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BYLAWS

THE FACULTY OF MEDICINE

CASE WESTERN RESERVE UNIVERSITY

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

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

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

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

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

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

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

ARTICLE 5 -

ARTICLE 1 - PURPOSE

These bylaws and all amendments adopted as hereinafter provided shall henceforth constitute the rules and regulations governing the conduct and procedures of the Faculty of Medicine in the performance of its duties and in the exercise of its authorized powers, as specified by the constitution of the University Faculty of Case Western Reserve University. They are intended also to facilitate the participation of the clinical and adjunct faculty in organizing and executing the curriculum of the Sc0.00000912 092 and in 112 7932-3(t)-3(h)4(e)-3(pa3 re3 reW* nBT/F3 9.96-4(t)ni

2:3 Authorities and Powers of W* 0 2hne tyroof WM(e)-3dicihe

c. The Faculty Council shall advise the president with regard to the appointment of the dean, as well as an interim or acting dean (see Section 3:6c for procedures), shall advise the dean with regard to recommendations to the president concerning the appointment of academic department chairs, as well as interim or acting chairs (for procedures see 4:3a and 4:3b), and shall advise the dean concerning appointments of directors of hospital departments and major interdepartmental academic officers. [D8]

2:7 Committees of the Faculty

a. The majority of the voting members of each standing committee dealing with faculty responsibilities shall be elected by the faculty. The number of non-voting members shall not exceed the number of voting members. The chair of the Faculty Council <u>shall solicit</u> recommendations for committee chair appointments from each standing committee, and then

ivxiii) to-<u>The Faculty Council shall</u>elect a chair, a chair-elect, members of the Steering Committee, and the Faculty Council members of the <u>Nominating Nomination and</u> Elections

3:3 Election of the Members of the Faculty Council

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

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

b. Upon notification by the dean, the full-time faculty members of each academic department of the School of Medicine shall elect as a department representative to the Faculty Council one of their full-time members who holds a primary appointment in that department. The election shall be held by democratic process. Complaints concerning the occurrence of undemocratic selections of representatives shall be brought to the attention of the chair of the Faculty Council.

c. Upon notification by the dean, full

representative who is unable for any reason to complete a term of office shall be replaced by a full-time faculty member from the same academic department, elected by democratic process within that department. The new member shall complete the term of the former member and shall be eligible for reelection if the remaining term so completed has been less than two years. A departmental member on leave of absence shall be replaced during that leave by a faculty member from the same academic department, elected by democratic process within that department. Upon return from leave, the returned faculty member shall complete the original term of office. An at-large representative who is unable for any reason to complete a term of office shall be replaced by an alternate (per 3:3d) who shall serve during the remainder of the term or during the leave of the representative, as outlined for department representatives. A representative of an alternate (see Article 3:3e) who shall serve during the remaining term or during the leave of the representative of an affiliated institution who is unable for any reason to complete a term shall be replaced by an alternate (see Article 3:3e) who shall serve during the remaining term or during the leave of the representative of an affiliated institution who is unable for any reason to complete a term shall be replaced by a full-time faculty member with a primary base at the same institution. That individual shall be chosen by the same mechanism as the original

a. Steering Committee. The Steering Committee shall consist of eight members: the chair of the Faculty Council, the vice-chair of the Faculty Council, the immediate past chair of the Faculty Council, and five other Faculty Council members who shall be elected by the Faculty Council for one-year terms. These members may be reelected successively to the Steering Committee for the duration of their terms as members of the Faculty Council. The chair of the Faculty Council (or the vice-chair of the Faculty Council in the absence of the chair) shall serve as chair of the Steering Committee. The Steering Committee shall set the agenda for meetings of the Faculty Council. The Steering Committee shall be empowered to act for the Faculty Council between meetings. The Steering Committee shall report all actions and recommendations to the Faculty Council. The Steering Committee shall act for the Faculty Council and faculty in reviewing actions of the Committee on Appointments, Promotions and Tenure in order to ensure equity, adherence to published guidelines, and proper procedure. The Steering Committee shall actions during the appointment of an interim or acting dean of the School of Medicine.

b. Nominating-Nomination and Elections Committee. The Nominating Committee This committee shall consist of eleven members: the dean, the chair of the Faculty Council, the vice[DJC18]-chair of the Faculty Council, four other Faculty Council members, two each from the preclinical and clinical sciences, and four full-time faculty members who are not members of the Faculty Council, two each from the preclinical and clinical sciences. The four Faculty Council members of the Nominating-Nomination and Elections Committee shall be elected at large by the Faculty Council and shall serve for the duration of their terms as Faculty Council members. The four non-members of the Faculty Council shall be elected by ballot b(d bTQq4(8)-b(d bTQq4(8)-b(d

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c. Minutes of the meetings shall be kept and shall be distributed in a timely fashion to Faculty Council members, to the dean, to all department chairs, and to such others as the Faculty Council may determineeach member of the #Faculty of mMedicine. Approved minutes shall be posted electronically and sent electronically to available to all faculty members. The dean is requested to provide administrative support for this purpose [WU22].

d. The meetings shall be conducted according to Robert's Rules of Order, Newly Revised. A quorum of the Faculty Council shall consist of 50% of the voting members. Elected members may not designate alternates for council meetings or vote by proxy in council meetings. Faculty Council members may vote in absentia by mail in the election of officers and standing committees of the Faculty Council (see article 3:6b).

3:8 Annual Report of the Faculty Council

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

ARTICLE 4 DEPARTMENTS

4:1 Organization of the Faculty into Departments

The Faculty of

exercised by the academic department chairs in conformity with the curricular policies, organization, and components that are specified by the faculty and the dean. Each department may assume responsibility for teaching in its discipline in the other schools of the health sciences and in the undergraduate and graduate curricula of the university as determined by need and negotiation. Where appropriate, each department shall plan and implement graduate programs leading to such graduate degrees as are authorized by the university and shall be responsible for the content of the curricula in its discipline in the several programs specified above. Each department shall plan and execute programs of research and of professional activity and shall train medical students, undergraduate students, and graduate students in its disciplines. Each department shall maintain and staff the facilities which lie within its jurisdiction and shall enlist the cooperation of other departments or of affiliated teaching institutions where this shall be necessary for the execution of its mission. Each department shall elect one representative to the Faculty Council.

a.

Executive Dean and with the consent of the Dean of the School of Medicine, each affiliated hospital, shall establish a Department or Affiliated Hospital Committee on Appointments, Promotions, and Tenure (or Appointments and Promotions only, if appropriate) (all hereinafter

promotions and if appropriate awards of tenure. The department chair or affiliated hospital associate dean or executive dean shall nominate faculty annually for service on the DCAPT for

primary appointment in the department (or the affiliated hospital, if appropriate), preferably at the rank of tenured Associate Professor or Professor, to serve as the DCAPT committee chair.

<u>from among the CWRU faculty</u>, to the meeting at which the self-initiated promotion or tenure award is discussed to provide the department chair <u>and advocate</u> with the opportunity to offer his or her perspectives. <u>The advocate and department chair shall present separately and neither</u> <u>shall be present for the vote[djc25]</u>.

d. The paragraph above, however, shall not restrict department chairs from serving on

department chairs serve on such committees, they may serve as the as described above and they may remain present during the discussion and voting, but in no case shall a department chair (or other committee member) cast a vote regarding the appointment, promotion, or tenure of a candidate whom she or he initiated for appointment, promotion, or tenure.

e. Department chairs have wide discretion to nominate faculty for service on the DCAPT, but the following principles should be observed. If at all possible, at least two-thirds of the committee should be composed of tenured faculty in the department at the rank of associate professor or professor. The DCAPT -tenured faculty; each committee, with the exception of the Cleveland Clinic Lerner College of Medicine Committee (CCLCM), shall include at least three tenured faculty members, so tenure votes are not determined by only one or two voters. Preference shall be given to tenured faculty holding attend to vote by written absentee vote. All members of the committee may participate in discussion of all recommendations for appointment, promotion, and tenure. On recommendations involving promotion, only faculty of rank equal to or superior to that being considered shall be eligible to vote. On recommendations involving tenure, only faculty with

of the department in question. The department faculty representation shall consist of at least one full-time faculty member elected by the full-time faculty of that department. The search committee shall identify its membership to the academic department and indicate its ready availability, particularly that of the elected full-time departmental representative member(s) of the search committee, to receive suggestions, views and advice from interested individual department members or from the entire academic department throughout the search process. Verbal and/or written suggestions, views, and advice directed to any member of the search committee should be transmitted promptly to the whole search committee, unless specified otherwise by the departmental member offering such suggestions, views and advice.

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

The president will appoint acting or interim department chairs after receiving the recommendations of the dean. Before making recommendations, the dean is requested DJC27]teshall seek the advice of a committee consisting of the Steering Committee of the Faculty Council and the Faculty Council representative from the department for which an acting or interim chair is to be appointed. When a member of the Steering Committee or the Faculty Council representative is a candidate for acting or interim department chair, the chair of the Faculty Council shall designate an alternate member from the department to serve on the advisory committee. The advisory committee shall identify expeditiously its membership to the academic department and indicate its ready availability, particularly that of the representative from the department, to receive suggestions, views and advice from interested individual department members or from the entire academic department. Verbal and/or written suggestions, views and advice directed to any member of the advisory committee should be transmitted promptly to the whole advisory committee, unless specified otherwise by the departmental member offering such suggestions, views and advice. This process shall take place as expeditiously as possible before the advisory committee makes its recommendations to the dean.

b. Each department chair or head of a division with departmental status or an

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

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

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

4:4 Establishment and Discontinuance of Academic Departments [DJC29]

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

4:5 Review of Academic Departments

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

<u>4:6 The Department of Biomedical Engineering</u>

The Department of Biomedical Engineering is currently unique among the departments. Created by action of the Board of Trustees in 1968, it is a single department jointly based in the School of Medicine and the School of Engineering. The department chair will designate each faculty member, at the time of initial appointment, as being principally based in the School of Medicine or the School of Engineering. The principal designation will det

promotion, and award of tenure shall govern the appointment. In other respects, faculty in the

department shall enjoy the rights and privileges and duties and responsibilities of faculty in both Schools.

ARTICLE 5 FACULTY APPOINTMENTS, PROMOTION, AND GRANTING OF TENURE

5.1: Classification of Appointments

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

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

An appointment shall be classified by academic title and whether the appointment is (a) with tenure, (b) without tenure but leading to tenure consideration (tenure-track), (c) without tenure and not leading to tenure consideration (non-tenure track, known within the School of

primary unit. Faculty with joint appointments have full rights as a faculty member in both constituent faculties or departments. The notice of appointment shall be issued jointly by the two constituent faculties or departments. Consideration of appointment, reappointment, promotion, and/or tenure for joint appointment arrangements shall be as described in the Faculty Handbook sections pertaining to such appointments.

5.2: Terms of Appointment

Appointments with tenure shall be of unlimited duration until retirement, subject only to termination for just cause (see below). Tenure-track appointments shall normally be made for a term of one to five years and may be renewed until the end of the pre-tenure period. Non-tenure <u>combined [DJC31]achievement track track</u>- appointments are renewable and shall normally be made for a term of one to five years. Special appointments shall be made for terms of one year or less.

5.3: Academic Freedom

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

5.4 Tenure

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

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

The award of academic tenure to a faculty member is a career commitment that grants that faculty member the right to retain his or her appointment without term until retirement. The appointment of a tenured faculty member may be terminated only for just cause. In the event with the understanding that, prior to making the rolling commitment, the school would have the opportunity to enlist support from the appropriate hospital, clinical practice plan, or other appropriate entity to underwrite the guarantee.

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

a. Full-Time Faculty

The dean shall submit recommendations for appointments and promotions to the ranks of associate professor and professor and the granting of tenure concerning full-time faculty with primary appointments based in the departments of the School of Medicine (including those faculty in the Department of Biomedical Engineering with appointments principally based in the School of Medicine) given him or her by the department chairs or other persons as designated by the dean or initiated by other means as outlined in the Faculty Handbook of Case Western Reserve University, Chapter 3.I.1, to the Committee on Appointments, Promotions and Tenure of the School of Medicine. This committee shall consider the documented evidence relating to each candidate and, following the qualifications and standards set forth in Exhibit I to these Bylaws, shall report its affirmative and negative recommendations to the Steering Committee of the Faculty Council. Each recommendation shall also be reported promptly to the academic chair of

er nominator may appeal a negative

recommendation by notifying the chair of the Committee on Appointments, Promotions, and Tenure of the School of Medicine. Appeals may be made in writing or in person. Written documentation of the appeal and the response of the Committee on Appointments, Promotions,

Committee on Appointments, Promotions and Tenure is not successful, the academic chair or other nominator or the affected faculty member may bring to the attention of the Steering Committee of the Faculty Council, through a detailed, written submission, any alleged errors in procedure or non-adherence to the current published guidelines for appointments, promotions and ten

associate professors. The elected committee members shall include six-nine faculty members with primary appointment in clinical science departments and four nine with primary appointment in basic science departments; the appointed members shall include four from clinical science departments and two from basic science departments. In each election all reasonable effort will be taken to have the number of nominees be at least twice the number of positions to be filled. Members will be elected or appointed for three-year terms. These terms shall be staggered for the full-time faculty members. Committee members may serve only two consecutive three-year terms but subsequently may be reelected or reappointed after an absence of one year. The quorum for conducting the business of the Committee on Appointments, Promotion and Tenure shall be ten-twelve members present for discussion of which eight must have voting privileges. On recommendations for appointment as or promotion to associate professor, all committee members are eligible to vote; on recommendations for appointment as or promotion to professor, faculty committee members who are tenured professors and non-tenure track/combinedachievement track professors are eligible to vote; on recommendations to award tenure, tenured committee members are eligible to vote. Committee members may be present for discussion but are not eligible to vote regarding candidates for primary appointment, promotion, or award of The committee will

meeting, at least one of the co-chairs must be in attendance.

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

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

5.11 Sabbatical and Special Sabbatical Leaves

the discretion of the dean. However, such leaves may not necessarily incur the obligation of

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