support and Cooperation**

While members of the faculty have a primary responsibility to their own academic program, they are also members of the larger collegial community and are expected to work cooperatively with members of other academic program and departments. This includes, however not limited to, registration of students, involvement in College and program orientations, involvement in College testing programs, changes in teaching or proctoring duties, catalog and student handbook modification, or institution/program promotion efforts.

All faculty are expected to attend and actively participate in College Senate and Senate committee meetings, College professional development days, graduation and other official College functions. Faculty are expected to participate in student orientation when requested by the Associate Dean/Program Chair or Associate Provost.

Since positive relationships with various constituencies of the College are important, faculty are asked to conduct themselves in a professional manner when dealing with colleagues, students, administrators, and the general public. Faculty are expected to maintain collegial relationships with clinical and community partners. In particular, faculty are expected to differentiate clearly between their private views and official stances of the College when dealing with students, colleagues, and the general public.

### **Faculty Performance Reviews**

Faculty will have a performance review no less frequently than on an annual basis in a manner that is consistent with the process applied to all other College employees.

### **Professional Development Days**

The College schedules professional development activities in which faculty are expected to participate. Topics such as teaching, course and program development, assessment of student learning, advising, changes and developments in higher education, or the mission and values of the College may be addressed. Professional development days utilize guest speakers, small group discussions, and a variety of other methods to assist faculty members to reflect upon and improve their performance as teachers, advisors, members of the College community and members of the collegiate teaching profession.

### **Off Campus Workshops and Conferences**

The College maintains a professional development budget for faculty for off campus workshops and conferences. Faculty requests to attend a specific conference, seminar or learning opportunity should be submitted to the Associate Dean/Program Chair as early as possible. The Associate Dean/Program Chair should submit the request to the Associate

Provost. Each faculty member and Associate Dean/Program Chair is responsible for obtaining all documentation and receipts to enable the filing of expense reports. If adequate supporting documentation is not provided, reimbursement of supported expenses may not occur.

## **COURSES**

### **Course Offerings and Content**

All course offerings, including independent and arranged studies' courses, must meet the following:

- general requirements of the College
- the needs of the Academic Schools
- the needs of the student body,
- meet the credit hour definition for the type of course offered

Faculty are expected to conduct classes at a level appropriate to the assigned course. All course workloads must be verified that it meets the credit hour definition.

### **Course Formats**

The College offers three (3) types of course formats:

- Face-to-face
  - Traditional courses meet face-to-face and are web- enhanced. Daytime, evening and weekend programs are classified as traditional courses.
- Web-assisted
  - Web-assisted courses are a combination of online and face- to-face learning. At least fifty (50) percent of each web- assisted course is delivered online, with the remainder of the classtime delivered face-to-face.
- Web-based
  - Online courses are instructor led, online only, and may or may not have synchronous, asynchronous, or virtual meetings. There is no face-to-face time or campus visits required in an online class.

### **Class Size**

Class size may vary to best fit the material being delivered, the type of class being offered and the format in which it is offered. Standard class size for face to face classes is 30 students with the exception of English (15 students). Minimum class size is eight (8) students (specialized courses may vary when mandated by national, professional, or clinical organizations). Low enrollment courses may be offered at the discretion of the Associate Provost or VPAA. Maximum class size is 32.

Web-based courses have a minimum class size of nine (9) students per course and a maximum of thirty (30) students per course, per faculty person. The Associate Dean/Program Chair need not wait to have thirty students to open an additional section of a course but must have a minimum of nine students to add into a new section.

Example: if one course has the maximum number of students at 30 and 8 other students would like to add the course, the Associate Dean/Program Chair can open a second section and divide the total number of students between the two sections thus having two sections above the minimum number of students for a course offering.



Courses that do not meet minimum class size requirements though students need the course for graduation, may petition to take the course independently with faculty member oversight.

These independently offered courses can be approved given the following:

- Associate Dean/Program and Associate Provost approval
- There are no other alternatives for the student
- Student and faculty agree on the arranged course
- The course is offered in an independent format
- The application is completed and submitted prior to the start of the term for which the credit will be granted
- The goals, student outcomes, grading process, and timeline are clearly indicated on the application
- The course is concluded by the end of the term the credit is granted.

Faculty are reimbursed per credit hour, per student. Faculty can only offer one course per term in an independent format with up to eight (8) students.

## ***DUTIES AND OBLIGATIONS OF FACULTY***

Faculty have a special obligation to understand and support the nature of being an institution of higher learning and to appreciate its unique characteristics, philosophy, mission and institutional outcomes. The College has certain expectations concerning the conduct of faculty. All faculty members have a responsibility to know and adhere to College mission, core values, compliance, educational standards and regulatory requirements that serve to promote the consistent and effective operation of the institution.

If questions of interpretation arise, clarification should be sought from the Associate Dean/Program Chair or Associate Provost. Any exceptions mutually agreed upon should be in writing and signed by the VPAA and all parties concerned. Copies of such an agreement are sent to the VPAA, Associate Provost and Human Resources.

## ***RESEARCH AND SCHOLARLY WORK***

### **Human and Laboratory Animal Subject Research**

The College is responsible for safeguarding the rights and welfare of human subjects in any research, development of other related activity and for assuring the proper care of laboratory animals used in research and academic activity. In determining policy in related subjects, the College supports and will be guided by:

- (a) The “Principles for Use of Human Subjects in Research” and “Principles for Use of Animals in Research” approved by the American Psychological Association and
- (b) The Code of Federal Regulations (45 CFR 46) ([www.ed.gov/offices/ocfo/humansub.html](http://www.ed.gov/offices/ocfo/humansub.html)). It is essential that researchers and Program Chairs be fully familiar with these materials.

To carry out this responsibility, the VPAA requires all research be reviewed and approved through the Institutional Review Board (IRB) of Mercy College of Health Sciences in accordance with 45 CFR 46.

All research conducted by faculty and/or students must be approved by the College’s IRB.

## **Scientific Misconduct**

The College's policy on dealing with and reporting instances of scientific misconduct and conflicts of interest are adopted in compliance with Federal Public Health Regulations, 42 CFR Part 50, Subpart A and apply to cases of alleged or apparent misconduct in science in connection with biomedical or behavioral research or research training, applications for support of research or research training, or activities related to such research, which are supported with funds made available under the Federal Public Health Service Act or with other funds. These policies and procedures do not apply to situations involving allegations of fiscal improprieties or criminal violations, or issues concerning the ethical treatment of human or animal subjects.

## ***FACULTY, OBLIGATIONS, RIGHTS, ACADEMIC FREEDOM AND CODE OF ETHICS***

### **General Statement**

Faculty shall conduct themselves in accordance with the mission and values of the College and in fulfilling the institutional outcomes. Membership in the academic profession carries with it responsibilities for the advancement of knowledge, the intellectual growth of students own personal and professional development, and the improvement of society. Faculty must evaluate their activities in terms of their commitment to these values. Faculty have the responsibility to gain and continue expanding expertise regarding curriculum development, teaching and learning, student success and progression, course and program assessment, program budgeting and to give continued application of time and talents to improve knowledge in an academic discipline.

The material in this section summarizes College expectations that pertain directly to faculty and is intended to enhance freedom, stimulate enthusiasm and promote commitment to the College's institutional outcomes. All faculty have a self-evident responsibility to adhere to College standards, which serve to promote the consistent and effective operation of the institution.

The examples listed below are not exhaustive in nature.

### **Academic Freedom and Faculty Responsibility**

The College subscribes to the 1990 "Statement of Principles on Academic Freedom" (as revised), endorsed by the American Association of University Professors and the Association of American Colleges and to the requirements held to by organizations for which the College is affiliated for accreditation.

<http://www.aaup.org/aaup/pubsres/policydocs/contents/1940statement.htm>,

- 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 or publication for pecuniary return that utilizes College properties or student information should be based upon an understanding and an agreement with the authorities of the College.
- Teachers are entitled to freedom in the classroom in discussing their subject that is integral to the educational program goals, purpose, and intent. Faculty should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations for 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 members 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 educators, 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.

Freedom to teach and freedom to learn are inseparable facets of academia. All members of the College community share the responsibility to uphold the integrity of the academic community. Faculty and students should encourage free discussion, inquiry and expression and contribute to scholarship, creative work and the discovery of knowledge to the extent appropriate to their programs and the institution's mission.

While respecting a student's right to academic freedom, faculty should make students aware of the accompanying responsibilities inherent in academic freedom and encourage student's discretion while expressing their views. Students are responsible for maintaining the standards of academic performance established for each course in which they are enrolled. The institution demonstrates the exercise of intellectual inquiry and the acquisition, application and integration of broad learning and skills are integral to its educational programs.

### **Code of Professional Ethics**

Although no set of rules or professional code can either guarantee or take the place of the faculty personal integrity, the College believes the "Statement of Professional Ethics" promulgated by the American Association of University Professors in April of 1966 and revised in 2009 may serve as a reminder of the variety of obligations assumed by all members of the academic profession. (<http://www.aaup.org/report/statement-professional-ethics>).

"As teachers, the professors encourage the free pursuit of learning of their students. They hold before them the best scholarly standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom." (AAUP Statement, 1966; Revised, 1987, 2009)

The integrity of the faculty-student relationship is the foundation of the College's educational mission. This relationship vests considerable trust in the faculty member, who in turn, bears authority and accountability as mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between faculty member and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the College. Whenever a faculty member is responsible for academic supervision of a student, a personal relationship between them of a romantic or sexual nature, even if consensual, is inappropriate. Any such relationship jeopardizes the integrity of the educational process.

## **Types of Unacceptable Conduct:**

- Failure to meet the responsibilities of instruction, including:
  - arbitrary denial of access to instruction;
  - significant intrusion of material unrelated to the course;
  - significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled;
  - evaluation of student work by criteria not directly reflective of course performance;
  - undue and unexcused delay in evaluating student work.
- Discrimination, including harassment, against a student on political grounds, or for reasons of race, color, religion, sex, sexual orientation, gender, gender expression, gender identity, ethnic origin, national origin, ancestry, marital status, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service, or, within the limits imposed by law or College regulations, because of age or citizenship or for other arbitrary or personal reasons.
- Violation of the College policy, including the pertinent guidelines, applying to nondiscrimination against students on the basis of disability.
- Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons.
- Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.
- Entering into a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future, academic responsibility (instructional, evaluative, or supervisory).
- Exercising academic responsibility (instructional, evaluative, or supervisory) for any student with whom a faculty member has a romantic or sexual relationship.

“As a member of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of the work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.” (AAUP Statement, 1966; Revised, 1987, and 2009)

## **Types of Unacceptable Conduct**

- Intentional disruption of functions or activities sponsored or authorized by the College.
- Incitement of others to violate College rules when such incitement constitutes a clear and present danger that violence or abuse against persons or property will occur or that the College's central functions will be significantly impaired.
- Unauthorized use of College resources or facilities on a significant scale for personal, commercial, political, or religious purposes.
- Forcible detention, threats of physical harm to, or harassment of another member of the College community, that interferes with that person's performance of College activities.
- Discrimination, including harassment, against College employees on political grounds, or for reasons of race, color, religion, sex, sexual orientation, gender, gender expression, gender identity, ethnic origin, national origin, ancestry, marital status, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons.
- Violation of the College policy, including the pertinent guidelines, applying to nondiscrimination against employees on the basis of disability.
- Serious violation of College policies governing the professional conduct of faculty, including but not limited to policies applying to research, outside professional activities, conflicts of commitment, clinical practices, violence in the workplace, and whistleblower protections.

"As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debts and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution." (AAUP Statement, 1966; Revised, 1987, and 2009)

## **Types of Unacceptable Conduct**

- Intentional misrepresentation of personal views as a statement of position of the College or any of its agencies. (An institutional affiliation appended to a faculty member's name in a public statement or appearance is permissible, if used solely for purposes of identification.)
- Commission of a criminal act which has led to conviction in a court of law and which clearly demonstrates unfitness to continue as a member of the faculty.

## **Violations of Faculty Rights, Academic Freedom and Professional Ethics**

Disputes involving a charge that faculty rights or academic freedom have been abrogated or that professional ethics have not been maintained are to be settled through the established grievance procedures. While affirming academic freedom as a right, the College recognizes, in some circumstances, the questions of academic freedom become enmeshed in questions of professional incompetence or irresponsibility. In the effort to distinguish between these sometimes confused issues, the guiding principle is not to use charges of professional incompetence or irresponsibility to limit academic freedom, nor shall appeals to academic freedom be acceptable as a shield for professional incompetence or irresponsibility.

## **Plagiarism**

For the purpose of this policy, plagiarism is defined as using the ideas, methods, or works of another, without acknowledgment and with the intention that they be taken as the work of the deceiver. Faculty will conduct themselves in accordance with the following regarding plagiarism, discussed by the American Association of University Professors (AAUP) Policy Documents and Reports, the current edition, 9th, 2001

(<http://www.aaup.org/report/statement-plagiarism>). Every professor should be guided by the following:

- In his or her own work, the professor must scrupulously acknowledge every intellectual debt-for ideas, methods and expressions-by means appropriate to the form of communication.
- Any discovery of suspected plagiarism should be brought at once to the attention of the affected parties and, as appropriate, to the profession at large through proper and effective channels-typically through reviews in or communications to relevant scholarly journals.
- Professors should work to ensure that their universities and professional societies adopt clear guidelines respecting plagiarism, appropriate to the disciplines involved and should insist that regular procedures be in place to deal with violations of those guidelines. The gravity of a charge of plagiarism, by whomever it is made, must not diminish the diligence exercised in determining whether the accusation is valid. In all cases the most scrupulous procedural fairness must be observed and penalties must be appropriate to the degree of offense.
- Scholars must make clear the respective contributions of colleagues on a collaborative project and professors who have the guidance of students as their responsibility must exercise the greatest care not to appropriate a student's ideas, research, or presentation to the professor's benefit; to do so is to abuse power and trust.

- In dealing with graduate students, professors must demonstrate by precept and example the necessity of rigorous honesty in the use of sources and of utter respect for the work of others. The same expectations apply to the guidance of undergraduate students, with a special obligation to acquaint students new to the world of higher education with its standards and the means of ensuring intellectual honesty.

### **Primary Faculty Responsibility**

A full-time faculty member is considered to be primarily employed by the College for the full academic year regardless of the number of hours spent in class, laboratory, clinical, or scholarly work. The primary responsibility of a faculty member is to render to the College the most effective service possible and to devote full working time to the College. Outside employment or other activities shall not conflict, delay or in any manner interfere with instructional, scholarly and/or other services faculty are obligated to render to the College. A faculty's obligation is not only in meeting classes but also requires the individual to be available to students outside the classroom, to carry an appropriate share of College and program committee work, student advising, holding office hours and to spend time preparing classes and doing scholarly work. At the same time, intermediate activities such as consulting and other outside activities of a professional nature are encouraged by the College where such activities give the faculty member experience and knowledge valuable to professional growth and development. These activities may help the faculty member make worthy contributions to knowledge, contribute to instructional programs, or make a positive contribution to the College or the community.

A faculty member's additional employment or other obligations outside of the College shall not conflict with the process, interests, goals, objectives, mission, or values of the College.

### **Service to Another Institution**

As a service to another institution, the VPAA may ask a member of the faculty to teach a course or provide service at that institution. This ordinarily will be arranged as part of the faculty member's regular schedule and salary. Such arrangements may be regular in a program of inter-institutional cooperation or for a short time in cases of emergency.

### **Prior Authorization**

Full-time faculty may not make arrangements for employment at other organizations unless such arrangements are approved in writing by the Associate Provost and VPAA.

## **APPENDIX A**

### **CONSTITUTION OF MERCY COLLEGE OF HEALTH SCIENCES**

#### **INTRODUCTION - College Governance**

The College Senate, a shared governance model, is employed at Mercy College of Health Sciences and serves to facilitate campus communications to give voice and provide a vehicle for recommendations resulting in inclusiveness and contributions to constructive dialogue around relevant institutional decision making. Shared governance at Mercy College of Health Sciences is defined as a process which fosters transparency, open communication, shared responsibility, and commitment to accountability through meaningful and substantial engagement of board members, administrators, faculty, staff, and students, when appropriate, in the decision making process by providing input, advising, contributing, and/or collaborating.

The College Senate includes formal institutional committees assembled from campus-wide representatives from the faculty in General Education/Arts & Sciences, Health Professions, and Nursing, and the Staff Council. By position, administrative and staff representatives also serve as standing members on some institutional committees. The Graduate Council and Undergraduate Council are comprised of faculty. The College Senate includes all full and part time benefit-eligible faculty, professional and support staff, and administrators.

Recommendations, as covered within the College Senate, are introduced by presenting an Action Item (AI) form to the appropriate institutional committee, Graduate Council or Undergraduate Council, Staff Council and College Senate. The Action Item is vetted through the following process that includes the ability to call an Action Item Forum (AIF) to further discuss Action Items as needed. An Action Item Forum is a campus-wide collaboration to enhance the understanding of an Action Item.

While the day-to-day management of the institution is the responsibility of the Mercy College of Health Science administration, faculty are responsible for overseeing academic matters (see below under HLC Assumed Practices and Action Item definition). Mercy College of Health Sciences recognizes and grants the faculty the primary responsibility for oversight of curriculum.

*In accordance with the Higher Learning Commission's Assumed Practices,*

The governance process ensures that faculty participate substantially in:

- a. oversight of the curriculum—its development and implementation, academic substance, currency, and relevance for internal and external constituencies;
  - b. assurance of consistency in the level and quality of instruction and in the expectations of student performance;
  - c. establishment of the academic qualifications for instructional personnel;
  - d. analysis of data and appropriate action on assessment of student learning and program completion.
- Recommendations not supported by the Vice President of Academic Affairs (VPAA/Provost) and/or President will be returned to the petitioner for a potential re-write.

The petitioner may then work with the VPAA/Provost to modify and vet the proposal. Final determination of all matters is made at the sole discretion of the College President and the Board of Directors.



## **Action Item Terminology**

**Action Item:** Proposal of change (curricular and non-curricular) that will go through the governance process for proper vetting and notification. Action item proposals should use the appropriate Action 2 Item Template. The Action Item process is meant for changes within programs or departments and related policies or procedures that impact academics, admittance, persistence, retention, etc. as opposed to policies or items related to benefits, employment, budgeting, finance, or facilities.

**Curricular Item:** (see Action Item Process) Proposal of major changes defined as having potential to impact other programs or areas of the College that include the following:

- Curriculum development, implementation, methods of delivery, academic substance and relevance for internal and external constituencies
- Expectations and standards for student performance include degree and admission standards
- Student progression • Assessment of student learning
- Activities related to the educational process
- Recommendations for academic qualification for instructional personnel

**Non-Curricular Item:** (see Action Item Process) Proposal of major changes defined as having the potential to impact other programs or areas of the College but do not include curricular topics as previously listed.

**Informational Item:** Communications for minor changes defined as having little to no potential impact on other programs or areas of the College. Informational items are presented at Graduate Council or Undergraduate Council for introduction and move to College Senate for documentation in the meeting minutes and to facilitate communication of the changes.

**Point of Order:** Announcement that a rule, procedure, or process is not being followed. Point of Order can be announced at any point. • If a Point of Order is announced during a Senate meeting, the Chairs of the Staff, Graduate, and Undergraduate Councils will collaboratively make the determination. For example, someone believes an Information Only Action Item should be a Non-Curricular Item. • If a Point of Order is announced during a Council or Institutional Committee meeting, the presiding Chair and Chair-Elect of the meeting will make the determination.

**Petitioner:** The petitioner may be any individual or an individual representative of a body of individuals such as a department, committee, council, or student government. The petitioner is responsible for overseeing the implementation of the Action Item including the updates to institutional publications.

**Initial Reading:** This reading is an introduction of the Action Item for all faculty and staff to be vetted through the Action Item Process. Appropriate administrator approval and institutional committee support should be completed before initial (first) reading of an Action Item. Initial Reading should be posted electronically 2 business days before petitioner presents the Action Item to Graduate Council or Undergraduate Council and to Staff Council. If no questions or substantial changes are warranted at this point, a call for a final read and vote can occur.

**Final Reading (for Vote):** The Action Item is presented to the Graduate Council or Undergraduate Council and Staff Council.

**Faculty:** Employees who have a written Faculty Agreement with the College.

**Administrator:** Employees whose primary responsibility is administrative including academic Deans, Directors, Vice-Presidents, Chancellor, VPAA/Provost, and President.

**Staff:** Employees whose primary responsibility is not administrative, nor do they have a written Faculty Agreement with the College.

**Action Item Process** Following the initial discussions and development of an Action Item, the Petitioner will be responsible for navigating the following governance process to adequately vet the Action Item. The Petitioner must collaborate with their VP, Dean, Director, or Program Chair to champion the action requested before seeking support from the Vice President of Academic Affairs/Provost. Upon approval of the Action Item by VPAA/Provost (and President as needed), the Petitioner will also be responsible for overseeing the implementation of the Action Item. A Petitioner may be any individual or an individual representing a body of individuals; such as a department, committee, council, or the student government.

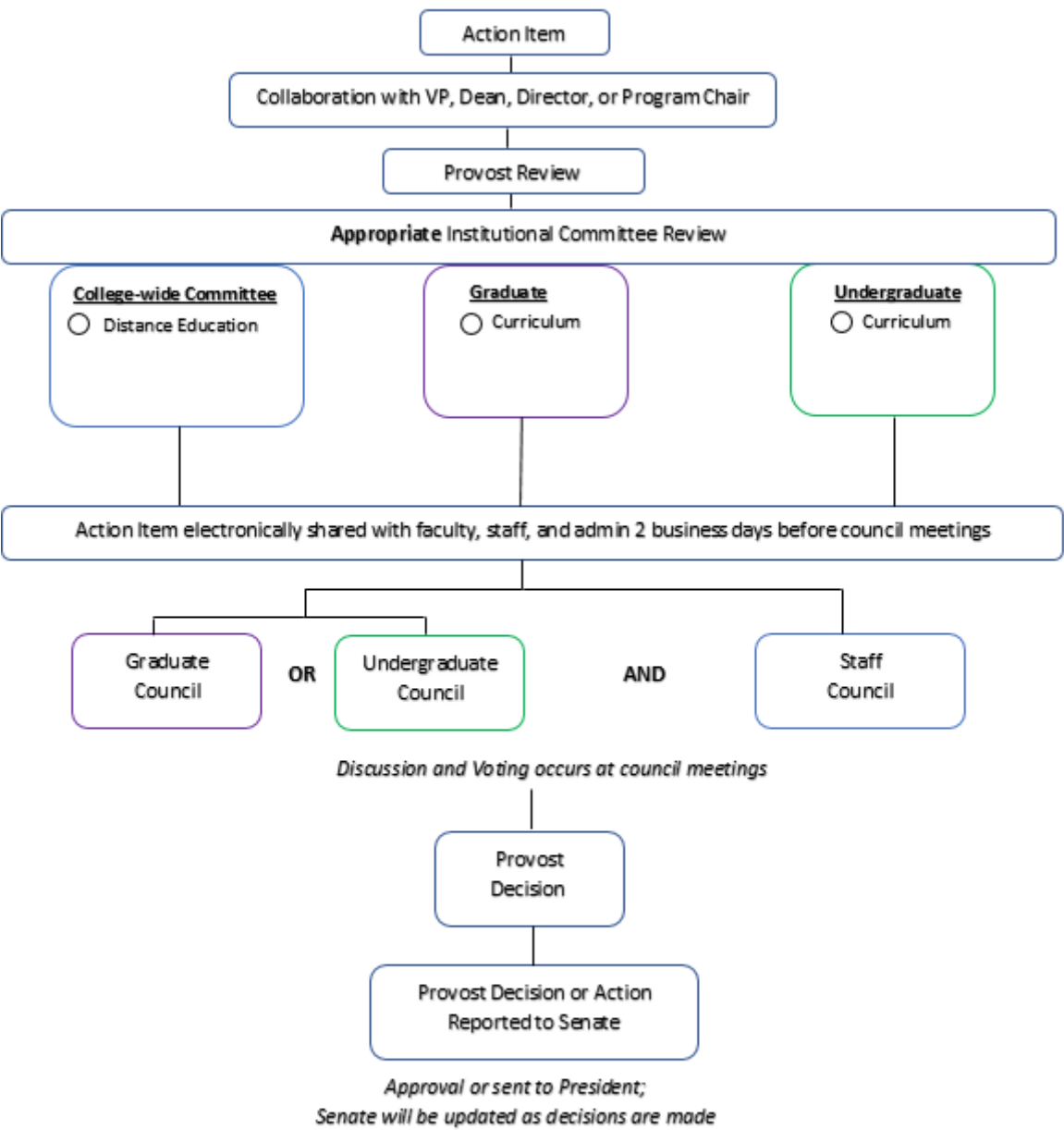
The Petitioner will be responsible for maintaining communication with appropriate administrators, presenting the Action Item to the necessary groups as outlined in the following governance process, and communicating feedback during the process. A department may request the presence of the petitioner at the faculty or department meeting to discuss the Action Item.

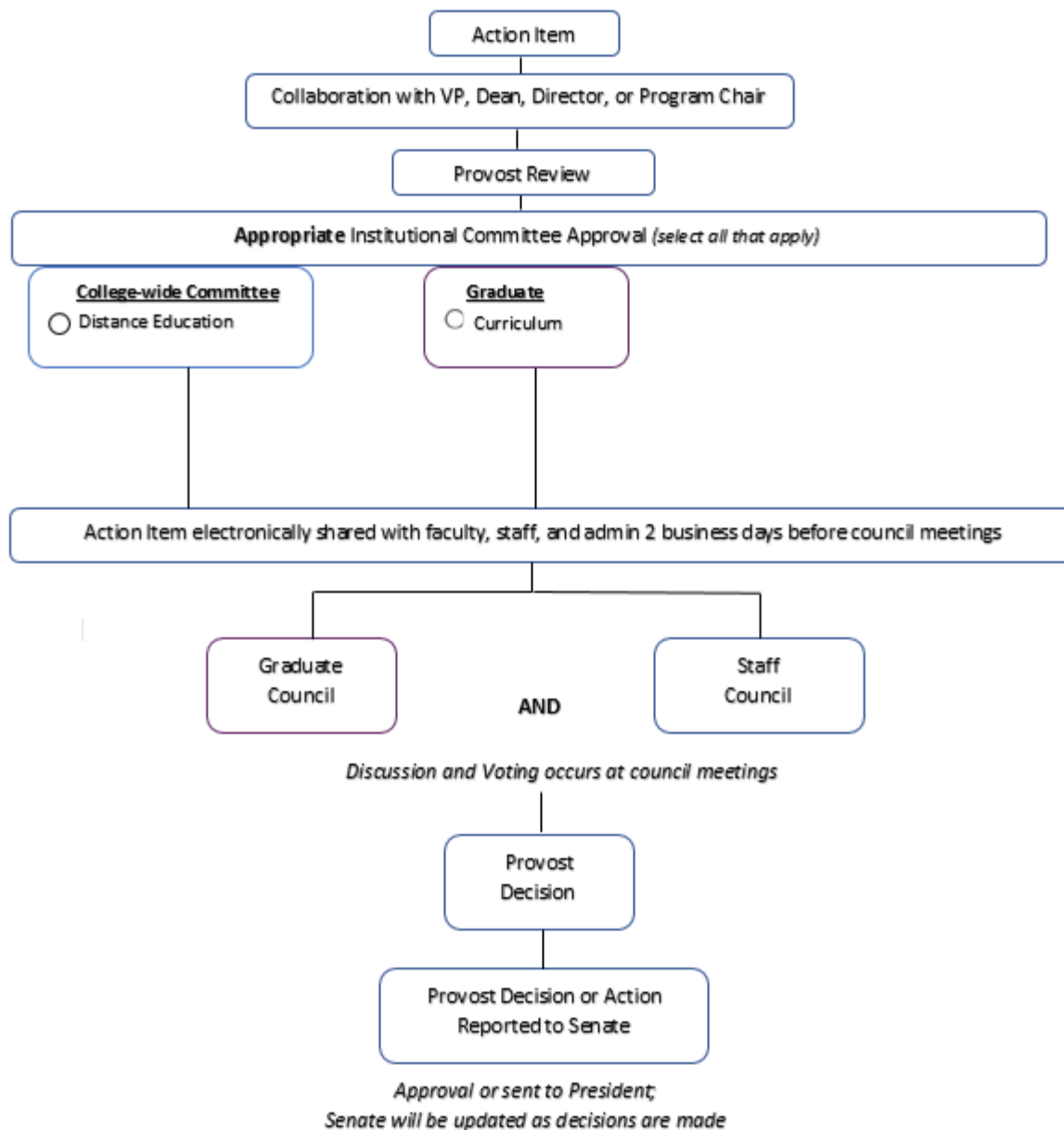
1. Action Item discussed in appropriate institutional committee
  - a) Supported by appropriate institutional committee
    - i. Action Item moves to Graduate Council or Undergraduate Council and Staff Council
  - b) Not Supported by appropriate institutional committee
    - i. Action Item Forum can be requested (Chair of Committee makes request in writing to the Senate Chair)
    - ii. Action Item revised and resubmitted to appropriate institutional committee for support
2. Action Item introduced to all Senate members electronically for Initial Reading two business days in advance of Council meetings.
3. Action Item discussed in Graduate Council or Undergraduate Council and Staff Council a) Informational only - No vote of Support
4. Curriculum Item: Action Item discussed in Graduate Council or Undergraduate Council
  - a) Supported by Graduate Council or Undergraduate Council
    - i. Action Item goes to the Vice President of Academic Affairs (VPAA)/Provost and President for a decision with support.
    - ii. Outcome reported to College Senate
  - b) Not Supported by Graduate Council or Undergraduate Council
    - iii. Action Item Forum can be requested (Chair of Graduate Council or Undergraduate Council makes request in writing to the Senate Chair)
    - iv. Action Item moves to VPAA/Provost and President for a decision without support
    - iii. Outcome reported to College Senate

5. Non-Curriculum Item Action Item: discussion in Graduate Council or Undergraduate Council and Staff Council
  - a) Supported by Councils
    - i. Action Item goes to VP/Provost for Decision or Action
    - ii. Decision or Action reported to Senate
  - b) Not Supported by Councils
    - iii. Action Item Forum can be requested (Chair of Graduate Council or Undergraduate Council makes request in writing to the Senate Chair)
    - iv. Action Item reported to College Senate
6. VPAA/Provost and President discusses Action Item
  - a) Decision communicated back to College Senate

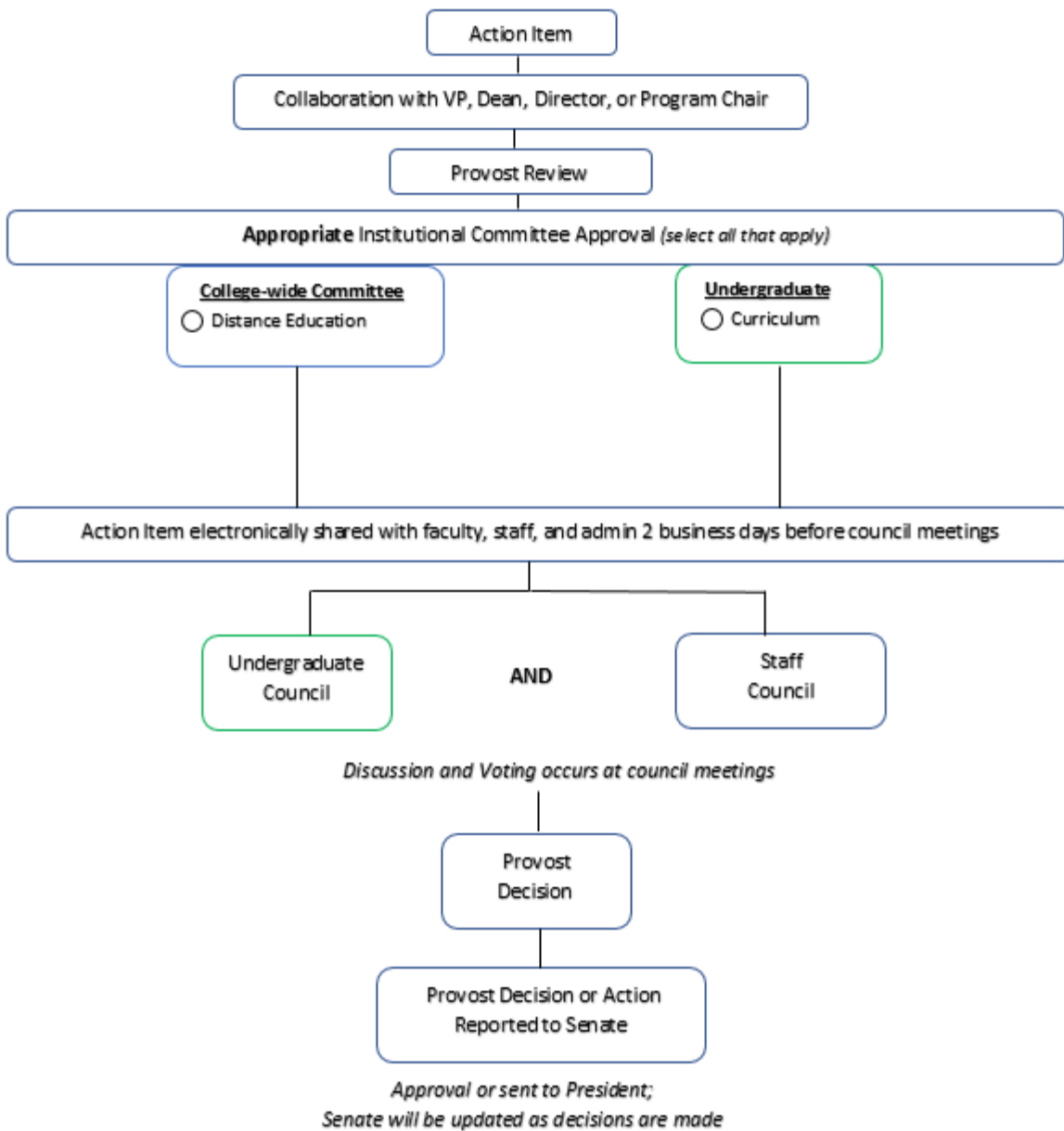
The College President will determine Action Items for submission to the Board of Directors. Senate will be updated as decisions are made.

Governance and Action Item Flow Chart





## Graduate Education Action Item Process



## Undergraduate Education Action Item Process

## ***Memberships***

- Graduate Council
  - o The membership of the Graduate Council is comprised of graduate faculty members representing each academic department for three-year, staggered terms, and one graduate student representative serving a one year term.
- Undergraduate Council
  - o The membership of the Undergraduate Council shall consist of all faculty, including full-time, part-time and adjunct faculty.
- Staff Council
  - o The membership of the Staff Council will include all benefit-eligible staff, except the President's Cabinet members, and those whose primary role is not faculty.
- College Senate
  - o The membership of the College Senate shall consist of all benefit eligible faculty, professional and support staff, administrators, VPAA/Provost and the President

# **CHARTER OF THE GRADUATE COUNCIL**

## **Section I - Name**

This organization shall be known as the Graduate Council of the College Senate of Mercy College of Health Sciences.

## **Section II - Purpose and Outcomes**

The Graduate Council serves as the official body that coordinates and oversees all policies, procedures, curricula, and regulations for all Mercy College of Health Sciences graduate degree and graduate certificate programs.

1. Curriculum development, implementation, methods of delivery, and academic substance
2. Expectations and standards for student performance including degree and admission standards
3. Student progression
4. Assessment of student learning
5. Activities directly related to the educational process

### **The Graduate Council will:**

- Develop or revise the graduate education mission.
- Develop policies regarding graduate degrees and any changes or additions to such policies.
- Interpret all regulations and policies associated with graduate programs.
- Recommend rules, regulations, and procedures that govern the admission of students, academic policies, curriculum, and evaluation of programs in which graduate degrees are awarded.
- Review and support all new graduate programs and graduate curricula.
- Handle student appeals delegated to it by College policies; program representatives will abstain from voting on all cases involving appeals from their respective programs.
- Respond to requests about graduate matters from the Provost, Academic Dean, and College Senate.

## **Section III - Functions**

- Review and maintain consistency and integrity of academic programs affecting the learning environment.
- Discuss and vote as appropriate on Action Items.
- Collaborate with all College committees, academic departments and programs
- Provide the mechanism for implementation, review, and revision of all policies pertaining to student learning and the progression of students through the curricula.
- Develop and assess annual outcomes for the Graduate Council.

## **Section IV - Meetings**

The Graduate Council shall meet monthly. Should the scheduled day fall during a vacation period, an alternate date will be announced by the chairperson. Additional meetings may be scheduled by the chairperson as needed. Notices of additional meetings must be made to all members at least two business days in advance of the meeting.



## **Section V –Responsibilities**

The Graduate Council fulfills the guardianship of the institutional curriculum. Each academic program has ownership of and responsibility for their own unique curriculum. Each academic program will seek to collaborate with all other academic programs of the College. We affirm that each professional colleague acts in accordance with the best interests of their students' needs while furthering the vision, mission and values of the College.

## **Section VI - Voting Membership**

The membership of the Graduate Council is comprised of graduate faculty members representing each academic department for three-year, staggered terms. Five to seven faculty will serve on the Graduate Council. Faculty representatives must be members of the graduate faculty and employed by Mercy College of Health Sciences. Each Graduate Council member has one vote. The annual term of service on the Graduate Council is aligned with other institutional committees of the college. The Associate Dean of Graduate Studies serves as Chair of the Graduate Council and has voting rights.

*\*Academic Departments: Arts and Sciences, Health Professions, and Nursing*

## **Section VII - Non-Voting Members**

All graduate faculty are invited to participate and give input on all items but will not have voting rights. The Academic Dean, Associate and Assistant Deans are invited to participate and give input on all items but will not have voting rights. One graduate student representative, serving a one-year term will be invited to participate and give input, but will not have voting rights.

The Vice President of Academic Affairs/Provost, the Academic Deans and the Director of Library and Media Services serve as ex officio members. Ex officio members do not have voting rights. The Academic Dean serves as Vice Chair.

The Graduate Curriculum Committee is aided by other ex-officio members including staff members of the Office of the Registrar and do not have voting rights.

## **Section VIII - Quorum**

A quorum of the Graduate Council shall constitute one more than half of the all voting members participating in a meeting either in-person, online, or watching a recording of a meeting.

## **Section IX - Appointment of Officers**

Chairperson and Chairperson-elect will be elected by majority vote of the Graduate Council voting membership to a one-year term beginning in October. All voting members may serve as Chairperson or Chairperson-elect. A slate of candidates for Chairperson will be presented by the nominating committee. The nominating committee will consist of one member from Arts and Sciences, Health Professions, and Nursing and the current chairperson.

## **Section X - Duties of Officers**

### **Chairperson:**

- Prepare and distribute the agenda and previous minutes for the Graduate Council meetings at least two business days prior to the meeting.
- Preside at all Graduate Council meetings.
- Appoint all special committees upon the recommendation of the membership.
- Represent the Graduate Council within the college community.
- Prepare and deliver the Graduate Council year-end presentation to the College Senate.
- Represent the Graduate Council at the Provost's Council

### **Chairperson-elect:**

- Preside at meetings in the absence of the Chairperson.
- Review the Graduate Council charter annually and bring proposed changes or revisions to the membership for vote.
- Will assume the role of Chairperson during the next academic year.
- Consult and collaborate with Chairperson on assigned projects.
- Keep minutes in the absence of the secretary.

### **Secretary:**

- Keep minutes of all meetings and file the approved copy.
- File and preserve all Graduate Council reports and other documents of value to the Graduate Council.

## **Section XI - Removal of Officers**

Officers may be removed from office based on non-performance of their assigned duties by a three-fourths vote of the voting membership.

## **Section XII - Filling Vacancies**

For vacancies occurring during the academic year, an interim appointment will be made by the Provost until the next academic year.

## **Section XIII - Agenda Item Requests**

Requests for agenda items should be made to the Graduate Council Chairperson at least one week prior to the meeting.

## **Section XIV - Amendments**

The Charter of the Graduate Council may be amended by a three-fourths majority vote of the voting membership of the Graduate Council. Proposals for Amendments shall be distributed to the members at least two business days prior to the vote.

# ***CHARTER OF THE UNGERGRADUATE COUNCIL***

## **Section I - Name**

This organization shall be known as the Undergraduate Council of the College Senate of Mercy College of Health Sciences.

## **Section II - Purpose and Outcomes**

The purpose of the Undergraduate Council is to serve as a collegial venue for academic collaboration and provide shared governance determinations related to:

1. Curriculum development, implementation, methods of delivery, and academic substance
2. Expectations and standards for student performance including degree and admission standards
3. Student progression
4. Assessment of student learning
5. Activities directly related to the educational process

## **The Undergraduate Council will:**

- Develop and meet annual outcomes that are congruent with the Mission, Vision and Values of Mercy College of Health Sciences.
- Defend the core value of academic freedom and determine curriculum including, but not limited to, curriculum design, curriculum review, standards and procedures for evaluating teaching, and scholarly production.
- Provide a forum for academic collaboration.

## **Section III - Functions**

- Review and maintain consistency and integrity of academic programs affecting the learning environment.
- Discuss and vote as appropriate on Action Items.
- Collaborate with all College committees, academic departments and programs
- Provide the mechanism for implementation, review, and revision of all policies pertaining to student learning and the progression of students through the curricula.
- Develop and assess annual outcomes for the Undergraduate Council.

## **Section IV - Meetings**

The Undergraduate Council shall meet monthly. Should the scheduled day fall during a vacation period, an alternate date will be announced by the chairperson. Additional meetings may be scheduled by the chairperson as needed. Notices of additional meetings must be made to all members at least two business days in advance of the meeting.

## **Section V –Responsibilities**

The Undergraduate Council fulfills the guardianship of the undergraduate curriculum. Each academic program has ownership of and responsibility for their own unique curriculum. Each academic program will seek to collaborate with all other academic programs of the College. We affirm that each professional colleague acts in accordance with the best interests of their students' needs while furthering the vision, mission and values of the College.

## **Section VI - Voting Membership**

Full and part-time faculty, as determined by the VPAA/Provost with assistance from the Human Resources office, shall have voting rights.

## **Section VII - Non-Voting Members**

All adjunct faculty are invited to participate and give input on all items but will not have voting rights. The Academic Dean, Associate and Assistant Deans are invited to participate and give input on all items but will not have voting rights. One student representative, serving a one-year term will be invited to participate and give input, but will not have voting rights.

## **Section VIII - Quorum**

A quorum of the Undergraduate Council shall constitute one more than half of all voting members participating in a meeting either in-person, online, or watching a recording of a meeting.

## **Section IX - Appointment of Officers**

Chairperson and Chairperson-elect will be elected by majority vote of the Undergraduate Council voting membership to a one-year term beginning in October. All voting members may serve as Chairperson or Chairperson-elect. A slate of candidates for Chairperson will be presented by the nominating committee. The nominating committee will consist of one member from General Education/Arts and Sciences, Health Professions, and Nursing and the current chairperson.

## **Section X - Duties of Officers**

Chairperson:

- Prepare and distribute the agenda and previous minutes for the Undergraduate Council meetings at least two business days prior to the meeting.
- Preside at all Undergraduate Council meetings.
- Appoint all special committees upon the recommendation of the membership.
- Represent the Undergraduate Council within the college community.
- Prepare and deliver the Undergraduate Council year-end presentation to the College Senate.
- Represent the Undergraduate Council at the Provost's Council

Chairperson-elect:

- Preside at meetings in the absence of the Chairperson.
- Review the Undergraduate Council charter annually and bring proposed changes or revisions to the membership for vote.
- Will assume the role of Chairperson during the next academic year.
- Consult and collaborate with Chairperson on assigned projects.
- Keep minutes in the absence of the secretary.
- Keep minutes of all meetings and file the approved copy.
- File and preserve all Undergraduate Council reports and other documents of value to the Undergraduate Council.

## **Section XI - Removal of Officers**

Officers may be removed from office based on non-performance of their assigned duties by a three-fourths vote of the voting membership.

**Section XII - Filling Vacancies**

Chair and Chair-Elect vacancies will be filled by special election.

**Section XIII - Agenda Item Requests**

Requests for agenda items should be made to the Undergraduate Council Chairperson at least one week prior to the meeting.

**Section XIV - Amendments**

The Charter of the Undergraduate Council may be amended by a three-fourths majority vote of the voting membership of the Undergraduate Council. Proposals for Amendments shall be distributed to the members at least two business days prior to the vote.

# **CHARTER OF THE STAFF COUNCIL**

## **Section I - Name**

This organization shall be known as the Staff Council of the College Senate of Mercy College of Health Sciences.

## **Section II - Purpose and Outcomes**

The purpose of the Staff Council is to provide support for student learning and to foster staff relations within the College. Staff Council strives to enhance the Vision, Mission and Values of Mercy College of Health Sciences by supporting student learning.

## **Section III - Functions**

The functions of this council will be to:

- Provide a forum for communicating, collaborating and advising on but not limited to the following items:
  - Department Updates
  - Curricular/action items
  - Policies/procedures
  - Technology
  - Catalog/Handbook updates/changes
- Provide personal and professional development of staff
- Provide representation on institutional committees when appropriate

## **Section IV - Meetings**

The Staff Council will meet monthly and meeting minutes will be recorded and posted in the shared Staff Council folder. Should the scheduled day fall during a holiday period, an alternate date will be announced by the chairperson. Additional meetings may be scheduled by the chairperson as needed.

## **Section V - Membership**

Membership of the Staff Council will include all benefit-eligible staff except the President's Cabinet members and those whose primary role is faculty.

## **Section VI - Voting**

All full and part-time benefit-eligible staff shall have full voting rights for Staff Council items.

## **Section VII - Quorum**

A quorum of the Staff Council shall constitute one more than half of all voting members participating in a meeting either in-person, online, or watching a recording of a meeting.

## **Section VIII - Officers**

Staff Council Chairs will be elected from volunteer candidates by the Staff Council, as supported by his/her supervisor. The election of Staff Council Chairs for the next academic year occurs at the end of the preceding academic year.

#### Qualifications:

- Staff Council members who are full-time employees
  - Chairperson and Chairperson Elect cannot be from the same areas such as Academic Affairs, President's Office, Enrollment Management, and Business and Regulatory Affairs.
- Full-time administrators are not eligible to be Staff Council Chairs.

### **Section IX - Duties of Officers**

#### Chairperson:

- Prepare agenda for Staff Council meetings
- Preside at all Staff Council meetings
- Direct staff activities in accordance with the Charter of the Staff Council and established policies of Mercy College

#### Chairperson-Elect:

- Preside at meetings in the absence of the Chairperson
- Review and revise Staff Council Charter annually
- Will assume the role of Chairperson during the next academic year (and for the remainder of the term in the event the Chairperson is unable to complete their term)
- Consult and collaborate with the Chairperson on assigned projects

### **Section X -Amendments**

The Charter of the Staff Council may be amended by a three-quarter majority vote of the Staff Council membership. Proposal for amendments shall be distributed to the members at least two business days prior to the vote.

# **CHARTER OF THE COLLEGE SENATE**

## **Section I - Name**

The name of this organization shall be the College Senate of the Mercy College of Health Sciences.

## **Section II - Purpose and Outcomes**

The Mercy College of Health Science's faculty and staff governs through the College Senate, which acts as advisor to the College's VPAA/Provost and the President on non-curricular issues, forwarding its recommendations to the members of the Provost's Council and to the President for appropriate action. The purpose of the College Senate Body shall be to:

- Provide a forum for the sharing of information.
- Coordinate studies, projects, and programs to improve institutional effectiveness through institutional committees
- Recommend to VPAA/Provost and President actions that will ensure standards of quality.
- Forward recommendations to the VPAA/Provost for appropriate action.

## **Section III - Authority**

The College Senate shall have the authority to amend the Constitution of the College Senate on such matters as membership, meeting procedures, voting, elections, committees, and other organizational needs of the College Senate. The Constitution of the College Senate may not be in conflict with the Charter or Bylaws of the Board of Directors of the Mercy College of Health Sciences.

## **Section IV - Meetings**

All Senate meetings will follow Robert's Rules of Order. The Senate shall meet every other month beginning in September. Should the scheduled day fall during a vacation period, an alternate date will be announced by the Chairperson. Additional meetings may be scheduled by the Chairperson as needed. Notices of additional meetings must be made to all members at least two business days in advance of the meeting.

## **Section V - Membership and Voting**

The membership of the College Senate shall consist of all College faculty, professional and support staff, administrators, the VPAA/Provost and the President. All full-time and part-time benefit-eligible members of the Senate are eligible to vote excluding adjunct faculty and President Cabinet members. Voting processes will follow Robert's Rules of Order.

## **Section VI - Quorum**

A quorum of the College Senate membership must be obtained for a vote to be taken on proposals, recommendations and other business. The only vote that may be taken when a quorum is not present is a vote for adjournment. A quorum is defined as one more than half of all voting members participating in a meeting either in-person, online, or watching a recording of a meeting. so long as the count includes one representative from the Staff Council and each of the following academic groups of faculty: General Education/Arts & Sciences, Health Professions, & Nursing. Electronic voting may be utilized. Electronic voting must have a documented, firm voting window, satisfy the quorum criteria, and results must be reflected in the minutes that reflect the discussion. Human Resources will provide a monthly updated list of employees to determine quorum.

Updated 04.26.23



## **Section VII - Officers and Their Responsibilities**

### **Chairperson:**

- Prepare the agenda of all Senate meetings in concert with the VPAA/Provost)
- Preside at all Senate meetings
- Appoint members of the Nominating Committee.

### **Chairperson-elect:**

- Preside at Senate meetings in the absence of the Chairperson
- Chair the Nominating Committee
- Review and Revise the Senate Charter annually
- Prepare a ballot to fill the Chairperson-elect position
- Assume the role of Chairperson during the next academic year (and for the remainder of the term in the event the Chairperson is unable to complete their term)

### **Secretary:**

- The Administrative Assistant to the VPAA/Provost
- Record the minutes of the Senate meetings
- Record Action Item outcomes
- Place Action Items into the appropriate shared folder

### **Nominating Committee:**

- Consisting of one representative from each academic area, (e.g. General Education/Arts & Sciences, Health Professions, and Nursing) and the Staff Council shall be appointed by the Chairperson at least one month prior to the last regularly scheduled meeting of the academic year. The Nominating Committee will be chaired by the Chairperson-elect, and a general call for nominations will initiate the process of selecting nominees.
- Should the current Chairperson-elect be unable to assume the office of Chairperson the following year, the Nominating Committee shall prepare a ballot for the election of a Chairperson and Chairperson-elect.
- Election to office shall be by a plurality ballot vote by the last regularly scheduled meeting of the academic year.

## **Section VIII - Task Force**

A task force with a defined focus and limited duration may be appointed by the Chairperson as needed. A task force shall function until it has reached its specifically stated purpose.

## **Section IX - Amendments**

The Charter of the College Senate may be amended at any Senate meeting at which a quorum is obtained, by a three-fourths vote of the members. The proposed amendment(s) shall be distributed in writing to all members at least two business days prior to the meeting at which the vote is to be taken. An amended Charter shall be shared with all College Senate members.

## **Section X– Institutional Committees**

**Membership** – The membership of Institutional Committees shall consist of faculty in General Education/Arts & Sciences, Health Professions, and Nursing; staff and administrators as appropriate

### **General Provisions for Institutional Committees**

- A Chairperson will preside over committee meetings and construct meeting agendas with the Chairperson-elect. The Chairperson-elect of each committee will assume the position of Chairperson the following calendar year or in the event the Chairperson cannot complete their term.
- A Chairperson-elect shall preside over meetings in the absence of the Chairperson. The Chairperson-elect of each committee shall be elected by the members of the committee. Chairperson-elect position will be filled for the remainder of the term by the committee should either the Chairperson or Chairperson-elect become unavailable before their term has ended.
- The committee minutes of each committee meeting shall be filed by the committee's Chairperson to the common electronic repository. The Chairperson shall also provide copies to each member of the committee.
- Each committee is expected to achieve its outcomes and shall determine the frequency of meeting that will enable it to do so.
- Each committee shall report its activities and recommendations at regularly scheduled meetings of the Senate.
- The College President and the VPAA/Provost are ex-officio members of all standing committees without vote.

### **Curriculum Committee**

The College Curriculum Committee shall discuss, support, and recommend proposals affecting the undergraduate academic programs of the College, including but not limited to course proposals, program changes, degree requirements, new programs, and general policies with impact on instruction and student learning.

This committee is charged to evaluate items for support/nonsupport including:

- Courses and experiential learning activities proposed for inclusion as part of the Mercy College General Education Core;
- Proposals for new degree and certificate programs;
- Review proposed program changes and provide feedback;
- Innovative ways to meet College and program learning outcomes.
- Review curricula for the methods used to assess student learning outcomes and identify duplication of curricula across the College;
- Develop and recommend educational policies designed to support student learning and advance disciplinary and interdisciplinary academic excellence; and
- Advise the Academic Dean and VPAA/Provost on resources required to support the curriculum.

## **Committee Membership Guidelines**

The faculty member has:

- completed at least one year of full-time teaching at Mercy College;
- experience in developing curriculum at the course or program levels; and
- interest in supporting innovation and continuous improvement in undergraduate curricula across the College.

Standing Committee members include the:

Registrar, Academic Dean, Associate Dean, Vice President of Academic Affairs/Provost

## **Promotions Committee**

The purpose of the Promotions Committee to recommend rank and promotion at the petition of faculty and to review, develop, and recommend policies and procedures for the evaluation of faculty. The committee members will also independently and collectively evaluate each new faculty member and recommend rank to the Vice President of Academic Affairs/Provost.

Committee membership will be appointed for staggered three-year terms and shall consist of a maximum of six (6) members. A maximum of two faculty appointed by each area: General Education/Arts & Sciences, Health Professions, and Nursing. Senior faculty are those holding the rank of Assistant Professor or higher.

## **Academic Assessment Committee**

The Academic Assessment Committee will facilitate continuous quality improvement for student learning through the following goals and activities:

- Facilitate a renewed focus on assessment for student learning among the faculty through support for assessment at the course and program levels as well as for General Education outcomes and co-curricular learning.
- Promote the mapping, assessment, and integration of General Education outcomes across all undergraduate degree programs.
- Provide opportunities for faculty to share with each other how they do assessment including their successes, challenges, and lessons learned as a community of practice.
- Assist in the planning and delivery of special faculty development programs related to academic assessment.
- Provide encouragement, support and opportunities for faculty to learn more about how to use assessment data once it is collected.
- Share resource information with the academic community on campus about assessment tools and software.
- Serve as an advisory group to the Academic Dean for ways to recognize academic programs that are doing excellent assessment work and use the results for continuous quality improvement.
- Provide leadership for academic programs to develop a continuous quality approach to program accreditation standards, many of which are linked to student learning outcomes and assessment results.

**Membership Guidelines:**

A faculty member serving on the Committee has:

- completed at least one year of full-time teaching at Mercy College;
- experience in developing student learning outcomes or program-level goals for assessment; and
- interest in supporting innovation and enhanced student learning through the use of assessment results.

Committee members with standing appointments include the Associate Dean of Academics, Institutional Research Analyst, Dean of Academics, and the VPAA/Provost.

**Student Engagement Committee**

The purpose of the Student Engagement Committee is to serve as a body in which students and College employee can present student issues to enrich student experiences on campus.

Committee membership will be appointed for staggered three-year terms and shall consist of faculty members from General Education/Arts & Sciences, Health Professions, and Nursing. Additional members will be appointed by the Staff Council with standing committee members from Student Affairs and a student representative from Student Senate.

**Student Academic Progression Committee**

The purpose of the Student Academic Progression Committee is to review and make recommendations regarding academic policies related to student progression, including but not limited to re-admission, academic progression, graduation, and appeals to academic policy. This committee is also responsible for assessing and reporting student retention and completion data.

Committee membership will be appointed for staggered three-year terms and shall consist of a maximum of nine faculty members. Committee members with standing appointments include the Registrar, Dean of Student Affairs, and Associate Dean of Academics.

**Interprofessional Education (IPE) Committee**

The purpose of the Interprofessional Education Committee to implement and support IPE efforts both within Mercy College of Health Sciences and the Des Moines Area Interprofessional Education Collaborative. This may include oversight, recommendations, and development of IPE activities and educational opportunities across the College. The Committee will also make recommendations to the Academic Dean and VPAA/Provost for resources needed to support faculty and staff development in IPE.

Membership will include faculty representatives from General Education/Arts & Sciences, Health Professions, and Nursing that serve staggered, three-year terms of service.

**Distance Education Committee**

The Distance Education Committee will recommend, support, and promote activities related to the growth and effectiveness of distance education across the College.

The Committee is charged to:

- Develop and recommend standards of quality and consistency for all courses offered in online and blended formats.
- Provide input and support for the College to comply with distance education requirements from the Higher Learning Commission and the Council of Regional Accreditation Commissions.

- Provide input for the design and offering of faculty development programs about teaching and learning in distance education.
- Advise the Curriculum Committee on course proposals relative to design and compliance with federal, state, and accreditation requirements for distance education.
- Make suggestions to the Institutional Research Specialist and Associate Dean of Academics on data collection and analysis regarding programs, courses, and services offered in the online and blended formats.
- Advise the Academic Dean and VPAA/Provost on resources needed to support distance education across the College.

#### **Membership Guidelines:**

The faculty member has:

- taught or is currently teaching an online or hybrid course at Mercy College;
  - experience in online and/blended course design (preferred); and
  - interest in supporting innovation and continuous improvement in online teaching and learning across the College.

Committee members with standing appointments are the Instructional Designer, Director of Admissions, Director of Library and Media Services, Associate Dean of Academics, Academic Dean, and VPAA/Provost.

#### **Professional Development Committee**

The purpose of the Professional Development Committee is to develop, implement, and evaluate programs for the enhancement of the personal, instructional, and organizational needs of the College employees.

Committee membership will be appointed for staggered three-year terms and shall consist of faculty representatives from General Education/Arts & Sciences, Health Professions, and Nursing, and staff representatives appointed by the Staff Council.

# **INSTITUTIONAL REVIEW BOARD (IRB)**

## **Section I—Name**

The Mercy College of Health Sciences Institutional Review Board (herein after IRB or College) is a federally registered board of the Office for Human Research Protections (OHRP).

## **Section II—Purpose**

The purpose of the Mercy College IRB is to protect the rights and welfare of human subjects in research, in accordance with the Health and Human Services Regulations for the Protection of Human Subjects (45 Code of Federal Regulation Part 46) and the OHRP.

## **Section III—Responsibilities**

The IRB reviews funded and unfunded research studies/projects initiated by Mercy College faculty, students, and staff as either the researcher or subject for any study prior to beginning any collection of data. Investigators who conduct research studies/projects must adhere to all policies and procedures identified in the Graduate Student Handbook and the Employee Policy Manual: IRB Policies and Procedures to ensure compliance with, and fulfillment of, federal and state regulations related to research with human subjects.

## **Section IV—Membership**

1. The Institutional Review Board Membership and Appointment of the IRB:

The IRB is composed of no fewer than seven (7) voting members from a variety of scientific, non-scientific, and health-related disciplines which includes community membership serving an unlimited number of terms. Members will be replaced through a staggered process, when approximately one-third of the committee members could be new to the IRB each academic year.

Every effort will be made to ensure that the IRB does not consist entirely of persons of the same profession. Every effort will also be made to ensure that the IRB does not consist entirely of men or entirely of women, including the institution's consideration of qualified persons, so long as no appointment is made to the IRB on the basis of gender.

The Designated Institutional Official (DIO) for the IRB will be the College Provost. Responsibility for appointing the IRB Chair and IRB members and alternates rests with the Mercy College DIO, in consultation with the Deans and Associate Deans of Graduate Programs. The DIO or IRB Chair may appoint alternates who serve in an advisory, non-voting status unless elevated to be a voting member. Such elevation may occur when voting members recuse themselves for conflict of interest or when additional non-scientific members are needed for a quorum. In compliance with OHRP regulations, the membership represents the breadth of scientific and scholarly specialties at the College, and at least one member whose primary concerns are in a non-scientific area. Members may be removed for cause, nonparticipation, non-attendance at scheduled IRB meetings, for failure to complete required IRB training and certification, or on the recommendation to the DIO by majority vote of the Board.

The IRB may at its discretion invite individuals/consultants with expertise in certain areas to assist with specific review. These individuals may not vote.

## APPENDIX B

### Undergraduate Faculty Workload Policy

TEACHING																																																																	
Number of credits Undergraduate	Total number of undergraduate workload units (WLUs) is 32 per academic year [Legacy (12/12/8) MercyPLUS (8/8/8/8)]																																																																
Didactic	1 didactic credit equals 1 WLU (1:1)																																																																
Clinical Direct Supervised Clinical  Nursing 1:8	<table><tr><th colspan="8">Clinicals = Direct Supervision</th></tr><tr><th></th><th></th><th></th><th colspan="5">WLU</th></tr><tr><th><u>clinical hours</u></th><th><u>clinical credits</u></th><th></th><th><u>1 group</u></th><th><u>2 groups</u></th><th><u>3 groups</u></th><th><u>4 groups</u></th><th><u>5 groups</u></th></tr><tr><td>22.5</td><td>0.5</td><td>x3</td><td>1.5</td><td>3</td><td>4.5</td><td>6</td><td>7.5</td></tr><tr><td>45</td><td>1</td><td>x3</td><td>3</td><td>6</td><td>9</td><td>12</td><td>15</td></tr><tr><td>90</td><td>2</td><td>x3</td><td>6</td><td>12</td><td>18</td><td>24</td><td>30</td></tr><tr><td>135</td><td>3</td><td>x3</td><td>9</td><td>18</td><td>27</td><td>36</td><td>45</td></tr></table>	Clinicals = Direct Supervision											WLU					<u>clinical hours</u>	<u>clinical credits</u>		<u>1 group</u>	<u>2 groups</u>	<u>3 groups</u>	<u>4 groups</u>	<u>5 groups</u>	22.5	0.5	x3	1.5	3	4.5	6	7.5	45	1	x3	3	6	9	12	15	90	2	x3	6	12	18	24	30	135	3	x3	9	18	27	36	45								
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Indirect Clinical, & On-line/Distance Supervision  Nursing 1:16	<table><tr><th colspan="8">Clinicals = Indirect Supervision</th></tr><tr><th></th><th></th><th></th><th colspan="5">WLU</th></tr><tr><th><u>clinical hours</u></th><th><u>clinical credits</u></th><th></th><th><u>1 group</u></th><th><u>2 groups</u></th><th><u>3 groups</u></th><th><u>4 groups</u></th><th><u>5 groups</u></th></tr><tr><td>22.5</td><td>0.5</td><td>x1</td><td>0.5</td><td>1</td><td>1.5</td><td>2</td><td>2.5</td></tr><tr><td>45</td><td>1</td><td>x1</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td></tr><tr><td>90</td><td>2</td><td>x1</td><td>2</td><td>4</td><td>6</td><td>8</td><td>10</td></tr><tr><td>135</td><td>3</td><td>x1</td><td>3</td><td>6</td><td>9</td><td>12</td><td>15</td></tr><tr><td>180</td><td>4</td><td>x1</td><td>4</td><td>8</td><td>12</td><td>16</td><td>24</td></tr></table>	Clinicals = Indirect Supervision											WLU					<u>clinical hours</u>	<u>clinical credits</u>		<u>1 group</u>	<u>2 groups</u>	<u>3 groups</u>	<u>4 groups</u>	<u>5 groups</u>	22.5	0.5	x1	0.5	1	1.5	2	2.5	45	1	x1	1	2	3	4	5	90	2	x1	2	4	6	8	10	135	3	x1	3	6	9	12	15	180	4	x1	4	8	12	16	24
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Allied Health Clinical	<p><b>Moderate Oversight:</b> Faculty have weekly observation in a preceptor/student setting and responsibility for various aspects of formative and summative student assessment. Equivalent to 4 workload units.</p> <p><b>Minimal Oversight:</b> Faculty have infrequent to no onsite observation in a preceptor/student setting and responsibility for various aspects of formative and summative student assessment. Equivalent to 2 workload units.</p>																																																																
Servant Leadership Course Indirect Supervision	Average class size is 30-32 students Faculty-Student Ratio is 1-10 for service-learning groups; Faculty will receive 0.5 WLU/group																																																																
Servant Leadership Course Service-Learning Coordination	1 Workload Unit is given *per term. Faculty can split this 1 WLU. *A maximum of 1 WLU is given for coordination of all SVL experiences.																																																																
Medium to High Fidelity Simulation and Standardized Patients (OSCEs) in nursing programs	See Direct Supervised Clinical Workload. 1-4 Faculty-Student Ratio for Simulations. Workload credit for faculty with simulation or student success roles as negotiated with and approved by the Dean of Nursing.																																																																
Labs	<p><b>General Education and Allied Health Labs</b> Education Labs with a weekly lab commitment up to 3 clock hours per section = 2 WLUs (1:2) Labs with a weekly lab commitment of greater than 3 clock hours per section = 3 WLUs (1:3) Due to the variability of online labs, an additional 1 WLU may be added per approval of provost</p> <p><b>Nursing Labs</b> (due to lab size and requirements) 15 hours = 1 WLU    30 hours = 2 WLU    45 hours = 3 WLU</p>																																																																
Class Size for Didactic Courses/Face-to-face/ Online	<p>Standard Face-to-Face class size is 30 students with the exception for English (15 students) *Minimum class size is 8 students, and maximum class size is 32 students for standard workload. **While the minimum class size is 8, a low-enrollment course may be offered at the discretion of the Academic Dean, Associate Dean, or Provost.</p> <ul style="list-style-type: none"><li>• 33-40 students = additional 1 WLU (adjusted based on credits: e.g., divide by WLU by 3 for a 1-credit course)</li><li>• 41-45 students = additional 1.5 WLU (adjusted based on credits)</li><li>• 46-51 students = additional 2 WLU (adjusted based on credits)</li><li>• 52-64 students = additional 3 WLU (or double didactic course credit)</li></ul> <p>*Standard Online class size is 11-32 students with the exception for English (15 students).</p>																																																																
Overload	Overload is finalized after the last day to add/drop a course with a refund.																																																																

New Course Development	1:1 Credit      Example: 3.0 credits for development of new 3.0 credit course
Course Revision	<p>Substantially redesigning a current course will be paid using the faculty/adjunct pay scale.</p> <p>Example: Changing a 15 -week face-to-face course to a 10- week online course is an example of substantially redesigning a course. It does not include the expected periodic enhancements/improvements made to a course.</p>
First-Time Teaching Course	<p>1      Workload Unit</p> <p>*At Program Chair or Dean discretion (intended for faculty who will need significant orientation to course material and assessments, not experienced faculty who are already familiar with the curriculum)</p>
New Faculty	<p>New full-time faculty may have reduced workload for the first teaching term. The amount will be decided by the program chair in conjunction with the academic dean.</p> <ul style="list-style-type: none"> <li>• Faculty mentor will be assigned for the new faculty .5 WLU for the first term (.5 WLU for the second term as needed)</li> <li>• New faculty will not be required to sit on the college committee for the first year.</li> </ul>
Office hours	<p>6 Hours</p> <ul style="list-style-type: none"> <li>• Office hours may include face-to-face and virtual student engagement</li> <li>• During pandemic office hours will be virtual or face-to-face with social distancing and PPE.</li> </ul>



## APPENDIX C

### Graduate Faculty Workload Policy

Full-time for Mercy College graduate faculty workload is based on a 12-month academic year. The baseline of graduate faculty workload (understood as 100% of professional effort) is 20 units of teaching per 12-month academic year and 10 units combined of research, service, health care practice, and other specified activities necessary to support the mission of Mercy College and the graduate programs.

While this policy applies to all graduate faculty, it draws upon the recommendations of the American Association of Colleges of Nursing (AACN), “Scholarship in nursing can be defined as those activities that systematically advance the teaching, research, and practice of nursing through rigorous inquiry that is 1) significant to the profession, 2) creative, 3) can be documented, 4) can be replicated or elaborated, and 5) can be peer-reviewed through various methods” (AACN, 1999). According to Boyer’s model (Boyer, 1990), the four domains of scholarship critical to academic work are:

- Discovery, the building of new knowledge through traditional forms of academic research
- Integration, the interpretation, connection and use of knowledge across disciplines
- Application, the aiding society and professions in addressing problems
- Teaching & Learning, the development of teaching models, practices, and approaches for achieving optimal learning.

Each faculty member may not be actively involved in all of these domains; however, the collective participation of the faculty is necessary to assure that the goals of the graduate nursing program are achieved. Because there is evidence that full-time faculty positively affects graduation rates, the Mercy College administration values full-time faculty and their contribution to our school and to the life of Mercy College. Everyone is encouraged to participate in scholarship activities. Workload is described in **Table 1**.

**Table 1: Full-Time Graduate Faculty Workload Distribution Annually - 12-Month annual workload for full-time graduate faculty = 30 WLUs total**

	Full-Time Graduate Faculty	Part-Time Graduate Faculty	Full-Time Faculty who Teach Graduate and Undergraduate Courses
<b>Teaching</b>	*20(-22.5) May be proportionally increased depending on the number of graduate student committee work assignments	*10 May be proportionally increased depending on the number of graduate student committee work assignments	Variable (Between 20 and 32)
<b>Research Scholarly Work/Practice</b>	*7.5 (3 WLU Fall, 3 WLU Spring, 1.5 WLU Summer)	*3.75 (3.5 WLU Fall, 1.5, Spring, 0.75 Summer)	Proportionally adjusted based on teaching assignment

<b>Graduate Student Committee Service (MSN Thesis or Capstone Project)</b>	MSN Thesis/Capstone Project Chairs receive 0.5 credit of workload per student. If a faculty member is not supervising any student projects, the teaching load will be increased.	MSN Thesis/Capstone Project Chairs receive 0.5 credit of workload per student. If a faculty member is not supervising any student projects, the teaching load will be increased.	Proportionally adjusted based on teaching assignment
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The Dean of Nursing and Associate Deans are responsible for assigning workload in collaboration with the faculty to ensure the work is accomplished and faculty requirements for the scholarship of teaching, research, practice, and service are met.

Any overload beyond the maximum teaching load is recognized in the form either of additive pay or a subsequent workload reduction.

## **TEACHING**

Teaching comprises a major portion of the faculty role and the workload assignment.

Teaching must be constantly refreshed by knowledge gained through research and clinical practice (Boyer, 1990). Therefore, faculty are expected to teach classes competently, prepare adequately and strive to improve their performance in the classroom or in the clinical setting. Faculty are expected to be reasonably available to students outside class for instruction on matters related to the student's classwork. This expectation encompasses 6 office hours per week as well as timely responses to email correspondence. Faculty are able to set guidelines for communication with students in their syllabi.

### **Graduate Teaching Requirements for 12-Month Academic year**

Total number of graduate workload units (WLUs) is 30 per academic year. See Table1 for annual workload distribution.

### **Graduate and Distance Learning Theory Courses**

One credit hour of a theory course will equal one workload unit. Didactic teaching and seminar are considered equal in regards to workload credit.

The recommended number of students in a class is 32 or less. For a course with more than 32 students, extra workload unit(s) will be assigned. All faculty assigned to a course will be credited with a workload for teaching in that course. Total workload credit for the course will be allocated to assigned faculty per their contribution to the course.

Standard Face-to-Face and Online class sizes = 32 students

\*While the minimum class size is 8, a low-enrollment course may be offered at the discretion of the Provost in consultation with the Academic Dean.

\*\*For classes that exceed 32 students, the following workload will be added:

- 33-40 students = additional 1 WLU
- 41-45 students = additional 1.5 WLU
- 46-51 students = additional 2 WLU
- 52-64 students = additional 3 WLU (or double didactic course credit)

## Graduate Level Clinical/Lab Courses

Total workload credit for the course will be allocated to assigned faculty per their contribution to the course.

- Direct Supervision
  - Clinical courses should have a maximum of 6 students per clinical group.

Clinicals = Direct Supervision							
			WLU				
<u>clinical hours</u>	<u>clinical credits</u>		<u>1 group</u>	<u>2 groups</u>	<u>3 groups</u>	<u>4 groups</u>	<u>5 groups</u>
22.5	0.5	x3	1.5	3	4.5	6	7.5
45	1	x3	3	6	9	12	15
90	2	x3	6	12	18	24	30
135	3	x3	9	18	27	36	45

- Indirect Supervision
  - For courses with precepted clinical experiences, where faculty supervision is indirect, faculty will receive 0.50 workload unit which is proportional adjusted based on the total number of students' clinical hours (maximum of 10 students per group).
  - Clinical groups taught in the Mercy College laboratory may have faculty/student ratios greater than ten students per group, appropriate with the teaching-learning environment of the course and will be negotiated between faculty and Program Chair.

Clinicals = Indirect Supervision							
			WLU				
<u>clinical hours</u>	<u>clinical credits</u>		<u>1 group</u>	<u>2 groups</u>	<u>3 groups</u>	<u>4 groups</u>	<u>5 groups</u>
22.5	0.5	x1	0.5	1	1.5	2	2.5
45	1	x1	1	2	3	4	5
90	2	x1	2	4	6	8	10
135	3	x1	3	6	9	12	15
180	4	x1	4	8	12	16	24

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## Student Mentoring and Advising

Faculty are expected to mentor/advise a maximum of 25 graduate students.

## Mentoring of New Faculty

New full-time graduate faculty may have reduced workload for the first teaching term. The amount will be decided by the Academic Dean or Associate Dean.

- A faculty mentor will be assigned for new faculty .5 WLU for the first term (.5 WLU for the second term as needed)
- New faculty will not be required to sit on the College committee for the first year.

### **New Course Development and First Time Teaching a Course**

New course development is 1:1 credit. Example: 3.0 WLUs will be given for the development of a new 3.0 credit course.

It is expected that faculty, who have previously taught a course, share course materials with new faculty. A faculty member may be given 1 WLU for the first time teaching a course at the discretion of the Academic Dean.

### **Independent Study**

Faculty will receive 0.2 workload units for every 1-2 students for each 1 credit hour course of independent study. Faculty teaching 8 or more students will receive full workload credit (1-2 students = 0.25, 3-4 students = 0.5, 5-7 students = .75). Independent studies should be offered as the budget allows and as necessary for students to complete the program of study or if the required course to complete the program of study is not offered during the relevant term.

### ***PRACTICE***

Faculty are expected to stay clinically competent in their areas of expertise, Teaching schedules may be arranged to support faculty who practice to maintain certification. Faculty engaged in clinical practice that provides service to the College may have the option to negotiate additional workload allocation.

### ***SERVICE***

As part of workload, faculty are expected to be College citizens and participate in service obligations, including College committees, faculty meetings, academic ceremonies, and convocations.

### ***RESEARCH***

A program of research is a critical element to support a superior environment for educating the next generation of nurses. Faculty are given workload to support scholarship/research activities, and therefore are required to produce quality scholarship on a regular basis, using Boyer's model as a guide. The Academic Dean will monitor this work and create annual scholarship plans with graduate faculty.

### ***OFFICE HOURS***

Faculty are required to have 6 office hours per week. Office hours may include face-to-face and virtual student engagement.