

 NORTHEAST OHIO MEDICAL UNIVERSITY	Policy No: 3349-03-01
POLICY TITLE: University Faculty Bylaws	EFFECTIVE DATE: 6/1/2011 REVISED: 8/22/2018
RESPONSIBLE DEPARTMENT: Office of the VPAA	Faculty

(A) Purpose of the University Faculty Bylaws (“Bylaws”)

- (1) Establish an organized system of shared governance that is essential to the academic operations of the University. The Bylaws define the roles, rights and responsibilities of academic administrators and the faculty to ensure their faithful discharge.

Shared governance is a process subordinate to federal and state governmental authority, the authority of the Board of Trustees, and the delegated authority of the President.

- (2) Provide for an organized system of Committees and Councils that serve to promote the mission and vision of the University and its Colleges.
- (3) Form an effective organizational structure whereby the academic administration and the faculty appropriately collaborate in the consideration, formulation and implementation of academic policies and practices.

(B) Scope

These Bylaws apply to the academic enterprise of the University including, but not limited to, academic operations, governance, and organizational structures.

(C) Definitions

Words have their ordinary and widely accepted meaning unless the word or phrase has been assigned a specific meaning within these University Faculty Bylaws.

- (1) “Affiliated Faculty” are non-tenure track faculty members who are non-salaried or whose primary role are not as faculty members.
- (2) “Board of Trustees” (hereinafter referred to as the “Board”) is established by Ohio Revised Code §3350.10 and derives its power to govern from Ohio Revised Code §3350.12. The Board is the governing body for the University and all its component Colleges.

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- (3) “Bylaws” are the rules and regulations which govern the academic enterprise and include its approved procedural appendices. The Ohio Legislative Services Commission refers to bylaws as rules when they are incorporated into the Ohio Administrative Code. These Bylaws govern the faculty in their capacity as a faculty in the fulfillment of their education, research, and service responsibilities to the College or University.
- (4) “Clinical Education” is the health care education conducted in health care facilities, outpatient clinics, emergency centers, hospitals, or private offices, under the supervision of a qualified practitioner or teaching staff.
- (5) “College” is a collective body of faculty who prescribe and conduct a course of study leading to the award of a degree or degrees.
- (6) “Deans” are the Chief Academic and Presiding Officers of the Colleges of the University. Their respective authority and responsibilities are further defined in these Bylaws.
- (7) “Departments” are academic units of a College. The faculty may be organized into Departments that are supportive of, and consistent with, the mission of the respective College and the University. Departments may be established, changed or eliminated by the Dean after consultation with faculty and the President. Departments may adopt written procedures to govern internal operations and carry out their Departmental missions. Such procedures shall be consistent with University policies and procedures, these Bylaws and the procedural appendices adopted pursuant thereto. Departments shall be reviewed at least every seven (7) years by an ad hoc committee appointed by the Dean.
- (8) “Faculty” hold tenured, tenure track and non-tenure track academic appointments that are approved by the Board of Trustees of the Northeast Ohio Medical University. Full-time and part-time designations for faculty will be determined by their respective College(s).
- (9) “Letter of Offer” is a document initiated by the College and sets forth certain conditions of the offer of employment but does not constitute a contract. Any previous experience to be counted toward a faculty member’s time in rank may be negotiated prior to the offer and will be documented in the Letter of Offer. Any modifications to the letter must be in writing and agreed to by both parties.

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- (10) “Notification of Appointment” is a written letter issued to all new affiliated faculty upon final approval of their appointment by the NEOMED Board of Trustees confirming faculty member’s rank, academic department in which rank is held, and the effective date of the appointment.
- (11) “Other Academic Organizational Units” of the Colleges and University (Centers and Institutes) may be established to further their missions and objectives. College units shall be reviewed at least every seven (7) years by an ad hoc committee appointed by the Dean or designee. The University units shall be reviewed every seven (7) years by an ad hoc committee appointed by the President or designee.
- (12) “Salaried Faculty” are tenured, tenure track or non-tenure track faculty members that are full-time, part-time or co-funded and whose primary role is as faculty.
- (13) “Shared Governance” is a partnership between administrators and faculty which is based on mutual respect and collaboration. The core principles of shared governance include collegiality, collaboration, transparency, representative participation, mutual accountability, clarity of roles and responsibilities, and civility.
- (14) “Standing Committees of the University”. Standing Committees are permanent committees intended to fulfill certain obligations of the University and are appointed to deal with a specified subject which promotes the University’s purpose.
- (15) “Tenure” is the commitment of a given College of the University to a faculty member for continuous and ongoing faculty appointment that provides protection against involuntary suspension, discharge or termination except for financial exigency or just cause. Tenure ceases upon the faculty member’s voluntary or involuntary termination, retirement or death. Tenure is a privilege and not a right.
- (16) “Tenure Track Position” is a full-time salaried faculty appointment that includes the eligibility to apply for Tenure. The appointment to a Tenure Track Position is set forth in the Letter of Offer.
- (17) “Tolling” is the suspension of the time period (granted in year-long increments) that comprises a tenure track faculty member’s Probationary Period and for which there is no expectation of productivity. Tolling of the Probationary Period must be requested by the faculty member and approved by the Department Chair and the Dean of the

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respective College. Any such suspension of time will not be counted toward the Probationary Period.

(18) “University” is a free-standing, state supported medical university organized under the authority created by Ohio Revised Code §3350.10 and the powers vested in the Board. The University is organized into Colleges and other administrative units as are necessary to support its mission.

(D) The President:

(1) Is the Chief Executive Academic Officer of the University and shall:

- (a) Be ultimately responsible for the overall administration and operation of the University and the highest authority on University policy, only subject to the authority of the Board;
- (b) Lead the University in fostering and promoting education, research, scholarship, and service;
- (c) Enforce the Bylaws, policies and procedures of the University;
- (d) Serve as an ex-officio member of all Standing Committees of the University;
- (e) Be the chief spokesperson for the University and as such be responsible for all the external relations and communications of the University.
- (f) Recommend all appointments, reappointments, promotions and the conferral of tenure upon qualified faculty to the Board;
- (g) Possess the requisite authority, as delegated by the Board, to appoint such administrative and professional staff; and
- (h) Confer all degrees on all candidates for graduation, upon the recommendation of the Dean and the faculty of the respective Colleges and preside at commencement and other appropriate academic occasions.
- (i) Where appropriate, delegate or remove the authority or responsibility to member(s) of the faculty or staff of the University;

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- (j) At his/her discretion, appoint, evaluate or remove senior level administrators and senior level academic officers;
 - (k) Deploy University resources to meet the University’s mission and carry out the University’s strategic plan; and
 - (l) Designate a member of the University’s senior administration to be responsible for the affairs of the University in his/her absence.
- (2) The President is hereby clothed with the requisite authority to carry out all the duties and responsibilities as set forth herein as well as such duties and responsibilities as may be delegated by the Board.
- (E) The Vice-President for Academic Affairs (“VPAA”):
- (1) Has been delegated the authority and responsibility by the President to act as the Chief Academic Officer for the University and reports to and serves at the pleasure of the President;
 - (2) In consultation with the Deans of the respective Colleges, guides the establishment of the overall direction for the University’s academic programs;
 - (3) Oversees programs and services that support the academic enterprise of the University;
 - (4) Has the prerogative to serve as an ex-officio, non-voting member of any academic committee to which he/she is not specifically assigned;
 - (5) In consultation with the Deans of the respective Colleges, establishes University academic policies and priorities; and,
 - (6) Represents the University academic administration externally to various stakeholders.
- (F) The Vice-President for Health Affairs (“VPHA”):
- (1) Has been delegated the authority and responsibility by the President to act as the Chief Health Affairs Officer for the University, reports to and serves at the pleasure of the President;

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- (2) Has the prerogative to serve as an ex-officio, non-voting member of any clinical or health affairs related committee to which he/she is not specifically assigned;
- (3) Is responsible for oversight of the general health and wellness initiatives of the University; and,
- (4) In consultation with the Deans, is responsible for cultivating and enhancing the University's relationships with affiliated hospitals and other clinical partners to positively impact the University's health professions education, medical research and the University's healthcare and clinical strategic initiatives.

(G) Vice-President for Research ("VP for Research"):

- (1) Has been delegated the authority and responsibility by the President to act as the Chief Research Officer for the University and reports to and serves at the pleasure of the President;
- (2) In consultation with the Deans, is responsible for providing leadership and direction in the development and implementation of all University research activities and the infrastructure and research facilities that support them;
- (3) Has the prerogative to serve as an ex-officio, non-voting member of any research committee to which he/she is not specifically assigned; and,
- (4) Identifies opportunities to enhance fundamental, translational and clinical research in the biomedical sciences, fosters innovation and excellence in research, and oversees the activities of the REDlzone.

(H) The Dean:

- (1) Serves as the Chief Academic and Executive Officer of a College and reports to and serves at the pleasure of the President;
- (2) Possesses the authority and responsibility to:

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- (a) Provide active leadership for the education, research, scholarship, and service programs of the College in accordance with the mission and strategic plans of the College and the University;
- (b) Develop and implement vision and mission statements and strategic plans for the College that are aligned with the mission statement and strategic plans of the University;
- (c) Administer the resources of the College in support of the mission of the College and its strategic plan;
- (d) Assess, facilitate, oversee and evaluate all education, research and service programs of the College;
- (e) Maintain applicable College accreditation;
- (f) Initiate and maintain a system for faculty development;
- (g) In consultation with the VPAA, support the academic enterprise of the College.
- (h) In consultation with the VPHA, support relationships with the College’s clinical partners including, but not limited to, hospitals, health departments, pharmacies and affiliated faculty and other community clinical resources;
- (i) In consultation with the VP for Research, facilitate, develop and oversees all research activities of the College;
- (j) Promotes collaboration and interdisciplinary programs between the Colleges;
- (k) Appoint, evaluate and remove such assistant and associate deans, department chairs, and other personnel needed to carry out the mission and strategic plans of the College;
- (l) Determine, upon the advice and recommendation of the faculty, those students who are qualified for graduation and transmit those recommendations to the President for consideration by the Board;

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(m) Recommending appointment, reappointment, promotion and conferral of tenure upon qualified candidates to the President; and

(n) Serve as an ex-officio member of all Standing Committees of the College.

(3) The Dean may delegate the responsibility and the requisite authority to carry out the above described duties to other appropriate College faculty and academic administrators.

(I) Department Chair:

(1) Serves as the Chief Academic and Executive Officer of an academic Department and reports to and serves at the pleasure of the College Dean;

(2) Has primary responsibility and authority to direct the overall operation of an academic Department within a College in accordance with the vision, mission and strategic plans of the College and the University;

(3) Is responsible for the development, operation and evaluation of the education, research, scholarship and service programs of the department;

(4) Assists in the development of annual goals and objectives, provides career counseling and mentoring and conducts annual evaluations of Department faculty to promote optimal professional development;

(5) Administers the Department budget and allocates space within the Department;

(6) Recommends appointments, reappointments, promotions and changes in faculty status, leaves and dismissals in accordance with these Bylaws.

(7) Department Chairs may establish subunits within the Department with the approval of the Dean.

(J) Faculty

(1) Include all persons who hold the rank of professor, associate professor, assistant professor and instructor, whether the title is qualified or not. Each College may authorize the creation of other ranks and titles for faculty within the College and criteria

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for appointment, promotion and tenure as described in Appendix A of the respective College bylaws. Titles of Distinction include, but are not limited to, Distinguished and Emeritus. Upon the recommendation of the University Faculty Council, the University may authorize the creation of other ranks and Titles of Distinction within the University;

(2) Rights and Responsibilities

The University sustains a community of faculty whose members are engaged in education, discovery, evaluation, and the transmission and extension of knowledge. Faculty:

- (a) Have academic freedom regardless of their tenure status;
- (b) Have the authority and responsibility to establish academic policy to govern the education, research, scholarship and service activities of the College, subject to the final authority of the Dean;
- (c) Subscribe to the highest standards of education, research, scholarship, service and professional integrity;
- (d) Endeavor to perform at the highest level of professional proficiency throughout the period of their appointment;
- (e) Subscribe to the highest standards of conduct and ethical behavior including, but not limited to, honesty, integrity and civility (these standards are embodied in the University Faculty Code of Professional Conduct);
- (f) Are entitled to academic freedom in the conduct of education, research and publication of results, subject to the adequate performance of their academic obligations.

(3) In speaking or writing, the faculty shall be responsible and accurate. As scholars and educators, faculty members should remember that the public may judge their profession, College and the University by their public statements. When faculty speak or write as private citizens with no indication of College or University affiliation, they shall be free from College or University censorship and discipline.

(K) Faculty Committees

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- (1) Are established by the University and respective Colleges to ensure that faculty can share in the academic decision-making and governance of the University and its respective Colleges;
- (2) Assure a faculty voice in academic matters such as faculty appointments, promotions, and tenure; a College’s curriculum; student admissions, promotions, requirements for graduation; and to ensure a faculty voice in decision-making pertaining to academic matters.
- (3) The University and its respective Colleges may establish Standing Committees and ad hoc committees, councils, task forces or other bodies.
- (4) The Standing Committees of the University include:
 - (a) University Bylaws Committee;
 - (b) University Faculty Council;
 - (c) University Mental Health Committee;
 - (d) University Nominating and Membership Committee;
 - (e) University Scholarships and Awards Committee;
 - (f) University Student Accessibility Services Committee;
 - (g) University Tenure and Promotion Committee.
- (5) Each Standing Committee shall have a statement of purpose, functions and responsibilities. University Appendix G of these Bylaws, and Appendix G of the respective College Bylaws, provide a description of membership composition, voting status, quorum requirements, terms of service and any limit on the terms of service, and other matters as appropriate to promote the proper functioning of the committee;
- (6) Each College may establish and maintains its own standing and ad hoc committees as necessary to promote the purposes, mission and values of the College.

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(L) College Faculty Committees

(1) Purpose

Each College shall establish appropriate committees that will promote shared governance between the Faculty and the administrative officers of the College. These committees shall provide a forum for Faculty to:

- (a) Review and vote on strategic and substantial policy changes within the College;
- (b) Advise the Dean and other administrative officers on matters significant to the academic programs of the College including, but not limited to: admissions; curriculum; and faculty appointment, promotion and tenure;
- (c) Be informed of pertinent activities of the College;
- (d) Review and discuss bylaw changes which will impact the College and certify recommended changes to the University Bylaws Committee; and,
- (e) Consider any other matters referred to it by the Dean.

(M) Tenure

- (1) Given the complexity of the Colleges and the great diversity of talent within them it is imperative that various kinds of academic work be recognized through a broad vision of scholarship. Scholarship includes, but is not limited to, the scholarship of discovery, integration, application and teaching. Scholarship of discovery is understood to include the traditional science of inquiry, investigation and experimentation, commonly known as research. Scholarship and research may also include participation in clinical trials and commercialization, patent and technology transfer activities. Such work may be supportive for promotion decisions and weigh importantly in tenure decisions. While clinical care is insufficient alone to merit promotion or tenure, clinical innovation and improvement activities done in a scholarly manner and acknowledged to be of regional, national or international importance are important indicators of distinction and merit consideration. Regardless of the type of scholarship, it should possess the quality of excellence, be peer-reviewed and be disseminated in the public domain.

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- (2) Herein are defined the basic tenets of appointment, promotion and tenure. The University has specific guidelines for the appointment, promotion and tenure of faculty that are consistent with these basic tenets and are set forth in the Appendices.

- (3) Tenure-Track Faculty
 - (a) Appointments
 - (i) Appointments are based on the potential for and evidence of academic accomplishment.
 - (ii) Recommendations for appointment shall originate with the Department Chair in accordance with these Bylaws and its Appendices.
 - (iii) Procedures for appointment shall be set forth in an Appendix to these Bylaws.
 - (iv) The Letter of Offer, and any amendments thereto, shall set forth the terms of the appointment.

 - (b) Probationary Period
 - (i) The total probationary period shall not exceed seven (7) years unless a leave of absence is granted to the individual, an extension as provided herein is granted, or there is a Tolling of the probationary period. Time spent on a leave of absence will not count as probationary period service.
 - (ii) At the request of a faculty member and with the concurrence of the Department Chair, the Dean may grant an extension of the faculty member's probationary period up to a maximum of three (3) years.
 - (iii) Faculty appointments may be terminated before the end of the probationary period. However, the faculty member will receive notice of non-reappointment no later than six (6) months prior to the beginning of the next academic year.

 - (c) Tenure and Promotion

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- (i) Tenure is a privilege of eligible faculty, not a right.
- (ii) Only faculty members appointed to the tenure track are eligible to be considered for tenure.
- (iii) The granting of tenure is a commitment of a College. Tenure assists respective Colleges in attracting and retaining faculty of high quality. The creation of a tenure-track position necessitates an assessment of College needs and a commitment of College resources. Documented evidence necessary for justifying the institutional commitment of the granting of tenure is set forth in Appendix B - Appointment, Promotion and Tenure Bylaws.

(d) Post-Tenure Review

A tenured faculty member who receives two (2) unsatisfactory Annual Performance Reviews by the Department Chair in a four (4) year period will be required to undergo a comprehensive post-tenure review as set forth in Appendix B of these Bylaws.

(4) Nontenure-Track Faculty

(a) Appointments

- (i) Appointments are based on potential for, or evidence of, academic accomplishment.
- (ii) Recommendations for appointment shall originate with the Department Chair in accordance with these Bylaws and its Appendices.
- (iii) Procedures for appointment are set forth in Appendix A for the Colleges of Medicine and Pharmacy and Appendix H for the College of Graduate Studies.
- (iv) The Letter of Offer or Notification of Appointment, and any amendments thereto, shall set forth the terms of the appointment.

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(b) Promotion

- (i) A faculty member may be eligible for promotion to a higher rank in accordance with the requirements set forth in Appendix A for the Colleges of Medicine and Pharmacy.
- (ii) The criteria for promotion include contributions to the educational programs of the College, research and scholarly activity, professional standing and service to the College.
- (iii) Additional terms and conditions for promotion may be set forth in a faculty member's Letter of Offer or Notification of Appointment.

(c) Reappointments

A faculty member will be considered for reappointment in accordance with the requirements set forth in Appendix A for the Colleges of Medicine and Pharmacy and Appendix H for the College of Graduate Studies.

(5) Annual Performance Review of Faculty

- (a) Annual Performance Reviews of salaried faculty will be conducted by the faculty member's Department Chair in order to ensure the fulfillment of their education, research, and service obligations to the College and the University and to promote optimal and continued professional growth and development.
- (b) The focus of the Annual Performance Review is a review of the faculty member's performance in the areas in which he/she has assigned duties and responsibilities. Such areas include, but are not limited to, education, research, service, commercialization of University research and administration, if applicable. The evaluation will rate the faculty member's performance in accordance with an established rubric and process.
- (c) Consequences of an Unsatisfactory Annual Performance Review
 - (i) The initial consequence of an unsatisfactory Annual Performance Review will be the initiation of a faculty development plan by the Department Chair to remediate the deficiency or deficiencies. The

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remediation will include milestones and regular intervals for reviews of progress toward remediating deficiencies. Progress shall be evaluated at the next Annual Performance Review. If another unsatisfactory Annual Performance Review occurs, the consequences may include the faculty member’s loss of University laboratory space, denial of salary increases or one-time payout, or sanctions as set forth in the Bylaws.

- (ii) A faculty member may challenge an unsatisfactory Annual Performance Review in accordance with the University Faculty Grievance Policy and Procedures as set for in Appendix E of these Bylaws.

(N) University Title of Distinction: Distinguished University Professor

- (1) The title of Distinguished University Professor is a non-salaried designation that may be conferred by the University, from time to time, on individuals who have demonstrated extraordinary achievement as NEOMED faculty members. This represents the highest honor that the University can confer on a faculty member and will only be awarded for truly exceptional contributions.
- (2) Only full professors will be eligible for consideration. Candidates must meet the following criteria to be recommended for consideration:
 - (a) Documented evidence of sustained excellence in education at NEOMED;
 - (b) A protracted record of distinguished scholarship spanning at least a decade;
 - (c) Evidence of extraordinary academic achievement that has been formally recognized by an authoritative national or international body; and,
 - (d) Documentation from appropriate individuals external to NEOMED that the candidate is a premier contributor to his or her discipline or field of study.
- (3) Nominations for the title of Distinguished University Professor may originate from a Department Chair, Dean of a College, or the President.
- (4) The nomination and supporting documentation will be forwarded to the President who will convene an ad hoc committee of three to five faculty members who hold the rank of full professor to consider the merits of individuals recommended for the title. At the

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discretion of the President, one of the committee members may be a senior faculty member at another institution of higher education or research institute.

- (5) The ad hoc committee will make positive recommendations to the President for consideration.
 - (6) If approved by the President, the nomination will be forwarded to the Board of Trustees for consideration.
- (O) Sanctions and Dismissal of Faculty for Just Cause
- A faculty member may be sanctioned or dismissed for just cause in accordance with Appendix D.
- (P) Amendments
- (1) Bylaws
 - (a) No amendment to these Bylaws may be made which is inconsistent with existing federal or state authority or University policy.
 - (b) The University Bylaws Committee reviews proposed amendments and revisions to current faculty policies and bylaws and solicits input and recommendations from the Deans of the Colleges and the University Faculty Council and recommends their approval to the VPAA. The committee initiates amendments to existing faculty policies, bylaws and appendices as needed.
 - (c) Recommendations for amendments to these Bylaws shall be made by the University Bylaws Committee to the VPAA who will forward final amendments to the President.
 - (d) The President shall submit positive recommendations for amendments to the Board for approval. Amendments become effective upon approval by the Board. Approved amendments shall be codified, filed and posted by the University General Counsel.
 - (2) Bylaws Appendices
 - (a) Appendices may elaborate, clarify or add further detail to these Bylaws.

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- (b) Appendices must be consistent with these Bylaws, University policy, and any federal or state authority. Amendments are initiated and vetted by the University Bylaws Committee and vetted with appropriate constituents.
 - (c) Recommended amendments to the Appendices shall be made by the University Bylaws Committee to the VPAA who reviews and approves as appropriate. Amendments will be effective upon such approval and will be codified and posted by the University General Counsel.
- (3) Codification and Posting
- (a) When amendments are approved, they must be forwarded to the University General Counsel.
 - (b) University General Counsel will notify the Office of the VPAA when such amendments have been codified, posted, and filed, if appropriate.

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