

**Faculty Council Meeting
Meeting Minutes
February 26, 2024**

Timing	Agenda Item	Presenter	Summary of discussion	Action items/Motions/ Votes
4:03-4:13PM	Welcome and Chair Announcements	Matthias Buck	<p>The Chair called the meeting to order at 4:03PM. Dr. Buck reminded everyone of the upcoming SOM senator elections and the university-wide engagement survey which will be going out shortly. He encouraged everyone to participate and provide constructive feedback. The Medical Education Retreat will be held on May 8; Lia Logio will be presenting to Faculty Council on April 16. The next Dean’s Significant Conversation will be held on April 10: How Healthy is the Culture of Academic Medicine. The Dean’s Third Meeting of Faculty will be held in April or May as a hybrid meeting; the date will be forthcoming.</p> <p>The Chair provided a brief overview of the agenda items to be addressed at today’s meeting.</p> <p>A poll was launched for Faculty Council members to answer the following three questions:</p> <ol style="list-style-type: none"> 1. Unit you represent (CCF, CWRU-Main, MHMC, UH, VA) 2. Does your department/academic unit have regular faculty meetings (1-4 months) 3. If so, is a report from Faculty Council on the agenda <p>Dr. Buck will present the results of the poll at the March meetings of the Faculty Council Steering Committee and Faculty Council.</p>	
4:13-4:14PM	Approval of January Faculty Council Minutes	Matthias Buck	When polled, there were no edits or corrections suggested to the January 22 Faculty Council Meeting minutes.	The January 22 Faculty Council Meeting Minutes were approved by general consensus.

4:14-4:24PM	Report from Faculty Council Steering Committee Meeting	Alan Levine	<p>Dr. Levine presented an overview of topics discussed at the February Faculty Council Steering Committee Meeting.</p> <p>The FCSC reviewed two academic chair appointments. The general consensus of the committee was that both candidates are well qualified for their academic chair appointments. Ten emeritus packets were reviewed. All were deemed to be strong candidates and met the qualifications for emeritus status.</p> <p>NTT promotion packets, previously reviewed by the CAPT, were evaluated to ensure equity had been applied. The committee discussed the proposed text stating that any tenured faculty member should have a dual appointment -- an appointment in a clinical department as well as possibly in basic sciences. If a transition should occur in the future that faculty member already has a home. Dr. Elvera Baron will provide the details of the proposal and discussion later in today's meeting. The agenda for today's meeting was created and approved</p>	
4:24-4:35PM	Dean's Announcements	Dean Gerson	<p>The Dean stated that he is aware of the topic of tenure at UH and is moving ahead conscientiously, both with the chairs, to make sure all is coordinated in how we manage the guidance that has been provided ongoing, and looking forward to conversation with MetroHealth faculty and VA leadership.</p> <p>The search for the Neuroscience chair is ongoing. Nominations have been placed for the Distinguished University Professor designation. Faculty nominations for awards and recognition continues. Documents have been submitted to US News & World Report for the rankings. A draft of the guidance conversations that took place regarding the appointments and promotions process is being circulated with the chairs of each of the major institutions that make up our consortium medical center, and give the best opportunity for the 3,400 faculty members to see their efforts recognized. It is slowly navigating itself for review at the chair level, then associate dean level, Provost, Sr. Vice Provost level, and then will come to this body for assessment.</p>	

4:35-4:47PM	Report from University Faculty Senate/Senate Executive Committee	Elvera Baron	<p>Dr. Baron noted three topics that she would address in today's meeting: The January 29 Faculty Senate meeting summary, UH recommendations, and shared governance documents.</p> <p>One of the topics relevant to the SOM, and also to other schools of the university, is how the AI test scores can be safely infiltrated to assist professors in grading. Dr. Baron will provide contact information for the AI task force. They discussed the open access initiative, how it is being rolled out across the university, and whether scientists are able to publish in the open access format. Library Sciences presented on this topic to Faculty Council several months ago.</p> <p>Many universities are becoming test optional only and not test required. It was voted to go test optional at the last meeting. April 8 will be a university holiday because of the total eclipse. There will be additional training for Title IX; information will be forthcoming. The climate survey was accepted and sent to the Faculty Senate for approval. Childcare benefits will be made available for those post-doctoral fellows who receive any funding from CWRU or are presenting at meetings.</p>	
4:47-4:59PM	CWRU-UH Tenure Matter at Senate	Elvera Baron	<p>The UH Hospital Based Faculty Committee was tasked with reviewing the key documents in the Faculty Senate's process towards protecting the indefinite duration of tenure and durability of CWRU compensation for tenured hospital based faculty at UH. This committee reviewed key documents to determine their compliance with the Faculty Handbook and SOM Bylaws. The Hospital Based Faculty Committee created UH recommendations to this end. If hospital based faculty move to a new department, their salary should be commensurate with their role and responsibilities. The committee proposed the following amendment to the Faculty Handbook: "Tenure Salary Guarantee":</p> <p>"This commitment includes a salary guarantee to which Case Western Reserve University obligates itself. The salary shall be at a level determined by the dean of the relevant school or college to be reasonable compensation for the roles and responsibilities of the tenured faculty member".</p>	The proposed amendment was sent to the Faculty Senate for review.

4:59-5:12PM	Shared Governance Committee Final Report	Elvera Baron Danny Manor	<p>The ad hoc Committee on Shared Governance was created in November of 2022 and was slated to sunset in November 2023. The committee was charged with studying current practices of shared governance across campus (including the operations of the Faculty Senate), evaluate stakeholders' experiences and expectations, and make recommendations. The report, posted in box, was received by not accepted by Senate Excom. Dr. Baron and others believe the report should be presented to the Senate and she will write a letter to Excom to that effect.</p> <p>Dr. Baron highlighted the need for improvement in the engagement of clinical faculty in shared governance. The committee also discussed the challenges faced by faculty attending Senate meetings and proposed the use of Zoom as an additional option for participation. Faculty Council discussed but did not vote on (no motion was made) on drafting a letter to the Senate requesting a review of their policies and the implementation of a hybrid model for meetings.</p> <p>The SOM is the smallest participant on percent response to the previous survey (5% compared to 30-40% for other schools). It was concerning that many questions on the survey were answered with "I don't know". The reasons for the lack of engagement were debated; some suggestions were a lack of interest, not enough education about available opportunities, or a lack of onboarding of new faculty. Many recommendations were made as to how to interact with the Faculty Senate and the whole SOM. The recommendations of this committee were presented to the ExCom to generate discussion and new actions. Quarterly reports could be generated to educate the rest of faculty as to what the Faculty Senate is doing, and minutes and recommendations could be made readily available. It was suggested there be an annual delivery of a comprehensive report regarding the state of the university and denoting future plans by CWRU president and provost.</p>	
5:12-5:24PM	First Report from FACE Committee (Ad Hoc Committee on Faculty-Administration Interactions, Co-Governance and Engagement)	Alan Levine	<p>The FACE committee is comprised of equal representation from the basic sciences and clinical faculty. The upcoming climate survey will focus on three major topics and has undergone some changes based on feedback, such as clarifying the definition of 'leadership'. Concerns were</p>	

	<p>First Report from FACE Committee (Ad Hoc Committee on Faculty-Administration Interactions, Co-Governance and Engagement) (Continued)</p>		<p>raised about the low response rate to a previous survey from the SOM, with only 3-5% participation.</p> <p>Dr. Levine acknowledged there was a perceived lack of action following the previous climate survey in 2018. The strategy for the upcoming survey involves encouraging peer-to-peer interaction to increase participation. The committee desires to avoid the pitfalls of previous surveys, including a lack of action following proposed ideas.</p> <p>Dr. Levine discussed the shared governance approach, emphasizing the importance of quick, short-term fixes to demonstrate active listening and build trust. He suggested the committee should focus on issues that can be resolved within a week, then tackle larger, more complex questions requiring administration buy-in. Each FACE Committee member was asked to provide two comments, one personal and one gathered from colleagues, which will be sorted through in the March meeting.</p>	
<p>5:24-5:40PM</p>	<p>Annual Report from the Nomination and Elections Committee</p>	<p>Scott Howard</p>	<p>Dr. Howard has served as chair of the NEC for three years. This committee has sought to standardize processes, increase transparency, and promote diversity and inclusion (such as adding a mandatory diversity statement in their application process and inviting Tina Lining to speak about diversity). Dr. Howard also highlighted the challenges of maintaining committee composition due to personnel changes and the need for increased voter participation in faculty elections. He stressed the importance of reaching out to colleagues to encourage voting and discussed the potential loss of basic science membership on the Faculty Senate. He acknowledged the frustration of seeing only 7% of faculty voting in these events and encouraged participation.</p> <p>There had been some discussion in Faculty Council about earmarking two seats for basic science and two for clinical. The Bylaws Committee concluded they could not earmark seats based on the current rules.</p> <p>The NEC is currently preparing for the Faculty Council ballot. The new chair is expected to be chosen in</p>	

			the next month or so. Those interested should submit a statement of interest. Typically, we will have a voting period in May where Faculty Council will vote. This will include the Faculty Council Chair, Faculty Council Steering Committee, and the membership of the NEC for those members rotating off. The NEC's members come from all institutions and from Faculty Council itself.	
5:40-5:41PM	New Business		When polled, there were no topics of new business to address.	
5:41PM	Adjourn		There being no further agenda items to be addressed, the chair adjourned the meeting at 5:41PM.	

Present

Robert Abouassaly
Joshua Arbesman
Moises Auron
Elvera L. Baron
Melissa Bonner
Neil Bruce
Matthias Buck
Dan Cai
Adrienne Callahan
Francis Caputo
Aleece Caron
Patrick Collier
Darin Croft

Marta Couce
Margot Damaser
Piet de Boer
Jonathan Emery
Stephen Fink
Lisa Gelles
Stan Gerson
Ramy Ghayda
Matthew Grabowski
Alia Hdeib
Jason Ho
Jessie Jean-Claude
Hung -Ying Kao

Sadashiva Karnik
Gaby Khoury
Vijaya Kosaraju
Christina Krudy
Erin Lamb
Alan Levine
Jennifer Li
Shawn Li
Janice Lyons
Tani Malhotra
James Martin
Raman Marwaha
William Merrick

Gillian Michaelson
David Mihal
Attila Nemeth
Rebecca Obeng
Cyrus Rabbani
Anastasia Rowland-Seymour
Hemalatha Senthilkumar
Paul Shaniuk
Matthew Sikora
Bryan Singelyn
Jacek Skowronski
Courtney Smalley

Phoebe Stewart
Usha Stiefel
Ben Strowbridge
Nami Tajima
Johannes von Lintig
Ari Wachsman
Mark Walker
Robert Wetzel
Scott Williams
Wei Xiong
Samina Yunus
Raed Zuhour

Absent

Mohamad Chaaban
Andrew Crofton
Meelie DebRoy
Mackenzie Deighen
David DiLorenzo
Corinne Falck-Ytter

Jessica Fesler
Bahar Bassiri Gharb
Rachael Gowen
Amy Hise
Peter K. Kaiser
Eric W. Kaler

Sangeeta Krishna
David Ludlow
Dan Ma
Mariel Manlapaz
Christopher McFarland

Daniela Mehech
Rocio Moran
Dean Nakamoto
Neal Peachey
Deven Reddy

Tamer Said
Jim Strainic
Joseph Tagliaferro
Patricia Taylor
Gregory Videtic

Others Present

Nicole Deming
Peter Harte
Anna Maria Hibbs

Joyce Helton
Scott Howard

Cynthia Kubu
Danny Manor

Sarah Ondrejka
Reshi Parameswaran

Demitre Serletis
Nick Ziats

**Faculty Council Meeting
Draft Meeting Minutes
January 22, 2024**

Timing	Agenda Item	Presenter	Summary of discussion	Action items/Motions/ Votes
4:03-4:07PM	Welcome and Chair Announcements	Matthias Buck	The Chair called the meeting to order at 4:03PM. The Dean's significant conversations will resume on February 14 and April 10 and will be held as hybrid meetings (BRB105 and via Zoom). The SOM elections for senators for faculty senate and the engagement survey will be coming out before the February Faculty Council Meeting. Agenda items for consideration at the Faculty Council Steering Committee's February 5 Meeting need to be submitted by January 26. The chair presented a brief overview of today's agenda items.	
4:08-4:09PM	Approval of December Faculty Council Minutes	Matthias Buck	When polled, an edit was suggested to the December 18 Faculty Council Meeting minutes.	A motion was made by a Faculty Council member and seconded by a Faculty Council member to approve the December meeting minutes as amended. Vote: 30 were in favor, 0 were against, and 1 abstained. The motion is approved
4:09-4:14PM	Report from Faculty Council Steering Committee Meeting	Alan Levine	Dr. Levine presented an overview of topics discussed at the January Faculty Council Steering Committee Meeting. Three guests presented reports to the FCSC and then to Faculty Council today: Bill Merrick (the Committee on Budget, Finance and Compensation), Derek Taylor (Infrastructure), and Suzanne Brady-Kalnay (Committee on Biomedical Research). One issue identified early on, and that will need to be addressed, is that not all departments have published metrics to gauge faculty contributions to the school when	

			<p>used to evaluate faculty compensation. There is no current information as to what the process will be, just that we are aware of the inconsistency between the bylaws from the Faculty Senate and the bylaws from Faculty Council.</p> <p>The FCSC also reviewed applications of faculty being considered for emeritus status. Appointments, promotions and award of tenure packets are reviewed by the FCSC for equality and fairness across the decision-making process. They look at files in aggregate to ensure that the same criteria and standards are met.</p> <p>Dr. Buck had made an introductory comment regarding the issue of tenure at UH which was directed from the Faculty Council to the Faculty Senate about a year ago. The Faculty Senate has acted and are still drafting their final set of guidelines. Once they are available it will be shared with Faculty Council.</p>	
4:14-4:19PM	Report from University Faculty Senate/Senate Executive Committee	Elvera Baron	Dr. Baron provided summary of discussion at the December Faculty Senate meeting.	
4:19-4:24PM	Dean's Announcements	Stan Gerson	<p>The Dean noted that it has been a week since MLK Day and hoped that everyone had been able to hear Ed Barksdale's conversation or the Dean's short video. He reminded the members of Dr. King's famous quote: "We are now faced with the fact that tomorrow is today. We are confronted with the fierce urgency of now. In this unfolding conundrum of life and history, there "is" such a thing as being too late. This is no time for apathy or complacency. This is a time for vigorous and positive action."</p> <p>We are awaiting the commentary from the Faculty Senate on UH regarding tenure appointment. We are 45 days from renewing our compliance with the LCME guidelines; the Dean applauded the efforts of everyone involved. Faculty Council will be updated on how this proceeded.</p> <p>Finance is working with the basic science departments' financial review for the upcoming year. Serious attention is being given to the revision of the appointment tenure</p>	

			<p>process.</p> <p>When questioned about our new normal and new routine the Dean explained that while we are still getting over Covid, he stressed the importance of how we educate and conduct our research, and how we interact and have engagement with our peers and our students, friends and colleagues. How much time we spend together on campus, in-person and at a distance, and how effectively we are innovating to provide the best scholarship that we can.</p>	
4:24-4:36PM	Committee on Compensation, Budget and Finance	William Merrick	<p>The committee has made a recommendation to revise the CWRU SOM bylaws under section 5.7 Tenure Salary Guarantee. The proposed new wording is “Award of tenure for the faculty of the School of Medicine is accompanied by a guarantee of salary that is equal to at least the last base salary commitment from the previous year”. It would be left to the Bylaws Committee to improve the wording if necessary. It is possible that there will be some additional statements that will relate to individuals who are basically working in the clinical departments; we are waiting to hear from the Faculty Senate. Statements about tenure and salary may end up being specific for each school, consequently showing up in the bylaws of each of these schools and colleges.</p> <p>On average salaries increased about 3% annually. Values obtained indicate we average about 15% below comparative school salaries. An additional 3-4 % must be added to close the gap between median salaries over the next five years. In essence the university would have a 6-7 % salary raise pool over the next five yrs. A resolution to this effect was approved by the full Senate.</p> <p>Compensation is salary plus fringe benefits. Two years ago, fringe was reduced by half in the category of retirement contribution. This wording was put up to restrict the administration from dipping into the fringe benefit pool for money for various purposes. The change recommended in section b was the policy of the university not to reduce the</p>	

			<p>This recommendation was tabled when it was considered that in order to do this the university would have to declare financial exigency, having a poor outcome on the university, affecting bond rates, etc. A refined motion will be presented to the Senate at a future meeting, which states the compensation for the faculty member shall be reduced only with an approval of 2/3 of university faculty. This would prevent the university from using fringe benefits funds to balance the budget. Not an annual report but interim report. There are discussions occurring in the Faculty Senate that will influence the SOM (primarily faculty tenure track positions in the clinical departments).</p> <p>Initially last year several schools were planning a salary freeze but the president intervened and insisted they had to get at least a 2% increase. The medical school is in the black for this year so hopefully we can look forward to a 5-6% raise pool. Towards the end of the year, we will know more about the tenure/financial implications matter and have input from the Faculty Senate.</p>	
4:36-4:51PM	Resolution on Faculty Input into Chair's Appraisal	Matthias Buck	<p>Dr. Buck offered suggestions as to how faculty might provide input to assess performance of an academic chair (personal conversations with chair, emails to the dean, tenure departmental review, anonymous or individual comments through the grievance portal)</p> <p>Chairs would like to know how they can tweak their leadership style, and/or acquire additional training or coaching. As an example, Dr. Buck noted that Article 9 of the School of Engineering bylaws states that "The Dean of Engineering, in consultation with the faculty, shall review the performance of the department chairs no later than one year prior to the end of the appointment and no later than the third year of the appointment".</p> <p>Dr. Buck held conversations with the basic science chairs, institutional representatives from Faculty Council, and the Council of Medical Chairs regarding input into the Chair's appraisal. Positive outcomes of this process were deemed to be increased transparency, increased faculty engagement,</p>	

	Resolution on Faculty Input into Chair's Appraisal (continued)		<p>it stimulates equitable treatment of faculty and chairs, and suggests factors beyond the usual metrics for review of a department as a whole.</p> <p>Some months ago, the Faculty Council Steering Committee tweaked this motion after faculty input asked the Bylaws Committee to draft language to have "anonymous input by the primary faculty at least every five years into the appraisal of their department chair, the results of which will be communicated to the SOM Dean and/or Senior Associate Deans (at affiliates). This would apply to all SOM academic chairs."</p> <p>This would be tied to the five-year review of the chair. It was not known if the chairs have five-year contracts, however, five years is the time period in which chairs petition the Dean for additional resources. It was suggested that this be entered into the bylaws, rather than an operations document, ensuring transparency and allowing the entire SOM faculty to vote on it, giving it more weight than if it had come from the Faculty Council Steering Committee or Faculty Council.</p> <p>Hope Barkoukis tailored her departmental review to indicate how well she is doing as a chair. This is circulated annually in an anonymous manner, providing her with an update. Chairs seem to prefer such mechanisms better than the 360 review which focuses on leadership qualities.</p> <p>A motion was made and seconded to end the discussion. No one objected and we will proceed to a vote.</p>	<p>A motion was made by a FC representative and seconded by a FC representative that Faculty Council asks the Bylaws Committee to draft language to have "anonymous input by the primary faculty at least every five years into the appraisal of their department chair, the results of which will be communicated to the SOM Dean and/or Senior Associate Deans (at affiliates). This would apply to all SOM academic chairs."</p> <p>Vote: 41 were in favor, 1 were against, and 8 abstained. The motion is approved</p>
4:51-5:05PM	Brief Survey re. Faculty Meetings and Chair's Meeting Matter	Matthias Buck	<p>Dr. Buck has proposed an academic chair meeting as a faculty group. Regular meetings between basic science chairs have existed for a long time. There is a Council of Clinical Chairs at UH; but it was not known if there is an equivalent at Metro or the VA. Would faculty want meetings between counterparts (between institutions), if the chairs would be interested. This question could be posed directly to the academic chairs. If positive, we could ask faculty if it would be useful and beneficial for the chairs to</p>	

	<p>Brief Survey re. Faculty Meetings and Chair's Meeting Matter (continued)</p>		<p>present their findings to faculty. The overarching goal is to create a path forward. The comment was made that many of these meetings are currently going forward and there is concern about having a survey without a well-formulated goal for questions that we want answered.</p> <p>After the pandemic it seemed that a number of groups were not meeting anymore and it seemed to present a concern institution-wide. The formats used by basic science council chairs and clinical chairs at UH did not interact with the academic aspects of faculty in the way of these other two groups.</p> <p>A member suggested that the survey could be split into two parts with faculty representatives first polling their chairs whether they wanted to discuss the matter, and reporting back to Faculty Council. There was no second to have that text as an alternate motion.</p> <p>If faculty members administered the survey, how would they report back to Faculty Council or how could it be tabulated?</p> <p>It was suggested to end discussion, and with no objections proceeded to a vote.</p> <p>A motion was made and seconded to end discussion. There were no objections so discussion was ended. The motion was put to a vote.</p>	<p>A motion was made by a FC member and seconded by a FC member to conduct a survey amongst all FC clinical department representatives concerning communications between academic chairs to find out whether there is a desire to</p> <ul style="list-style-type: none"> A) meet as a group of academic chairs within an institution (e.g. council of clinical science chairs) B) meet with their discipline-specific counterparts at other institutions <p>in order to discuss academic and educational issues</p> <p>Vote: 18 were in favor, 28 were against, and 0 abstained. The motion is not approved</p>
<p>5:05-5:19PM</p>	<p>Infrastructure</p>	<p>Derek Taylor</p>	<p>Dr. Taylor provided an overview of the charge and committee members on this committee. The Committee includes Center Director Managers/Users who meet monthly to discuss core-related issues. This committee is charged with soliciting and reviewing RFIs (panel review, steering committee, and add ad hoc committees). They meet in January to discuss the results and plan going forward for budgetary purposes.</p> <p>The current charge of this committee is to implement KPIs (Key Performance Indicators) that include metrics and measurements. They help evaluate annual core perfor-</p>	

			<p>mance, adherence to the business plan, and benefits to the broad research community. The committee will assist in determining core budgets on an annual or semi-annual basis. Michael Piccinillo meets monthly with the core Directors/Managers to discuss the KPIs and any issues surrounding them. They work with the proposer to secure funding and have had success in recent years. They look for the most efficient way of using our resources. If you are planning to submit an application, they are willing to work with you by reviewing it and also confirming that the technology is not already available and to make sure that it is something worthy of the investment of the school. For the June 3 deadline, it must be reviewed before April 1. Bill Schiemann will assist with the fine-tuning, letters and school support.</p> <p>The RFI data for 2023 indicates that 12 proposals were submitted/reviewed. The requests ranged from \$40K - \$1.2M. There were three reviewers per proposal. Based on review, four grants were recommended for funding. Investments ranged from \$50K - \$525K per RFI. Dr. Ray Muzik secured a \$500+K DOE grant for the removal of the old cesium irradiators. He will purchase an Empyrean FLASH-ray Irradiator for the Radiation Resources Shared Resource (\$75K). Support from CWRU has been approved.</p>	
5:19-5:28PM	Annual Report of the Committee on Biomedical Research	Susanne Brady-Kalnay	<p>Dr. Brady-Kalnay is the Chair of the Committee for Biomedical Research. She identified the current committee members and explained the committee charge.</p> <p>The committee provides a forum for faculty input into discussions aimed at identifying current and future research areas that cross departmental and center boundaries and are strong candidates for investment by the SOM. Topics will include strategic vision for research, basic clinical, translational, and population research, and new technologies and emerging research approaches. They bring issues forward to send to the Dean's office. They have reviewed all of the Type B centers at least once.</p> <p>In order to physically go through a process of IRB support at particular institutions, they have focused their efforts</p>	

			<p>basing them on solutions that actually work, then expanding that and trying to eventually get to the big solution. Issues related to research may be brought before the CBR by the Dean, the Vice Dean for Research, Department Chairs (individually or through the Council of Basic Science Chairs), Center Directors, faculty groups, or individual faculty. They reviewed several centers (existing and some brand new) and at the Dean's request. reached out to several new department chairs to determine their vision for their department.</p> <p>Two major areas of focus for the past five years have been to address city-wide barriers to cooperation among the SOM and the affiliated clinical institutions in all areas of research (IRB, Data Sharing, Biospecimen Sharing, etc., discuss solutions, identify areas of success). Review of Type B Centers and how they can engage researchers city-wide.</p>	
5:28-5:29PM	New Business		When polled, there were no topics of new business to address. Suggestions can be emailed to Nicole Deming.	
5:30PM			There being no further agenda items to be addressed, the chair adjourned the meeting at 5:30PM.	

Present

Joshua Arbesman
Elvera L. Baron
Melissa Bonner
Neil Bruce
Matthias Buck
Adrienne Callahan
Francis Caputo
Mohamad Chaaban
Patrick Collier
Darin Croft
Andrew Crofton

Marta Couce
David DiLorenzo
Jonathan Emery
Jessica Fesler
Stephen Fink
Lisa Gelles
Stan Gerson
Jason Ho
Jessie Jean-Claude
Hung -Ying Kao
Sadashiva Karnik

Gaby Khoury
Vijaya Kosaraju
Erin Lamb
Alan Levine
Jennifer Li
Shawn Li
Lia Logio
David Ludlow
Janice Lyons
James Martin
Raman Marwaha

Christopher McFarland
Daniela Mehech
William Merrick
David Mihal
Dean Nakamoto
Rebecca Obeng
Cyrus Rabbani
Anastasia Rowland-Seymour
Hemalatha Senthilkumar
Matthew Sikora
Bryan Singelyn

Jacek Skowronski
Phoebe Stewart
Usha Stiefel
Ben Strowbridge
Patricia Taylor
Gregory Videtic
Johannes von Lintig
Mark Walker
Wei Xiong
Raed Zuhour

Absent

Robert Abouassaly
Moises Auron
Blaine (Todd) Bafus
Maura Berkelhamer
Corinne Bazella
Eileen Borawski
Dan Cai
Aleece Caron
Margot Damaser

Piet de Boer
Meelie DebRoy
Mackenzie Deighen
Corinne Falck-Ytter
Bahar Bassiri Gharb
Rachael Gowen
Ramy Ghayda
Matthew Grabowski
Alia Hdeib

Amy Hise
Peter K. Kaiser
Eric W. Kaler
Sangeeta Krishna
Christina Krudy
Dan Ma
Tani Malhotra
Mariel Manlapaz

Gillian Michaelson
Rocio Moran
Attila Nemeth
Neal Peachey
Deven Reddy
Tamer Said
Paul Shaniuk
Courtney Smalley

Jim Strainic
Joseph Tagliaferro
Nami Tajima
Ari Wachsman
Robert Wetzel
Leon R. White
Scott Williams
Samina Yunus

Others Present

Nicole Deming
Joyce Helton

Susann Kalnay-Brady

Cynthia Kubu

Lila Robinson

Derek Taylor

Faculty Senate and Executive Committee Update(s)

Elvera L. Baron, MD, PhD

February 2024

VA



U.S. Department
of Veterans Affairs



CASE WESTERN RESERVE
UNIVERSITY
SCHOOL OF MEDICINE

Faculty Senate Meetings (01/2024—Present)

January 29, 2024

- AI Task Force
- Open access initiative
- CWRU undergraduate admissions – test optional vs test-required
- April 8, 2024 as university holiday
- Office of General Council: Title IX training
- Child Care Working Group
- UH recommendations – endorsed by Senate prior to implementation (vote 42:1)
- Committee on Bylaws: report on proposed language
- Metro review and VA review

Next meeting: February 29, 2024

VA



U.S. Department
of Veterans Affairs



CASE WESTERN RESERVE
UNIVERSITY
SCHOOL OF MEDICINE

ExCom Meetings (01/2024—Present)

January 18, 2024: Scheduled Meeting

- MetroHealth Hospital Based Faculty Charge – committee membership approved 1/29/24

February 19, 2024: Scheduled Meeting

- Consent Agenda: Graduate Studies, University Registrar, Health Incident Reporting (accepted, sent to Fac Senate for approval)
- AI in Teaching and Learning
- Standing Committee Composition: Students and Deans – sent to committee on Bylaws + review by each standing committee re: service of student members
- Committee on Undergraduate Education: university seminar and class workload tool – passed
- Climate Survey – accepted and sent to Senate for approval
- ExCom accepted the reports from the Senate Faculty Personnel and Bylaws Committees – sent to MetroHealth hospital based faculty committee (membership approved by the Fac Senate on 1/29/24) and Provost will convene the committee

March 5 vs 8, 2024: Emergency Meeting

Next Meeting: March 18, 2024.



UH Hospital Based Faculty Committee

Key documents in the Faculty Senate's process towards protecting the indefinite duration of tenure and durability of CWRU compensation for tenured hospital-based faculty at University Hospitals of Cleveland (assembled Jan 24, 2024 by Maureen McEnery)

Process unfolded over three stages over many months:

- i. Documents reviewed to determine their compliance with Faculty Handbook and School of Medicine Bylaws (June 2022 to Jan 2023)
- ii. Hospital Based Faculty Committee created UH Recommendations to protect the indefinite duration of tenure and protect durability of any CWRU compensation, as defined by the Faculty Handbook and School of Medicine Bylaws. Hospital Based Faculty Committee submits UH recommendations to President Kaler, who accepts them all. (Jan 2023 to June 2023)
- iii. Additional review of UH Recommendations by Committee on Faculty Personnel and Bylaws Committee resulted in proposals inclusive of amendments to Chapter 3, Part One, Article 1, Section E, Paragraph 2: (September 2023 to January 2024)



UH Hospital Based Faculty Committee

Proposal for the Bylaw Committee (Dec 2023):

Based on clarification given during the November EXCOM meeting, the FPC understands that the SOM-UH tenure harmonization matter will be specified in the following way:

1. The SOM will be responsible for the salary of tenured faculty severed by UH.
2. That salary will be guaranteed until retirement consistent with tenure's meaning.
3. The salary will be determined by the Dean of SOM as equitable compensation comparative to other SOM faculty for the *roles and responsibilities* of the relocated tenured faculty in the SOM.
4. The relocated tenured faculty will at least hold a position in the Basic Science Department or some comparable position. Moreover, this will be established upon hiring with UH going forward.

We ask that the Bylaw Committee review the faculty handbook, in particular section E, subsection 2, to add in language for all faculty at CWRU consistent with the above, namely:

1. The relevant school/college is responsible for the salary of the tenured faculty.
2. That salary will be guaranteed until retirement consistent with tenure's meaning.
3. The salary will be determined by the head of the relevant school/college as equitable compensation, comparative to other faculty in the relevant department or unit, for the *roles and responsibilities* of the tenured faculty member.



U.S. Department
of Veterans Affairs



CASE WESTERN RESERVE
UNIVERSITY
SCHOOL OF MEDICINE

UH Hospital Based Faculty Committee

Proposed amendment to the Faculty Handbook: “Tenure salary guarantee” January 12, 2024

E. Tenure

1. Academic tenure is an essential component of the development and delivery of quality educational and research programs at the University. 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. Tenured faculty members are protected explicitly against dismissal or disciplinary action because their views are unpopular or contrary to the views of others. Their non-tenured colleagues derive protection by general extension of these principles of academic freedom.

2. When awarded, academic tenure rests at the constituent faculty level rather than at the departmental level. The award of academic tenure to a faculty member is a career commitment which grants that faculty member the right to retain his or her appointment without term until retirement. **This commitment includes a salary guarantee to which Case Western Reserve University obligates itself. The salary shall be at a level determined by the dean of the relevant school or college to be reasonable compensation for the roles and responsibilities of the tenured faculty member.** 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 primary appointment rests is closed or reduced in size, the University shall nevertheless make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration until retirement.

APPROVED: 11/0 by ExCom, sent to Senate.



U.S. Department
of Veterans Affairs



CASE WESTERN RESERVE
UNIVERSITY
SCHOOL OF MEDICINE

UH Hospital Based Faculty Committee

Jan 2024 Senate Meeting Charge:

Request Senate's endorsement of the University Hospitals Recommendations.

Approved/Endorsed

Amendment to Chapter 3 re Tenure accepted by President Kaler.

Transmittal of the amendment to the BOT



QUESTIONS



Ad Hoc Committee on Shared Governance (10/23)

Formed:

*November 2022 per CWRU Faculty Senate charge in response to concerns from faculty and senators.
Charge amended March '23. Anticipated sunset: November 2023*

Structure:

*Two reps from each academic unit (1 senator + 1 elected; one CAS vacancy).
Manor (SoM) + Goldberg (SoDM) elected by members to co-chair the committee.*

Goal:

Evaluate SG definition and practices in CWRU, identify strengths and weaknesses, recommend changes if needed.

[Charge to the ad hoc committee on Shared Governance](#): study current practices, evaluate stakeholder's experience and expectations, make recommendations.

Main Group Meeting Dates:

2022: October 27, November 15, December 9,

*2023: January 13, February 3 and 17, March 3, 17 and 31, April 14 and 28, May 12 and 26
September 7 and 21, October 5*



U.S. Department
of Veterans Affairs



CASE WESTERN RESERVE
UNIVERSITY
SCHOOL OF MEDICINE

Final Report on Shared Governance (12/23)

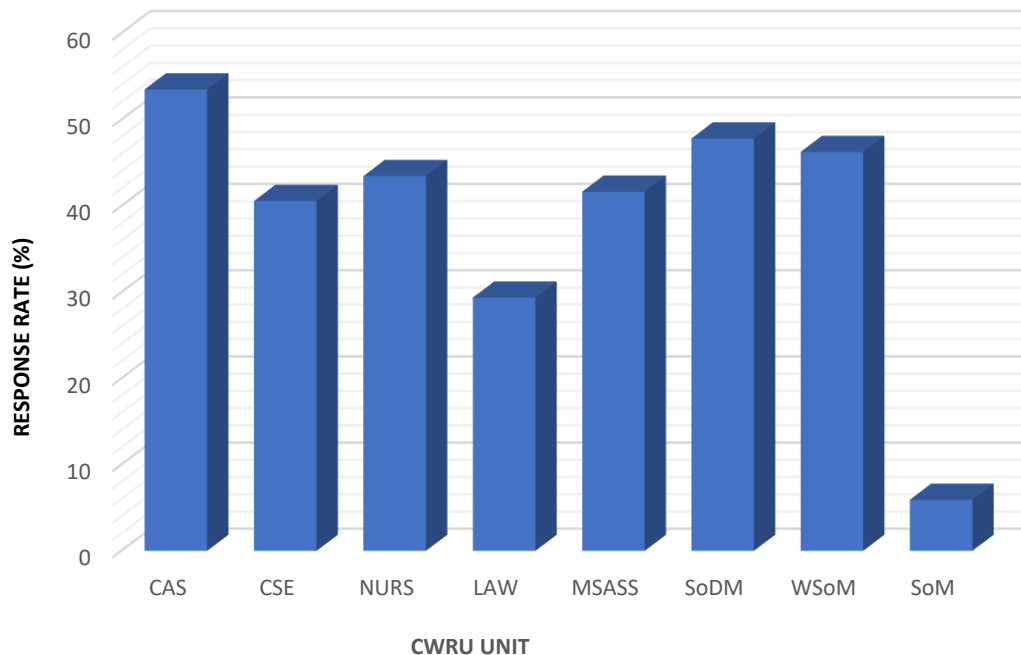
- Shared governance is practiced at most levels of CWRU but has changed across administrations.
- Formal definition of shared governance is absent.
- Practices of shared governance vary widely among academic Units.
- Effective policies and procedures govern the Faculty Senate, but areas for improvement were identified.
- Presentation will focus on areas for improvement.

Final Report on Shared Governance (12/23)

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- Formal definition of shared governance is absent.
- Practices of shared governance vary widely among academic Units.
- Effective policies and procedures govern the Faculty Senate, but areas for improvement were identified.
- Presentation will focus on areas for improvement.

Select takeaways from faculty survey

1. Response rate (by Unit).

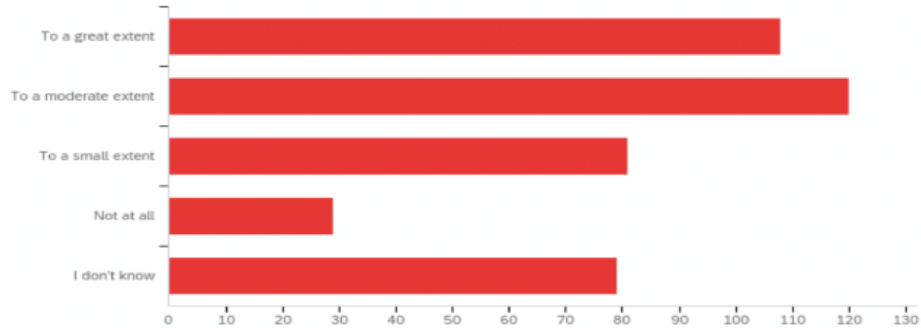


unit	responses	total count	% of unit responded
CAS	130	243	53.49794239
CSE	40	101	39.6039604
SoN	40	92	43.47826087
MSASS	10	34	29.41176471
PE/Ath	9	24	37.5
SoDM	21	46	45.65217391
LAW	10	28	35.71428571
SoM	186	3267	5.693296602
WSoM	30	67	44.7761194
PNA	3		
total:	479	3902	



Select takeaways from faculty survey

To what extent is Shared Governance valued in your school?



Overall “to a great” + to a moderate” extent

52-100%

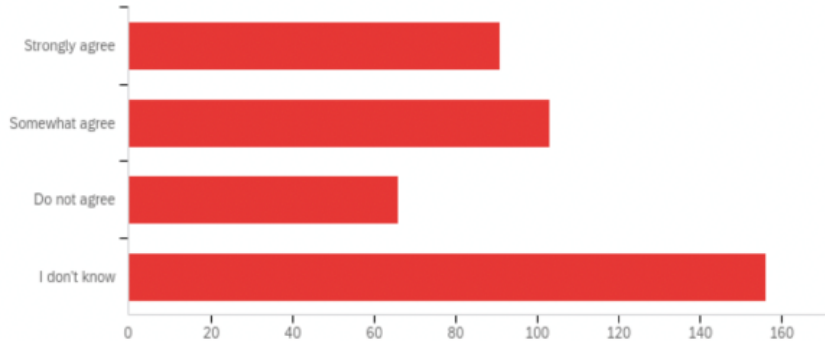
Outlier: SoDM

25%



Select takeaways from faculty survey

Adequate opportunities to participate in shared governance are available for non-tenure track faculty in your School



Overall “ <i>strongly + somewhat</i> ” agree	72-100%
Outlier: CAS	27%
Outlier: SoM; SoDM	40%
Outlier: CSE	48%



Select takeaways from faculty survey

B. Important questions to which a significant number of respondents answered, “I don’t know” (%)

“Representatives chosen by your faculty meet often to discuss relevant issues”: **25%**

“Representatives chosen by your faculty routinely communicate with school leadership”: **31%**

“Representatives chosen by faculty have sufficient input into important decisions that impact your School”: **23%**

“The ratio of elected to appointed members in your executive committee is appropriate”: **42%**

“To what extent is Shared Governance valued in your school”: **19%**

“Adequate opportunities to participate in shared governance are available for non-tenure track faculty in your School”: **38%**

Recommendations

1.Improving shared governance within individual academic Units. Realizing and affirming the unique and distinct priorities that each academic Unit upholds, we recommend that some common practices of shared governance be adopted across CWRU. Specifically, we recommend that the following will be included in the bylaws of each CWRU academic Unit:

- A reference to the CWRU-accepted definition of shared governance.
- Detailed mechanisms for electing Unit representatives to the Faculty Senate and to Faculty Senate Committees.
- Detailed forum and frequency in which representatives to the Faculty Senate report back to their Unit's constituent faculty.
- Faculty Committees will be chaired by an elected faculty member (not an appointed member) who will be selected by the elected members of the Committee.
- Faculty membership in Unit's Standing Committees will be determined by faculty elections.
- Unit's representative to the Faculty Senate Executive Committee will be a member of the Unit's Executive Committee.
- Each Unit will have a faculty-elected Budget Committee; one elected member of that Budget Committee will represent the Unit at the Faculty Senate Finance Committee.
- Detailed mechanisms by which new faculty members will be educated about shared governance, Faculty Senate and their role.

Recommendations

- 2. Improving shared governance practices within the Faculty Senate.** Realizing the tremendous value of the CWRU Faculty Senate as the sole body elected by CWRU faculty to act on their behalf on all matter of academia, we recommend that the following actions be taken (and formalized in the Faculty Senate bylaws) to improve shared governance education, practices and communication:
- a. Distribute a quarterly report of Faculty Senate activities and plans to senators and to all CWRU faculty;
 - b. Formalize an annual meeting between chairs of all Standing Committees and the Faculty Senate Executive Committee;
 - c. Deposit the minutes and recommendations of all Faculty Senate Committees in a central and accessible website;
 - d. Present missions and specific expectations for all Faculty Senate Committees at an annual Faculty Senate retreat;
 - e. Formalize an effective education and transition process for incoming Chairs of Standing Committees; and
 - f. Establish a 'rapid response' team to address urgent matters that may be brought up by central administration or other stakeholders.



Recommendations

3. **Improving shared governance practices at the level of CWRU.** The underlying premise of shared governance in an academic setting is the mutual benefit to be gained by faculty members and University leadership from collaborative efforts. To enhance this experience at CWRU, we recommend that the following steps be taken by the University:
 - a. Include the [definition](#) of shared governance in Chapter 2 of the CWRU Faculty Handbook;
 - b. Formalize the annual delivery of a comprehensive report regarding State of the University and future plans by CWRU President and Provost to the Faculty Senate Executive Committee;
 - c. Formalize participation of Faculty Senate representative(s) in some meetings of the *President's Council* and other forums as deemed appropriate;
 - d. Increase administrative support to Faculty Senate; and
 - e. Formalize realistic and effective timeline for interactions between Faculty Senate and University leadership (including the formation of a rapid response team).

4. **Follow up.** The Committee recommends that the Faculty Senate assess and re-evaluate improvements in shared governance in three years' time.

Faculty Senate

Ad Hoc Committee on Shared Governance

(November '22 – November '23)

Committee Charge:

- **Study current practices of shared governance across campus (incl. operations of Faculty Senate)**
- **Evaluate stakeholders' experiences & expectations**
- **Make recommendations**

Approach:

Data collection:

- **Detailed reports by representatives on bylaws and practices in each Unit**
- **Interviews with Faculty Senate leadership**
- **Campus-wide survey to faculty**

Data synthesis:

- **Summarized and discussed data; identified areas for improvement**
- **Composed action-driven recommendations**

Main takeaways:

- Shared governance **is** practiced at most levels of CWRU but has changed across administrations.
- Formal definition of shared governance is absent.
- Practices of shared governance vary widely among academic Units.
- Effective policies and procedures govern the Faculty Senate, but areas for improvement were identified.
- Presentation will focus on areas for improvement.

Notes:

- Report and recommendations do not necessarily reflect current challenges.
- Recommendations may be more applicable to some Units than others.

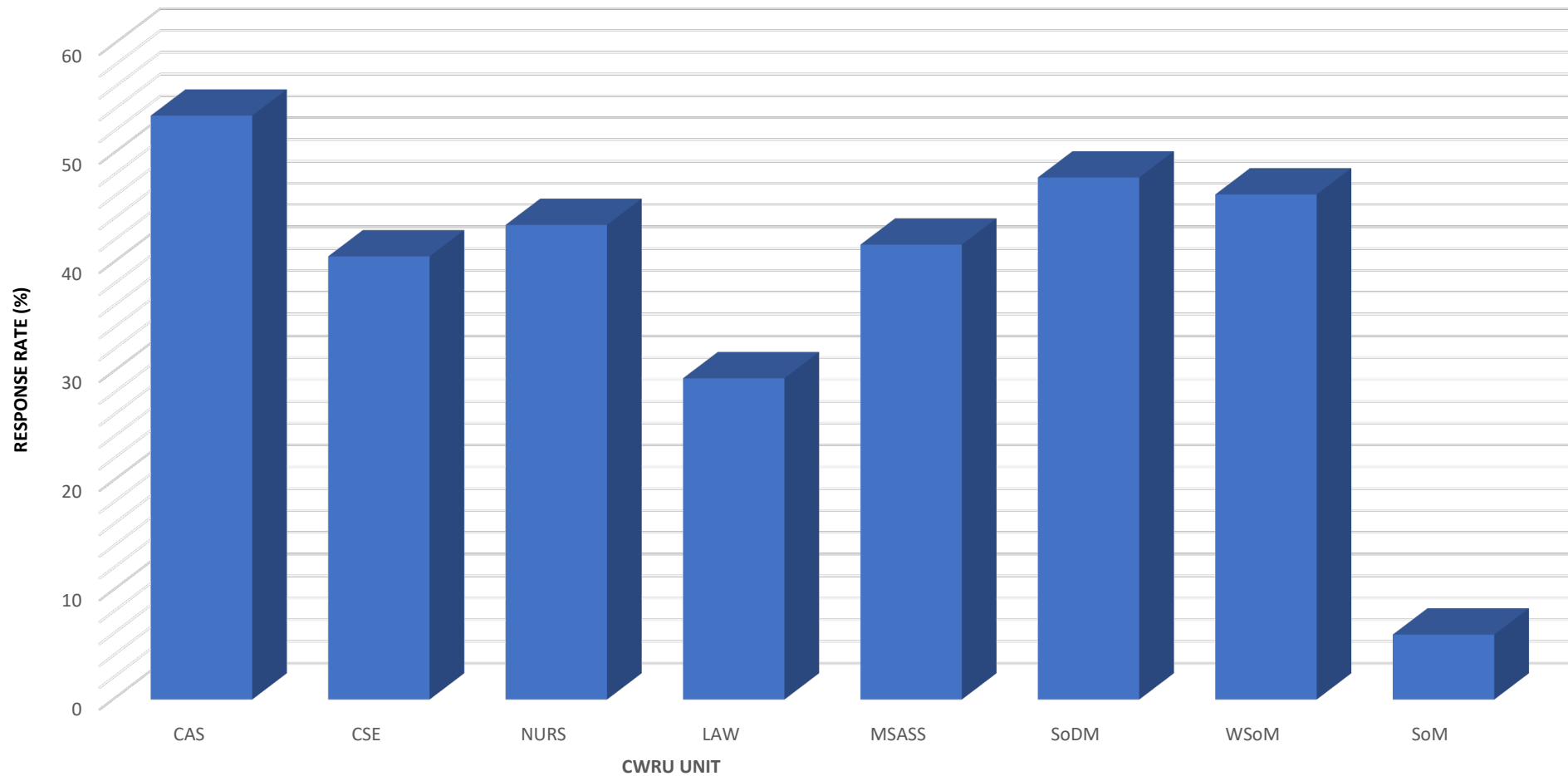
Shared Governance at CWRU: a proposed definition recommended for incorporation into Faculty Handbook (Ch. 2)

Recognizing that the Board of Trustees and the President hold the highest level of fiduciary responsibility for the institution, shared governance refers to the critically important role of faculty in the definition and execution of the University's mission and successful operations. Shared governance is a delicate balance between faculty participation in planning and decision processes and the administration's accountability for the welfare of the university. The following tenets serve as guiding principles of shared governance at CWRU:

1. Faculty have a special relationship with the administration. By virtue of the immediacy of their roles in executing the academic and research missions of the institution, faculty make unique and valuable contributions to the governance of the institution.
2. Faculty shall have primary responsibility for planning, execution, evaluation, and revision of issues related to the University's academic and research missions (e.g., curricula, academic and research programs, faculty status, etc.). Responsibility for faculty status includes making clear recommendations on appointments, reappointments, decisions not to reappoint, promotions, granting of tenure, and dismissal, with the administration being the final decision-maker. Faculty shall also be central to protecting academic freedom.
3. Faculty shall provide input into all decisions in which they have reasonable and legitimate interest. This includes decisions outside the faculty's immediate areas of responsibility but directly relating to their ability to contribute meaningfully to the mission, for example, budget and finance, strategic planning, facilities, compensation, etc.
4. In matters referenced in (3) above, the administration shall seek input from faculty early enough in planning and execution processes, such that suggested changes to the institution will be considered prior to execution of those changes. Faculty shall provide their input in a timely fashion allowing for an effective operational timeline.

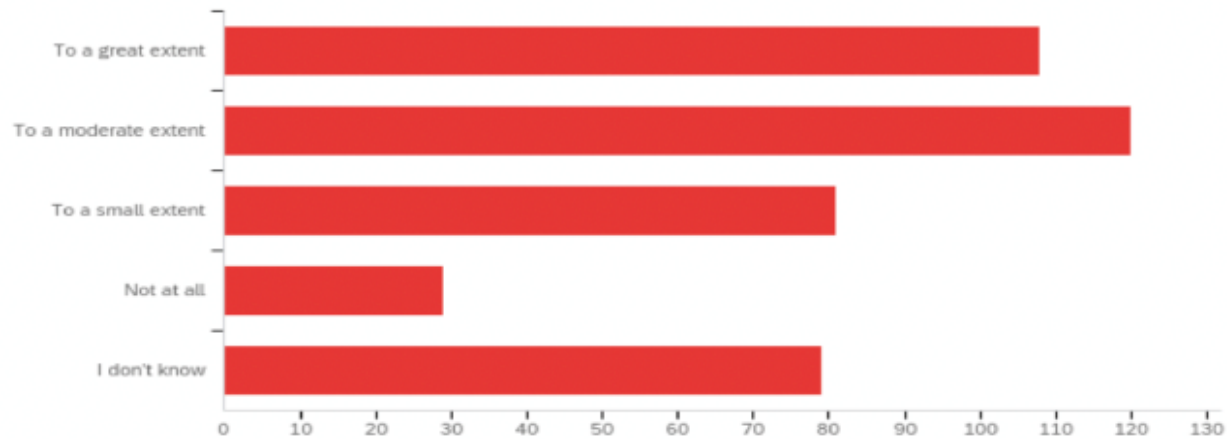
Select takeaways from faculty survey

1. Response rate (by Unit).



Select takeaways from faculty survey

To what extent is Shared Governance valued in your school?



Overall *“to a great” + to a moderate* extent

52-100%

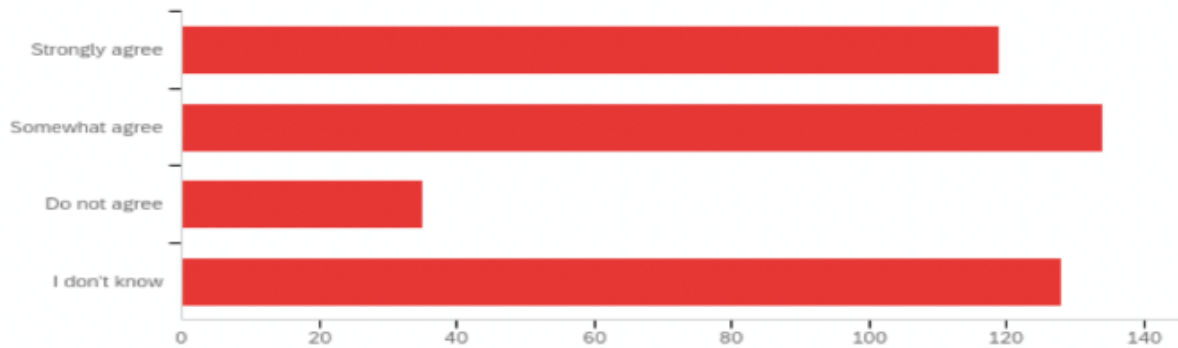
Outlier: SoDM

25%



Select takeaways from faculty survey

Representatives chosen by your faculty (i.e., members of your Executive Committee) routinely communicate with School leadership



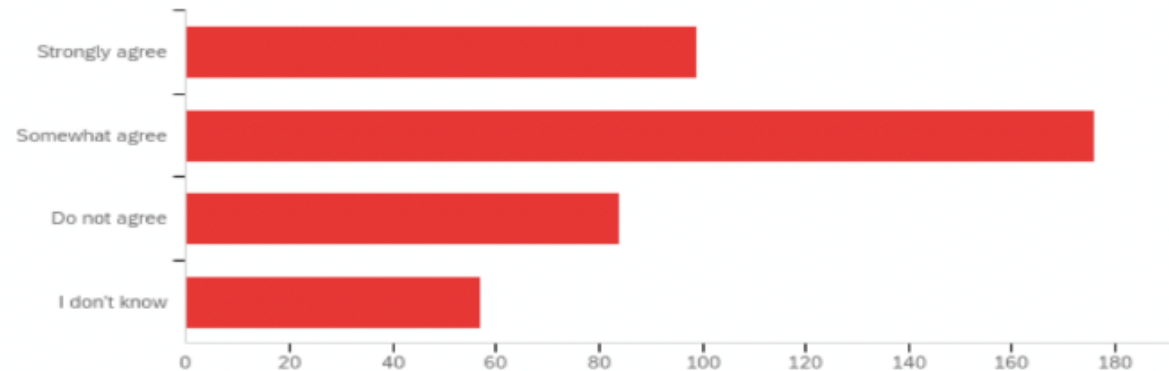
Overall “strongly + somewhat” agree

52-90%

Outlier: SoDM

35%

Representatives chosen by your faculty (i.e., members of your Executive Committee) report back to the faculty-at-large



Overall “strongly + somewhat” agree

64-92%

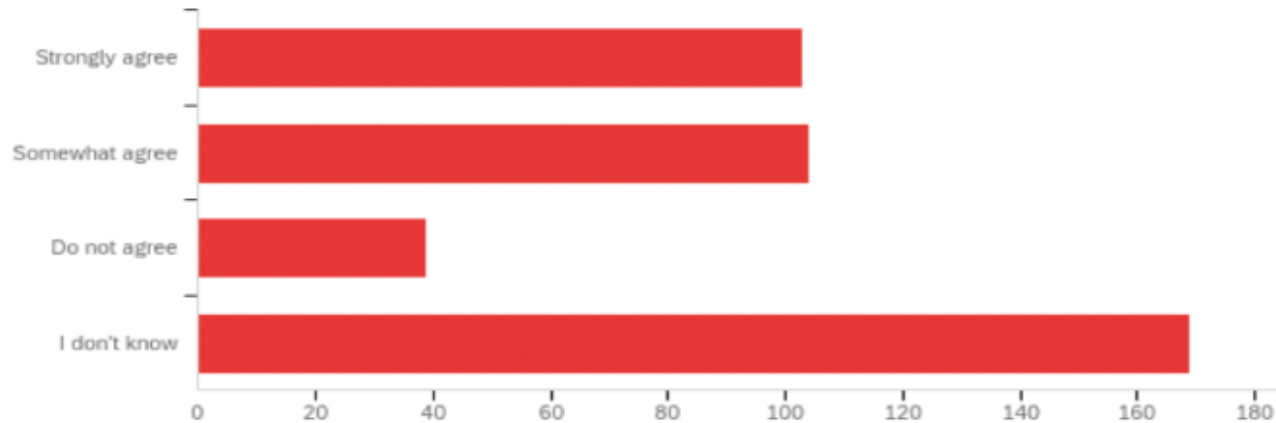
Outlier: SoDM

30%



Select takeaways from faculty survey

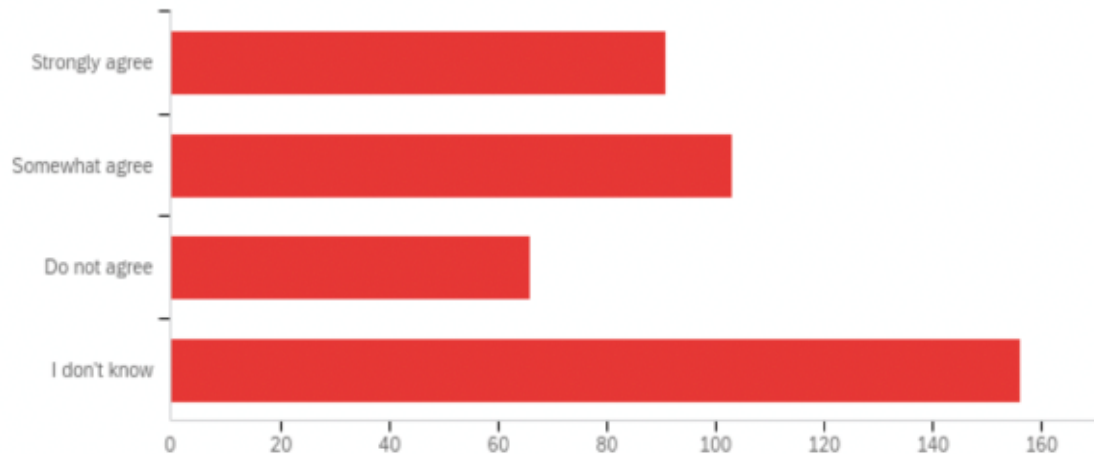
The ratio of elected to appointed members in your executive committee is appropriate



Overall “strongly + somewhat” agree	52-80%
Outlier: LAW	33%
Outlier: SoDM	36%
Outlier: SoM	41%

Select takeaways from faculty survey

Adequate opportunities to participate in shared governance are available for non-tenure track faculty in your School



Overall “strongly + somewhat” agree	72-100%
Outlier: CAS	27%
Outlier: SoM; SoDM	40%
Outlier: CSE	48%

Select takeaways from faculty survey

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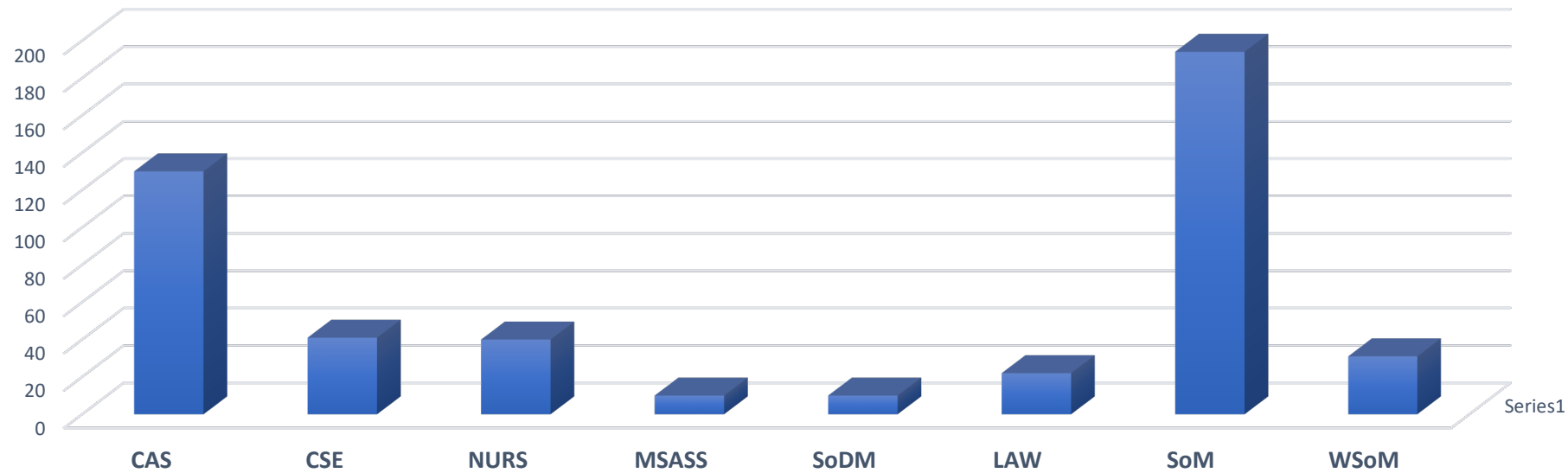
Recommendations

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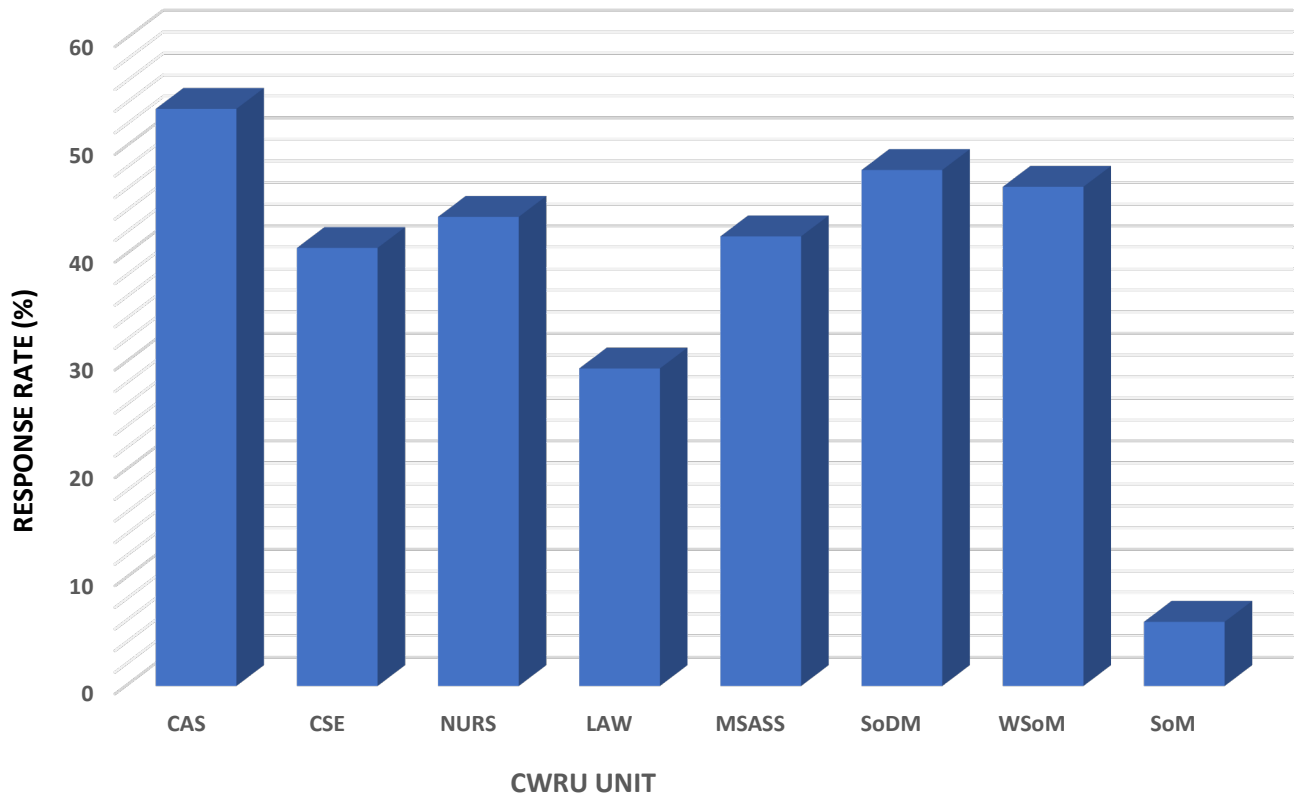
4. **Follow up.** The Committee recommends that the Faculty Senate assess and re-evaluate improvements in shared governance in three years' time.

Questions?

Survey Response: Raw counts (479 total)



CAS	130
CSE	41
NURS	40
MSASS	10
SoDM	10
LAW	22
SoM	194
WSoM	31
total	478



	<u>total in unit</u>	<u>total response</u>	<u>response rate (%)</u>
CAS	243	130	53.49794239
CSE	101	41	40.59405941
NURS	92	40	43.47826087
LAW	34	10	29.41176471
MSASS	24	10	41.66666667
SoDM	46	22	47.82608696
WSoM	67	31	46.26865672
SoM	3267	194	5.938169575
total	3874	478	12.33866804

Key documents in the Faculty Senate’s process towards protecting the indefinite duration of tenure and durability of CWRU compensation for tenured hospital-based faculty at University Hospitals of Cleveland (assembled Jan 24, 2024 by Maureen McEnergy)

Process unfolded over three stages over many months.

- i. Documents reviewed to determine their compliance with Faculty Handbook and School of Medicine Bylaws (June 2022 to Jan 2023)
- ii. Hospital Based Faculty Committee created UH Recommendations to protect the indefinite duration of tenure and protect durability of any CWRU compensation, as defined by the Faculty Handbook and School of Medicine Bylaws. Hospital Based Faculty Committee submits UH recommendations to President Kaler, who accepts them all. (Jan 2023 to June 2023)
- iii. Additional review of UH Recommendations by Committee on Faculty Personnel and Bylaws Committee resulted in proposals inclusive of amendments to Chapter 3, Part One, Article 1, Section E, Paragraph 2: (September 2023 to January 2024)

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Appendix C Report from Faculty Senate Bylaws Committee: Tenure Policies For School of Medicine (SOM) faculty members appointed in University Hospitals Clinical Departments	November 20, 2022	19-23
President Kaler convenes Presidential <i>ad hoc</i> committee to find a resolution to the conflict caused by the UH tenure policies.	January 11, 2023	24

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June 27, 2023 FINAL RECOMMENDATION**To:** President Eric Kaler**From:** Members of the Hospital Based Faculty Committee

The Hospital Based Faculty (HBF) Committee convened by President Kaler and led by Provost Ben Vinson has completed its task. Our recommendations clarify existing policies, suggest innovations, and addresses the issues before the committee: an appointment with tenure is of unlimited duration until retirement and the commitment to durability of CWRU compensation for tenured faculty members with their primary appointment in clinical departments at University Hospitals Cleveland Medical Center. The following recommendations were approved by unanimous consent by those HBF committee members present at the June 27, 2023 meeting.

I. Clarification of existing policies.

- a. Similar to other full-time University faculty, all faculty hired into UH academic clinical departments and who obtained a tenured faculty appointment or tenure track faculty appointment with the CWRU SOM shall be fully vested as members of the University faculty and will be assigned obligations to perform research, teaching, and service.
- b. Similar to other full-time University faculty, all faculty hired into UH academic clinical departments will receive annual reviews as noted in the Faculty Handbook and described in the SOM Bylaws. Additionally, all tenure-track faculty will receive the customary reviews as described in the SOM Bylaws. The Dean will work with the Clinical Academic Chairs to help ensure that such reviews are occurring.
- c. It is recognized that the UH reviews of its employees based upon their UH performance are distinct from CWRU's reviews of its faculty members which are conducted pursuant to the Faculty Handbook and School of Medicine Bylaws. As noted in the following section, these UH reviews shall not impact the faculty member's tenured appointment.

II. The HBF committee supports these options for protecting durability of any CWRU compensation for those tenured faculty employed by UH.

All letters of reappointment subsequent to the award of tenure will include the statement, "This award of tenure comes with a tenure salary guarantee." In the event there is a separation, the compensation will follow the schedule below. As set forth below, for full-time faculty members in the School's basic science departments, the salary guidelines currently provide for a base salary, incentive compensation, and a merit increase.

1. For tenured faculty members who are paid entirely by CWRU and based in a hospital clinical department, in the event the hospital terminates the faculty member's hospital clinical department privileges, the faculty member still retains their tenured faculty appointment. The Dean of the School of Medicine will make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration in a School of Medicine Basic Science department until

retirement. The Dean will work with the faculty member in good faith to reasonably determine the faculty member's academic department going forward, and the faculty member's CWRU base salary will remain the same. The Dean shall also work in conjunction with the School's Department Chairs in making the determination regarding the appropriate department, or failing that, they will be appointed to the Division of General Medical Sciences.

2. For tenured faculty members who are majority paid by the hospital, upon termination of that faculty member's employment by the hospital and/or termination of their hospital clinical department privileges, the faculty member still retains their tenured faculty appointment. The Dean of the School of Medicine will make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration in a School of Medicine Basic Science department until retirement. The Dean will work with the faculty member in good faith to reasonably determine the faculty member's academic department going forward, the faculty member's academic activities, and the faculty member's associated CWRU compensation. The fundamental elements that go into a faculty review will be used to identify the salary of the faculty member. Determination of the appropriate salary shall be guided by the same criteria used to set the salary of other tenured faculty in that applicable department/division. The Dean shall work in conjunction with the applicable Department Chair in making these determinations; failing the selection of a SOM academic department, the faculty member will be appointed to the Division of General Medical Sciences. This is consistent with the University's responsibilities to tenured faculty members under Section E.2 of the Faculty Handbook regarding the closing of a department or unit and under Section E.4 of the Handbook regarding termination because of a financial exigency.

3. For tenured faculty members who are majority paid by the University, upon termination of that faculty member's employment by the hospital and/or termination of their hospital clinical department privileges, the faculty member still retains their tenured faculty appointment. The Dean of the School of Medicine will make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration in a School of Medicine Basic Science department until retirement. The Dean will work with the faculty members in good faith to reasonably determine the faculty member's academic department going forward, the faculty member's academic activities going forward, and the faculty member's associated CWRU salary. The fundamental elements that go into a faculty review will be used to identify the salary of the faculty member. The Dean shall work in conjunction with the applicable Department Chair in making these determinations; failing the selection of a SOM Academic Department, they will be appointed to the Division of General Medical Sciences. Determination of the appropriate CWRU salary shall be guided by the same criteria used to set the salary of other tenured faculty in that applicable department/division.

III. The HBF committee suggests this innovation:

a. Faculty members hired into UH academic clinical departments and who obtain a tenured faculty appointment or tenure track faculty appointment with the CWRU SOM will initiate, with the approval of the Dean and chairs, a secondary appointment in a SOM basic science department to facilitate their access to graduate students and expanded opportunities for mentoring and being mentored.

IV. Common language and shared expectations between CWRU and UH.

The HBF committee recommends asking UH if they are willing to put parallel language in their hiring documents, such as:

a. The clarification that standard obligate faculty reviews required by CWRU (Ib) are distinct from University Hospitals five-year reinvestment reviews (Ic).

b. At no time will tenured faculty receive language in their reappointment forms to this effect: “Please note that your School of Medicine faculty appointment will terminate at such time that you resign, retire, or cease serving at the University Hospitals Cleveland Medical Center.”

Most respectfully,

James Babilion, PhD

James Driscoll, PhD

Steven Eppell, PhD

Seth Field, MD

Rob Fischer, PhD

Stan Gerson, MD

Peter Harte, PhD

Anna Maria Hibbs, MD

Sharona Hoffman, JD, LL.M. SJD

Kenneth Ledford, JD, PhD

Maureen McEnery, PhD, MAT

Marlene Miller, MD

Rebecca Obeng, MD, PhD, MPH

Simon Peck, PhD

Donna Plecha, MD

Peter Poulos, JD

Robert Salata, MD

Glenn Starkman, PhD

Ben Vinson, PhD, committee chair



CASE WESTERN RESERVE
UNIVERSITY
SCHOOL OF MEDICINE

June 13, 2022

Steven Eppell, PhD
Chair, Faculty Senate
c/o Kelly Marcus, Secretary of the University Faculty

Dear Professor Eppell,

At the last Faculty Council meeting on May 16, 2022, Dr. Matthias Buck under new business introduced an issue that arose from Agata Exner's report on the Committee on Budget and Finance (attached) concerning the process for the CWRU tenure track appointments for faculty in UH Clinical Departments. There was concern that the tenured and tenure track appointments did not comply with the Faculty Handbook around the tenure guarantee. While the Faculty Council discussed the issues surrounding criteria for awarding tenure, tenure guarantees and the financial obligations associated with tenure, it was decided to refer the matter to the Faculty Senate. We ask that the Faculty Senate review and confirm compliance with the Faculty Handbook and University policies and procedures of these tenured and tenure track appointments based at UH. We further request that a report be generated to reply to the Faculty Council outlining the Faculty Senate's findings.

A motion was proposed and seconded to refer the matter of CWRU-UH Tenure Track/Tenured appointments to the Faculty Senate for review. The motion passed with 31 in favor, 1 not in favor, and 11 abstained.

Please do not hesitate to reach out if you have any questions or concerns.

Sincerely,

Darin Croft, PhD
Chair, Faculty Council

C: Stanton Gerson, Dean
Nicole Deming, Assistant Dean Faculty Affairs
Agata Exner, Chair, Committee on Budget, Finance and Compensation
Matthias Buck, Chair-Elect, Faculty Council

Darin A. Croft, Ph.D.
Professor and Director, MS in Applied Anatomy program

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Cleveland, Ohio 44106-4930

VISITORS AND DELIVERIES
Medical School, East Wing, EG03
2109 Adelbert Road

Phone: 216-368-5268
FAX: 216-368-8669
Email: dcroft@case.edu

Summary of CBFC meeting with Dr. Dan Simon

On April 20, 2022 the CBFC met with Dr. Dan Simon (President of Academic & External Affairs and Chief Scientific Officer for the University Hospitals Health System (UH)) and Ryan Hooper (Assistant General Counsel for UHCMC) to discuss the recently initiated faculty appointments into UH clinical departments. The members of the CBFC listed at the end of this letter were present at this meeting and aided in the preparation of this summary in consultation with faculty council steering committee representative.

The goal of the meeting was to gain a better understanding of the process for the CWRU tenure track appointments for faculty in UH Clinical Departments. The appointment structure may have a significant impact on faculty compensation.

Below is a summary of our understanding of these new types of appointments.

1. Faculty are appointed by the Dean into the tenure track / tenured position at CWRU SOM but reside in clinical departments within UH
2. The financial support for the appointments originates from UH. SOM bears no financial responsibility for these faculty
3. Because they are providing the financial support, UH reserves the right to conduct a 5 year review of the faculty
4. Provided they receive a satisfactory 5 year review, the faculty may be supported for an additional 5 years period and may be offered additional resources by UH to support their scholarly activities
5. If the 5 year review is not satisfactory, UH will cease financial support to that faculty member. The faculty will then be obliged to resign from their academic tenure-track appointment in CWRU
6. The committee's summary relies on information from Drs. Simon and Salata but faculty were at this point not able to read the relevant section of the UH-CWRU affiliation agreement or see a sample of an appointment side-letter.

CBFC assessment:

The Committee has concerns about the structure of such appointments because they introduce two aspects which are not part of a tenure track appointment at CWRU. These are: (a) an additional review beyond the standard pre-tenure meetings and requirements for faculty of the SOM, and (b) the expectation that, should a UH review deem faculty progress unacceptable, the faculty member is obligated to resign from their academic position in CWRU.

Moreover, such an appointment introduces requirements that are not sanctioned by the Faculty Handbook. Thus, the Committee agrees that these appointments, as currently structured, do not abide by the tenure policies and guidelines of CWRU.

Respectfully yours,

Committee on Budget, Finance and Compensation

Agata Exner (Chair, CBFC)
 Sudha Iyengar (Voting member)
 Eckhard Jankowsky (Voting member)
 Sana Loue (Voting member)
 Maureen McEnery (Voting member)
 John (Zhenghe) Wang (Voting member)
 Danny Mannor (UBC, ex officio)
 Matthias Buck (FCSC, ad hoc expert)

Charge approved by ExComm on 10/07/22

Motion: The Personnel Committee is charged to determine if **any** contracts **and letters of hire** being entered into by CWRU tenure track faculty in clinical departments at University Hospitals are **not consistent** with the Faculty Handbook and/or other University policies and processes intended to regulate the hiring, promotion, and termination of such faculty. By-laws Committee **will act to** provide authoritative determinations to the **Personnel Committee** regarding whether specific portions of text associated with these appointments are **not consistent** with the Handbook. A report of findings should be presented to the Faculty Senate Executive Committee at the **December meeting of the Executive Committee**.



Board of Trustees

Executive Committee

August 29, 2016

**RESOLUTION TO APPROVE THE EXECUTION OF THE ATTACHED
AFFILIATION AGREEMENT BETWEEN UNIVERSITY HOSPITALS HEALTH
SYSTEM, INC. (UHHS) AND CASE WESTERN RESERVE UNIVERSITY (CWRU)**

WHEREAS, Case Western Reserve University (“CWRU”) has been engaged in negotiations with University Hospital Health System, Inc. (“UHHS”) in connection with the parties’ Affiliation Agreement approved by their respective Boards of Directors/Trustees in 2006; and

WHEREAS, the negotiations have concluded with a proposed new Affiliation Agreement (attached hereto) that would supersede the current 2006 Agreement as amended; and

WHEREAS, by Resolution dated June 4, 2016, the full board of Trustees approved authorization for the Executive Committee to act for the full board in the final decision-making authority specific to the agreement between CWRU and UHHS; and

WHEREAS, the University leadership provided a series of briefings for Trustees who wished to receive additional information about the proposed final agreement; and

WHEREAS, pursuant to Article III, Section 5 of the Board of Trustees’ Bylaws, the Executive Committee has authority to act for the full board of trustees between its regular meetings.

NOW, THEREFORE BE IT RESOLVED THAT:
after review and consideration of the proposed Affiliation Agreement, the Executive Committee of the Board of Trustees hereby approves the Affiliation Agreement and authorizes the officers of the University to execute any and all necessary and appropriate documents pertaining thereto.

**APPROVED by the
EXECUTIVE COMMITTEE
Case Western Reserve University
BOARD OF TRUSTEES
Elizabeth J. Keefer
SECRETARY OF THE CORPORATION**

3.2 Except for those faculty fully employed by CWRU, new faculty appointments available to Covered Physicians/Scientists shall not be with tenure nor in the tenure track except as agreed to by CWRU and UHCMC in writing.

3.3 Covered Physicians/Scientists will be eligible to be considered to be appointed as chairs of SOM academic departments, but CWRU is free to appoint chairs at any affiliated institution.

3.4 The parties acknowledge that this Agreement modifies in various respects the parties' operations. If those changes arguably may cause them not to fulfill existing, written legal obligations to UH physicians or CWRU faculty, the parties hereto shall in good faith cooperate in devising an equitable solution that avoids creating claims by such Covered Physicians/Scientists or other claimants.

To: Faculty Senate Executive Committee
Steven Eppell, Chair

FROM: Committee on Faculty Personnel
Rob Fischer, Chair

RE: Awarding of Tenure in UH Clinical Departments

DATE: January 2, 2023

Per a charge from the Faculty Senate Executive Committee on 10/7/22, the Committee on Faculty Personnel has conducted an examination of the awarding of tenure to faculty in UH clinical departments in relation to the CWRU Faculty Handbook (See Attachment A for charge). This inquiry was prompted by a request from the Faculty Council in the School of Medicine to the Faculty Senate in June 2022 (See Attachment B).

Following our deliberations, we sought a determination from the Faculty Senate Bylaws Committee (Peter Harte, Chair) as to whether the language pertaining to the tenured appointment of UH faculty in clinical departments is not consistent with the relevant language in the Faculty Handbook and Faculty of Medicine Bylaws. The Bylaws committee has concurred with the substance of Personnel's findings and supplied a report detailing their examination and conclusions (see Attachment C).

As part of this process, the Personnel Committee received the following documentation:

1. Redacted CWRU offer letters and CWRU contracts for 12 faculty hired between 2017 and 2021
2. Faculty agreement regarding tenure/funding commitment
3. Extracted language from the UH employment agreement - Professional Services agreement (PSA)
4. Extracted language from the side letter to the UH/CWRU affiliation agreement regarding tenure
5. 2016 CWRU- UHCMC Affiliation agreement sections dealing with CWRU appointments for UH faculty

Summary of Clinical Tenure Practices

In the cases of the tenured faculty in UH clinical departments, there are agreements generated from both CWRU and UH that clinical faculty are asked to sign. Collectively, these agreements define the nature of tenure for these faculty members.

UH handling – In its PSA, UH requires tenured faculty to agree to a five-year review at which point they may be renewed pending satisfactory review by departmental leadership.

In its side letter, UH requires tenured faculty to agree to voluntarily resign their CWRU faculty appointment if their UH position is terminated for any reason.

CWRU handling – CWRU offer letters for these faculty make no reference to any limitations or adjustments to the tenure appointment (i.e., 5 year term and voluntary resignation of appointment upon negative review), as UH agreements make clear. CWRU contract agreements do contain a statement that eligibility for appointment or reappointment requires that “academic activity must be conducted at an approved site.” Upon nonrenewal by UH, a tenured faculty member would seem to no longer have access to the approved site that accompanied their initial appointment.

Discussion

The Committee examined two foundational elements of academic tenure – the applicable term and the provision of compensation. We summarize pertinent language from the Faculty Handbook and SOM Bylaws in respect to these two key dimensions in Tables A1 (term) and A2 (economic security). We also present relevant language from AAUP’s *1940 Statement of Principles on Academic Freedom and Tenure* for reference. The extracted content in the UH PSA and side letter provided to the committee is not shared here due to confidentiality instructions from the Office of General Council.

Term: By definition, academic tenure conveys a commitment to a lifetime appointment. The use of a five-year appointment term with potential resignation of tenure in the UH agreements is inconsistent with the expressed specification of ‘unlimited duration’ and ‘career commitment’ in the Faculty Handbook and SOM Bylaws. A required forfeiture of tenure and appointment based on anything other than good cause, essentially nullifies the existence of academic tenure.

Compensation: Lifetime appointment with no commitment of compensation does not adhere to the core principle of tenure. The UH agreements specify no salary commitment to the faculty member from CWRU and the term/resignation aspects signal no salary beyond the term of applicable tenure status. Though the Handbook states that “Faculty appointments may be made without obligation for compensation by the University” this has been understood to apply exclusively to adjunct and honorific appointments not tenured appointments. The SOM Bylaws state that “award of tenure for faculty of the School of Medicine should be accompanied by a base salary guaranteed by the School of Medicine” but the base salary is described as “currently under discussion.”

Conclusion

The practice involving the granting of tenure to faculty in UH clinical departments is at odds with the substantive nature of academic tenure as defined at CWRU. The term-limiting of tenure conflicts with the clear articulation that tenure is of unlimited duration. This term-based tenure also conflicts with the tenet that tenured faculty have a durable commitment of compensation from the institution.

The UH practice results in a fundamental difference in regard to the meaning of a tenured appointment for these UH faculty as compared to that appearing in both the CWRU Faculty Handbook and the Faculty of Medicine Bylaws. This operationalization of tenure has at least two negative implications. First, the tenured faculty involved are being provided a lesser form of CWRU tenure and are placed in inequitable circumstances in comparison to their tenured colleagues across the university. Second, the mere existence of this term-based tenure at CWRU, given that it violates the basic tenets of tenure itself, makes unclear the institutional understanding and commitment to tenure at the university.

TABLE A1: Language on Faculty Tenure Term

Tenure Dimensions	CWRU Faculty Handbook, 2022-23	CWRU Faculty of Medicine Bylaws, 2021	American Association of University Professors, Apr 1940
Term	<p>Chapter 3; ARTICLE I. C. Terms of Appointment 1. Duration of Appointment a. Appointments with tenure shall be of unlimited duration, up to retirement, subject only to termination for just cause as provided in I.E. 1-6 below. b. Tenure-track appointments without tenure shall normally be made for a term of one to five years.</p> <p>E. Tenure - 2. When awarded, academic tenure rests at the constituent faculty level rather than at the departmental level. The award of academic tenure to a faculty member is a career commitment which grants that faculty member the right to retain his or her appointment without term until retirement.</p>	<p>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.</p> <p>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.</p>	<p>After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.</p>

TABLE A2: Language on Faculty Economic Security

Tenure Dimensions	CWRU Faculty Handbook, 2022-23	CWRU Faculty of Medicine Bylaws, 2021	American Association of University Professors, Apr 1940
Economic Security	Chapter 3; ARTICLE I. C. Terms of Appointment 2. Salary Annual salaries of full-time faculty members shall remunerate service for an academic year of approximately nine months or for a longer period. Each appointment form shall specify the period compensated and the amount of salary for which the University obligates itself. Faculty appointments may be made without obligation for compensation by the University.	5.7: Tenure Salary Guarantee Award of tenure for faculty of 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.	Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.
Source	https://case.edu/facultysenate/handbook-and-laws/faculty-handbook	https://case.edu/medicine/faculty-staff/faculty-affairs/faculty-governance	https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure

ATTACHMENT A

Charge approved by Executive Committee 10/7/22

Motion: The Personnel Committee is charged to determine if **any contracts and letters of hire** being entered into by CWRU tenure track faculty in clinical departments at University Hospitals are **not consistent** with the Faculty Handbook and/or other University policies and processes intended to regulate the hiring, promotion, and termination of such faculty. By-laws Committee **will act to** provide authoritative determinations to the **Personnel Committee** regarding whether specific portions of text associated with these appointments are **not consistent** with the Handbook. A report of findings should be presented to the Faculty Senate Executive Committee at the **December meeting of the Executive Committee**.

ATTACHMENT B

Request from School of Medicine Faculty Council



June 13, 2022

Steven Eppell, PhD
 Chair, Faculty Senate
 c/o Kelly Marcus, Secretary of the University Faculty

Dear Professor Eppell,

At the last Faculty Council meeting on May 16, 2022, Dr. Matthias Buck under new business introduced an issue that arose from Agata Exner's report on the Committee on Budget and Finance (attached) concerning the process for the CWRU tenure track appointments for faculty in UH Clinical Departments. There was concern that the tenured and tenure track appointments did not comply with the Faculty Handbook around the tenure guarantee. While the Faculty Council discussed the issues surrounding criteria for awarding tenure, tenure guarantees and the financial obligations associated with tenure, it was decided to refer the matter to the Faculty Senate. We ask that the Faculty Senate review and confirm compliance with the Faculty Handbook and University policies and procedures of these tenured and tenure track appointments based at UH. We further request that a report be generated to reply to the Faculty Council outlining the Faculty Senate's findings.

A motion was proposed and seconded to refer the matter of CWRU-UH Tenure Track/Tenured appointments to the Faculty Senate for review. The motion passed with 31 in favor, 1 not in favor, and 11 abstained.

Please do not hesitate to reach out if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darin Croft".

Darin Croft, PhD
 Chair, Faculty Council

C: Stanton Gerson, Dean
 Nicole Deming, Assistant Dean Faculty Affairs
 Agata Exner, Chair, Committee on Budget, Finance and Compensation
 Matthias Buck, Chair-Elect, Faculty Council

Darin A. Croft, Ph.D.
 Professor and Director, MS in Applied Anatomy program

MAILING ADDRESS
 Department of Anatomy, CWRU SOM
 10900 Euclid Avenue
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VISITORS AND DELIVERIES
 Medical School, East Wing, EG03
 2109 Adelbert Road

Phone: 216-368-5268
 FAX: 216-368-8669
 Email: dcroft@case.edu

ATTACHMENT B (cont'd)

5/9/2022

Summary of CBFC meeting with Dr. Dan Simon

On April 20, 2022 the CBFC met with Dr. Dan Simon (President of Academic & External Affairs and Chief Scientific Officer for the University Hospitals Health System (UH)) and Ryan Hooper (Assistant General Counsel for UHCMC) to discuss the recently initiated faculty appointments into UH clinical departments. The members of the CBFC listed at the end of this letter were present at this meeting and aided in the preparation of this summary in consultation with faculty council steering committee representative.

The goal of the meeting was to gain a better understanding of the process for the CWRU tenure track appointments for faculty in UH Clinical Departments. The appointment structure may have a significant impact on faculty compensation.

Below is a summary of our understanding of these new types of appointments.

1. Faculty are appointed by the Dean into the tenure track / tenured position at CWRU SOM but reside in clinical departments within UH
2. The financial support for the appointments originates from UH. SOM bears no financial responsibility for these faculty
3. Because they are providing the financial support, UH reserves the right to conduct a 5 year review of the faculty
4. Provided they receive a satisfactory 5 year review, the faculty may be supported for an additional 5 years period and may be offered additional resources by UH to support their scholarly activities
5. If the 5 year review is not satisfactory, UH will cease financial support to that faculty member. The faculty will then be obliged to resign from their academic tenure-track appointment in CWRU
6. The committee's summary relies on information from Drs. Simon and Salata but faculty were at this point not able to read the relevant section of the UH-CWRU affiliation agreement or see a sample of an appointment side-letter.

CBFC assessment:

The Committee has concerns about the structure of such appointments because they introduce two aspects which are not part of a tenure track appointment at CWRU. These are: (a) an additional review beyond the standard pre-tenure meetings and requirements for faculty of the SOM, and (b) the expectation that, should a UH review deem faculty progress unacceptable, the faculty member is obligated to resign from their academic position in CWRU.

Moreover, such an appointment introduces requirements that are not sanctioned by the Faculty Handbook. Thus, the Committee agrees that these appointments, as currently structured, do not abide by the tenure policies and guidelines of CWRU.

Respectfully yours,

Committee on Budget, Finance and Compensation

Agata Exner (Chair, CBFC)
 Sudha Iyengar (Voting member)
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 Sana Loue (Voting member)
 Maureen McEnery (Voting member)
 John (Zhenghe) Wang (Voting member)
 Danny Mannor (UBC, ex officio)
 Matthias Buck (FCSC, ad hoc expert)

ATTACHMENT C

Report of Bylaws Committee

To: Faculty Senate Committee on Faculty Personnel
Rob Fischer, Chair

FROM: Faculty Senate Bylaws Committee
Peter Harte, Chair

RE: Tenure policies for School of Medicine (SOM) faculty members appointed in
University Hospitals (UH) Clinical Departments

DATE: November 30, 2022

Summary: The Faculty Senate Committee on Bylaws concurs with the conclusions of the November 2, 2022 report on “tenure in UH clinical departments” from the Faculty Senate Committee on Faculty Personnel. We agree that the conditions placed on the term of faculty tenure in some recent UH Professional Service Agreements and an accompanying “side” letter received by prospective tenured and tenure-track faculty in UH clinical departments are not in conformity with the CWRU Faculty Handbook. Specifically, the requirements for 1) post-tenure reviews that can, if unsatisfactory, result in termination of employment of a tenured faculty member, and 2) mandatory resignation from their CWRU faculty appointment(s) in the event of termination of UH employment. We are troubled by the fact that these novel “tenure” policies were developed by UH and the SOM in collaboration with the CWRU Office of General Counsel and approved at the highest level without review by or consultation with the SOM Faculty Council or CWRU Faculty Senate. By doing so, the parties involved preempted a key prerogative and responsibility delegated to the University Faculty by the Board of Trustees.

Introduction

In June 2022 the Chair of the CWRU Faculty Senate (FS) received a formal request from the School of Medicine (SOM) Faculty Council that the Faculty Senate determine whether recently discovered policy changes pertaining to tenure of SOM faculty members with primary appointments in clinical departments at University Hospitals Medical Center (UH) are in conformity with the CWRU Faculty Handbook and the Bylaws of the Faculty of Medicine. This report is in response to a charge from the chair of the Faculty Senate Executive Committee on October 7, 2022 to the Faculty Senate Bylaws Committee to assist the Faculty Personnel Committee in making such a determination by providing authoritative interpretation of the Faculty Handbook regarding these tenure policies.

Our conclusions and comments are limited by the fact that neither the SOM Faculty Council nor the CWRU Faculty Senate were involved in any of the discussions that resulted in this policy change, as would be required if established procedures had been followed. We have been provided with excerpts from some pertinent documents by the Office of General Council

confidentially that allow us to draw some conclusions, but we still do not have answers to 1) the rationale for this policy change, 2) which and how many UH-based faculty appointments it applies to, or 3) for how long it has been in effect. We hope these will be forthcoming as we move forward.

Background

UH is one of the four Cleveland hospitals affiliated with the CWRU School of Medicine. UH is not owned by the university; it is a separate institution and management center. Nonetheless, UH has been a long-standing close partner with the SOM (since 1895). Eighteen UH clinical departments have been granted academic status, approved by the SOM and CWRU President and Board of Trustees. Eligible UH physicians, physician scientists and scientists (MDs, MD/PhDs, and PhDs) may receive Board-approved full-time faculty appointments in these departments. As such, these faculty members are voting members of the SOM Faculty and University Faculty and may participate fully in the research, teaching, training, and service missions of the SOM and CWRU.

A relatively small fraction of the UH-based SOM faculty is currently tenured or in the tenure track. According to records maintained in the Office of the Provost, of the 831 full-time Board-appointed CWRU faculty members currently employed at UH, 69 (8%) are tenured and 16 more (2%) are tenure track faculty in the pre-tenure period. This reflects a relatively long-standing policy, affirmed in the September 2016 UH-CWRU Affiliation Agreement, Section 3.2: “*Except for those faculty fully employed by CWRU, new faculty appointments available to Covered Physicians/Scientists shall not be with tenure nor in the tenure track, except as agreed to by CWRU and UHCMC [UH] in writing*”. As permitted by this exception, there has been a recent increase in hiring of tenured and tenure track faculty since 2016. According to Office of the Provost, since 2016 21 UH-based SOM faculty were hired with tenure and an additional 14 were hired in the tenure track, respectively accounting for 30% of all current UH-based tenured faculty members and almost 90% of the UH-based tenure track faculty in the pre-tenure period.

We do not know precisely when the new tenure conditions were first included in Professional Service agreements and “side” letters, or exactly how many faculty members have received them to date. The provost informed the Faculty Senate Executive Committee us at its October 7, 2022 meeting that his office was aware of at least 11 faculty members recently hired with tenure or in the tenure track who are subject to the changes discussed below and received these letters. Several PhDs with recent tenure-track appointments in a clinical department who have also received these letters have since come to our attention.

Changes in tenure policy for UH-based CWRU faculty members

The policies in question place new conditions on tenure for UH-based employees who receive CWRU appointments with tenure or in the tenure track. Details of these conditions were discovered by chance in December 2021 by a senior faculty member who then reported this to the SOM Faculty Committee on Finance, Budget, and Compensation (CBFC). On April 20, 2022

the CBFC met with the UH Director of Research, Professor Dan Simon, MD and a UH attorney Ryan Hooper, who agreed to explain the details of this new tenure policy at UH. They stated that the policy was developed in collaboration with the CWRU Office of General Council and was “*approved at the highest level*” of the university. After the meeting, the chair of the CBFC produced a written record of the meeting (attached to this report) summarizing the details of the new policy and the committee members expressed unanimous concern that this new policy is not in conformity with the Faculty Handbook. Subsequently, excerpts from some pertinent documents have been shared confidentially with the Faculty Senate Bylaws and Personnel Committees by the CWRU Office of General Counsel with the consent of UH. These conditions are set forth in the Professional Service Agreement (PSA) and an accompanying “side” letter that a prospective faculty member must agree to.

The PSA states that the initial appointment and subsequent reappointments will be for five years and that renewals require that these UH faculty members undergo performance reviews by UH research leadership and the SOM Vice Dean of Research every five years. These reviews, if unsatisfactory, may result in termination of a faculty member’s employment. While the word “tenure” does not appear anywhere in this letter excerpt, the UH Director of Research and the CWRU General Counsel confirmed that the reviews continue after the award of tenure and may result in termination of tenured faculty.

This practice is not in conformity with the tenure policies stated in Faculty Handbook, which governs all CWRU faculty members, including those based at the School of Medicine and its affiliated hospitals. They include

“Appointments with tenure shall be of unlimited duration, up to retirement, subject only to termination for just cause, as provided in I.E. 1-6 below.” (Chapter 3, Part One, Article I, Section C.1a)

Academic tenure is an essential component of the development and delivery of quality educational and research programs at the University. 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. (Chapter 3, Part One, Article I, Section E.1).

“The award of academic tenure to a faculty member is a career commitment which 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.” (Chapter 3, Part One, Article I, Section E.2).

The summary of the CBFC’s meeting with the UH Director of Research, reports that he said that since UH is providing the financial support for these faculty members, UH “*reserves the right*” to conduct these 5-year reviews that can lead to termination. This would appear to be a claim that the conditions contained in UH employment contracts and side letters, apparently approved “at the highest level”, supersede the Faculty Handbook for those UH employees who have been granted the award of tenure.

An accompanying “side” letter requires that a UH-based faculty member agree in advance to resign from their CWRU faculty appointment(s) if their “*employment with UH terminates for any reason*” (including poor clinical performance). While the word “tenure” also does not appear in this letter, the UH Director of Research and the CWRU General Counsel confirmed that this applies to tenured faculty as well as tenure track faculty in the pre-tenure period.

These two conditions effectively transform tenure, as described in the Faculty Handbook and practiced at most private universities, from an appointment “*of unlimited duration up to retirement, subject only to termination for just cause*”, into a series of term appointments whose renewals are contingent on positive post-tenure reviews. These conditions are similar to those that apply to non-tenure track faculty members. They strip tenure of its most essential feature, without which there is no guarantee of protection of academic freedom. This reduces “tenure” to an honorific. As such, these conditions are not in conformity with the Faculty Handbook, which governs all CWRU faculty members, including those based at UH and other SOM-affiliated hospitals.

The Powers and Obligations of the Faculty Senate regarding tenure policy

The authority of CWRU is vested in the Board of Trustees, whose responsibilities include approving the appointment, promotion, and tenure of faculty. The Bylaws of the Board of Trustees clearly enumerate the specific responsibilities it has delegated to the University Faculty: “*The University Faculty shall be concerned with the oversight of the general educational, research and scholarly activities of the University. **The University Faculty shall have the responsibility to review and make recommendations to the President and, through the President, to the Board forpolicies governing appointment, promotion, tenure, and termination of members of the constituent faculties.*** (Article VII, Section 2).

These responsibilities are codified in the Faculty Handbook (Chapter 2, Article V, Section A, Par. 2.b.1):

“*The powers and obligations of the Faculty Senate shall include but not be limited to the following:*

//

b. Making recommendations to the president for consideration and transmittal to the Board of Trustees with respect to policies governing:

1. Standards of appointment, reappointment, promotion, tenure, and termination of service of members of the constituent faculties.

These new tenure policies were apparently implemented at UH some time after the signing of the September 2016 UH-CWRU affiliation agreement. Neither the SOM Faculty Council nor the CWRU Faculty Senate were made aware of this new tenure policy at that time. Consequently, the Faculty Senate could not advise or consult with the President regarding this new tenure policy or its implementation, as required in Chapter 2, Article V, Section A, Par. 2.b.1; nor could it conduct any review to determine whether the new tenure policy on termination of tenured faculty was in conformity with Chapter 3, Part One, Article I, Section E “Tenure”, which

requires demonstrable just cause, financial exigency, or compelling educational considerations as the only grounds for termination of a tenured faculty member.

Additional observations, concerns and questions raised by the Bylaws Committee

1. CWRU should not grant tenure to someone when it has arranged with that person's employer to force them by contract to resign that tenure in circumstances that do not conform with the CWRU Faculty Handbook. It is misleading, if not unethical, for CWRU to represent these faculty positions as “tenure” to the university community, to peers at other universities, and to the public, who do not know about the underlying contractual arrangement, i.e., that an individual who was appointed under these conditions, having earned the award of tenure, does not actually possess the most essential feature of tenure (“an appointment of unlimited duration”) that is the basis of its protection of academic freedom that all other tenured faculty at CWRU and elsewhere possess.
2. Adoption of this new post-tenure review and termination policy constitutes a potential liability to CWRU’s academic reputation. It may also negatively impact morale of faculty when it becomes more widely known.
3. This policy sets a precedent that could spread to other CWRU schools. It also creates an incentive to increase the number of these such tenured appointments at UH precisely because they can be terminated when performance is deemed “unsatisfactory”.
4. The failure to follow established procedures and the insistence on the confidentiality of all documents describing the practices at UH pertaining to faculty tenure has made it difficult for the Faculty Senate to exercise due diligence in the performance of its responsibility to review and make recommendations regarding these policies to the president and, through the president, to Board of Trustees. The secrecy that prevented any such review for more than a few years is not compatible with properly functioning shared governance of the university in which the faculty are meaningful partners.

Respectfully submitted by the Faculty Senate Bylaws Committee,

Professor Peter Harte
Chair, CWRU Faculty Senate Bylaws Committee

From the January 11, 2023 minutes of the Executive Committee

President Kaler said that he is committed to finding a resolution and will set up meetings with Provost Vinson, Stan Gerson (Dean of the School of Medicine), Peter Poulos (Secretary of the Corporation, Office of General Counsel), and leaders of the Senate.

Chair Eppell said that he views this as a way to build trust between faculty and administration.

A member of the Executive Committee said that Faculty status and related matters are primarily a faculty responsibility; and so Faculty Senate Personnel Committee should be the locus, working with the administration to facilitate the review and recommendations. It is possible to potentially convene an ad hoc committee of the Personnel Committee comprised of faculty and others. Faculty should have a strong role in the process, and that it is the Senate's intent to create the best structure for administration and faculty.

Prof. Eppell said that after the discussions are held with administration, the Personnel Committee should have a strong review and recommend process in any decisions that are implemented.

CHARTER OF HOSPITAL BASED FACULTY COMMITTEE

(Amended by Faculty Senate Executive Committee 3/9/23)

I. Authority of the Committee: At the January 17, 2023 meeting of the Faculty Senate Executive Committee, there was discussion of a report from the Personnel Committee that was originally empowered by the Executive Committee of the Faculty Senate on Oct 9, 2022 by unanimous vote. This report was initiated upon a request made by the School of Medicine Faculty Council on June 13, 2022, which said, “We ask that the Faculty Senate review and confirm compliance with the Faculty Handbook and University policies and procedures of these tenured and tenure-track appointments based at UH.”

The report from the Personnel Committee, dated January 2, 2023, on awarding of tenure in UH clinical departments found significant problems with current hiring and termination of aspects of personnel employed by University Hospitals Cleveland Medical Center and offered tenured or tenure track faculty positions by Case Western Reserve University.

At the conclusion of the discussion on Jan 17, 2023, in the spirit of shared governance, President Kaler said he was committed to finding a resolution to these problems and would set up meetings with Provost Vinson, Senior Vice President of Medical Affairs and Dean of the School of Medicine Stanton Gerson, Secretary of the Corporation and General Counsel of CWRU Peter Poulos, and leaders of the Senate. This group was intended to be an advisory committee to the president to work out one or more solutions to the problems described in the Faculty Senate Personnel Committee report that would be acceptable to both the administration and the faculty. The Committee does not supplant the rights and responsibilities of the Board of Trustees, the president, the Faculty Senate, or any standing committees of those bodies. Those entities retain all rights and responsibilities notwithstanding the convening of this advisory committee. In particular, the responsibility to select and execute a solution resides with the president. The responsibility to review and make recommendations on the solution selected by the president before it is implemented remains with the Faculty Senate.

II. Purpose of the Committee: The Committee will gather information and discuss potential options for: protecting the indefinite duration of tenure and protecting durability of any CWRU compensation, as defined by the Faculty Handbook and the bylaws of the School of Medicine, for those faculty paid by University Hospitals Cleveland Medical Center. The committee will also address the issue of shared governance on the matters within its purview regarding ensuring the faculty is enabled to perform its function of reviewing and making recommendations through the president to the board of trustees on matters of faculty hiring, promotion and termination as described in the bylaws of the board of trustees and the faculty handbook.

III. Committee Membership: The Committee is not meant to be a representative body of the faculty nor a substitute for the Faculty Senate and its committees. The Committee is composed of individuals who are invited to serve and these members will help gather information and discuss potential options for the issue at hand. The Committee members include Professor Eppell, Professor McEnery, Provost Vinson, Dean Gerson, Mr. Poulos, Professor Harte, and Professor Fischer who will serve on this Committee until it finishes its work. The other members will be at-large members who are invited to serve and may be replaced by others depending upon the issue at hand and the information that such person can bring to the discussion of such issue.

IV. Committee Actions: Any potential options discussed by the Committee will be shared with both the Faculty Senate and CWRU Administration. Any potential options are subject to any and all reviews and approvals as required by the Faculty Handbook. The Faculty Senate retains all rights under the Faculty Handbook to review any proposed recommendations of the committee.

June 15, 2023

The following serves as background for the clarifications, innovation, and recommendations from the Faculty Senate members on the HBF Committee (in a separate document)

A. Summary of Proposals received on May 30, 2023

a. initial hire, b. the award of tenure, c. the 5-year review, and d. the separation from University Hospitals of Cleveland Medical Center.

B. Background

i. The Powers and Obligations of the Faculty Senate regarding tenure policy (1)

ii. Conclusions of the Faculty Senate Personnel Committee regarding the practice involving the granting of tenure to faculty in UH clinical departments. Presented to ExCom Jan 2023 (1)

iii. Governing Documents on tenure (2,3)

A. Summary of Proposals received by HBF committee on May 30, 2023

Tenure is unanimously supported as important to the continued success of the University Hospitals and the CWRU SOM (4). Furthermore, tenure is important to maintaining or expanding, and sustaining, current research productivity and success (4). The proposal applies to those faculty (physician scientists and PhD research scientists) who are recruited for employment by UH (4). Two members of the committee raised the issue of UH not giving new hired tenure, but rather hiring on the non-tenure track (6, 7). The committee recognizes the value of this hiring option for some faculty but has rejected this as a solution to the current problem. Proposal were solicited and reviewed on May 30, 2023.

Various aspects of the sequence from the faculty member's initial hire to their separation of a tenured faculty member from UH were reflected in the submitted proposals. This sequence includes initial hire, the award of tenure, the 5-year review, and the separation from University Hospitals of Cleveland Medical Center.

a. Initial hire The relation between a faculty member hired by UH and a SOM Basic Science department was explicitly mentioned through a different longitudinal lens. Prior to the award of tenure, the Dean of SOM shall identify a department in the SOM for that faculty member, with the agreement that that department shall serve as the home department in the event of UH severing employment with that individual (8). The faculty member would be fully vested as a member of the faculty and will be assigned obligations to perform research, teaching, and service.

b. The award of tenure Similarly, at the award of tenure, the SOM Dean commits to finding a home department in the event that the individual is severed from UH. A proposal (6) included having an explicit statement made upon the award of tenure; for example, The APPENDIX OF ADDITIONAL TERMS should include an excerpt of Article 5.7 of the Bylaws of the Faculty of the School of Medicine. "This "award of tenure will be accompanied by a base salary guaranteed by the School of Medicine." As above, the faculty member would be fully vested as a member of the faculty and will be assigned obligations to perform research, teaching, and service. There are pre- and post-tenure implications of the faculty member's associations with basic science

departments as the annual salary of the faculty member in question, however sourced, shall not then be less than the lowest regular salary (i.e. excluding administrative supplements, summer salary for faculty on 9 month contracts, and other similar additions) of all full-time tenured members of the University Faculty at that same rank, as reported by the Office of the Provost (8).

c. The 5-year review A question was submitted, “how does UH actually refuse to renew people after 5 years?” (7).

To set the context for this question, the following was stated in the final report from the Faculty Senate Committee on Personnel (1):

“Summary of Clinical Tenure Practices

In the cases of the tenured faculty in UH clinical departments, there are agreements generated from both CWRU and UH that clinical faculty are asked to sign. Collectively, these agreements define the nature of tenure for these faculty members.

UH handling – *In its PSA, UH requires tenured faculty to agree to a five-year review at which point they may be renewed pending satisfactory review by departmental leadership.”*

Members of the HBF committee also learned that in consideration for research funding, the faculty member agreed to the terms and condition set forth in a side-letter (Exhibit A and others). The faculty member would be evaluated at year 3 and 4 of their initial term for renewal of an additional 5 year term. Key metrics of this review included the research productivity of the individual and scientific impact. The review committee would consist of the Department Chair, CSO/President of UHMCM, and UH Chief Academic Officer to collectively evaluate the individual’s overall performance to guide their renewal decision.

The 5-year review is not consistent with any of the faculty reviews described in the Faculty Handbook or the SOM Bylaws (following) and this warrants a specific recommendation.

Faculty Handbook F. Qualifications and Standards for Appointments, Reappointments, Promotions, and Tenure

5. It shall be the responsibility of each constituent faculty, or of each department within the constituent faculty that is organized into departments, to create and promulgate written procedures providing for an appropriate review of each member of the University Faculty (as defined in Article I, Section A, B, and C of the Constitution) within the constituent faculty or department. A copy of said procedures shall be provided to the Provost’s Office. In the case of tenured, tenure track, and non-tenure track members of the University Faculty, the procedures shall provide for an annual review. The chair of the department shall be responsible for implementing the procedures. The chair or appropriate designee of the department shall provide a written summary of the evaluation to each faculty member. In those constituent faculties that do not have a department structure, it shall be the responsibility of the dean or appropriate designee to implement the procedures adopted by the constituent faculty and provide the written summary of the evaluation.

For tenure track faculty, at the end of the third pretenure year, these evaluations shall be reviewed by an appropriate faculty committee of the constituent faculty, taking into

account such additional performance data as have become available during the third year. If the by-laws of a constituent faculty provide for a nine-year pretenure period, a second general review is required at the end of the sixth year. All evaluations and reviews shall address each of the four criteria for promotion and tenure listed in Section I.F.1. The written summary of the evaluations shall be communicated to the faculty member, the chair, and to the dean of the constituent faculty.(2)

SOM Bylaws

SOM Bylaws Article 4.3

b. Each department chair or an appropriate designee shall meet annually with each full-time faculty member to review performance and to set future goals. The department chair or the appropriate designee shall then provide a written summary of each evaluation to the faculty member, with a copy provided to the dean. For departments that choose to use the Faculty Activity Summary Form (FASF), any changes to that form must be approved by Faculty Council prior to their incorporation into the document." (3)

SOM Bylaws Article 4.7

Each center is headed by a director who recommends candidates for faculty appointment, promotion and tenure and is responsible for conducting annual reviews of full-time faculty members. "(3)

d. The separation of a tenured faculty member from UH

At the close of the May 8 meeting, people were asked to share their specific ideas on the potential options for protecting durability of any CWRU compensation for those tenured faculty employed by UH (*as defined by the Handbook and the Bylaws of the SOM). Proposals were crafted with the understanding that UH and CWRU had agreed to remove the requirement to resign tenure in the event of termination of employment by UH. (5, 9)

Chairs of academic clinical departments who have faculty in this category stated that it would be impractical to set the terms of such tenure in advance for this special category of faculty (4). For a variety of reasons, the Chairs of academic clinical departments on this committee support a nuanced approach that would allow tenure to be addressed on an individual basis by the Dean of the SOM at the time of termination of employment by UH (4). Finally, the Chairs believe that it is not logical for them to craft employment terms at the time of the faculty hire that the SOM would need to adhere to at the future time that the tenured faculty member's UH employment ends (4).

The faculty members who are personally affected by the issue provided comments that reflect their shared perspective (10). There is a general appreciation for the role of the SOM CAPT as the committee that evaluates the qualifications for the award of tenure, the typical case where physician scientists have multiple sources of financial support for their salary and research activities, and that financial considerations developed by UH and its clinical departments may not be matched by Basic Science Departments in the SOM (10). Most importantly, the faculty *"appreciate Dean Gerson's comment that he is committed to working with any individual who is terminated from UH to help smooth the transition to a SOM Basic Science department, and to develop an individualized plan for financial support and salary structure in the new department"* (10).

Dean Stan Gerson commented at the May 30 meeting that with the creation of the first center in 1982, a provision was made that if a center was dissolved that the fallback would be an faculty appointment in General Medical Science (GMS), with the chair of GMS being the dean. (5)

A proposal to protect the durable compensation paid by CWRU to tenured faculty based in hospital clinical departments was presented by Provost Vinson and Peter Poulos (11).

1. For tenured faculty members who are paid entirely by CWRU and based in a hospital clinical department, in the event the hospital terminates the faculty member's hospital clinical department privileges, the Dean of the School of Medicine will work with the faculty member in good faith to reasonably determine the faculty member's academic department going forward, and the faculty member's CWRU base salary will remain the same. The Dean shall also work in conjunction with the School's Department Chairs in making the determination regarding the appropriate department.

2. For tenured faculty members who are majority paid by the hospital, upon termination of that faculty member's employment by the hospital, the faculty member still retains their tenured faculty appointment. The Dean of the School of Medicine will work with the faculty member in good faith to reasonably determine the faculty member's academic department going forward, the faculty member's academic activities, and the faculty member's associated CWRU compensation. The determination of the appropriate salary shall be guided by the same criteria used to set the salary of other tenured faculty in that applicable department. The Dean shall work in conjunction with the applicable Department Chair in making these determinations. This is consistent with the University's responsibilities to tenured faculty members under Section E.2 of the Faculty Handbook regarding the closing of a department or unit and under Section E.4 of the Handbook regarding termination because of a financial exigency.

3. For tenured faculty members who are majority paid by the University, upon termination of that faculty member's employment by the hospital, the faculty member still retains their tenured faculty appointment. The Dean of the School of Medicine will work with the faculty members in good faith to reasonably determine the faculty member's academic department going forward and the faculty member's academic activities going forward. The Dean shall work in conjunction with the applicable Department Chair in making these determinations. CWRU shall continue to pay the same annual compensation it has been paying to the faculty member, which compensation may be potentially and reasonably adjusted upward. The determination of an upward adjustment shall be guided by the same criteria used to set the salary of other tenured faculty members in that applicable department.

Table that compares the various conditions covered by the proposal (11) with the addition of CWRU paid faculty in Basic Science departments added for comparison

A Faculty paid by	B retain tenured appoi	C primary appt	D When faculty loses primary appointment	E How will Compensation be determined?	F Dean will work with Chairs
CWRU	YES	Basic science	the Dean of the School of Medicine will work with the faculty member in good faith to reasonably determine the faculty member's academic department going forward.	CWRU base salary will remain the same	YES
CWRU	?	UH Clinical Dept	the Dean of the School of Medicine will work with the faculty member in good faith to reasonably determine the faculty member's academic department going forward.	CWRU base salary will remain the same	YES
Majority paid by UH	YES	UH Clinical Dept	The Dean of the School of Medicine will work with the faculty member in good faith to reasonably determine the faculty member's academic department going forward, and the faculty member's academic activities	Dean will determine the faculty member's associated CWRU compensation.	YES
Majority paid by CWRU	YES	UH Clinical Dept	The Dean of the School of Medicine will work with the faculty members in good faith to reasonably determine the faculty member's academic department going forward and the faculty member's academic activities.	CWRU shall continue to pay the same annual compensation it has been paying to the faculty member, which compensation may be potentially and reasonably adjusted upward.	YES

B. Background

i. The Powers and Obligations of the Faculty Senate regarding tenure policy (1)

The authority of CWRU is vested in the Board of Trustees, whose responsibilities include approving the appointment, promotion, and tenure of faculty. The Bylaws of the Board of Trustees clearly enumerate the specific responsibilities it has delegated to the University Faculty: *“The University Faculty shall be concerned with the oversight of the general educational, research and scholarly activities of the University. **The University Faculty shall have the responsibility to review and make recommendations to the President and, through the President, to the Board forpolicies governing appointment, promotion, tenure, and termination of members of the constituent faculties.*** (Article VII, Section 2).

These responsibilities are codified in the Faculty Handbook (Chapter 2, Article V, Section A, Par. 2.b.1):

“The powers and obligations of the Faculty Senate shall include but not be limited to the following:

//

b. Making recommendations to the president for consideration and transmittal to the Board of Trustees with respect to policies governing:

1. Standards of appointment, reappointment, promotion, tenure, and termination of service of members of the constituent faculties.

ii. Conclusions of the Faculty Senate Personnel Committee regarding the practice involving the granting of tenure to faculty in UH clinical departments. Presented to ExCom Jan 2023 (1)

The practice involving the granting of tenure to faculty in UH clinical departments is at odds with the substantive nature of academic tenure as defined at CWRU. The term-limiting of tenure conflicts with the clear articulation that tenure is of unlimited duration. This term-based tenure also conflicts with the tenet that tenured faculty have a durable commitment of compensation from the institution.

The UH practice results in a fundamental difference in regard to the meaning of a tenured appointment for these UH faculty as compared to that appearing in both the CWRU Faculty Handbook and the Faculty of Medicine Bylaws. This operationalization of tenure has at least two negative implications. First, the tenured faculty involved are being provided a lesser form of CWRU tenure and are placed in inequitable circumstances in comparison to their tenured colleagues across the university. Second, the mere existence of this term-based tenure at CWRU, given that it violates the basic tenets of tenure itself, makes unclear the institutional understanding and commitment to tenure at the university.

iii. Governing Documents on tenure:

Faculty Handbook, Chapter 3, Part One, Article I, Paragraph E, sub paragraphs 1 and 2 (2):

E. Tenure

1. Academic tenure is an essential component of the development and delivery of quality educational and research programs at the University. 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. Tenured faculty members are protected explicitly against dismissal or disciplinary action because their views are unpopular or contrary to the views of others. Their non-tenured colleagues derive protection by general extension of these principles of academic freedom.

2. When awarded, academic tenure rests at the constituent faculty level rather than at the departmental level. The award of academic tenure to a faculty member is a career commitment which 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 primary appointment rests is closed or reduced in size, the University shall nevertheless make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration until retirement.

Bylaws of the School of Medicine: Article 5.4 (3):

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.

Bylaws of the School of Medicine: Article 5.7 (3):

Tenure Salary Guarantee: Award of tenure for faculty of 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

Resources:

- (1) Report from the Faculty Senate Committee on Personnel, with addendum from Committee on Bylaws (Jan 2023)
- (2) Faculty Handbook
- (3) SOM Bylaws
- (4) Letter from Drs. Miller, Plecha, and Salata (May 25, 2023)
- (5) Minutes from past meetings, with attachments
- (6) Proposal from Professor Maureen McEnery
- (7) Questions from Professor Sharona Hoffman
- (8) Proposal from Professor Glenn Starkman
- (9) letter excerpted by Peter Poulos and shared at May 30 meeting
- (10) Letter from Drs. Driscoll, Field, and Obeng (May 22, 2023)
- (11) Proposal from Provost Ben Vinson and General Counsel Peter Poulos

Respectfully prepared and submitted,

Maureen W. McEnery, PhD MAT
Chair of the Faculty Senate

June 27, 2023 FINAL RECOMMENDATION

To: President Eric Kaler

From: Members of the Hospital Based Faculty Committee

The Hospital Based Faculty (HBF) Committee convened by President Kaler and led by Provost Ben Vinson has completed its task. Our recommendations clarify existing policies, suggest innovations, and addresses the issues before the committee: an appointment with tenure is of unlimited duration until retirement and the commitment to durability of CWRU compensation for tenured faculty members with their primary appointment in clinical departments at University Hospitals Cleveland Medical Center. The following recommendations were approved by unanimous consent by those HBF committee members present at the June 27, 2023 meeting.

I. Clarification of existing policies.

- a. Similar to other full-time University faculty, all faculty hired into UH academic clinical departments and who obtained a tenured faculty appointment or tenure track faculty appointment with the CWRU SOM shall be fully vested as members of the University faculty and will be assigned obligations to perform research, teaching, and service.
- b. Similar to other full-time University faculty, all faculty hired into UH academic clinical departments will receive annual reviews as noted in the Faculty Handbook and described in the SOM Bylaws. Additionally, all tenure-track faculty will receive the customary reviews as described in the SOM Bylaws. The Dean will work with the Clinical Academic Chairs to help ensure that such reviews are occurring.
- c. It is recognized that the UH reviews of its employees based upon their UH performance are distinct from CWRU's reviews of its faculty members which are conducted pursuant to the Faculty Handbook and School of Medicine Bylaws. As noted in the following section, these UH reviews shall not impact the faculty member's tenured appointment.

II. The HBF committee supports these options for protecting durability of any CWRU compensation for those tenured faculty employed by UH.

All letters of reappointment subsequent to the award of tenure will include the statement, "This award of tenure comes with a tenure salary guarantee." In the event there is a separation, the compensation will follow the schedule below. As set forth below, for full-time faculty members in the School's basic science departments, the salary guidelines currently provide for a base salary, incentive compensation, and a merit increase.

1. For tenured faculty members who are paid entirely by CWRU and based in a hospital clinical department, in the event the hospital terminates the faculty member's hospital clinical department privileges, the faculty member still retains their tenured faculty appointment. The Dean of the School of Medicine will make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration in a School of Medicine Basic Science department until

retirement. The Dean will work with the faculty member in good faith to reasonably determine the faculty member's academic department going forward, and the faculty member's CWRU base salary will remain the same. The Dean shall also work in conjunction with the School's Department Chairs in making the determination regarding the appropriate department, or failing that, they will be appointed to the Division of General Medical Sciences.

2. For tenured faculty members who are majority paid by the hospital, upon termination of that faculty member's employment by the hospital and/or termination of their hospital clinical department privileges, the faculty member still retains their tenured faculty appointment. The Dean of the School of Medicine will make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration in a School of Medicine Basic Science department until retirement. The Dean will work with the faculty member in good faith to reasonably determine the faculty member's academic department going forward, the faculty member's academic activities, and the faculty member's associated CWRU compensation. The fundamental elements that go into a faculty review will be used to identify the salary of the faculty member. Determination of the appropriate salary shall be guided by the same criteria used to set the salary of other tenured faculty in that applicable department/division. The Dean shall work in conjunction with the applicable Department Chair in making these determinations; failing the selection of a SOM academic department, the faculty member will be appointed to the Division of General Medical Sciences. This is consistent with the University's responsibilities to tenured faculty members under Section E.2 of the Faculty Handbook regarding the closing of a department or unit and under Section E.4 of the Handbook regarding termination because of a financial exigency.

3. For tenured faculty members who are majority paid by the University, upon termination of that faculty member's employment by the hospital and/or termination of their hospital clinical department privileges, the faculty member still retains their tenured faculty appointment. The Dean of the School of Medicine will make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration in a School of Medicine Basic Science department until retirement. The Dean will work with the faculty members in good faith to reasonably determine the faculty member's academic department going forward, the faculty member's academic activities going forward, and the faculty member's associated CWRU salary. The fundamental elements that go into a faculty review will be used to identify the salary of the faculty member. The Dean shall work in conjunction with the applicable Department Chair in making these determinations; failing the selection of a SOM Academic Department, they will be appointed to the Division of General Medical Sciences. Determination of the appropriate CWRU salary shall be guided by the same criteria used to set the salary of other tenured faculty in that applicable department/division.

III. The HBF committee suggests this innovation:

a. Faculty members hired into UH academic clinical departments and who obtain a tenured faculty appointment or tenure track faculty appointment with the CWRU SOM will initiate, with the approval of the Dean and chairs, a secondary appointment in a SOM basic science department to facilitate their access to graduate students and expanded opportunities for mentoring and being mentored.

IV. Common language and shared expectations between CWRU and UH.

The HBF committee recommends asking UH if they are willing to put parallel language in their hiring documents, such as:

- a. The clarification that standard obligate faculty reviews required by CWRU (Ib) are distinct from University Hospitals five-year reinvestment reviews (Ic).
- b. At no time will tenured faculty receive language in their reappointment forms to this effect: “Please note that your School of Medicine faculty appointment will terminate at such time that you resign, retire, or cease serving at the University Hospitals Cleveland Medical Center.”

Most respectfully,

James Babilion, PhD
 James Driscoll, PhD
 Steven Eppell, PhD
 Seth Field, MD
 Rob Fischer, PhD
 Stan Gerson, MD
 Peter Harte, PhD
 Anna Maria Hibbs, MD
 Sharona Hoffman, JD, LL.M. SJD
 Kenneth Ledford, JD, PhD
 Maureen McEnery, PhD, MAT
 Marlene Miller, MD
 Rebecca Obeng, MD, PhD, MPH
 Simon Peck, PhD
 Donna Plecha, MD
 Peter Poulos, JD
 Robert Salata, MD
 Glenn Starkman, PhD
 Ben Vinson, PhD, committee chair

FPC memo on the UH - CWRU tenure harmonization
November 2023

The committee was pleased with the statement that there is only a single tenure and that it lasts until death or retirement. However, the committee was concerned with three areas in the report.

1. The first area concerns what will happen with a faculty member in a clinical setting if the hospital no longer choose to support this individual. The suggestion that the Dean (or his/her designate) would facilitate a transfer to a basic science department or General Medical Sciences seems rather vague (and very much last minute).

We agree with the proposal that the school should be *required*, for faculty in clinical departments, to establish with the faculty members a secondary appointment in a basic science department (or General Medical Sciences). This would lead to a less awkward shift should the hospital choose to end support.

2. The second area of concern was what the tenured faculty member's salary will be and who will be responsible for it. What will be the amount of the salary? There could be several options:

- their CWRU based salary;
- their CWRU based salary prorated to 100% effort;
- the CWRU based salary + salary recovered from grants;
- the median salary for a faculty member in the new department's discipline (as defined by AAMC for all schools).

No matter what the choice, there should be a defined mechanism for the provision of salary (as either 100% or less than that), including in the instance where the CWRU based salary were originally zero.

3. The final concerning area is who will be responsible for the salary, the hospital, the university, the School of Medicine, or the department that the faculty member would be moved into? As the granting of tenure could be considered an institutional investment with risk, it could be that the hiring party would be responsible. Alternatively, as the School of Medicine is the vehicle through which the tenure is granted, the School of Medicine could be responsible. Or given the departmental assignment, the individual department might become responsible for the salary. The source for the commitment of funds must be clearly defined.

Overall, so that this resolution is consistent with the Faculty Handbook, there should be a clear statement as to what the tenure guarantee is for faculty who are not in clinical departments and that are represented by the different schools and colleges.

The committee noted that this last matter also bears on the standing and support of the regular faculty in the university, specifically, what a tenure commitment implies materially for them (e.g., salary, office space, etc.) beyond the existing specifications in the handbook. Should this area of vagueness be further looked into?

*Submitted by the Chair of the Faculty Senate Committee on Faculty Personnel, Professor
Jeremy Bendik-Keymer

Proposal for the Bylaw Committee

Based on clarification given during the November EXCOM meeting, the FPC understands that the SOM-UH tenure harmonization matter will be specified in the following way:

1. The SOM will be responsible for the salary of tenured faculty severed by UH.
2. That salary will be guaranteed until retirement consistent with tenure's meaning.
3. The salary will be determined by the Dean of SOM as equitable compensation comparative to other SOM faculty for the *roles and responsibilities* of the relocated tenured faculty in the SOM.
4. The relocated tenured faculty will at least hold a position in the Basic Science Department or some comparable position. Moreover, this will be established upon hiring with UH going forward.

We ask that the Bylaw Committee review the faculty handbook, in particular section E, subsection 2, to add in language for all faculty at CWRU consistent with the above, namely:

1. The relevant school/college is responsible for the salary of the tenured faculty.
2. That salary will be guaranteed until retirement consistent with tenure's meaning.
3. The salary will be determined by the head of the relevant school/college as equitable compensation, comparative to other faculty in the relevant department or unit, for the *roles and responsibilities* of the tenured faculty member.

- Submitted by the Chair of the Faculty Personnel Committee, Professor Jeremy Bendik-Keymer on Dec 11. 2023

Background: The proposed amendment below was drafted and approved at the December 14 2023 meeting of the Faculty Senate Bylaws Committee at the request of the Faculty Senate Executive Committee. The Bylaws Committee was asked to review the recommendations in the Faculty Senate Personnel Committee’s recent report (attached) regarding the June 27 2023 final resolution of the ad hoc Committee on “Hospital-Based Faculty” (attached). The Personnel Committee’s report was approved by the Faculty Senate at its December 2023 meeting. The Bylaws Committee concurs with the Personnel Committee’s recommendations.

The Executive Committee charged the Bylaws Committee with proposing language for an amendment to the Faculty Handbook that would incorporate the Personnel Committee’s recommendations. The Personnel Committee’s report made three specific recommendations, all of which have been incorporated into the language of the proposed amendment.

The proposed amendment is to Chapter 3, Part One, Article I, Section E, Paragraph 2, and makes explicit the principle that academic tenure is a career commitment *that includes a salary guarantee*. The amendment leaves intact the current practice that the responsibility for determining the amount and sources of that salary lies with the dean of school or college in which a tenured faculty member holds their primary appointment.

Chapter 3, Part One, Policies and Procedures for Members of the Faculty

ARTICLE I. Appointments, Reappointments, Resignations, Promotions, and Tenure

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D. Academic Freedom

1. Fundamental to the purposes of the University is the belief that progress in social and individual welfare is ultimately dependent on the maintenance of freedom in academic processes. Especially vital is the protection of expression which is critical toward conventional thought or established interests.
2. Academic freedom is a right of all members of the University Faculty 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.

E. Tenure

1. Academic tenure is an essential component of the development and delivery of quality educational and research programs at the University. 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. Tenured faculty members are protected explicitly against dismissal or disciplinary action because their views are unpopular or contrary to the views of others. Their non-tenured colleagues derive protection by general extension of these principles of academic freedom.
2. When awarded, academic tenure rests at the constituent faculty level rather than at the departmental level. The award of academic tenure to a faculty member is a career commitment which grants that faculty member the right to retain his or her appointment without term until retirement. **This commitment includes a salary guarantee to which Case Western Reserve University obligates itself. The salary shall be at a level determined by the dean of the relevant school or college to be reasonable compensation for the roles and responsibilities of the tenured faculty member.** 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 primary appointment rests is closed or reduced in size, the University shall nevertheless make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration until retirement.

June 27, 2023 FINAL RECOMMENDATION

To: President Eric Kaler

From: Members of the Hospital Based Faculty Committee

The Hospital Based Faculty (HBF) Committee convened by President Kaler and led by Provost Ben Vinson has completed its task. Our recommendations clarify existing policies, suggest innovations, and addresses the issues before the committee: an appointment with tenure is of unlimited duration until retirement and the commitment to durability of CWRU compensation for tenured faculty members with their primary appointment in clinical departments at University Hospitals Cleveland Medical Center. The following recommendations were approved by unanimous consent by those HBF committee members present at the June 27, 2023 meeting.

I. Clarification of existing policies.

- a. Similar to other full-time University faculty, all faculty hired into UH academic clinical departments and who obtained a tenured faculty appointment or tenure track faculty appointment with the CWRU SOM shall be fully vested as members of the University faculty and will be assigned obligations to perform research, teaching, and service.
- b. Similar to other full-time University faculty, all faculty hired into UH academic clinical departments will receive annual reviews as noted in the Faculty Handbook and described in the SOM Bylaws. Additionally, all tenure-track faculty will receive the customary reviews as described in the SOM Bylaws. The Dean will work with the Clinical Academic Chairs to help ensure that such reviews are occurring.
- c. It is recognized that the UH reviews of its employees based upon their UH performance are distinct from CWRU's reviews of its faculty members which are conducted pursuant to the Faculty Handbook and School of Medicine Bylaws. As noted in the following section, these UH reviews shall not impact the faculty member's tenured appointment.

II. The HBF committee supports these options for protecting durability of any CWRU compensation for those tenured faculty employed by UH.

All letters of reappointment subsequent to the award of tenure will include the statement, "This award of tenure comes with a tenure salary guarantee." In the event there is a separation, the compensation will follow the schedule below. As set forth below, for full-time faculty members in the School's basic science departments, the salary guidelines currently provide for a base salary, incentive compensation, and a merit increase.

1. For tenured faculty members who are paid entirely by CWRU and based in a hospital clinical department, in the event the hospital terminates the faculty member's hospital clinical department privileges, the faculty member still retains their tenured faculty appointment. The Dean of the School of Medicine will make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration in a School of Medicine Basic Science department until

retirement. The Dean will work with the faculty member in good faith to reasonably determine the faculty member's academic department going forward, and the faculty member's CWRU base salary will remain the same. The Dean shall also work in conjunction with the School's Department Chairs in making the determination regarding the appropriate department, or failing that, they will be appointed to the Division of General Medical Sciences.

2. For tenured faculty members who are majority paid by the hospital, upon termination of that faculty member's employment by the hospital and/or termination of their hospital clinical department privileges, the faculty member still retains their tenured faculty appointment. The Dean of the School of Medicine will make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration in a School of Medicine Basic Science department until retirement. The Dean will work with the faculty member in good faith to reasonably determine the faculty member's academic department going forward, the faculty member's academic activities, and the faculty member's associated CWRU compensation. The fundamental elements that go into a faculty review will be used to identify the salary of the faculty member. Determination of the appropriate salary shall be guided by the same criteria used to set the salary of other tenured faculty in that applicable department/division. The Dean shall work in conjunction with the applicable Department Chair in making these determinations; failing the selection of a SOM academic department, the faculty member will be appointed to the Division of General Medical Sciences. This is consistent with the University's responsibilities to tenured faculty members under Section E.2 of the Faculty Handbook regarding the closing of a department or unit and under Section E.4 of the Handbook regarding termination because of a financial exigency.

3. For tenured faculty members who are majority paid by the University, upon termination of that faculty member's employment by the hospital and/or termination of their hospital clinical department privileges, the faculty member still retains their tenured faculty appointment. The Dean of the School of Medicine will make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration in a School of Medicine Basic Science department until retirement. The Dean will work with the faculty members in good faith to reasonably determine the faculty member's academic department going forward, the faculty member's academic activities going forward, and the faculty member's associated CWRU salary. The fundamental elements that go into a faculty review will be used to identify the salary of the faculty member. The Dean shall work in conjunction with the applicable Department Chair in making these determinations; failing the selection of a SOM Academic Department, they will be appointed to the Division of General Medical Sciences. Determination of the appropriate CWRU salary shall be guided by the same criteria used to set the salary of other tenured faculty in that applicable department/division.

III. The HBF committee suggests this innovation:

a. Faculty members hired into UH academic clinical departments and who obtain a tenured faculty appointment or tenure track faculty appointment with the CWRU SOM will initiate, with the approval of the Dean and chairs, a secondary appointment in a SOM basic science department to facilitate their access to graduate students and expanded opportunities for mentoring and being mentored.

IV. Common language and shared expectations between CWRU and UH.

The HBF committee recommends asking UH if they are willing to put parallel language in their hiring documents, such as:

a. The clarification that standard obligate faculty reviews required by CWRU (Ib) are distinct from University Hospitals five-year reinvestment reviews (Ic).

b. At no time will tenured faculty receive language in their reappointment forms to this effect: “Please note that your School of Medicine faculty appointment will terminate at such time that you resign, retire, or cease serving at the University Hospitals Cleveland Medical Center.”

Most respectfully,

James Babilion, PhD

James Driscoll, PhD

Steven Eppell, PhD

Seth Field, MD

Rob Fischer, PhD

Stan Gerson, MD

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Anna Maria Hibbs, MD

Sharona Hoffman, JD, LL.M. SJD

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Rebecca Obeng, MD, PhD, MPH

Simon Peck, PhD

Donna Plecha, MD

Peter Poulos, JD

Robert Salata, MD

Glenn Starkman, PhD

Ben Vinson, PhD, committee chair



Faculty Senate

January 24, 2024

Update on the Faculty Senate's process towards protecting the indefinite duration of tenure and durability of CWRU compensation for tenured hospital-based faculty at University Hospitals of Cleveland

Dear Senators of the CWRU Faculty Senate,

I am writing this letter to 1) update you on the activities that took place since the chair's report to the Faculty Senate on November 20, 2023 (attached) and, with this significant work behind us, 2) request your endorsement of the University Hospitals Recommendations (UH Recommendations, attached).

I wish to remind you that the step that precedes the implementation of UH Recommendations *remains with the Faculty Senate which has the responsibility to review and make recommendations on the solution selected by the president before it is implemented*¹. Taken together, this deliberate sequence of review and recommendations that was previously reported (November 20, 2023) and extended in this letter fulfills the Faculty Senate's responsibilities.

To briefly review: in September 2023, the Faculty Senate exercised *its right under the Faculty Handbook to review any proposed recommendations from the HBF Committee*¹. On September 13, 2023, the UH recommendations were sent to both the Faculty Senate Committee on Faculty Personnel and the Committee on Bylaws. *Any potential options were subject to any and all reviews and approvals as required by the Faculty Handbook. The Faculty Senate retained all rights under the Faculty Handbook to review any proposed recommendations of the committee*¹.

On November 13, 2023, after reviewing the UH Recommendations, the Committee on Faculty Personnel submitted their report and summarized as follows:

Overall, so that this resolution is consistent with the Faculty Handbook, there should be a clear statement as to what the tenure guarantee is for faculty who are not in clinical departments and that are represented by the different schools and colleges.

On December 11, 2023, the Committee on Faculty Personnel returned with specific recommendations to inform the work of the Bylaws Committee:

We ask that the Bylaw Committee review the faculty handbook, in particular section E, subsection 2, to add in language for all faculty at CWRU consistent with the above, namely:

- 1. The relevant school/college is responsible for the salary of the tenured faculty.*
- 2. That salary will be guaranteed until retirement consistent with tenure's meaning.*

3. The salary will be determined by the head of the relevant school/college as equitable compensation, comparative to other faculty in the relevant department or unit, for the roles and responsibilities of the tenured faculty member.

At the Jan 18, 2024 ExCom meeting, the Bylaws Committee responded to the recommendations from the Committee on Faculty Personnel and, in addition to its own review of the UH Recommendations, proposed the following amendments:

Chapter 3 Part One, Policies and Procedures for Members of the Faculty

ARTICLE I. Appointments, Reappointments, Resignations, Promotions, and Tenure

//

D. Academic Freedom

1. Fundamental to the purposes of the University is the belief that progress in social and individual welfare is ultimately dependent on the maintenance of freedom in academic processes. Especially vital is the protection of expression which is critical toward conventional thought or established interests.

2. Academic freedom is a right of all members of the University Faculty 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.

E. Tenure

1. Academic tenure is an essential component of the development and delivery of quality educational and research programs at the University. 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. Tenured faculty members are protected explicitly against dismissal or disciplinary action because their views are unpopular or contrary to the views of others. Their non-tenured colleagues derive protection by general extension of these principles of academic freedom.

*2. When awarded, academic tenure rests at the constituent faculty level rather than at the departmental level. The award of academic tenure to a faculty member is a career commitment which grants that faculty member the right to retain his or her appointment without term until retirement. **This commitment includes a salary guarantee to which Case Western Reserve University obligates itself. The salary shall be at a level determined by the dean of the relevant school or college to be reasonable compensation for the roles and responsibilities of the tenured faculty member.** 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 primary appointment rests is closed or reduced in size,*

the University shall nevertheless make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration until retirement.

The Executive Committee approved these amendments with a vote of 11/0 and forwarded to the Faculty Senate meeting on January 29, 2024. In this way, the Faculty Senate fulfills its obligations to propose amendments to Chapter 3 for recommendation to the President's for his consideration for transmittal to the Board of Trustees.

With this work behind us, I respectfully seek the Faculty Senate's endorsement of the University Hospitals Recommendations.

Sincerely yours,

Maureen

Maureen W. McEnery, PhD, MAT
Chair of the Faculty Senate
Associate Professor, Department of Neurology, Department of Neurosciences, Department of Psychiatry
Case Western Reserve University
School of Medicine
Leader of Block 6
Room WG-11
Cleveland, OH 44106
216-368-3377

cc:

Eric Kaler, President
Joy Ward, Provost and Executive Vice President
Stan Gerson, Dean of the School of Medicine and Senior Vice President for Medical Affairs
Peter Poulos, Chief General Counsel and Vice President

¹ Charter of Hospital Based Faculty Committee, amended by Faculty Senate Executive Committee March 9, 2023 (attached)



Faculty Senate

November 20, 2023

Dear Senators of the CWRU Faculty Senate,

I am writing this letter to serve two purposes, 1) to reply to the request from the Faculty Council contained in a June 13, 2022, letter submitted to the Secretary of the Senate which asked the following:

"We ask that the Faculty Senate review and confirm compliance with the Faculty Handbook and University policies and procedures of these tenured and tenure track appointments based at UH. We further request that a report be generated to reply to the Faculty Council outlining the Faculty Senate's findings."

and 2) to update you on the activities that took place after the determinations that arose from the Faculty Senate review.

1. In response to the request from the Faculty Council, the following charge was approved by the Executive Committee on October 7, 2022,

The Personnel Committee is charged to determine if any contracts and letters of hire being entered into by CWRU tenure track faculty in clinical departments at University Hospitals are not consistent with the Faculty Handbook and/or other University policies and processes intended to regulate the hiring, promotion, and termination of such faculty. The By-laws Committee will act to provide authoritative determinations to the Personnel Committee regarding whether specific portions of the text associated with these appointments are not consistent with the Handbook. A report of findings should be presented to the Faculty Senate Executive Committee at the December meeting of the Executive Committee.

The report from the Personnel Committee, was submitted to Steven Eppell, Chair of the Faculty Senate, on January 2, 2023. The Personnel Committee's determination was derived from a comprehensive and thoughtful review of relevant and often confidential documents¹. The report was also supported by the input from the Faculty Senate Committee on Bylaws.

Conclusion

The practice involving the granting of tenure to faculty in UH clinical departments is at odds with the substantive nature of academic tenure as defined at CWRU. The term-limiting of tenure conflicts with the clear articulation that tenure is of unlimited duration. This term-based tenure also conflicts with the tenet that tenured faculty have a durable commitment of compensation from the institution.

The UH practice results in a fundamental difference in regard to the meaning of a tenured appointment for these UH faculty as compared to that appearing in both the

CWRU Faculty Handbook and the Faculty of Medicine Bylaws. This operationalization of tenure has at least two negative implications. First, the tenured faculty involved are being provided a lesser form of CWRU tenure and are placed in inequitable circumstances in comparison to their tenured colleagues across the university. Second, the mere existence of this term-based tenure at CWRU, given that it violates the basic tenets of tenure itself, makes unclear the institutional understanding and commitment to tenure at the university.

The aforementioned report was presented at the January 17, 2023, Executive Committee Meeting and unanimously accepted. The Faculty Senate's findings can be summarized as follows: the tenured and tenure track appointments based at UH were not in compliance with the Faculty Handbook or the University policies and procedures. This meets the request of the Faculty Council from June 13, 2022.

2. There were subsequent University-based actions to explore and recommend solutions on this matter and the Faculty Senate participated. Following the January 17, 2023, vote, President Kaler convened a Hospital Based Faculty (HBF) Committee. The charter for the HBF Committee was approved on March 9, 2023.

From the charter, the HBF Committee:

...will gather information and discuss potential options for: protecting the indefinite duration of tenure and protecting durability of any CWRU compensation, as defined by the Faculty Handbook and the bylaws of the School of Medicine, for those faculty paid by University Hospitals Cleveland Medical Center.

The membership of the HBF Committee:

Professor Eppell, Professor McEnery, Provost Vinson, Dean Gerson, Mr. Poulos, Professor Harte, and Professor Fischer who will serve on this Committee until it finishes its work. The other members will be at-large members who are invited to serve and may be replaced by others depending upon the issue at hand and the information that such person can bring to the discussion of such issue.

The key elements of this charter are:

- - *The responsibility to select and execute a solution resides with the president.*
- - *The responsibility to review and make recommendations on the solution selected by the president before it is implemented remains with the Faculty Senate.*
- - *Any potential options discussed by the Committee will be shared with both the Faculty Senate and CWRU Administration.*
- - *Any potential options are subject to any and all reviews and approvals as required by the Faculty Handbook. The Faculty Senate retains all rights under the Faculty Handbook to review any proposed recommendations of the committee.*

On June 27, 2023, the HBF Committee completed the task of discussing potential options for protecting the indefinite duration of tenure and protecting durability of any CWRU compensation and made recommendations to President Eric Kaler. President Kaler accepted the recommendations (aka UH recommendations) *in toto* on June 29, 2023.

In September 2023, the Faculty Senate exercised *its right under the Faculty Handbook to review any proposed recommendations from the HBF Committee*. On September 13, 2023, the UH recommendations were sent to both the Faculty Senate Committee on Faculty Personnel and the Committee on Bylaws.

At this point, the work of the two Faculty Senate committees is not complete. Since this *review of any proposed recommendations* has not been finalized, the issue has not gone to the Faculty Senate for its review. As noted above, review by the Faculty Senate must be completed prior to the implementation of the recommendations.

Sincerely yours,

Maureen

Maureen W. McEnery, PhD, MAT
Chair of the Faculty Senate
Associate Professor, Department of Neurology, Department of Neurosciences, Department of Psychiatry
Case Western Reserve University
School of Medicine
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cc:

Eric Kaler, President
Joy Ward, Interim Provost and Executive Vice President
Stan Gerson, Dean of the School of Medicine and Senior **Vice** President for Medical Affairs
Peter Poulos, Chief General Counsel and Vice President

¹The agreement struck between the CWRU Office of General Counsel and UH regarding confidential documents was that they could be shared only with individuals responsible for making decisions that would impact the outcome of changes in the relationship between CWRU and UH.

CHARTER OF HOSPITAL BASED FACULTY COMMITTEE

(Amended by Faculty Senate Executive Committee 3/9/23)

I. Authority of the Committee: At the January 17, 2023 meeting of the Faculty Senate Executive Committee, there was discussion of a report from the Personnel Committee that was originally empowered by the Executive Committee of the Faculty Senate on Oct 9, 2022 by unanimous vote. This report was initiated upon a request made by the School of Medicine Faculty Council on June 13, 2022, which said, “We ask that the Faculty Senate review and confirm compliance with the Faculty Handbook and University policies and procedures of these tenured and tenure-track appointments based at UH.”

The report from the Personnel Committee, dated January 2, 2023, on awarding of tenure in UH clinical departments found significant problems with current hiring and termination of aspects of personnel employed by University Hospitals Cleveland Medical Center and offered tenured or tenure track faculty positions by Case Western Reserve University.

At the conclusion of the discussion on Jan 17, 2023, in the spirit of shared governance, President Kaler said he was committed to finding a resolution to these problems and would set up meetings with Provost Vinson, Senior Vice President of Medical Affairs and Dean of the School of Medicine Stanton Gerson, Secretary of the Corporation and General Counsel of CWRU Peter Poulos, and leaders of the Senate. This group was intended to be an advisory committee to the president to work out one or more solutions to the problems described in the Faculty Senate Personnel Committee report that would be acceptable to both the administration and the faculty. The Committee does not supplant the rights and responsibilities of the Board of Trustees, the president, the Faculty Senate, or any standing committees of those bodies. Those entities retain all rights and responsibilities notwithstanding the convening of this advisory committee. In particular, the responsibility to select and execute a solution resides with the president. The responsibility to review and make recommendations on the solution selected by the president before it is implemented remains with the Faculty Senate.

II. Purpose of the Committee: The Committee will gather information and discuss potential options for: protecting the indefinite duration of tenure and protecting durability of any CWRU compensation, as defined by the Faculty Handbook and the bylaws of the School of Medicine, for those faculty paid by University Hospitals Cleveland Medical Center. The committee will also address the issue of shared governance on the matters within its purview regarding ensuring the faculty is enabled to perform its function of reviewing and making recommendations through the president to the board of trustees on matters of faculty hiring, promotion and termination as described in the bylaws of the board of trustees and the faculty handbook.

III. Committee Membership: The Committee is not meant to be a representative body of the faculty nor a substitute for the Faculty Senate and its committees. The Committee is composed of individuals who are invited to serve and these members will help gather information and discuss potential options for the issue at hand. The Committee members include Professor Eppell, Professor McEnery, Provost Vinson, Dean Gerson, Mr. Poulos, Professor Harte, and Professor Fischer who will serve on this Committee until it finishes its work. The other members will be at-large members who are invited to serve and may be replaced by others depending upon the issue at hand and the information that such person can bring to the discussion of such issue.

IV. Committee Actions: Any potential options discussed by the Committee will be shared with both the Faculty Senate and CWRU Administration. Any potential options are subject to any and all reviews and approvals as required by the Faculty Handbook. The Faculty Senate retains all rights under the Faculty Handbook to review any proposed recommendations of the committee.

June 27, 2023 FINAL RECOMMENDATION**To:** President Eric Kaler**From:** Members of the Hospital Based Faculty Committee

The Hospital Based Faculty (HBF) Committee convened by President Kaler and led by Provost Ben Vinson has completed its task. Our recommendations clarify existing policies, suggest innovations, and addresses the issues before the committee: an appointment with tenure is of unlimited duration until retirement and the commitment to durability of CWRU compensation for tenured faculty members with their primary appointment in clinical departments at University Hospitals Cleveland Medical Center. The following recommendations were approved by unanimous consent by those HBF committee members present at the June 27, 2023 meeting.

I. Clarification of existing policies.

- a. Similar to other full-time University faculty, all faculty hired into UH academic clinical departments and who obtained a tenured faculty appointment or tenure track faculty appointment with the CWRU SOM shall be fully vested as members of the University faculty and will be assigned obligations to perform research, teaching, and service.
- b. Similar to other full-time University faculty, all faculty hired into UH academic clinical departments will receive annual reviews as noted in the Faculty Handbook and described in the SOM Bylaws. Additionally, all tenure-track faculty will receive the customary reviews as described in the SOM Bylaws. The Dean will work with the Clinical Academic Chairs to help ensure that such reviews are occurring.
- c. It is recognized that the UH reviews of its employees based upon their UH performance are distinct from CWRU's reviews of its faculty members which are conducted pursuant to the Faculty Handbook and School of Medicine Bylaws. As noted in the following section, these UH reviews shall not impact the faculty member's tenured appointment.

II. The HBF committee supports these options for protecting durability of any CWRU compensation for those tenured faculty employed by UH.

All letters of reappointment subsequent to the award of tenure will include the statement, "This award of tenure comes with a tenure salary guarantee." In the event there is a separation, the compensation will follow the schedule below. As set forth below, for full-time faculty members in the School's basic science departments, the salary guidelines currently provide for a base salary, incentive compensation, and a merit increase.

1. For tenured faculty members who are paid entirely by CWRU and based in a hospital clinical department, in the event the hospital terminates the faculty member's hospital clinical department privileges, the faculty member still retains their tenured faculty appointment. The Dean of the School of Medicine will make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration in a School of Medicine Basic Science department until

retirement. The Dean will work with the faculty member in good faith to reasonably determine the faculty member's academic department going forward, and the faculty member's CWRU base salary will remain the same. The Dean shall also work in conjunction with the School's Department Chairs in making the determination regarding the appropriate department, or failing that, they will be appointed to the Division of General Medical Sciences.

2. For tenured faculty members who are majority paid by the hospital, upon termination of that faculty member's employment by the hospital and/or termination of their hospital clinical department privileges, the faculty member still retains their tenured faculty appointment. The Dean of the School of Medicine will make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration in a School of Medicine Basic Science department until retirement. The Dean will work with the faculty member in good faith to reasonably determine the faculty member's academic department going forward, the faculty member's academic activities, and the faculty member's associated CWRU compensation. The fundamental elements that go into a faculty review will be used to identify the salary of the faculty member. Determination of the appropriate salary shall be guided by the same criteria used to set the salary of other tenured faculty in that applicable department/division. The Dean shall work in conjunction with the applicable Department Chair in making these determinations; failing the selection of a SOM academic department, the faculty member will be appointed to the Division of General Medical Sciences. This is consistent with the University's responsibilities to tenured faculty members under Section E.2 of the Faculty Handbook regarding the closing of a department or unit and under Section E.4 of the Handbook regarding termination because of a financial exigency.

3. For tenured faculty members who are majority paid by the University, upon termination of that faculty member's employment by the hospital and/or termination of their hospital clinical department privileges, the faculty member still retains their tenured faculty appointment. The Dean of the School of Medicine will make all reasonable attempts to provide a tenured faculty member with an appointment of unlimited duration in a School of Medicine Basic Science department until retirement. The Dean will work with the faculty members in good faith to reasonably determine the faculty member's academic department going forward, the faculty member's academic activities going forward, and the faculty member's associated CWRU salary. The fundamental elements that go into a faculty review will be used to identify the salary of the faculty member. The Dean shall work in conjunction with the applicable Department Chair in making these determinations; failing the selection of a SOM Academic Department, they will be appointed to the Division of General Medical Sciences. Determination of the appropriate CWRU salary shall be guided by the same criteria used to set the salary of other tenured faculty in that applicable department/division.

III. The HBF committee suggests this innovation:

a. Faculty members hired into UH academic clinical departments and who obtain a tenured faculty appointment or tenure track faculty appointment with the CWRU SOM will initiate, with the approval of the Dean and chairs, a secondary appointment in a SOM basic science department to facilitate their access to graduate students and expanded opportunities for mentoring and being mentored.

IV. Common language and shared expectations between CWRU and UH.

The HBF committee recommends asking UH if they are willing to put parallel language in their hiring documents, such as:

a. The clarification that standard obligate faculty reviews required by CWRU (Ib) are distinct from University Hospitals five-year reinvestment reviews (Ic).

b. At no time will tenured faculty receive language in their reappointment forms to this effect: “Please note that your School of Medicine faculty appointment will terminate at such time that you resign, retire, or cease serving at the University Hospitals Cleveland Medical Center.”

Most respectfully,

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Glenn Starkman, PhD

Ben Vinson, PhD, committee chair

CWRU Faculty Senate
***Ad Hoc* Committee on Shared Governance**

Final report

November 30, 2023

1. Introduction.

The Ad Hoc Committee on Shared Governance was formed in October 2022 by the CWRU Faculty Senate Executive Committee who provided the [Committee's charge](#). The [Committee](#) included faculty representatives of eight academic Units at the University as well as representatives from the University administration.

The following points should be kept in mind as a framework for this report on the Committee's findings and recommendations:

1. Issues described in this report represent the collective experience of many faculty with multiple sets of administrators, over many years and are not necessarily in response to *current* concerns or challenges. Our recommendations aim to provide a framework for shared governance that will guide practices for years to come, regardless of changing stakeholders or circumstances.
2. We are cognizant that each Academic Unit within CWRU manages its academic mission differently, as reflected in Unit-specific bylaws and practices of shared governance. Thus, some of our specific recommendations may be more applicable to some Units than others, but all Units should have policies and practices consistent with the principles and accepted definition of shared governance.
3. Since shared governance is foundational to academia, we recommend that its definition should be described in the university's governing documents, to be adopted by each academic Unit.

2. Committee activities.

During the past year, the Committee met at least monthly. In addition to internal deliberations, the Committee took the following steps to further inform its proceedings:

1. Composed and refined working definition of shared governance based on stakeholders' input;
2. Heard and discussed presentations by faculty representatives regarding shared governance practices in each of the eight academic Units;
3. Interviewed three recent Chairs of CWRU Faculty Senate and thirteen current and recent Chairs of Faculty Senate Standing Committees;
4. Composed, distributed, and analyzed the results of a survey to all CWRU faculty regarding their experience, views, and expectations for shared governance; and
5. Reported on Committee work to the Faculty Senate Executive Committee.

3. Defining shared governance at CWRU

Through examination of the governing documents (Faculty Handbook, University Senate Bylaws, and the bylaws of individual academic Units) we found that:

- A precise definition of the term 'shared governance' per se is not present in CWRU's relevant governing documents; and
- While some practices of shared governance are discussed in various documents, these descriptions are partial and inconsistent amongst the various constituencies.

Activities: The Committee has formulated a definition that outlines the principal tenets that underlie shared governance at CWRU. Throughout the year, this definition was continuously refined following input from relevant stakeholders (Committee members, administration, faculty senate leadership, and faculty responses to Committee's survey).

Recommendations: We recommend that our proposed [definition of shared governance](#) be placed in Chapter 2 of the Faculty Handbook ('the Constitution'). We recommend that this definition be endorsed and upheld by the central administration and academic Units alike, and that its principles serve as guidelines for practices in each academic Unit.

4. Interviews with CWRU Faculty Senate leadership.

An important component of the Committee's work was to consult with key figures in the CWRU Faculty Senate and evaluate how the Senate could carry out its functions more efficiently.

Activities: A subgroup of the Committee has interviewed three current and recent-past Chairs of the CWRU Faculty Senate and twelve current and recent past Chairs of Faculty Senate Standing Committees. To frame these discussions, the following three questions were provided to the interviewees prior to the meetings:

1. Do you have any comments on the attached draft definition of shared governance?
2. What roles do you think the Faculty Senate fulfills regarding shared governance?
3. How could Faculty Senate operations be streamlined?

Written summaries of these interviews were provided to Committee members and discussed during our meetings. Key themes were then distilled, discussed further, and members' reactions were incorporated into the Committee's recommendations (Section 6 of this report).

5. Shared governance survey to CWRU faculty

A sub-group of the Committee constructed an anonymous and confidential web-based survey in which the CWRU faculty were asked to share their thoughts, experiences, and expectations regarding shared governance. After repeated discussions and refinements in Committee meetings, the [survey](#) was launched by the Office of Institutional Research and distributed via email on September 18, 2023 to all full-time, board approved CWRU faculty (3,902 individuals). The survey closed on September 29, 2023, with 479 responses (response rate of 12.3%). Textual responses were analyzed by a sub-group of the Committee, discussed during multiple Committee meetings, and remedies to repeated concerns were incorporated into our recommendations. In addition to our recommendations (Section 6 of this report), we call attention to [faculty responses](#) to key questions, as they reveal important Unit-specific attributes.

6. Recommendations

The Committee analyzed responses from the various stakeholders and identified commonly raised concerns and needs. We synthesized the responses and discussed possible remedies, solutions, and steps for improvements, leading to the following list of action-focused recommendations. For clarity, we organized these recommendations into four categories, as listed below. We emphasize that although some of these practices are presently exercised in some situations, they do not currently exist in any formal form in relevant governing documents of the University or specific Units.

1. **Improving shared governance within individual academic Units.** Realizing and affirming the unique and distinct priorities that each academic Unit upholds, we recommend that some common practices of shared governance be adopted across CWRU. Specifically, we recommend that the following will be included in the bylaws of each CWRU academic Unit:
 - a. A reference to the CWRU-accepted definition of shared governance.
 - b. Language detailing mechanisms for electing Unit representatives to the Faculty Senate and to Faculty Senate Committees.
 - c. Language detailing the mechanism and frequency by which representatives to the Senate report back to their Unit's constituent faculty.
 - d. Language specifying that the Unit's faculty Committees will be chaired by an elected faculty member (not an appointed member) who will be selected by the elected members of the Committee.
 - e. Language specifying that faculty membership in Unit's Standing Committees will be determined by faculty elections.
 - f. Language specifying that each Unit's representative to the Faculty Senate Executive Committee will be a member of the Unit's Executive Committee.
 - g. Language specifying that each Unit will have a faculty-elected Budget Committee, and that one elected member of that Budget Committee will represent the Unit at the Faculty Senate Finance Committee.
 - h. Language that specifies the mechanisms by which new faculty members will be educated about shared governance, Faculty Senate and their role.

2. **Improving shared governance practices within the Faculty Senate.** Realizing the tremendous value of the CWRU Faculty Senate as the sole body elected by CWRU faculty to act on their behalf on all matter of academia, we recommend that the following actions be taken (and formalized in the Faculty Senate bylaws) to improve shared governance education, practices and communication:
 - a. Distribute a quarterly report of Faculty Senate activities and plans to senators and to all CWRU faculty;
 - b. Formalize an annual meeting between chairs of all Standing Committees and the Faculty Senate Executive Committee;
 - c. Deposit the minutes and recommendations of all Faculty Senate Committees in a central and accessible website;
 - d. Present missions and specific expectations for all Faculty Senate Committees at an annual Faculty Senate retreat;
 - e. Formalize an effective education and transition process for incoming Chairs of Standing Committees; and
 - f. Establish a 'rapid response' team to address urgent matters that may be brought up by central administration or other stakeholders.

3. **Improving shared governance practices at the level of CWRU.** The underlying premise of shared governance in an academic setting is the mutual benefit to be gained by faculty members and University leadership from collaborative efforts. To enhance this experience at CWRU, we recommend that the following steps be taken by the University:

- a. Include the [definition](#) of shared governance in Chapter 2 of the CWRU Faculty Handbook;
 - b. Formalize the annual delivery of a comprehensive report regarding State of the University and future plans by CWRU President and Provost to the Faculty Senate Executive Committee;
 - c. Formalize participation of Faculty Senate representative(s) in some meetings of the *President's Council* and other forums as deemed appropriate;
 - d. Increase administrative support to Faculty Senate; and
 - e. Formalize realistic and effective timeline for interactions between Faculty Senate and University leadership (including the formation of a rapid response team).
4. **Follow up.** The Committee recommends that the Faculty Senate assess and re-evaluate improvements in shared governance in three years' time.

Nominations and Elections Committee Year in Review – 2022-2023

Chair: N. Scott Howard MD, MBA, FACS

I. Recent History and Current Committee Activity Timeline:

The Nominating and Elections Committee (NEC) faced irregularities and poor communication in 2020-2021. As the new Chair, I proposed methods to improve processes and ensure transparency for 2021-2022 and was elected for a second and third term as the NEC Chair. A full 2022-2023 timeline is available below. The committee primarily focused on familiarizing members with the Faculty Senate, Faculty Council and each of the standing committees, promoting diversity, and executing fair and transparent elections for 2022-2023.

II. Compliance and Governance:

The NEC established values of diversity, integrity, excellence, compassion, teamwork, accountability, and respect. It also made changes to the voting system, replaced committee members via a standardized process that included having the NEC vote on process at beginning of year, and provided input on the selection process for the Faculty Senate ad Hoc Committee on Shared Governance. The committee refined the standardized Statement of Interest form for all positions which included a mandatory statement on diversity.

III. Candidate Recruitment and Selection:

The NEC worked on producing a diverse slate of nominees, identifying candidates for the Faculty Senate, and engaging potential faculty through town hall-style meetings. It also reviewed the process of identifying candidates, verified the status of applicants, and ensured that all eligible applicants were placed upon the ballot. The Dean generated a fun video to encourage individuals to run for a position.

IV. Election Process:

The election process involved reviewing the Bylaws Amendment Ballot, refining the standardized Statement of Interest form, handling faculty representation requests, and completing Faculty Senate elections. The committee also discussed how to handle ties within the Ranked Choice Voting system. The NEC met to discuss ways to improve voter engagement with a doubling in participation from the faculty senate to standing committee elections.

V. Stakeholder Engagement:

Stakeholder engagement included inviting the Director of Diversity, Equity, and Inclusive Excellence to speak on diversity, addressing controversies related to faculty representation, and creating a subcommittee to identify names for recommendation for the CAPT. A chairs were invited to present to the NEC and provided names for consideration. The NEC Chair provided the list of nominees to Faculty Affairs and the standing committee chairs in advance of ballot selection to ensure candidates screened for ineligible candidates. The NEC also extended self-nomination timing to accommodate those who needed to discuss with their Chair and solicited for NEC members from the Faculty Council.

VI. Recommendations and Action Plan:

After serving as the chair of the NEC for the past 2.5 years, my recommendations include solidifying a standardized process via updating the NEC Charge. I have set a new timeline for the NEC, promoted “diversity of life experience” discussion in our statements of interest, discussed vacancies with all NEC members, discussed importance of ensuring adequate representation on the ballot, and streamlining ballots for our elections. I do feel that there is additional work to be done to review and refine the election process, learning from some recent negative past experiences, and making necessary adjustments to improve future processes.

VII. Conclusion:

In conclusion, the Nominating and Elections Committee has made significant efforts to address irregularities, improve transparency, promote diversity, and ensure fair and transparent elections. The committee has been proactive in engaging stakeholders, refining our processes, and making recommendations for continuous improvement. It is critically important that decisions are discussed within the NEC meeting on a regular (monthly) basis. The annual review process is a good idea as it allows us to reflect upon our commitment to upholding compliance, governance, and stakeholder engagement while striving for excellence in candidate recruitment, selection, and the election process.

NEC Membership – 2022-2023

Ex Officio: Stanton L. Gerson, MD, Darin Croft, PhD (Chair FC), Matthias Buck (Chair Elect, FC)

Members: N. Scott Howard MD (UH-Chair), Katherine DiSano (MHS), Neetu Gupta (CCF), Peter Harte (SOM), Perica Davitkov (VA), Bryan Carroll (UH), Danny Manor, PhD (SOM), Katherine DiSano (MHS), Mahesheema Ali (MHS)

Faculty Affairs: Nicole Deming, Joyce Helton, Cynthia Kim

Timeline for the 2022-2023 Nominating and Elections Committee:

June 2022 – October 2022:

- Set a regularly scheduled meetings – generally once per month.
- Invited Director of DEI, Ms. Tina Lining, to speak on Diversity again.
- Determined to change the voting system to Qualtrix.
- Replaced 3 committee members from COMS, Women and Minority, and NEC with runners-up from the prior election. All were voted on by the NEC.
- New Chair of CBFC appointed by Dr. Croft.
- Faculty Senate created an ad hoc Committee on Shared Governance, and NEC provided input on the selection process.

November 2022:

- Reviewed Bylaws Amendment Ballot to be voted on by Faculty Council – provided modifications.
- Refined the standardized Statement of Interest form for all positions.
- Modified the mandatory statement on diversity in the form.
- Invited all Committee Chairs to present information about their standing committee, anticipated personnel losses, and what their committee 'needed' with respect to candidates.

December 2022:

- Discussed the ideal process for identifying candidates for the Faculty Senate.
- President Kaler requested faculty representation on the "Engagement Working Group," and NEC provided input together with Dr. Croft/Faculty Senate members.
- Discussed having a Town Hall-style meeting to engage with potential faculty interested in various committees/governance.

January 2023:

- Voted on the approved announcement letter for Faculty Senate – Letter sent.

- Discussed the Town Hall concept – video by Dean recommended and produced.

February 2023:

- At-large Representative for Faculty Council appointment via protocol (prior election runner-up).
- Dean created a video encouraging people to run for positions.
- Reviewed and verified all nominees for Faculty Senate. NEC approved ballot.

March 2023:

- Faculty Senate Elections completed and verified.
- Discussed opportunities to streamline the charge within the election process.

April 2023:

- Reviewed the Letter to Faculty for Standing Committee opportunities and SOI Template for Committee Positions.
- Discussed how to handle ties within the Ranked Choice Voting system.

May 2023:

- Ratification of the FC Bylaws Votes.
- Reviewed the process for "VA providers" and discussed controversies related to shortened terms created by the Bylaws process during an upcoming election.

June 2023:

- Ballots received for all positions. Elections completed and verified.