

**Faculty Senate Meeting**  
 Wednesday, October 21, 2015  
 3:30p.m. – 5:30p.m. – Toepfer Room, Adelbert Hall,

3:30 p.m.	Approval of Minutes from the September 28, 2015, Faculty Senate Meeting, <i>attachment</i>	Roy Ritzmann
3:35 p.m.	President and Provost's Announcements	Barbara Snyder Bud Baeslack
3:40 p.m.	Chair's Announcements	Roy Ritzmann
3:45 p.m.	Report from the Executive Committee	Robert Savinell
3:50 p.m.	Report from the Secretary of the Corporation	Arlishea Fulton
3:55 p.m.	Mediation and Conciliation Report	Bill Leatherberry
4:05 p.m.	Proposed Revisions to SOM By-Laws	David Carney
4:20 p.m.	Faculty Climate Survey	Lynn Singer
4:35 p.m.	Updates to Sexual Misconduct Policy	Peter Poulos Darnell Parker
5:00 p.m.	IT Strategic Planning Process	Sue Workman Jess Shoop Steven Hauck

**Faculty Senate Meeting**

Wednesday, October 21, 2015

3:30-5:30 p.m. – Adelbert Hall, Toepfer Room

**Members Present**Alexis Abramson  
Bud Baeslack  
Amy Backus  
Cynthia Beall  
Christine Cano  
Cathy Carlin  
David Carney  
Gary Chottiner  
Heath DemareeRobin Dubin  
Kimberly Emmons  
Megan Holmes  
Kurt Koenigsberger  
Gerald Mahoney  
Frank Merat  
Roy Ritzmann  
Robert Savinell  
Barbara SnyderRobert Strassfeld  
Philip Taylor  
Nishant Uppal  
Fahreen Velji  
Horst von Recum  
Gillian Weiss  
Rebecca Weiss  
Amy Zhang**Members Absent**Timothy Beal  
Joy Bostic  
Susan Case  
Juscelino Colares  
Colleen Croniger  
Lisa Damato  
Peg DiMarco  
Mitch Drumm  
Scott Fine  
T. Kenny Fountain  
Carol Fox  
Peter Harte  
Michael Harris  
Angelina HerinJessie Hill  
Susan Hinze  
Lee Hoffer  
David Hussey  
Jean Iannadrea  
Sudha Iyengar  
Zina Kaleinikova  
Cheryl Killion  
Lisa Lang  
Kenneth Ledford  
Paul MacDonald  
Carol Musil  
Meral Ozsoyoglu  
Leena PalomoMartin Palomo  
Pushpa Pandiyan  
Andres Pinto  
Mary Quinn Griffin  
Vasu Ramanujam  
Andrew Rollins  
Jessica Slentz  
Usha Stiefel  
Jo Ann Wise  
Stuart Youngner  
Richard Zigmond  
Christian Zorman**Others Present**Megan Allen  
Dan Anker  
Amy Backus  
Donna Davis Reddix  
Don FekeSuzanne Healy  
Marilyn Mobley  
James Nauer  
Dean Patterson  
John SiderasLynn Singer  
Jeff Wolcowitz  
Sue Workman  
Victoria Wright**Call to Order**

Professor Roy Ritzmann, chair, Faculty Senate, called the meeting to order at 3:30 p.m.

**Approval of Minutes**

Hearing no objections, the Faculty Senate meeting minutes of September 29, 2014 were approved as submitted.

### **President's Announcements**

The President made the following announcements:

1. Mohammad Jamal, a first year student, died tragically in a car accident during fall break. Information on a university-wide memorial service will be provided in *the daily*.
2. The Richey-Mixon Building opened (home to think[box]), and there was a groundbreaking for the Health Education Campus with the Cleveland Clinic.
3. Roy Ritzmann gave a report to the CWRU Board of Trustees at the October Board meeting.
4. The Board of Trustees approved the university's campus master plan.
5. Alumni weekend was a success with over 2000 people attending.
6. This was the first time that the Inamori Prize was awarded to a scholar, Professor Martha Nussbaum, a world-renowned philosopher.
7. The President will be traveling to Japan in November for the Kyoto prize and to visit Tohoku University to continue to advance the university's partnership.
8. The Innovation Summit will take place at the end of the month. The President encouraged faculty to attend.
9. Changes to the Benelect program include increases in medical insurance premium rates which will go into effect on January 1, 2016. Benelect open enrollment begins in early November and goes through November 30. The Benefits Fair will be held on November 11-12<sup>th</sup>.
10. The HealthSpan medical plan will see the largest increase in premiums. Dental plan premiums will increase slightly and there won't be any increases in the vision plan.

Roy Ritzmann reminded the Senate about the university's wellness initiatives.

### **Provost's Announcements**

The Provost made no announcements.

### **Chair's Announcements**

Professor Roy Ritzmann introduced the University's new faculty diversity officer, Donna Davis Reddix. Ms. Reddix came from the law school where she served as Assistant Dean for Career Development.

### **Report from the Executive Committee**

Professor Robert Savinell, past chair of the Senate, reported on the October 16<sup>th</sup> Executive Committee meeting.

1. Rick Bischoff reported on undergraduate enrollment and provided details about the new Coalition Application that was just announced. He was unavailable to attend the October Senate meeting but will report at the meeting in November.

2. Bias Reporting System- Dean Patterson and John Killings updated the Executive Committee on changes made to the bias reporting system as a result of faculty concerns. The Executive Committee discussed the changes and made a couple of additional suggestions. Three Senate standing committees (Women Faculty, Personnel and Minority Affairs) will be charged with reviewing the system and any additional comments or recommendations will be reported to the Executive Committee and the Senate.
3. David Carney reported on the By-Laws Committee's review of proposed revisions to the SOM By-Laws. A number of revisions were accepted by the By-Laws Committee and the Executive Committee voted to include them on the Senate agenda for approval. David Carney will be reporting on these later in the meeting. The By-Laws Committee decided that a number of other proposed revisions (including the language regarding a division with the status of a department) needed clarification and returned these to the SOM. The Executive Committee decided to postpone review of the Petition for Anatomy until the SOM provides clarity on the sections of the By-Laws that relate to that proposal.

### **Report from Secretary of the Corporation**

Arlishea Fulton, senior counsel, gave the report from the Board of Trustees. The Full Board met on October 2-3. Among other items, the Board passed a resolution to name think[box]the Larry Sears and Sally Zlotnick Sears think[box] in honor of the gift that was made to the university. The Board also approved the award of an honorary degree to William Smokey Robinson as part of the Music Masters collaboration between the university and the Rock Hall. *Attachment*

### **Mediation and Conciliation Report**

William Leatherberry, faculty conciliation counselor, reported that he had met with 14 faculty members during the 2014-15 academic year. One faculty member was a department chair and another 10 were faculty members that had conflicts with supervisors. An adverse party was unwilling to negotiate and that case resulted in a grievance filing. Three mediations were held with good results. Chairs of departments are encouraged to deal with conflicts early so that problems won't escalate. *Attachment*

### **Proposed Revisions to the SOM By-Laws**

Professor David Carney, chair of the By-Laws Committee, reviewed proposed revisions to the SOM By-Laws that had been approved by the By-Laws Committee (see report by Prof. Savinell on the October 16<sup>th</sup> Executive Committee meeting). The Senate voted to approve the revisions with 2 senators abstaining. *Attachment*

### **Faculty Climate Survey**

Deputy Provost Lynn Singer was asked to discuss how the results of the Faculty Climate Survey are used to make improvements across the university. Provost Singer said that the results of the CWRU survey are compared with survey results from other AAU schools. Salary and gender information is reviewed and compared with other AAU schools. Salary differences between genders have been identified and improvements made in many of the schools. Survey results are shared with the President and Provost, the Dean's Council and the Faculty Senate

Committees on Women and Faculty Personnel. A number of different initiatives have been developed based on the results of the survey. These include the Committee on Childcare, the Faculty Development Office, the department chairs group, the Asian Women Faculty Group, and the HERC. Survey results are posted on the Office of Institutional Research website. Provost Singer reminded the Senate that Jean Gubbins and Josh Terchek are available to analyze sub-data upon request.

#### **Updates to Sexual Misconduct Policy**

Peter Poulos, Chief Risk Management Officer and Chief Litigation Counsel, and Darnell Parker, Associate Vice President, Student Affairs, presented updates to the university's sexual misconduct policy. The changes are required under the most recent federal guidelines and regulations and include new definitions of intimate partner violence and stalking, and hearing process enhancements. The appeals process will now include a responsive statement from the other party. Darnell Parker will be responsible for determining whether there is sufficient cause in a particular case to warrant moving forward. *Attachment*

#### **IT Strategic Planning Process**

Sue Workman, Vice President for Information Technology and CIO, and Jess Shoop, IT Senior Project Director, provided information on the IT strategic planning process. They introduced Professor Steven Hauck (CAS) who will serve as the faculty representative for the planning process. They are seeking input from faculty, staff and students on the university's information technology services. The input will inform the planning process. Town hall forums will be held and a campus-wide survey will be distributed in November. IT will meet with any group that requests it and input can be provided online also. They hope to have a draft of the plan in December and a review team will work on the draft in early spring. IT will begin seeking approvals and endorsements of the plan during the summer of 2016. Professor Ritzmann encouraged members of the Executive Committee to inform their colleagues about this process. *Attachment*

Upon motion, duly seconded, the meeting was adjourned at 5:10 p.m.

Approved by the Faculty Senate

A handwritten signature in cursive script, appearing to read "Rebecca Weiss".

Rebecca Weiss  
Secretary of the University Faculty

**CONCILIATION COUNSELOR REPORT**  
**JULY 1, 2014—JUNE 30, 2015**

Individuals counseled	14
Contact with other party	5
Mediations held	3
Personnel practice matters	11
Inter-collegial conflicts	3

In the 2014-15 academic year, I counseled 14 different individuals who approached me or were referred to me. One was a department chair and ten others were faculty members with conflicts with supervisors (deans or chairs), *i.e.*, personnel practice disputes to which the grievance process applies. Three of those personnel practice matters related to procedural issues in the promotion process. Three faculty members presented inter-collegial conflicts to which the grievance process does not apply but for which my assistance is available. I had multiple meetings with several of the individuals I counseled.

Some, but not all of those counseled, allowed me to contact the party with whom they had a conflict to try to resolve the matter. I made five such contacts. One declined mediation and one matter resulted in a grievance filing because mediation was unlikely to resolve the dispute.

I held three mediations with apparently good results.

Submitted to the Faculty Senate on October 21, 2015  
by Professor Wilbur C. Leatherberry, Conciliation Counselor

## M E M O R A N D U M

To: Faculty Senate Executive Committee

From: David Carney  
Chair, Faculty Senate Bylaws Committee

Date: October 14, 2015

Re: **Medical school Bylaws Issues / Anatomy Petition**

Members of the Faculty Senate Executive Committee:

Our meeting Friday will include a discussion of the medical school bylaws revision process, and an update on what these changes mean with respect to the pending Anatomy petition. Here's a quick summary – the longer documents on the google site have more detail.

The FS Bylaws Committee met this summer to discuss the Medical school Bylaws. We tried to divide the changes into (a) uncontroversial minor modifications and (b) more controversial provisions implicating faculty rights and privileges, or the pending anatomy petition. We approved the uncontroversial changes, but declined to adopt any language we felt was unclear, vague, or confusing, especially in light of the anatomy petition.

Approved Changes: The approved changes include:

- (a) minor changes to the composition of the faculty CAPT committee;
- (b) changes to the election of student representatives to the faculty;
- (c) provisions designed to improve governance transparency and notice, including provisions requiring the electronic dissemination of meeting notices, agendas, and minutes;
- (d) Other provisions reserving time each year for faculty-initiated concerns at faculty council meetings and meetings with departmental chairs;
- (e) So other minor adjustments, including, for example, the removal of references to the “combined achievement track” for non-tenured faculty.

Each proposed change is included in the redlined version of the medical school bylaws, with a comment bubble indicating if the change was approved by central

bylaws, and reflecting a few minor edits we made to correct grammar errors or clarify the meaning of the provision. I will present each of these changes on Friday.

### **Rejected Changes to the Medical School Bylaws.**

The bylaws committee declined to approve a number of other provisions that were vague or ambiguous, especially in light of the pending anatomy petition. For more detail, please consult my memo to Dan Anker and Nicole Deming.

To summarize, the bylaws committee felt that the medical school bylaws had some vague language and internal inconsistencies, and that those problems were made worse by the proposed changes and/or the pending anatomy provision. The medical school's complex governance structure divides powers between the faculty as a whole, the Faculty Council as the faculty's representatives, and the dean. Because the bylaws have been repeatedly edited as changes were made to the governance structure, it is not always clear which body has which power, or which body must approve organizational changes.

The bylaws committee was concerned regarding committee responsibilities and oversight, and more concerned that the bylaws did not clearly delineate the organization of the medical school faculty into departments, divisions, and other "academic or research units." Thus, the medical school has (or proposes to have) departments, divisions with the status of departments, "other" divisions, "academic or research units", and centers, but the bylaws fail to specify what procedure applies when any non-departmental organization is created, disbanded, or converted from one entity into another. Indeed, the anatomy petition proposes to "convert" anatomy from a department to a "division" or one type or another, but the bylaws do not use the word convert, nor do they specify if such conversions must be approved by the faculty council or the faculty as a whole, or if the dean could unilaterally undertake such a conversion. As explained in much more depth in the memo to Dan Anker and Nicole Deming, the FS Bylaws committee felt that the medical school bylaws should be amended to resolve these ambiguities before any action could be taken on the anatomy petition.



**BYLAWS**

**THE FACULTY OF MEDICINE**

**CASE WESTERN RESERVE**  
**UNIVERSITY**

ADOPTED BY THE FACULTY OF MEDICINE, AUGUST 25, 1978  
RATIFIED BY THE FACULTY SENATE, DECEMBER 13, 1978

AMENDED BY THE FACULTY OF MEDICINE, MARCH 25, 1998  
RATIFIED BY THE FACULTY SENATE, APRIL 23, 1998

AMENDED BY THE FACULTY OF MEDICINE JUNE 25, 1999 AND JUNE 30, 2000  
RATIFIED BY THE FACULTY SENATE, NOVEMBER 6, 2000

AMENDED BY THE FACULTY OF MEDICINE, JANUARY 31, 2003  
RATIFIED BY THE FACULTY SENATE, APRIL 27, 2003

AMENDED BY THE FACULTY OF MEDICINE, APRIL 22, 2005  
RATIFIED BY THE FACULTY SENATE, FEBRUARY 27, 2006

AMENDED BY THE FACULTY OF MEDICINE, JANUARY 11, 2010  
RATIFIED BY THE FACULTY SENATE, APRIL 21, 2010

AMENDED BY THE FACULTY OF MEDICINE, AUGUST 26, 2011  
RATIFIED BY THE FACULTY SENATE, FEBRUARY 22, 2012

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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. In addition, and (3) fifteen students, three-two elected from and by each each of the four University Program medical school classes, two elected at-large from and by Cleveland Clinic former College of Medicine (CCOM) students, two elected from and by M.D.-Ph.D. students, and one-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.

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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 Faculty of Medicine shall make recommendations to the University Faculty concerning the establishment, discontinuance, or separation of any constituent school or college, or concerning the merging of such organizational units, and concerning any matter of import referred by the Faculty Council to the Faculty of Medicine for the determination of its recommendation.

**Commented [djc2]:** Reserved powers and powers to approve reorganizations are either vague or not fully consistent with powers given to Faculty Council. See memo to Dan Anker and Nicole Deming.

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) a majority of the 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

a. Regular Meetings. The faculty shall schedule meetings at least ~~two~~ **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.**

**Commented [WU3]:** Approved by bylaws 7 28 15

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 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. Student members of the faculty, elected in accordance with Bylaw Article 2:1, shall vote 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 and the election of members of committees dealing with such issues.~~

f. 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 Functions and Duties of the Faculty

~~a.~~ All powers and obligations of the Faculty of Medicine shall be delegated to the Faculty Council and exercised by it, with the exception of those powers and obligations reserved above. These delegated powers and obligations shall include but not be limited to the planning and execution of educational programs and the formulation of policies concerning curricula, student admissions, and the conduct of research. The Faculty Council shall also have the responsibility to review the requirements for the M.D. degree and to approve student standings and student promotions.

~~b.~~ The Faculty Council shall make recommendations to the dean for consideration and transmittal to the University Faculty Senate with regard to the establishment or discontinuance of departments and may, at its discretion, make its own recommendation concerning the establishment, discontinuance, or merging of units larger than a single department but smaller than a constituent school or college or refer such matters to the Faculty of Medicine for its recommendation. The Faculty Council shall advise the dean with regard to the establishment, discontinuance, or merging of academic or research units of the School of Medicine that are not required by the Faculty Handbook, at Chapter 2, Article V, Sec. A., Par. 2, c., 2, to be brought before the Faculty Senate. The Faculty Council, through the Committee on Appointments, Promotions, and Tenure, shall make recommendations to the dean for consideration and transmittal to the president of the university with regard to faculty promotions to the ranks of associate professor and professor, initial appointments to those ranks, and granting of tenure.

**Commented [DJC4]:** No action recommended in this section – med school to revise.

**Commented [D5]:** This sentence has been moved to 3:1(a)(ii)

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**Commented [D6]:** This sentence has been moved to 3:1(a)(iii)

**Commented [D7]:** This sentence has been moved to 3:1(a)(v)

c. The Faculty Council shall advise the president with regard to the appointment of the dean, as well as an interim or acting dean (see Section 3:6c for procedures), shall advise the dean with regard to recommendations to the president concerning the appointment of academic department chairs, as well as interim or acting chairs (for procedures see 4:3a and 4:3b), and shall advise the dean concerning appointments of directors of hospital departments and major interdepartmental academic officers.

**Commented [D8]:** This section has been moved to 3:1(a)(iv)

## 2:7 Committees of the Faculty

a. The majority of the voting members of each standing committee dealing with faculty responsibilities shall be elected by the faculty. 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. However, but with approval on an annual basis by the Faculty Council, the chair may appoint the dean of the School of Medicine or another faculty member to serve as chair of a standing committee. Standing committees dealing with areas of faculty responsibility shall include the following: Admissions Committee; Bylaws Committee; Committee on Budget, Finance, and Compensation; Committee on Appointments, Promotions, and Tenure; Committee on Medical Education; Committee on Students; Lecture Committee; and Research Committee.

**Commented [DJC9]:** Changes to 2:7(a) not voted on, subject to other revisions by Medical School.

b. The Faculty Council shall recommend the establishment, discontinuance, and representative composition (e.g., by 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 faculty shall vote upon the nominees and shall elect the majority of voting committee members. Additional 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. In the event that an elected member of a standing committee of the faculty resigns during the term, the nominating 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 nominating 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.

c. 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 or associate dean may be regular members of any of these committees, as long as their number does not exceed 25% of the membership. These persons may not be chairs, but may be executive officers of these committees. Membership rosters of all standing committees shall be published annually.

d. 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.

e. The meetings of the Faculty Council and of all standing committees shall be open to all members of the faculty except for those of the Steering Committee, 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.

f. *Ad hoc* committees of the faculty may be created by the Faculty Council at its discretion.

### ARTICLE 3: THE FACULTY COUNCIL

#### 3:1 Purpose and Functions of the Faculty Council

a. There shall be a Faculty Council of the Faculty of Medicine, which shall meet regularly to exercise all powers of the Faculty of Medicine not reserved to the Faculty of Medicine itself. The powers and obligations of the Faculty Council shall include but not be limited to those following:

i) 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. It shall also have the responsibility to review the requirements for the M.D. degree and to approve student standings and student promotions.

ii) The Faculty Council shall make recommendations to the dean for consideration and transmittal to the University Faculty Senate with regard to the establishment or discontinuance of departments and may, at its discretion, make its own recommendation concerning the establishment, discontinuance, or merging of units larger than a single department but smaller than a constituent school or college or refer such matters to the Faculty of Medicine for its recommendation.

iii) The Faculty Council shall advise the dean with regard to the establishment, discontinuance, or merging of academic or research units of the School of Medicine that are not

Commented [D10]: Moved to 3:1(a)(x) below.

Commented [D11]: Moved from 2:6(b).

Commented [DJC12]: Not approved – unclear what an “Academic or research unit” means,



required by the Faculty Handbook, at Chapter 2, Article V, Sec. A., Par. 2, c., 2, to be brought before the Faculty Senate.

Commented [D13]: Moved from 2:6(b)

iv) The Faculty Council shall advise the president with regard to the appointment and reappointment of the dean, as well as an interim or acting dean (see Section 3:6c for procedures), shall advise the dean with regard to recommendations to the president concerning the appointment of academic department chairs, as well as interim or acting chairs (for procedures see 4:3a and 4:3b), and shall advise the dean concerning appointments of directors of hospital departments and major interdepartmental academic officers.

Commented [D14]: Moved from 2:6(c)

v) The Faculty Council, through the Committee on Appointments, Promotions, and Tenure, shall make recommendations to the dean for consideration and transmittal to the president of the university with regard to faculty promotions to the ranks of associate professor and professor, initial appointments to those ranks, and granting of tenure.

Commented [D15]: Moved from 2:6(b)

vi) The Faculty Council, through the Lecture Committee, shall organize appropriate lectures;

vii) The Faculty Council, through the Bylaws Committee, shall periodically review and make recommendations concerning the amendment of these bylaws and standing committee charges;

viii) The Faculty Council, through the Nomination and Elections Committee, shall oversee the nomination and election process for standing and ad hoc faculty committees and elections of representatives to the Faculty Senate;

ix) The Faculty Council, through the Committee on Budget, Finance, and Compensation, shall consider matters relating to the SOM's budget, finance, and faculty compensation plan.

x) The Faculty Council shall also have the responsibility to review the requirements for the M.D. degree and to approve student standings and student promotions.

Commented [D16]: Moved from 3:1(a)(1)

~~xi~~) The Faculty Council shall hear reports of the committees of the faculty and of the Faculty Council and recommend action on such reports;

~~xii~~) ~~The Faculty Council shall~~ determine the establishment, discontinuance, and representative composition (e.g., by rank, department, or institution) of the membership, length of term for membership, and charge of all faculty standing committees;

~~xiii)~~ ~~The Faculty Council shall~~ elect a chair, a chair-elect, members of the Steering Committee, and the Faculty Council members of the ~~Nominating-Nomination and Elections~~ Committee;

~~xiv)~~ ~~Through the Faculty Council Steering Committee, the Faculty Council shall~~ determine the agenda for its own meetings and the agenda for the meetings of the faculty;

~~xv)~~ ~~The Faculty Council shall~~ 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).

~~xvi)~~ The Faculty Council may appoint standing and *ad hoc* committees to make recommendations concerning its various functions and duties (see Article 3:6d).

**Commented [D17]:** Moved from former 3:1(a)(6), now 3:1(a)(xv)

### 3:2 Membership of the Faculty Council

a. Voting Members. Voting members of the Faculty Council shall include one representative of each academic department (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.) and of each division with departmental status. (All references hereafter to academic departments include divisions with departmental status.) 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. ~~Nominating-Nomination and Elections~~ Committee. ~~The Nominating 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 ~~Nominating-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 dean shall serve as chair of the Nominating Committee.

**Commented [DJC18]:** Changes to Nominating and Elections committee approved by bylaws 8 11 15

The ~~Nomination and Elections~~Nominating 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~~Nominating Committee and the members of other standing committees of the Faculty Council will be carried out at the June 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 June 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 ElectionsNominating](#) 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 ElectionsNominating](#) Committee, the appointee should be a regular member of the Faculty of Medicine.

In addition, the [Nomination and ElectionsNominating](#) 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 ElectionsFaculty Council\\_ 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.](#)

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~~Eliminations and Elections Committee shall report its investigation and resolution~~ -and reported to the Faculty Council and the Faculty of the School of Medicine. The dean shall be requested to supply administrative support for the elections.

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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 ~~three-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 nine-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.

**Commented [D20]:** Amendment required by counting the members identified above.

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 ~~and posted electronically, and sent electronically to all faculty members distributed to all members~~ at least one week in advance of regular meetings and at least two days in advance of special meetings. ~~The agenda shall also be posted electronically and sent electronically to all faculty members made available to department chairs and academic deans and shall be posted in~~

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~~conspicuous places about the School of Medicine and the affiliated hospitals~~

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 such others as the Faculty Council may determine each member of the Faculty of Medicine. Approved minutes shall be posted electronically and sent electronically to available to all faculty members. The dean is requested to provide administrative support for this purpose.

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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

### 4:1 Organization of the Faculty into Departments

The Faculty of Medicine may be organized into departments representing each academic discipline as specified in the Constitution of the University Faculty, Article VII, Sec. B. Divisions with the status of a department may be established.\* Each member of the faculty shall normally have an appointment in a department or in a division having the status of a department. Faculty in a division with the status of a department have all the rights, responsibilities and privileges of Faculty in Departments as specified in the Faculty Handbook. Departments have a three prong mission; research, teaching, and service (Faculty Handbook Chapter 2, Art 7, Sec B Par 2), while Divisions have a more specific focus (e.g. research and service or teaching and service). The head of a Division with the status of a department, or the heads of centers within a division, may nominate faculty for appointment and promotion in the division or nominate faculty for award of tenure in the School of Medicine.

Commented [ND23]: Amendment – passed SOM Faculty Vote March 5, 2015

Commented [djc24]: Amendment not approved by bylaws due to perceived ambiguities regarding organizational structure within medical school.

\* The divisions established by affiliated hospitals and within Departments are distinct from the divisions referred to in this section and are not CWRU academic units.

### 4:2 Function of Departments

Each department shall provide a central administration for its academic disciplines. Each department 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. This responsibility 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. 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.

a. 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.

b. 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.

c. 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.

d. 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.

e. 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.

f. 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.

g. 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

**Commented [djc25]:** All remaining changes (elimination of "combined achievement track" language, tenure advocate, CAPT changes, etc., were unanimously approved by central bylaws 7 28 15 or 8 11 15

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.

h. 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.

i. 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.

j. 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. 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

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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 ~~is requested to~~ 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 head of a division with departmental status 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.

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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 or discontinue academic departments shall be presented to the Faculty Council. Such petitions shall include the rationale for the change. Recommendations of the Faculty Council for establishment or discontinuance shall be referred to the University Faculty Senate, upon approval of the dean.

Commented [DJC29]: both changes approved 8/11/15

#### 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.

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#### 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.

## 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, ~~known within the School of Medicine as the combined achievement 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 eligible ~~“combined achievement track 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.

**Commented [DJC31]:** all “combined achievement track” deletions approved.

#### 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 ~~“combined achievement track”~~ 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 ~~“combined achievement track,”~~ 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 ~~“combined achievement track”~~ 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 ~~Combined Achievement 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 ~~referred to within the School of Medicine as the “combined achievement 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 division of general medical sciences, 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 division of general medical sciences, 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 ~~sixteen~~twenty-four full-time faculty members. ~~Ten~~Eighteen members shall be elected by the full-time faculty and six members shall be appointed by the dean. ~~The associate dean for~~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. ~~Eight~~Ten of the committee members shall have the rank of tenured professor; ~~ten~~five shall be professors in the non-tenure track; and ~~four~~three shall be tenured

Commented [DJC32]: Changed approved by central bylaws.

associate professors. The elected committee members shall include ~~six~~nine faculty members with primary appointment in clinical science departments and ~~four~~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 ~~ten~~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/~~combined~~achievement 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.

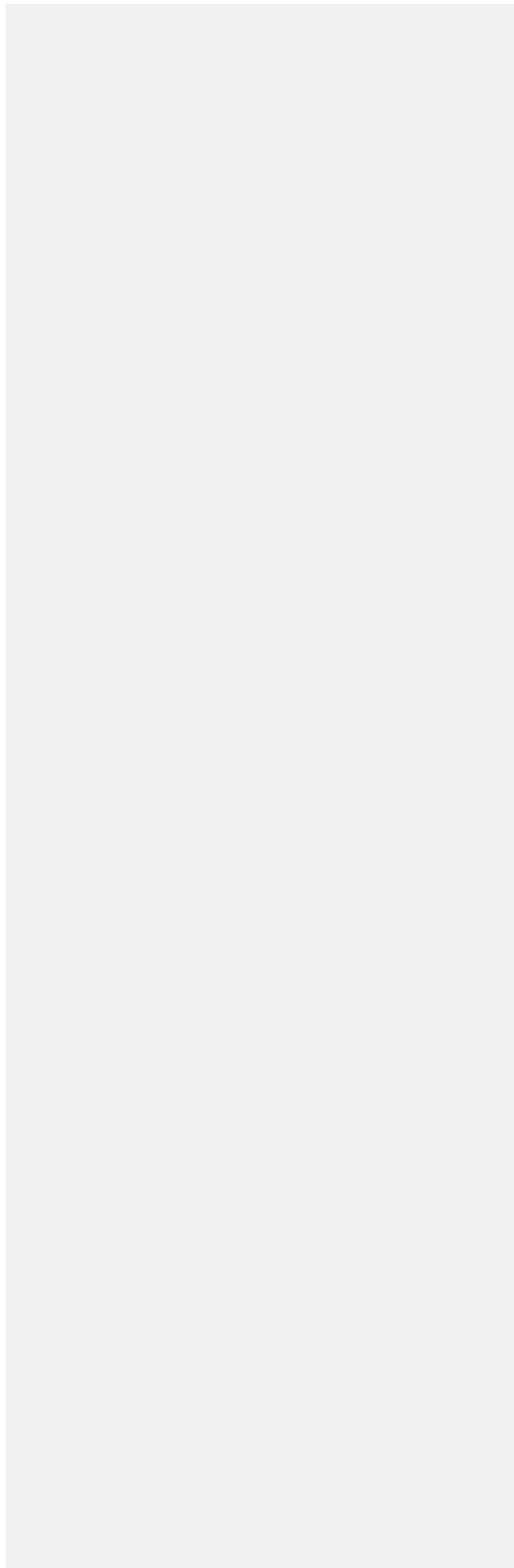
#### 5.11 Sabbatical and Special Sabbatical Leaves

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/~~combined~~achievement 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/~~combined achievement 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. Proposed amendments will be submitted to the secretary of the Faculty Council and ordinarily will be considered by the Faculty Council within the same academic year if submitted prior to April 1 of that year. The proposed amendments 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.



# UPDATE ON SEXUAL MISCONDUCT POLICY CLARIFICATIONS AND ENHANCEMENTS

Peter M. Poulos  
Chief Risk Management Officer  
and Chief Litigation Counsel

Darnell Parker  
Associate Vice President Student Affairs

New University Title IX Coordinator  
Darnell Parker, Associate Vice President  
Student Affairs (x2020)



# Definitions For Intimate Partner Violence & Stalking Added

# Alternate Members Added To Sexual Misconduct Panel Hearing

# Complaint May Not Move Forward To Hearing If Insufficient Information

# Appeal Now Includes Responsive Statement By Other Party

“Questions?”