

BYLAWS

THE FACULTY OF MEDICINE

CASE WESTERN RESERVE UNIVERSITY

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ARTICLE 1 - PURPOSE

These bylaws and all amendments adopted as hereinafter provided shall henceforth constitute the rules and regulations governing the conduct and procedures of the Faculty of Medicine in the performance of its duties and in the exercise of its authorized powers, as specified by the constitution of the University Faculty of Case Western Reserve University. They are intended also to facilitate the participation of the clinical and adjunct faculty in organizing and executing the curriculum of the School of Medicine.

ARTICLE 2 - THE FACULTY OF MEDICINE

2.1: Membership of the Faculty of Medicine

The Faculty of Medicine shall consist of (1) regular faculty, defined as all persons who hold full-time appointments in the School of Medicine and who have unmodified titles at the rank of professor, associate professor, assistant professor, senior instructor, instructor, and (2) special faculty, those who hold these ranks modified by the adjective clinical, adjunct, visiting, or emeritus/a. In addition, fifteen students, two elected from and by each of the four University Program medical school classes, two elected at-large from and by Cleveland Clinic Lerner College of Medicine ("CCLCM") students, two elected from and by M.D.-Ph.D. students, and three elected from and by medical school graduate students, shall act as non-voting student representatives. The president of the university, a vice-president of the university responsible for medical school activities, and an administrative officer from and selected by each affiliated hospital shall be members of the faculty *ex officio*. The dean of the School of Medicine shall furnish annually to the secretary of the University Faculty a list of all full-time members of the faculty. (A full-time faculty member is one who is a member of the University Faculty as defined in the Faculty Handbook of Case Western Reserve University.) The Faculty of Medicine shall create a Faculty Council to conduct such business for it as is described below.

2.2: Officers of the Faculty

The president of the university and, in the president's absence or by the president's designation, the dean of the School of Medicine or the dean's representative, shall be chair of the Faculty of Medicine. The chair of the Faculty Council shall serve as vice-chair of the Faculty of Medicine. The Faculty of Medicine shall have a secretary who shall be appointed by the dean. The secretary shall provide due notice of all faculty meetings and the agenda thereof to the members of the faculty and distribute to the members the minutes of each meeting. The office of the dean shall be requested to supply appropriate administrative support for these functions.

2.3: Authorities and Powers of the Faculty of Medicine

a. Authorities. Those authorities delegated by the University Faculty to the Faculty of Medicine for the educational, research, and scholarly activities of the School of Medicine shall reside in the Faculty of Medicine.

b. Powers Reserved. The regular faculty members of the Faculty of Medicine shall make recommendations to the dean for consideration and transmittal to the University Faculty Senate concerning the establishment, discontinuance, or merging of any department or the Division of General Medical Sciences (DGMS), or concerning any matter of import referred by the Faculty Council to the Faculty of Medicine for the determination of its recommendation.

The regular faculty members of the Faculty of Medicine shall have the power to recommend approval of amendments to these bylaws and the power and obligation to elect (1) senators to the University Faculty Senate; (2) at-large members of the Faculty Council; and (3) a majority of the voting members of the standing committees listed in section 2.6a.

2.4: Meetings of the Faculty of Medicine

a. Regular Meetings. The Faculty of Medicine shall schedule meetings at least three times each academic year. The dean of the School of Medicine shall be asked to describe the state of the medical school generally at one of the meetings. Another meeting shall have as its main business a program relating to medical education. A third meeting will have an agenda approved by the Faculty Council with at least one-half of the meeting devoted to open forum items. Meeting dates and times will be coordinated to accommodate appropriate schedules. In the event that inclement weather or other unforeseen event forces the university to close, a Faculty of Medicine meeting scheduled for that day shall be rescheduled. The Faculty Council may cancel a scheduled meeting of the faculty in the event there is no business to be conducted.

b. Special Meetings. The Faculty of Medicine shall also meet on the call of the president or the dean, or on written petition of at least 10 faculty members presented to the Faculty Council, or at the request of the Faculty Council.

2.5: Voting Privileges

a. A quorum of the faculty for both regular and special meetings shall consist of 100 members who are eligible to vote on the issue before the faculty as defined below (2.5c-2.5e). Proxies are not acceptable for purposes of either establishing a quorum or voting.

b. Special meetings of the faculty shall be conducted according to Robert's Rules of Order, Newly Revised. A majority of those present and voting shall be necessary to effect action.

c. Special faculty whose titles are modified by the adjectives adjunct or clinical may vote at meetings only on matters concerning the planning and approval of the curriculum, the

execution of the instructional program, the formulation of policies with regard to student affairs, appointment and promotion of special faculty; the election of members of committees dealing with such issues, and the election of their representatives to the Faculty Council.

d. Emeritus and visiting faculty members shall not be eligible to vote.

e. Prior to faculty meetings, Faculty Council will determine which faculty are eligible to vote on each issue scheduled for a vote, guided by 2.5c-2.5e above. If an issue is raised and brought to a vote *ad hoc* at a faculty meeting, the person chairing the meeting will determine who is eligible to vote based on the above criteria.

2.6: Committees of the Faculty of Medicine

a. The following Standing Committees shall be charged with specific responsibilities (as described more completely in each committee's Charge as approved by the Faculty Council):

(1) The Admissions Committee shall participate in both annual decision-making regarding individual applicants and in the establishment of admissions policy and procedure.

(2) The Bylaws Committee shall consider proposed amendments to the Bylaws of the Faculty of Medicine and make recommendations concerning such proposed amendments to the School of Medicine Faculty Council.

(3) The Committee on Budget, Finance, and Compensation shall serve as the faculty's principal forum for the consideration of matters relating to SOM budgeting and financing. This Committee will consult with and advise the SOM administration on the formation and review of SOM policies and procedures concerning faculty compensation.

(4) The Committee on Appointments, Promotions, and Tenure shall review and make recommendations concerning all appointments as or promotions to the ranks of associate professor or professor and the award of tenure.

(5) The Committee on Medical Education serves to evaluate, review, and make recommendations concerning overall goals and policies of the School's medical education program, which includes the University and College programs.

(6) The Committee on Students shall have the responsibility of reviewing the total performance of all students and the authority for decisions on student standing and student promotions.

(7) The Lecture Committee shall serve as a selection committee for speakers where no other regular mechanism is in place.

(8) The Committee on Biomedical Research shall carry out the faculty's role in formulating policies related to the conduct of research in the School of Medicine on matters including but not restricted to the research portfolio, enabling technologies, research infrastructure, and biomedical workforce.

b. The majority of the voting members of each standing committee dealing with faculty responsibilities shall be elected by the regular members of the Faculty of Medicine. The number of non-voting members shall not exceed the number of voting members. The chair of the Faculty Council shall solicit recommendations for committee chair appointments from each standing committee, and then shall normally appoint one of the elected members to be the chair of each such committee, unless other provisions for appointment of chairs are made in these Bylaws.

c. Standing Committees shall be established or discontinued only by amendment of the School of Medicine By-Laws. The two exceptions are the Standing Committee on Appointments, Promotion and Tenure, and the Standing Committee on Budget, Finance, and Compensation whose existence is mandated by the Faculty Handbook. *Ad hoc* committees shall not be appointed that duplicate or substantially overlap with the missions and charges of the Standing Committees. The Faculty Council shall have the authority to amend the representative composition (e.g., by number, rank, department, or institution) of standing committees and the length of terms of office of the members, and shall nominate candidates for committee membership. The regular members of the Faculty of Medicine shall vote upon the nominees and shall elect the majority of voting committee members. Members of any standing committee may be appointed by the dean in accordance with the prescribed structure of each such committee. The number of appointed voting members shall be less than the number of elected voting members. The standing committees shall be reviewed by the Faculty Council at least once every five years. Standing committees may present proposed changes to their own charge for consideration by the Faculty Council. In the event that an elected member of a standing committee of the faculty resigns during the term, the Nomination and Elections Committee of the Faculty Council shall appoint a replacement. The first choice should be the faculty member who received the next highest number of votes in the most recent election for this committee position. Should that individual be unwilling or unable to serve, the Nomination and Elections Committee shall appoint an alternate of its choosing to the committee. In either case, this appointee may stand for election to the committee for the remainder of the term of the resigning member at the next regularly scheduled faculty election.

d. The dean shall be a member of all standing committees *ex officio* and may be the chair of any such committee if so appointed by the chair of the Faculty Council with the approval of the Faculty Council. Persons holding the office of assistant, associate, or vice dean may be regular members of any of these committees. Standing committees may include members holding the office of assistant, associate, or vice dean, as long as their number does not exceed 25% of the membership. The exception to this rule is the Committee on Medical Education, which may include members holding the office of assistant, associate, or vice dean, as long as

their numbers do not exceed 40% of the membership. Persons holding the office of assistant, associate, or vice dean may not be committee chairs, but may be executive officers of these committees. Membership rosters of all standing committees shall be published annually.

e. Any action taken in the name of a standing committee shall be made by majority vote. All members of a committee shall be supplied with minutes of the meetings of the committee and with copies of official recommendations of the committee.

f. The meetings of all standing committees shall be open to all members of the faculty except for those of the Admissions Committee, the Committee on Students, and the Committee on Appointments, Promotions and Tenure. Chairs of other committees may declare a meeting or part of a meeting closed to faculty attendance only if confidential personnel matters are to be discussed.

ARTICLE 3: THE FACULTY COUNCIL

3.1: Purpose and Functions of the Faculty Council

The Faculty of Medicine delegates all powers not reserved to the Faculty of Medicine itself (see Article 2) to a Faculty Council. The Faculty Council shall meet regularly to exercise the powers and obligations of the Faculty Council, which shall include but not be limited to the following:

- a. To act for the Faculty of Medicine regarding the planning and execution of educational programs and the formulation of policies concerning curricula, student admissions, and the conduct of research in consultation with the appropriate standing committee of the Faculty of Medicine. It shall also have the responsibility to review the requirements for the M.D. degree and to approve student standings and student promotions;
- b. To hear reports of the Standing Committees of the Faculty of Medicine and of the Faculty Council and recommend action on such reports;
- c. To make recommendations to the Faculty of Medicine concerning the establishment, discontinuance, and merging of departments;
- d. To make recommendations to the Faculty of Medicine concerning the establishment, discontinuance, and initial charge and representative composition of the membership of all Faculty of Medicine standing committees (see Article 2.6c);
- e. To elect a chair, a chair-elect, members of the Steering Committee, and the Faculty Council members of the Nomination and Elections Committee;

- f. To classify any issue requiring a vote of the faculty so as to determine the eligibility of the adjunct/clinical and student members to vote on that issue (per 2.4biii and 2.4bv); and
- g. To create *ad hoc* committees to make recommendations concerning its various functions and duties (see Article 3:6d).

3.2: Membership of the Faculty Council

a. Voting Members. Voting members of the Faculty Council shall include one representative of each academic department (all references hereafter to academic departments include DGMS). When more than one autonomous department exists within a single academic discipline, as per section 4.3 below, a representative of each such department shall be elected to the Faculty Council. These representatives shall be referred to as department representatives. Other voting members shall include two representatives from the special faculty whose titles are modified by the adjective adjunct or clinical, one representative from each affiliated institution and 10 representatives of the regular faculty elected at large. All these representatives shall be members of the faculty.

b. Non-voting Members. Non-voting members of the Faculty Council shall be the president of the university, a vice-president of the university responsible for medical school activities, the dean of the School of Medicine, the associate dean for medical education of the School of Medicine, the chair of the Committee on Medical Education, and student members who shall include not more than two undergraduate medical students, one M.D.-Ph.D. student, and one Ph.D. graduate student. The student members shall be chosen by their respective groups. In addition, if a senator to the university Faculty Senate is not included in the Faculty Council as a voting member, the chair of the Faculty Council shall appoint one of the School of Medicine senators to be an *ad hoc* member of the Faculty Council. The chair of the Faculty Council may invite other persons to attend designated meetings. Faculty Council meetings shall be open to the faculty. Faculty members may at any time request hearings before Faculty Council, but a request by a faculty member for a hearing before the Faculty Council must be made to the chair prior to the meeting of the Faculty Council.

3.3: Election of the Members of the Faculty Council

(For more details concerning elections, see Article 3:6b, paragraph 3.)

a. Shall be held no later than April 30 of each year, with newly elected members beginning their terms of office on the following July 1.

b. Upon notification by the dean, the full-time faculty members of each academic department of the School of Medicine shall elect as a department representative to the Faculty

Council one of their full-time members who holds a primary appointment in that department. The election shall be held by democratic process. Complaints concerning the occurrence of undemocratic selections of representatives shall be brought to the attention of the chair of the Faculty Council.

c. Upon notification by the dean, full-time faculty based at each affiliated institution shall choose, by a method of their own design, one of their members who has a primary base at that institution and who has not been elected a department representative to be a representative to the Faculty Council.

d. The at-large representatives shall be nominated by a nominating committee (see Article 3:6b) and shall be elected by the full-time members of the faculty. The dean shall be requested to supply the nominating committee with a list of the preclinical and clinical science departments and rosters of the full-time faculty members with primary appointments in each department. Five at-large representatives shall be from preclinical departments and five shall be from clinical science departments. There shall be at least two nominees for each of these positions. Those nominees who are not elected shall serve as alternates in the order of votes received (see 3:4). In each three-year cycle beginning with the adoption of these amendments, one preclinical and one clinical at-large representative shall be elected the first year, and two preclinical and two clinical at-large representatives shall be elected in each of the second and third years. Upon adoption of these amendments, the at-large representatives who are then serving may complete their terms of office.

e. The Nominating Committee (see Article 3:6b) shall nominate at least four members of the special faculty whose titles are modified by the adjective adjunct or clinical as candidates for representative to the Faculty Council. Two of these nominees shall be elected by the special faculty whose titles are modified by the adjective adjunct or clinical. The remaining nominees will serve as alternates in the order of votes received.

3.4: Terms of Office of Faculty Council Representatives

Representatives shall serve for a period of three years. Representatives may not serve consecutive terms but may be reelected after an absence of one year. A department representative who is unable for any reason to complete a term of office shall be replaced by a full-time faculty member from the same academic department, elected by democratic process within that department. The new member shall complete the term of the former member and shall be eligible for reelection if the remaining term so completed has been less than two years. A departmental member on leave of absence shall be replaced during that leave by a faculty member from the same academic department, elected by democratic process within that department. Upon return from leave, the returned faculty member shall complete the original

term of office. An at-large representative who is unable for any reason to complete a term of office shall be replaced by an alternate (per 3:3d) who shall serve during the remainder of the term or during the leave of the representative, as outlined for department representatives. A representative of the special faculty who is unable for any reason to complete a term shall be replaced by an alternate (see Article 3:3e) who shall serve during the remaining term or during the leave of the representative. A representative of an affiliated institution who is unable for any reason to complete a term shall be replaced by a full-time faculty member with a primary base at the same institution. That individual shall be chosen by the same mechanism as the original representative, and shall serve for the remaining term or during the leave of the original member, as outlined above for department representatives.

Members who have three absences from Faculty Council meetings in one year must resign from the Faculty Council unless their absences were excused by the chair of the Faculty Council. A warning letter will be sent to the Faculty Council member after two absences, with a copy to the department chair. Selection of replacements for members who resign is discussed in the preceding paragraph.

3.5: Officers of the Faculty Council

Each year the Faculty Council shall elect a chair-elect from the members who have at least two years of their terms remaining. The chair-elect shall serve as vice-chair of the Faculty Council during the first year following election and succeed to the chair the following year. The chair of the Faculty Council (or the vice-chair of the Faculty Council in the absence of the chair) shall preside over the Faculty Council and shall be vice-chair of the Faculty of Medicine. Following completion of this term of office, the immediate past chair of the Faculty Council shall serve one additional year as a member of the Faculty Council and as a member of its Steering Committee. For procedures to be followed in the election of the officers and committees of the Faculty Council, see article 3:6b. The dean shall be requested to provide administrative support to these officers.

3.6: Committees of the Faculty Council

a. Steering Committee. The Steering Committee shall consist of eight members: the chair of the Faculty Council, the vice-chair of the Faculty Council, the immediate past chair of the Faculty Council, and five other Faculty Council members who shall be elected by the Faculty Council for one-year terms. These members may be reelected successively to the Steering Committee for the duration of their terms as members of the Faculty Council. The chair of the Faculty Council (or the vice-chair of the Faculty Council in the absence of the chair) shall serve as chair of the Steering Committee. The Steering Committee shall set the agenda for meetings of

the Faculty Council. The Steering Committee shall be empowered to act for the Faculty Council between meetings. The Steering Committee shall report all actions and recommendations to the Faculty Council. The Steering Committee shall act for the Faculty Council and faculty in reviewing actions of the Committee on Appointments, Promotions and Tenure in order to ensure equity, adherence to published guidelines, and proper procedure. The Steering Committee shall consult with the dean on such matters as the dean brings before it. The Steering Committee shall advise the president concerning the appointment of an interim or acting dean of the School of Medicine.

b. Nomination and Elections Committee. This committee shall consist of eleven members: the dean, the chair of the Faculty Council, the vice-chair of the Faculty Council, four other Faculty Council members, two each from the preclinical and clinical sciences, and four full-time faculty members who are not members of the Faculty Council, two each from the preclinical and clinical sciences. The four Faculty Council members of the Nomination and Elections Committee shall be elected at large by the Faculty Council and shall serve for the duration of their terms as Faculty Council members. The four non-members of the Faculty Council shall be elected by ballot by the Faculty of Medicine and shall serve three-year terms. The chair will be elected from the members of the committee annually.

The Nomination and Elections Committee shall nominate (1) candidates for the chair-elect of the Faculty Council, (2) candidates for the Steering Committee, and (3) candidates for the standing committees of the Faculty Council. Ballots listing the nominees and leaving space for write-in candidates shall be sent to all members of the Faculty Council. The election of the chair-elect and the members of the Steering Committee, the Faculty Council members of the Nomination and Elections Committee and the members of other standing committees of the Faculty Council will be carried out at the May meeting of the Faculty Council. Additional nominations for all these offices shall be invited from the floor. The consent of the nominee must be obtained in order for a write-in or floor nomination to be valid. Faculty Council members who cannot attend the May meeting may vote by mail (noting that wherever mail voting or distribution is mentioned in these Bylaws, voting or distribution by email or other method well-calculated to reach voters shall be considered satisfactory). Candidates for chair-elect will also be candidates for the Steering Committee and will be so listed on mail ballots. Faculty Council members shall vote for one nominee for chair-elect and for six members of the Steering Committee. The five persons with the highest number of votes, excluding the person elected to the office of chair-elect, shall be elected to serve on the Steering Committee. Both mail ballots and ballots collected at the Faculty Council meeting shall be counted, whether or not a quorum is present at the meeting. If the total number of ballots received does not equal or exceed 50% of the members of Faculty Council, ballots may be solicited from absentee members. If either the Steering Committee or the Nomination and Elections Committee perceives a significant deficit in

the representation of faculty constituencies within its membership following the annual election, either committee may ask the chair of Faculty Council to appoint a single ad hoc voting member to serve on the respective committee for the remainder of the year. In the case of the Steering Committee, the appointee should be a current member of the Faculty Council. In the case of the Nomination and Elections Committee, the appointee should be a regular member of the Faculty of Medicine.

In addition, the Nomination and Elections Committee shall nominate (1) candidates for the at-large representatives to the Faculty Council, (2) candidates for the representatives of the special faculty whose titles are modified by the adjective adjunct or clinical to the Faculty Council, (3) candidates for standing committees of the Faculty of Medicine, and (4) candidates for senator to the University Faculty Senate. In the case of at-large representatives, senators, or members of the Committee on Appointments, Promotions, and Tenure, the number of nominees shall be at least twice the number of positions to be filled. Electees shall be chosen by mail ballot. Ballots listing candidates for Faculty Council, senators, and standing committees of the faculty shall be mailed to all full-time members of the faculty. Ballots listing candidates for the representatives of the special faculty on the Faculty Council shall be mailed to all special faculty whose titles are modified by the adjective adjunct or clinical. Ballots listing candidates for committees dealing with the planning and approval of the curriculum, the execution of the instructional program, and the formulation of policies with regard to student affairs shall be mailed to all members of the faculty. Elections shall be conducted as far in advance of the completion of the terms of sitting members as is practicable. Elections may be conducted through the campus and first class mail or by email or other electronic means. All ballots shall provide space for write-in candidates. At least two weeks shall be allowed between the distribution of all ballots and the close of the election and determination of election results. Distribution of the ballots and the determination and publication of the election results shall be the responsibility of the Nomination and Elections Committee. After each election, the Committee will count the votes and publish all the vote totals. Any irregularities or issues in the conduct of the elections shall be investigated and resolved by the Committee. The Nominations and Elections Committee shall report its investigation and resolution to the Faculty Council and the Faculty of the School of Medicine. The dean shall be requested to supply administrative support for the elections.

c. Special Committee to Nominate Candidates for the Search Advisory Committee to the President on the Selection of the Dean of the School of Medicine. This special nominating committee shall be formed when needed and shall consist of the chair of Faculty Council, three other members of the Steering Committee of the Faculty Council, three elected members of the Nominating Committee, and four academic department chairs (two Basic Science, two Clinical) of the School of Medicine. The chair of the Faculty Council shall serve as chair of this special

nominating committee, and the other ten members shall be elected by their respective groups. The majority of the nominees for the Search Advisory Committee selected by this special nominating committee shall be full-time members of the Faculty of Medicine. The president is requested to consider these nominees when appointing members of the Search Advisory Committee.

In the early stages of the search for the dean of the School of Medicine, the chair of the Faculty Council shall solicit recommendations, opinions, and advice regarding selection of the dean from members of the Faculty of Medicine by mail and submit these views directly to the Search Advisory Committee. When a final list of candidates for the position of dean has been selected, the Search Advisory Committee is requested to solicit the views and advice of the Steering Committee of the Faculty Council on the ranking of the candidates.

d. Other Committees of the Faculty Council. The Faculty Council may create other standing and *ad hoc* committees of the Faculty Council to carry out specific functions and duties assigned to it. These committees may include members who are not Faculty Council members.

3.7: Meetings of the Faculty Council

a. The Faculty Council shall meet at least once every two months from September through June of each academic year. Special meetings may be called by a majority vote of the Steering Committee, by a written petition of 10 members of the faculty addressed to the chair of the Faculty Council, or by the dean.

b. The agenda for each meeting shall be prepared by the Steering Committee, posted electronically, and sent electronically to all faculty members at least one week in advance of regular meetings and at least two days in advance of special meetings

c. Minutes of the meetings shall be kept and shall be distributed in a timely fashion to Faculty Council members, to the dean, to all department chairs, and to each member of the Faculty of Medicine. Approved minutes shall be posted electronically and sent electronically to all faculty members. The dean is requested to provide administrative support for this purpose.

d. The meetings shall be conducted according to Robert's Rules of Order, Newly Revised. A quorum of the Faculty Council shall consist of 50% of the voting members. Elected members may not designate alternates for council meetings or vote by proxy in council meetings. Faculty Council members may vote *in absentia* by mail in the election of officers and standing committees of the Faculty Council (see article 3.6b).

3.8: Annual Report of the Faculty Council

Each year the chair of the Faculty Council shall submit to the faculty a report on the activities of the Faculty Council.

ARTICLE 4 – DEPARTMENTS AND DIVISION OF GENERAL MEDICAL SCIENCES (DGMS)

4.1: Organization of the Faculty into Departments and Division of General Medical Sciences (DGMS)

a. The Faculty of Medicine shall be organized into departments and DGMS representing academic disciplines as specified in the Constitution of the University Faculty, Article VII, Sec. B. Departments and Centers in DGMS shall plan and execute programs of research and scholarship and of professional activity and shall train medical students, graduate students, and, in some cases, undergraduate students in its discipline.

b. Each member of the Faculty of Medicine shall have a primary appointment in an academic department or DGMS, which has departmental status (see Article 4.7).

4.2: Function of Departments

a. Each department and DGMS shall provide a central administration for its academic disciplines. Each department and DGMS shall be responsible for the teaching in its discipline in the School of Medicine, through the core academic program's committee structure and the other units of the undergraduate medical curriculum and in the affiliated hospitals. Each department shall also allocate resources to execute powers and responsibilities concerning the faculty's educational, research, scholarly activities (Faculty Handbook, Chapter 2, Section B), and full freedom of scholarly investigation and publication of his or her findings (Faculty Handbook, Chapter 2, Section D). These responsibilities shall be exercised by the academic department chairs in conformity with the curricular policies, organization, and components that are specified by the faculty and the dean with the exception of DGMS where the dean serves as chair (see Article 4.7). Each department may assume responsibility for teaching in its discipline in the other schools of the health sciences and in the undergraduate and graduate curricula of the university as determined by need and negotiation. Where appropriate, each department shall plan and implement graduate programs leading to such graduate degrees as are authorized by the university and shall be responsible for the content of the curricula in its discipline in the several programs specified above. Each department shall plan and execute programs of research and of professional activity and shall train medical students, undergraduate students, and graduate students in its disciplines. Each department shall maintain and staff the facilities which lie within its jurisdiction and shall enlist the cooperation of other departments or of affiliated teaching institutions where this shall be necessary for the execution of its mission. Each department shall elect one representative to the Faculty Council.

b. Each department or, at the request of the hospital affiliate's Associate Dean or Executive Dean and with the consent of the Dean of the School of Medicine, each affiliated hospital, shall establish a Department or Affiliated Hospital Committee on Appointments, Promotions, and Tenure (or Appointments and Promotions only, if appropriate) (all hereinafter "DCAPT"s) for the purpose of making recommendations concerning appointments and promotions and if appropriate awards of tenure. The department chair or affiliated hospital associate dean or executive dean shall nominate faculty annually for service on the DCAPT for the SOM Dean's approval. The department chair shall also nominate a faculty member holding a primary appointment in the department (or the affiliated hospital, if appropriate), preferably at the rank of tenured Associate Professor or Professor, to serve as the DCAPT committee chair.

c. DCAPTs may comprise all the faculty members holding full-time primary appointment in the department, except as provided in paragraph 4.2(c), and may also include faculty holding secondary appointments in the department but holding primary appointments outside the department or school in any of the university's constituent faculties. Alternatively, department chairs may nominate a committee of at least three faculty members from among the primary full-time faculty (and other faculty) to serve as the committee.

d. Department chairs themselves shall not be members of their respective department's DCAPTs. Instead, they shall serve as the initiator for the appointment, promotion, and tenure of candidates, attending DCAPT meetings for the purpose of presenting candidates for the committee's consideration, entering into discussion with the committee and answering its questions, and otherwise being excused from the room. Department chairs shall not be present for DCAPT voting. Should a faculty member take advantage of the self-initiation process, the DCAPT chair shall invite the department chair as well as an advocate, selected by the candidate from among the CWRU faculty, to the meeting at which the self-initiated promotion or tenure award is discussed to provide the department chair and advocate with the opportunity to offer his or her perspectives. The advocate and department chair shall present separately and neither shall be present for the vote.

e. The paragraph above, however, shall not restrict department chairs from serving on an affiliated hospital's committee concerned with appointments, promotions, or tenure. Where department chairs serve on such committees, they may serve as the as described above and they may remain present during the discussion and voting, but in no case shall a department chair (or other committee member) cast a vote regarding the appointment, promotion, or tenure of a candidate whom she or he initiated for appointment, promotion, or tenure.

f. Department chairs have wide discretion to nominate faculty for service on the DCAPT, but the following principles should be observed. If at all possible, at least two-thirds of the committee should be composed of tenured faculty in the department at the rank of associate

professor or professor. The DCAPT's membership should include both tenured and non-tenured faculty; each committee, with the exception of the Cleveland Clinic Lerner College of Medicine Committee (CCLCM), shall include at least three tenured faculty members, so tenure votes are not determined by only one or two voters. Preference shall be given to tenured faculty holding primary appointment in the department. Tenured faculty holding secondary appointment in the department ("tenured secondary faculty") may be appointed to the committee 1) in addition to all tenured faculty holding primary appointment in the department ("tenured primary faculty") in order to reach the minimum of three or 2) to exceed it, but in this case the number of tenured secondary faculty may not exceed the number of tenured primary faculty on the committee. Women and minority faculty should be represented if at all possible; adjunct and/or clinical faculty may be nominated for committee membership at the chair's discretion to vote on promotion of special faculty.

g. Department or affiliated hospital CAPTs shall review faculty holding or proposed for holding primary appointment in the department/affiliated hospital in order to make recommendations concerning 1) appointment, promotion, and/or award of tenure; 2) third and sixth year pretenure reviews for tenure track faculty; 3) concerning readiness for promotion for each full-time assistant and associate professor in the non-tenure track no later than six years after appointment or promotion to that rank and at least every six years thereafter; and 4) other actions as appropriate. Copies of reviews under 2) and 3) above shall be provided to the individual faculty member reviewed; copies of all reviews shall be provided to the dean's office.

h. DCAPT recommendations shall be made by the DCAPT chair (unless he or she is the candidate) after a vote by the DCAPT. The DCAPT chair shall convene a meeting for the purpose of voting, for which notification shall be made sufficiently in advance to allow those unable to attend to vote by written absentee vote. All members of the committee may participate in discussion of all recommendations for appointment, promotion, and tenure. On recommendations involving promotion, only faculty of rank equal to or superior to that being considered shall be eligible to vote. On recommendations involving tenure, only faculty with tenure shall vote. Recommendations shall require a majority (more than half) of those eligible to vote. In order for a recommendation to be made, at least three eligible committee members must cast a vote.

i. Affirmative recommendations for faculty appointments and all other recommendations from a DCAPT shall be communicated to the department chair by the DCAPT chair in a letter which records the numerical vote and reflects the deliberations of the DCAPT, pro and con. Before transmission, this letter shall be made available for inspection by the faculty members who participated in the vote. If a faculty member believes the letter to express inadequately the committee's deliberations, he or she may send independently to the DCAPT chair a statement of

such opinion, which shall be appended to the committee's letter for higher reviews. The department chair shall forward the DCAPT recommendation letter to the dean and is expected to add his or her recommendation, which may or may not be the same as the DCAPT's recommendation, in a separate letter to the dean.

j. DCAPT meetings shall be conducted in confidence. All votes shall be conducted by written secret ballot and shall be tabulated by the committee secretary. Candidates shall not be present at committee meetings (or portions thereof) at which their candidacy is discussed and/or voted upon. Committee deliberations and votes are confidential and must not be discussed outside the committee with anyone, including the candidates.

k. Recommendations concerning appointment, promotion, and tenure shall be governed by the then-current Qualifications and Standards for Appointment, Promotion, and the Award of Tenure for Faculty Members in The School Of Medicine, Case Western Reserve University (Appendix I of the these Bylaws) and the relevant sections of the Faculty Handbook. Committee discussions shall be confined to matters relevant under the Standards and Qualifications. Specifically prohibited from discussion are such matters as gender, race, minority status, disability status, veterans status, and sexual orientation or marital/partner status.

4.3: Academic Department Chairs

a. Each academic department shall have an academic chair appointed by the president of the university on recommendation of the dean with the exception of DGMS where the dean serves as chair. In order to select candidates, the dean will appoint a search committee in consultation with Faculty Council, which shall normally be multi-departmental in composition, to provide a slate of candidates from which the selection will normally be made. The search committee shall include representation from the full-time faculty of the department in question. The department faculty representation shall consist of at least one full-time faculty member elected by the full-time faculty of that department. The search committee shall identify its membership to the academic department and indicate its ready availability, particularly that of the elected full-time departmental representative member(s) of the search committee, to receive suggestions, views and advice from interested individual department members or from the entire academic department throughout the search process. Verbal and/or written suggestions, views, and advice directed to any member of the search committee should be transmitted promptly to the whole search committee, unless specified otherwise by the departmental member offering such suggestions, views and advice.

All department chairs shall be selected in strict accordance with the university policy governing affirmative action.

The president will appoint acting or interim department chairs after receiving the recommendations of the dean. Before making recommendations, the dean shall seek the advice of a committee consisting of the Steering Committee of the Faculty Council and the Faculty Council representative from the department for which an acting or interim chair is to be appointed. When a member of the Steering Committee or the Faculty Council representative is a candidate for acting or interim department chair, the chair of the Faculty Council shall designate an alternate member from the department to serve on the advisory committee. The advisory committee shall identify expeditiously its membership to the academic department and indicate its ready availability, particularly that of the representative from the department, to receive suggestions, views and advice from interested individual department members or from the entire academic department. Verbal and/or written suggestions, views and advice directed to any member of the advisory committee should be transmitted promptly to the whole advisory committee, unless specified otherwise by the departmental member offering such suggestions, views and advice. This process shall take place as expeditiously as possible before the advisory committee makes its recommendations to the dean.

b. Each department chair or an appropriate designee shall meet annually with each full-time faculty member to review performance and to set future goals. The department chair or the appropriate designee shall then provide a written summary of each evaluation to the faculty member, with a copy provided to the dean. For departments that choose to use the Faculty Activity Summary Form (FASF), any changes to that form must be approved by Faculty Council prior to their incorporation into the document.

c. The chair of an academic department may reside at the School of Medicine or at any one of its affiliated institutions.

d. Any individual service of an established academic department in an affiliated teaching institution may petition the Faculty of Medicine for independent status as a separate academic department, autonomously representing the academic discipline. The chair of each such independently established academic department shall be selected in accordance with section 4:3a and appointed by the president on recommendation of the dean. The dean is requested to seek the advice of the Steering Committee and elected departmental member(s), as outlined in article 4:3a, before making recommendations to the president.

e. All chairs of academic departments and all directors of individual services of affiliated institutions within a single discipline should meet regularly to coordinate their university-related functions.

f. At least once a year, the Department Chair will call a meeting of their faculty for the purpose of identifying and defining issues pertinent to the mission of the Department.

4.4: Establishment and Discontinuance of Academic Departments

Petitions to establish, discontinue or merge academic departments shall be submitted to the Faculty Council for review. The Faculty Council shall submit all petitions recommended for approval along with their rationale to the Faculty of Medicine for its consideration. Petitions recommended for approval by the Faculty of Medicine shall be forwarded to the Dean for consideration. The Dean will transmit the petition along with his/her recommendation to the University Faculty Senate for consideration (see Article 2:3b).

4.5: Review of Academic Departments

Periodic review of each department by persons external to the department is important for evaluation of the functioning of that department by the faculty and the dean. A committee appointed by the dean shall review each academic department at intervals no greater than 10 years. The review committee shall include at least one outside consultant. The dean shall transmit the review committee's report and recommendations to the chair of the Faculty Council. Departmental faculty shall be provided with an executive summary.

4.6: The Department of Biomedical Engineering

The Department of Biomedical Engineering is currently unique among the departments. Created by action of the Board of Trustees in 1968, it is a single department jointly based in the School of Medicine and the School of Engineering. The department chair will designate each faculty member, at the time of initial appointment, as being principally based in the School of Medicine or the School of Engineering. The principal designation will determine which School's pretenure period and which School's process and qualifications and standards for appointment, promotion, and award of tenure shall govern the appointment. In other respects, faculty in the department shall enjoy the rights and privileges and duties and responsibilities of faculty in both Schools.

4.7: The Division of General Medical Sciences (DGMS)

DGMS was established in 1986 to provide an organizational home for primary appointments for faculty pursuing interdisciplinary research and educational objectives. DGMS is composed of centers headed by center directors who recommend faculty for appointment, promotion and tenure. The Dean of the School of Medicine shall serve as the Chair of DGMS and has discretion to establish or close individual centers. Faculty with primary appointments in DGMS shall retain their primary appointment in DGMS in the event of center closure. In all other regards DGMS is the equivalent to an academic department.

ARTICLE 5 – FACULTY APPOINTMENTS, PROMOTION, AND GRANTING OF TENURE

5.1: Classification of Appointments

An appointment shall be classified as initial, renewal, or continuing (for appointments with tenure or for appointments past the first year of several year terms).

An appointment shall be classified as full-time or part time. Eligibility for appointment or reappointment to the full-time faculty is subject to approval by the dean and requires that (1) 50% or more time be devoted to approved academic activities and (2) the academic activities must be conducted at an approved site. If 50% or more of compensation is paid through the university, the full-time faculty member is eligible for fringe benefits.

An appointment shall be classified by academic title and whether the appointment is (a) with tenure, (b) without tenure but leading to tenure consideration (tenure-track), (c) without tenure and not leading to tenure consideration (non-tenure track); or (d) special, which will include the prefix adjunct, clinical, visiting, or emeritus. If the appointment leads to consideration for tenure, the appointment letter shall specify clearly the academic year in which this consideration will become mandatory. With regard to special faculty appointments, adjunct appointments usually refer to part-time faculty members devoting their time to research and/or teaching in the basic science departments. Clinical appointments usually refer to faculty members devoting their time to patient care and teaching. Visiting faculty appointments are issued for specified terms of one year or less than one year and can be full- or part-time. Special faculty are not eligible for tenure.

The dean of the School of Medicine and the provost of the university must approve available tenured or tenure track slots. The School of Medicine is exempt from the Faculty Handbook ruling that the majority of the members of each constituent faculty must be tenured or on the tenure track (Chapter 2, Article I, Sec. D, p. 15), as approved by the University Faculty Senate and the provost (January, 2004).

If the appointment applies to more than one constituent faculty, or department, or to an administrative office as well as an academic unit, the appointment may be identified either (1) as a primary-secondary appointment or (2) as a joint appointment. For a primary-secondary appointment arrangement, one constituent faculty or department shall be identified as the primary appointment and the other as secondary. Responsibility for the initiation of consideration of re-appointment, promotion, award of tenure, or termination shall rest with the primary unit. Faculty with joint appointments have full rights as a faculty member in both constituent faculties or departments. The notice of appointment shall be issued jointly by the two constituent faculties or departments. Consideration of appointment, reappointment,

promotion, and/or tenure for joint appointment arrangements shall be as described in the Faculty Handbook sections pertaining to such appointments.

5.2: Terms of Appointment

Appointments with tenure shall be of unlimited duration until retirement, subject only to termination for just cause (see below). Tenure-track appointments shall normally be made for a term of one to five years and may be renewed until the end of the pre-tenure period. Non-tenure track appointments are renewable and shall normally be made for a term of one to five years. Special appointments shall be made for terms of one year or less.

5.3: Academic Freedom

Academic freedom is a right of all members of the Faculty of Medicine, and applies to university activities, including teaching and research. Specifically, each faculty member may consider in his or her classes any topic relevant to the subject matter of the course as defined by the appropriate educational unit. Each faculty member is entitled to full freedom of scholarly investigation and publication of his or her findings.

5.4: Tenure

The basic purpose of tenure is to provide the assurance of academic freedom throughout the university. Another important purpose of tenure is to attract and retain outstanding faculty through continued commitment of the university to these faculty members. Tenured faculty members are protected explicitly against dismissal or disciplinary action because their views are unpopular or contrary to the views of others. Non-tenure-eligible colleagues shall derive protection by general extension of these principles of academic freedom.

When awarded, academic tenure rests at the constituent faculty level.

The award of academic tenure to a faculty member is a career commitment that grants that faculty member the right to retain his or her appointment without term until retirement. The appointment of a tenured faculty member may be terminated only for just cause. In the event that a tenured faculty member's school, department or other unit of the university in which the faculty member's appointment rests is closed or reduced in size, the university shall make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration until retirement.

Examples of just cause for the termination of any faculty member (tenured, tenure track, non-tenure eligible, or special) include (a) grave misconduct or serious neglect of academic or professional responsibilities as defined through a fair hearing; (b) educational considerations as determined by a majority vote of the entire constituent faculty of the affected individual which

lead to the closing of the academic unit of the university or a part thereof in which the faculty member has a primary appointment; and (c) financial exigent circumstances that force the university to reduce the size of a constituent faculty in which the faculty member has a primary appointment.

A tenured faculty member may be terminated for financial exigent circumstances only after all faculty members who are not tenured in that constituent faculty have been terminated in the order determined by the dean of the School of Medicine in consultation with the department chairs, the Faculty Council and other faculty members.

5.5: The Pretenure Period

The pretenure period in the School of Medicine is nine years. Each faculty member whose appointment leads to tenure consideration shall be considered for tenure no later than in the ninth year after the date of initial appointment at the rank of assistant professor or higher.

A faculty member in the tenure track may request extensions to the pretenure period. The extensions may be (1) requested by exceptionally worthy candidates in the event of unusual constraints in the university, or part or parts thereof, which would prevent tenure award at the end of the normal period; or (2) requested for the purpose of compensating special earlier circumstances disadvantageous to a candidate's tenure consideration (such as serious illness, family emergency, maternity, or extraordinary teaching or administrative assignments); or (3) upon written request by the faculty member within one year after each live birth or after each adoption, an extension of up to one year shall be granted by the provost to any faculty member who will be the primary care giving parent. Extensions should be requested as soon after the occurrence of the relevant circumstances as practicable, ordinarily not later than one year prior to the normally scheduled expiration of the pretenure period. Extensions requested under (1) or (2) above require request by the faculty member, review and a recommendation by the department's committee on appointments, promotions, and tenure, the department chair, and the dean, and approval by the provost. Pretenure extensions may not be used to defer tenure consideration of a faculty member more than three years beyond the normal pretenure period except for extensions made under (3) above.

For faculty members whose tenure consideration has not produced tenure award during the pretenure period, further appointment is normally restricted to one year. In exceptional cases, individuals who failed to receive tenure may be appointed in the non-tenure eligible track on recommendation of the department Committee on Appointments, Promotions, and Tenure, the department chair, the Committee on Appointments, Promotions and Tenure of the School of

Medicine, the dean of the School of Medicine, and the approval of the provost. Such appointments are contingent upon full financial support from non-university sources.

The number, nature, and duration of pretenure period extensions made to an individual faculty member's pretenure period shall not be considered by the CAPT when reviewing that faculty member for award of tenure or promotion.

5.6: Qualifications for Appointments, Promotions and Granting of Tenure

Qualifications and standards for faculty appointments, reappointments, promotions, and granting of tenure shall be generally as stated in the Faculty Handbook of Case Western Reserve University. Specific qualifications and standards applying to the School of Medicine shall be determined by the Faculty of Medicine and appended to these bylaws. These qualifications and standards shall be reviewed every five years by the Faculty Council. The dean shall make the text of the current qualifications and standards available to all junior and newly appointed faculty members.

5.7: Tenure Guarantee

Award of tenure for faculty based in the School of Medicine should be accompanied by a base salary guaranteed by the School of Medicine that will be equal for faculty in the school's basic science and clinical science departments. The amount of the guarantee and its financial support are currently under discussion.

5.8: Rolling Appointments for Non-Tenure Track Professors

Upon nomination by the department chair and with the consent of the dean, faculty members at the rank of professor in the non-tenure track with primary appointments in either a clinical or basic science department will be eligible to receive a rolling appointment contract of up to five years in duration accompanied by a salary guarantee for the period of appointment, equal in amount (but not duration) to that guaranteed to tenured professors. A rolling three-year appointment, for example, is a multiple-year appointment that differs from a multiple-three-year fixed term appointment in that, pending satisfactory performance and financial circumstances as determined by the chair and the dean, the appointment is renewed each year for the following three years. Financial support for rolling contracts is to be provided by the School of Medicine with the understanding that, prior to making the rolling commitment, the school would have the opportunity to enlist support from the appropriate hospital, clinical practice plan, or other appropriate entity to underwrite the guarantee.

5.9: Consideration of Recommendations for Appointments, Promotions and Granting of Tenure

a. Full-Time Faculty

The dean shall submit recommendations for appointments and promotions to the ranks of associate professor and professor and the granting of tenure concerning full-time faculty with primary appointments based in the departments of the School of Medicine (including those faculty in the Department of Biomedical Engineering with appointments principally based in the School of Medicine) given him or her by the department chairs or other persons as designated by the dean or initiated by other means as outlined in the Faculty Handbook of Case Western Reserve University, Chapter 3.I.1, to the Committee on Appointments, Promotions and Tenure of the School of Medicine. This committee shall consider the documented evidence relating to each candidate and, following the qualifications and standards set forth in Exhibit I to these Bylaws, shall report its affirmative and negative recommendations to the Steering Committee of the Faculty Council. Each recommendation shall also be reported promptly to the academic chair of the candidate's department. The candidate shall be informed by the academic chair of the committee's recommendation. The academic chair or other nominator may appeal a negative recommendation by notifying the chair of the Committee on Appointments, Promotions, and Tenure of the School of Medicine. Appeals may be made in writing or in person. Written documentation of the appeal and the response of the Committee on Appointments, Promotions, and Tenure must be appended to the candidate's file. In the event that the appeal to the Committee on Appointments, Promotions and Tenure is not successful, the academic chair or other nominator or the affected faculty member may bring to the attention of the Steering Committee of the Faculty Council, through a detailed, written submission, any alleged errors in procedure or non-adherence to the current published guidelines for appointments, promotions and tenure. The Steering Committee of The Faculty Council may investigate the allegations to the extent that it deems appropriate, may review all other candidates' files as it deems necessary, and may request the appearance of persons with knowledge of current and prior procedures and policies of the CAPT. A written report of the results of any investigation by the Steering Committee shall be appended to the candidate's file. All files will be forwarded to the dean after the Committee on Appointments, Promotions and Tenure, and, if applicable, the Steering Committee of the Faculty Council have discharged their responsibilities as specified above. The dean shall transmit the file, with added comments if desired, to the president of the university; for informational purposes, the dean will also provide the Dean of the Case School of Engineering with complete copies of the files of candidates in the Department of Biomedical Engineering with appointments principally based in the School of Medicine.

b. Special Faculty Appointments and Promotions

Special faculty appointments and promotions modified by the prefix adjunct, clinical, or visiting shall be recommended by the department chair and may be granted by the dean. For these clinical and adjunct appointments and promotions at the ranks of assistant professor, associate professor, and professor, the dean shall, prior to reaching a decision, also consider the recommendation of the department's committee on appointments, promotions, and tenure. The dean shall also consider letters of reference concerning the appointment and promotion of faculty to the ranks of clinical and adjunct associate professor and clinical and adjunct professor. For all ranks of clinical and adjunct faculty appointments and promotions in , the dean shall, prior to reaching a decision, also consider the recommendation of the Division's committee on appointments, promotions, and tenure. This paragraph will govern special faculty appointments and promotions for faculty in the department of biomedical engineering with appointments principally based in the School of Medicine. The dean shall inform the Dean of Case School of Engineering of any such appointments and promotions.

c. Secondary Appointments and Promotions

Secondary appointments at all ranks shall be recommended by the chair of the secondary department, require the concurrence of the primary department chair, and may be made at the discretion of the dean. Secondary appointment promotions shall be recommended by the secondary department chair and may be made at the discretion of the dean. For secondary appointments and promotions in the DGMS, the dean shall, prior to reaching a decision, also consider the recommendation of the Divisions committee on appointments, promotions, and tenure. This paragraph will govern secondary appointments in the department of biomedical engineering principally based in the School of Medicine and promotions of faculty holding such secondary appointments. The dean shall inform the Dean of Case School of Engineering of any such appointments and promotions.

5.10: The Committee on Appointments Promotions and Tenure

a. The Committee on Appointments, Promotions and Tenure shall be a standing committee of the faculty and shall consist of twenty-four full-time faculty members. Eighteen members shall be elected by the full-time faculty and six members shall be appointed by the dean. A representative Dean from faculty affairs shall also be a member of this committee, ex officio and without vote. Department chairs are not eligible to serve on this committee. Ten of the committee members shall have the rank of tenured professor; ten shall be professors in the non-tenure track; and four shall be tenured associate professors. The elected committee members shall include nine faculty members with primary appointment in clinical science departments and nine with primary appointment in basic science departments; the appointed

members shall include four from clinical science departments and two from basic science departments. In each election all reasonable effort will be taken to have the number of nominees be at least twice the number of positions to be filled. Members will be elected or appointed for three-year terms. These terms shall be staggered for the full-time faculty members. Committee members may serve only two consecutive three-year terms but subsequently may be reelected or reappointed after an absence of one year. The quorum for conducting the business of the Committee on Appointments, Promotion and Tenure shall be twelve members present for discussion of which eight must have voting privileges. On recommendations for appointment as or promotion to associate professor, all committee members are eligible to vote; on recommendations for appointment as or promotion to professor, faculty committee members who are tenured professors and non-tenure track professors are eligible to vote; on recommendations to award tenure, tenured committee members are eligible to vote. Committee members may be present for discussion but are not eligible to vote regarding candidates for primary appointment, promotion, or award of tenure in the committee member's own department of primary appointment. The committee will be led by two co-chairs, each of whom shall serve a one-year term, appointed by the chair of Faculty Council in consultation with the dean of the School of Medicine. The co-chairs may be selected from either the elected or appointed members of the committee. The chair of Faculty Council, in consultation with the dean of the School of Medicine, each year shall also appoint two co-chairs elect, to serve the following year as the committee's co-chairs. At each committee meeting, at least one of the co-chairs must be in attendance.

b. The standards for appointment, promotion, and granting of tenure determined by the faculty shall be considered by the committee when evaluating candidates under review.

c. The CAPT shall review and make recommendations concerning all appointments as or promotions to the ranks of associate professor or professor and the award of tenure.

5.11 Sabbatical and Special Sabbatical Leaves

The purpose of and conditions for sabbatical leaves are discussed in the Faculty Handbook, Chapter 3, II A. The conditions are based on the premise that the faculty member requesting a sabbatical leave is tenured. A sabbatical leave may be requested by a faculty member and, based upon all factors including the specific study proposal and subsequent recommendations by the department chair, the Faculty Council Steering Committee, and the dean, may be granted by the president. In cases of tenure track and non-tenure track or special faculty, special sabbatical leaves may be recommended as well, at the discretion of the dean. However, such leaves may not necessarily incur the obligation of university or School of Medicine financial support. For faculty with tenure track, non-tenure-track and special appointments, the

provost shall specify whether the leave period is to be counted as part of the pretenure or pre-promotion period, as the case may be.

ARTICLE 6 - AMENDMENT OF THE BYLAWS

An amendment of the bylaws may be proposed by majority vote of the Faculty Council, by the dean, or by written petition of 20 or more faculty members. The amendment must be accompanied by a rationale for the proposed change. All proposed amendments shall be submitted to the Chair and secretary of the Faculty Council, who shall forward all proposed amendments to the Standing Committee on Bylaws. The Bylaws Committee shall review each proposed amendment and report its recommendation to Faculty Council. All proposed amendments will be considered and voted on by the Faculty Council within the same academic year if submitted prior to April 1 of that year. All proposed amendments, their rationale, and the recommendations of the Faculty Council will then be sent by mail to full-time members of the faculty and may be discussed at a regularly scheduled meeting of the faculty held at least four weeks after the mailing. During discussion of proposed amendments at a faculty meeting, non-substantive changes in the proposed amendments may be made by majority vote. The vote on any proposed amendment shall be by mail ballot of the full-time faculty. Approval shall require an affirmative vote by a majority of those faculty members returning ballots. At least three weeks shall be allowed between the mailing of ballots and the determination of election results. The Faculty Council shall review the bylaws at least once every five years and shall propose amendments as desired to the faculty.

APPENDIX I

QUALIFICATIONS AND STANDARDS FOR APPOINTMENT, PROMOTION, AND
THE AWARD OF TENURE FOR FACULTY MEMBERS IN THE SCHOOL OF
MEDICINE
CASE WESTERN RESERVE UNIVERSITY

ADOPTED BY THE CASE WESTERN RESERVE UNIVERSITY
FACULTY OF MEDICINE
OCTOBER 20, 1982
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I. Qualifications and Standards for Appointment, Promotion, and the Award of Tenure of faculty with full-time academic appointment

A. Qualifications and Standards for Appointment, Reappointment, Promotion, and the Award of Tenure as Specified by the University (and as outlined in the Faculty Handbook 1:F1-6).

1. The qualifications for faculty appointment and reappointment include the following, as appropriate to the type of appointment: (a) an expert knowledge of his or her academic field and a commitment to continuing development of this competence; (b) a dedication to effective teaching; (c) a commitment to a continuing program of research or other advanced creative activity or, where more appropriate to the particular academic context, professional service activities; and (d) a willingness to assume a fair share of university administrative and service tasks.

2. Faculty appointments with tenure and without tenure but leading to consideration for tenure should be based on evidence that the candidate can and will continue to satisfy all of the foregoing qualifications. Faculty appointments on the non-tenure track should be based on evidence that the candidate can and will continue to satisfy item (a) and two of items (b), (c), and (d) of the foregoing qualifications. Special faculty appointments should be based on evidence that the candidate can and will continue to satisfy item (a) and one of items (b), (c), and (d) of the foregoing qualifications.

3. Reappointments and promotions should reflect the candidate's documented fulfillment of these qualifications and the growth of his or her corresponding contributions. It should be recognized that the creative and professional service accomplishments of the faculty may take many different forms. Thus, the evaluation of a candidate's activities should be based on his or her academic competence, teaching effectiveness, and contributions to attainment of the particular academic objectives of his or her department or school and the university as a whole.

4. Tenure is awarded to a faculty member only when the university foresees for him or her continuing fulfillment of the qualifications listed above. The granting of tenure requires affirmative action by the university, following careful review

of the candidate's qualifications. The economic situation of the university and the margin of opportunities for renewal of faculties are also considerations pertinent to the awarding of tenure. Faculty on the tenure track should receive from the dean or the dean's designate candid and timely information when factors other than those related to professional accomplishment may play a part in tenure consideration.

5. Faculty members with joint appointments as university administrative officers shall be considered for promotion and tenure on the basis of performance in both capacities. For such faculty members, as for any others, the maintenance of academic competence and teaching effectiveness shall be vital criteria. The distinctive contributions of such candidates to administrative service, however, shall be considered in combination with their research or equivalent creative activities.

6. It is the policy of the university not to discriminate on the basis of race, religion, age, sex, color, disability, sexual orientation, national or ethnic origin, political affiliation, or status as a disabled veteran or veteran of the Vietnam era or other veteran and to judge faculty members based solely on legitimate intellectual and professional criteria.

B. Qualifications and Standards for Tenure Track Appointment, Promotion, and the Award of Tenure as Applied to Faculty Members in the School of Medicine.

The standards and criteria for promotion and award of tenure apply across all departments and affiliated hospitals.

Academic efforts of the faculty of the School of Medicine sustain and advance the educational scientific goals of the School of Medicine and the university through research, teaching, and professional service. Professional service includes both administrative and clinical service. The evaluation of the accomplishments of faculty in these efforts is described below.

1. Excellence in scholarly research, involving the discovery, organization, interpretation, and transmission of knowledge, is a primary criterion for promotion and the award of tenure. The quality of the research program of an individual shall be evaluated as to the originality, depth, rigor, and thoroughness of the studies. Important discoveries, international and national recognition, and innovations in techniques or methods shall lend weight to the assessment. The research may be laboratory, non-laboratory, or patient-based or a combination thereof. Research contributions to be

evaluated include publications in scholarly or professional journals, book chapters, books, invited papers and lectures, literature reviews, case history reports, abstracts, book reviews, major reports, and other presentations. Also to be considered are professional honors, awards, and national offices; participation in research review committees of the national, state or local government and of voluntary health organizations; and service on editorial boards of scientific journals or as an examiner on subspecialty boards. Success in obtaining external research grants or other supportive funding shall also be considered in the evaluation of research qualifications. The quality of the research efforts of individuals will be assessed through letters of evaluation of the scholarly work obtained from authorities in the field of interest of the candidate at this and other major academic institutions. A list of professional peers who can judge the merit of the research program should be submitted with other biographical material to the dean's office for review. The list should include colleagues who have not been associated with the candidate as well as those who have been associated with the candidate. In addition, the candidate is invited to submit a brief (two pages or less) description of his or her research accomplishments (and other professional accomplishments).

While the evaluation of research accomplishment has traditionally focused on the faculty member's individual achievements, including first and senior authorships and funding as principal investigator, the present and future of science will place increasing emphasis on interdisciplinary research team science. Where relevant, therefore, a faculty member's contributions to interdisciplinary research team science shall also be considered. Such factors as originality, creativity, indispensability, and unique abilities may be considered when making this evaluation. The candidate is invited to submit a brief description of his/her role in the team effort, and statements from the principal investigator, the director of the project, and others with first-hand knowledge as to the role of the candidate.

2. A high level of teaching effectiveness, involving the organization, evaluation, and transmission of knowledge, is a primary criterion for promotion and the award of tenure. All faculty are expected to participate in teaching. The candidate's skill in teaching and continuing dedication in this endeavor shall be assessed. The candidate shall have demonstrated a capacity and a desire to maintain teaching effectiveness and show capacity for continuing growth as a teacher. It is implicit that teaching effectiveness includes serving as a model of professional conduct for students,

colleagues, and patients. Standards relating to teaching include: (a) preparation and presentation of material in a well-organized, current and stimulating fashion as viewed by peers and students; (b) leadership in design, organization and/or presentation of a course, clinical program or subdivision thereof; (c) ability to evaluate and counsel students; and (d) participation in postgraduate educational activities.

Teaching settings are to be broadly defined. They may include medical student teaching in lectures, subject committees, small group conferences, clinical science programs, elective programs, family clinic, core and optional clerkships, and ambulatory medicine, as well as undergraduate and graduate courses in the basic science departments and in other schools of the university; graduate medical and postgraduate medical teaching; serving as a student advisor or counselor, and continuing medical education and community teaching.

Recognition of performance in these educational activities depends on consistent, enthusiastic participation and offering personal assistance to students. Similarly, recognition for clinical teaching requires contact with students over a sustained period, not limited to occasional ward rounds, demonstrations, or presentations. Such contributions, in general, include functions concerned with the planning and implementation of teaching with regard to content, depth, coverage, sequence, evaluation, and coordination. The candidate should exhibit scholarship in teaching as evidenced by careful thought regarding the purpose of teaching, the definition of realistic objectives, identification of important material to be presented, selection of the appropriate methods of presentation, the modification of teaching in light of experience, the evaluation of the teaching goals, and a willingness to engage in critical self-evaluation. Recognition will be given to original, innovative and unique contributions and published reports of such contributions. Teaching may be judged to be of high quality, however, without being innovative or original. In addition, since administration of education efforts is an integral component of the teaching process, service as a subject committee chair, area of concentration chair, core clerkship director, section leader, residency training program director, or equivalent positions, and service on educational committees constitute significant criteria for consideration.

The quality of these educational efforts will be assessed by student and resident reviews and by statements from colleagues at this and other institutions. Candidates are encouraged to submit to the dean a list of students and residents who can best judge teaching efforts, along with other biographical information, for review purposes. All candidates should present a commonly

organized teaching portfolio to enable better evaluation of the quantity and quality of their teaching contributions. Portfolios might include a self-report, detailing for each course or area of teaching (clerkship, training program, residency, etc.), such basic facts as the number of years involved, the primary role of the candidate, the type and number of participants, the number of contact hours per year, and special contributions that the faculty member believes he or she has made. Teaching portfolios should also include materials demonstrating the extent of the candidate's scholarship in teaching (as described in the preceding paragraph) as this may be reflected in the candidate's teaching materials, curricula, syllabi, computer programs, videotapes, teaching awards, and self-reflective statements.

3. Accomplishment in professional service is indispensable for the attainment of the academic goals of the School of Medicine, and the quality of this activity shall be assessed for candidates for promotion and the award of tenure. The professional service accomplishments of faculty members may take different forms as defined by the objectives of the various departments. Professional service consists of both administrative and clinical service, and all candidates should demonstrate a continuing commitment to contributions to administrative and service tasks.

a. Administrative Service. All faculty will be expected to make administrative service contributions. Examples of administrative service include but are not limited to (a) significant administrative contributions; (b) significant contributions to university, hospital, or clinical practice welfare; (c) participation in departmental, hospital, university and/or medical school committees; (d) professional memberships and activities and services related to professional societies; (e) participation in research review committees of the state and federal government and of voluntary health organizations; (f) service on editorial boards of scientific journals or as an examiner on subspecialty boards; (g) participation and/or leadership in educational and professional society committees or committees of national, state and local voluntary health agencies, such as the Academy of Medicine and the Ohio State Medical Association.

b. Clinical Service. For those faculty engaged in it, excellence of clinical service will be recognized and evaluated as part of the combined achievements that qualify for promotion and the award of tenure. Excellence shall be judged by both objective and subjective measures. The determination of the level of clinical excellence achieved by a candidate for appointment, promotion, or tenure may include consideration of materials not limited to the following: (1) specialty and subspecialty board certification and

recertification; (2) outcomes data, if available, including mortality and morbidity data, comparative length of stay data, and surveys of patient satisfaction; (3) documentation of a reputation for excellence in one's clinical specialty as evidenced by membership or fellowship in professional societies, especially in leadership positions, and awards for clinical service or patient satisfaction; (4) documentation of scholarly activities that influence the practice of medicine nationally; (5) recognition as an authority as indicated by consultations, invited lectures and seminars, visiting professorships, and invited writings; and (6) letters from those such as department chairs or division directors who have directly observed the candidate's clinical work. In addition, letters of reference as to the candidate's degree of excellence in clinical service can be provided by students and residents who have been closely associated with the faculty member during their clinical work.

4. Exceptional Qualifications. The balance of accomplishments in teaching, research, and professional service may vary considerably from one candidate to another. While appointment, promotion, and tenure decisions must be based on evidence that candidates can and will continue to satisfy the qualifications described in the Faculty Handbook (Chapter Three, Part One, I. F), exceptional qualifications in one or two areas may partially compensate for less prominent but acceptable accomplishments in another. There will be unusual instances when research accomplishments are of such high caliber that this activity shall compensate for less prominent but acceptable accomplishments in other activities; similarly there will be unusual instances when involvement in teaching is of such excellence in both quality and quantity and the impact of these contributions on the local environment so great that this activity shall compensate for less prominent but acceptable accomplishments in other activities. Professional service activities shall be weighed in the assessment of a candidate for promotion and/or the award of tenure and an outstanding record in these activities may on occasion make up for less prominent accomplishments in either teaching or research. Administrative and clinical service contributions may be judged in the assessment of candidates for promotion or the award of tenure, especially when such contributions are clearly and directly related to teaching and/or research, as in the case of service as a subject committee chair, core clerkship director, section leader, or research training director, or as a member of an educational committee. Although excellent administrative or clinical activities may on occasion make up for less prominent accomplishments in either research or teaching,

administrative or clinical activities alone shall not be an adequate basis for promotion above the rank of assistant professor or for the award of tenure, even though such contributions may be outstanding. Major contributions in administrative areas shall in general be recognized through administrative titles and by salary increases.

The evaluation of academic efforts for promotion and the award of tenure shall be the prerogative and responsibility of the promotions committee of each department and the Faculty Committee on Appointments, Promotions, and Tenure.

C. Tracks and Requirements for Promotion and/or the Award of Tenure.

Faculty will be appointed to either the tenure track or the non-tenure track, the latter referred to within the School of Medicine as the combined-achievement track. These tracks are described below along with the requirements for promotion in each.

1. The Tenure Track. The tenure track usually will be reserved for faculty who engage primarily or substantially in research. Tenure track faculty are also required to be involved in teaching and service activities. Appointment to the tenure track shall usually be made at the time of initial appointment as assistant professor or higher rank and shall require (1) evidence of the candidate's expert knowledge of his or her academic field and a commitment to continuing development of this competence, (2) the potential for achievement of excellence in research and scholarship in one's discipline, usually demonstrated by a record of research publication, (3) a dedication to effective teaching, (4) and a willingness to assume a fair share of administrative and service tasks. Appointments to the tenure track should include a commitment of adequate research time by the department chair and the availability of sufficient financial resources to support the position.

Promotion in the tenure track and the award of tenure generally shall require (1) a record of high achievement of excellence in research; (2) contributions that indicate a high level of teaching effectiveness; and (3) significant service contributions. All types of professional activities will be considered as contributing to the overall qualifications for the award of tenure.

The award of tenure will recognize both independent investigators and those whose contributions to research team science are judged to be comparably meritorious.

a. Assistant professor. For initial faculty appointment or promotion from instructor or senior instructor to the rank of assistant professor in the tenure track, the candidate should have received a doctoral degree and completed at least several post-doctoral or fellowship years. Standards for appointment at or promotion to assistant professor in the tenure track include a record of scholarly activity and the potential to advance in a field of research. Those promoted to or appointed at assistant professor in the tenure track should have some teaching experience and show a commitment to assuming teaching duties. Faculty in clinical practice nominated for appointment or promotion to this rank should be board-certified or board-eligible or have equivalent training as approved by the department chair and the dean.

b. Associate professor. The candidate's prior achievements in teaching, research and professional service shall be evaluated. For appointment or promotion to the rank of associate professor in the tenure track, the candidate must present evidence of excellent research and recognition of the research program at a national level. Candidates must demonstrate an established reputation, whether as individual investigators or within a research team, for original ideas, innovations, and contributions. A high level of teaching effectiveness and service contributions is also required.

c. Professor. The candidate's prior achievements in teaching, research and professional service shall be evaluated. For appointment or promotion to the rank of professor in the tenure track, the candidate must present evidence of sustained excellence, enhanced recognition for research contributions, and a national or international reputation. Candidates must demonstrate an established reputation, as individual investigators or within a research team, for original ideas, innovations, and contributions. A high level of teaching effectiveness and service contributions is also required.

2. Award of Tenure. The candidate's prior achievements in research, teaching, and professional service shall be evaluated. Tenure may be awarded to productive independent investigators who have engaged in substantial research activity that is recognized nationally or internationally, as evidenced by a substantial list of first or senior-authored, high quality, peer-reviewed publications in high quality, peer-reviewed journals, or to those whose contributions to research team science are judged to be comparably meritorious. Such factors as originality, creativity, indispensability, and unique abilities may be considered when evaluating research team scientists. Tenure is awarded to a faculty member only when the university foresees for him or her continuing fulfillment of the qualifications listed above. The granting of tenure requires

affirmative action by the university, following careful review of the candidate's qualifications. The economic situation of the university and the margin of opportunity for renewal of faculty appointments are also considerations pertinent to the award of tenure.

3. The Non-Tenure Track/Combined Achievement Track and Hospital-Based Appointments (Hospital-based university appointments were awarded in the period from July 1, 1979 to July 1, 1984). An individual's hospital-based university appointment will continue as long as the hospital appointment is held.

Faculty holding an appointment in the non-tenure track/combined-achievement track (and those holding a hospital-based appointment) shall have the same rights of academic freedom as all other faculty. Exercise of these rights shall not be a factor in the consideration of reappointment or promotion or a cause for non-reappointment or non-promotion. Non-tenure track/combined-achievement track faculty receive term appointments for terms of from one to five years, which term may be renewed. For rolling appointments of full professors in the combined achievement track, see the School of Medicine Bylaws, Chapter 5.5.

Appointment to the non-tenure track/combined achievement track shall require evidence of the candidate's expert knowledge of his or her academic field, and a commitment to continuing development of this competence, and evidence that the candidate can and will satisfy university requirements for two of the three following activities: 1. a dedication to effective teaching; 2. a commitment to a continuing program of research; and 3. a willingness to assume a fair share of service contributions. Service contributions may take the form of administrative and/or clinical service.

The non-tenure track/combined achievement track recognizes faculty members for their research, teaching, administrative service, and clinical service contributions that, in combination, are essential to the academic mission of the School of Medicine. All types of professional activities will be considered as contributing to the overall qualifications for non-tenure track/combined achievement track appointment and promotion. Research-focused faculty members may be appointed to the non-tenure track/combined achievement track.

a. Assistant professor. For appointment or promotion to the rank of assistant professor in the non-tenure/combined achievement track, the candidate should have received a doctoral degree and completed at least several post-doctoral or fellowship years. It is preferred that those promoted to or appointed at assistant professor in the non-tenure track should have some teaching experience and show a commitment to assuming teaching duties. Faculty in clinical practice nominated for appointment or promotion to this rank should be board-certified or

board-eligible. Standards for faculty in the non-tenure/combined achievement track with a research focus include creativity, a record of scholarly activity, and the potential to advance in a field of research.

b. Associate professor. The candidate's prior achievements in teaching, research and professional service shall be evaluated. For appointment or promotion to the rank of associate professor in the non-tenure/combined achievement track, the candidate must present evidence of excellence in either (1) teaching or clinical service and recognition of this excellence at a regional or national level or (2) research and recognition of the research program at a national level.

All faculty appointed or promoted to associate professor in the non-tenure/combined achievement track must, along with an area of excellence, provide evidence of acceptable contributions in one or more of the other categories of faculty activity (i.e., teaching, research, or service).

Research-focused candidates for appointment or promotion in the non-tenure/combined achievement track must have achieved a national or international reputation, whether as an individual investigator or within a research team, for original ideas, innovations, and contributions.

c. Professor. The candidate's prior achievements in teaching, research and professional service shall be evaluated. For appointment or promotion to the rank of professor in the non-tenure /combined achievement track, candidates must present evidence of sustained contributions in their research, teaching, or clinical service that is recognized at the national or international level.

All faculty appointed or promoted to professor in the non-tenure/combined achievement track must, along with an area of excellence, provide evidence of acceptable contributions in one or more of the other categories of faculty activity (i.e., teaching, research, or service).

Research-focused candidates for appointment or promotion in the non-tenure/combined achievement track must have achieved a national or international reputation, whether as an individual investigator or within a research team, for original ideas, innovations, and contributions.

4. Transfer between the Tenure and Non-Tenure Tracks

a. At any time prior to the beginning of a faculty member's mandatory tenure year, his or her request to transfer from the tenure track to the non-tenure track/combined-achievement track shall be honored.

b. Faculty members whose initial appointment at the rank of assistant professor or higher was in the non-tenure/combined achievement track may request a transfer from that track to the tenure track. Such requests require an affirmative vote of the departmental committee on appointments, promotions, and tenure, recommendation of the department chair and of the dean, and the approval of the provost. When making his or her recommendation, the dean will consider the research interests and capabilities of the candidate, departmental programs and goals, the availability of sufficient financial resources to support the research activities of the candidate, and any other factors he or she considers relevant. Faculty service at the rank of assistant professor or higher will count as part of the pretenure period unless special exemption is made. The provost will determine the pretenure period when a transfer is approved. As specified in the Faculty Handbook Ch. 3, Part One, B.5, the provost's approval of such a transfer is based on (i) evidence of demonstrated performance in research, teaching, and service, and (ii) the department chair's and/or dean's assurance that the faculty member will be provided with opportunities to develop the components of faculty activity expected of tenure-track faculty.

III. Qualifications and Standards for Appointment or Promotion of Adjunct/Clinical Faculty

The qualifications to be evaluated for the promotion of adjunct/clinical faculty shall include primarily teaching, research, or clinical service contributions along with administrative service contributions. These efforts shall be assessed using the same standards and procedures as those applied to full-time faculty. However, the time commitment and the duration of service at the university shall be emphasized in the evaluation. Scholarly research activity, contributions to Year 1 and 2 subject committee teaching, educational administrative efforts, and, if appropriate, participation in community health organizations may lend weight to the evaluation.

Appointment or promotion to the rank of adjunct/clinical professor requires demonstration of special merit with respect to professional and academic accomplishment and evidence of significant contributions to the academic efforts of the university. Promotion or appointment to this rank shall be a senior but not a terminal appointment, and it should not be used in place of an honorary degree: Continued effort for the university is expected after such an appointment or promotion. In addition to the academic achievements expected of all adjunct/clinical faculty, the professional excellence of candidates for promotion to the rank of adjunct/clinical professor should be recognized outside the Cleveland area.

IV. Qualifications and Standards for Emeritus Appointment

Webster defines emeritus as "retired from active service, usually for age, but retaining one's rank or title: as, professor emeritus." The Latin from which the word is derived means to earn by service. Consistent with the above, the Faculty of Medicine wishes to recognize the contributions of its members at the time of retirement by the granting of the title emeritus to all faculty who meet the criteria stated below as well as those described in the Faculty Handbook.

Eligibility for emeritus appointment shall require that the individual hold appointment at the rank of assistant professor, associate professor, or professor or at these ranks modified by the term clinical or adjunct. Meritorious service in one or more areas of academic activity (research, teaching or professional service) for at least ten years at Case Western Reserve University is required.

Recommendations for appointment to emeritus status shall be based upon recommendation by the department chair with the approval of the department's committee on appointments, promotions, and tenure. Such recommendations shall be forwarded to Faculty Council Steering Committee (acting under authority granted by the bylaws of the Faculty of Medicine), which shall forward its recommendation to the dean, who shall add his or her recommendation to that of the Faculty of Medicine and forward it to the president for subsequent action by the Board of Trustees.