
Governance

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Faculty Bylaws & Policies

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Faculty Bylaws & Policies of the University of Health Sciences & Pharmacy in St. Louis

Revised in 2022-23 & 2023-24

[Latest Version as of 6/26/24]

NOTES

- New Overall Structure, Preamble, Section I Articles 1, 3, 4, & 7 approved by Faculty in Dec 2022 & the Board of Trustees on Jan 18, 2023 and govern as of Jan 18, 2023.
- Article 2 was approved by Faculty in Mar 2023 & the Board of Trustees on Apr 12, 2023 and governs as of Apr 12, 2023.
- Section II Faculty Policies, policies on Notice of Faculty Appointment and Faculty Resignation were approved by Faculty in May 2023 & the Board of Trustees on June 21, 2023 and governs as of June 21, 2023.
- Section II Faculty Policies, policy on Notice of Non-Tenured Faculty Non-Appointment and Section I Article 6, Standing Committees of the Faculty, Faculty Senate committee description was approved by Faculty in Dec 2023 & the Board of Trustees on Jan 17, 2024 and governs as of Jan 17, 2024.
- Section I Article 6, Standing Committees of the Faculty, Educational Resources & Physical Facilities Committee was approved to be deleted by faculty in May 2024 and the Board of Trustees on June 26, 2024 and governs as of June 26, 2024.
- Section II. Faculty Policies, policies on Faculty Evaluation/Performance Review and Performance Improvement Plans, along with Appendix II UHSP Faculty Statement on Professional Conduct were approved by faculty in April 2024 and the Board on June 26, 2024 and governs as of June 26, 2024.
- Section II, Faculty Policies, policies on Separation for Cause, Reduction in Workforce or Academic Reorganization and Appeals were approved by faculty in May 2024 and the Board of Trustees on June 26, 2024 and govern as of June 26, 2024.

Table of Contents

Preamble.....	page 4
---------------	--------

Section I. Faculty Bylaws

Article 1. Membership.....	page 4
Article 2. Jurisdiction of the Faculty.....	page 5
Article 3. Organization of the University Faculty.....	page 5
Article 4. University Full Faculty Meetings.....	page 5
Article 5. Title TBD (formerly “Elected Offices”).....	article to be revised in AY 24-25
Article 6. University Faculty Committees.....	page 7
article to be finalized in AY 24-25; will include only University level faculty committees; approved Faculty Senate updates have been added here	
Article 7. Amendments of Faculty Bylaws.....	page 9

Section II. Faculty Policies

Policy A. Initial Appointment of Faculty	To be revised in AY 24-25
Policy B. Joint Faculty Appointments	To be revised in AY 24-25
Policy C. Faculty Evaluation / Performance Review.....	page 11
Policy D. Performance Improvement Plans.....	page 14
Policy E. Notice of Faculty Appointment.....	page 16
Policy F. Faculty Resignation.....	page 16
Policy G. Notice of Non-Tenured Faculty Non-Appointment.....	page 16
Policy H. Faculty Separation for Cause, Reduction in Workforce or Academic Reorganization.....	page 17
Policy I. Appeals.....	page 20

Policy J. Grievances To be revised in AY 24-25

Policy K. Interim and Full Reviews toward the Recommendation of Faculty for
Promotion and/or Tenure To be revised in AY 24-25

Policy L. Exclusion of Time during the Probationary Period To be revised in AY 24-25

Policy M. Amendments to Policies To be added in AY 24-25

Other policies to be added to this table of contents in subsequent years to ensure that we have
completely revised all existing faculty bylaws and policies.

Appendix I. Shared Governance (Definition, Principles, Faculty Role)

(Note: This Appendix was approved by the Faculty on May 7, 2021 and approved by the Board of Trustees on June 23, 2021)

Appendix II. UHSP Faculty Statement on Professional Conduct

(Note: This Appendix was approved by the Faculty on April 30, 2024 and approved by the Board of Trustees on June 26, 2024)

Preamble

The Faculty Bylaws & Policies contains the central policies of the University establishing faculty governance, shared governance, and the essential employment understandings between the Faculty and the University. Other University policies and guidelines are available <https://policies.uhsp.edu/>. In addition, colleges and departments may have their own internal rules, procedures, and policies, such as college statements on faculty appointment policies and procedures, particularly those concerning promotion and tenure criteria and review procedures, which may supplement – but do not supersede or replace – policies outlined in this Faculty Bylaws & Policies.

Approved by Faculty on 12/7/22

Approved by the Board of Trustees on 1/18/23

Section I. Faculty Bylaws

The Bylaws of the Faculty describe the procedures by which the Faculty fulfills its responsibility for formulating and implementing the academic policies of the University and working efficiently and effectively with other university constituencies and stakeholders. Authority and ultimate management of all operations of the University rest with the University's Board of Trustees. The University's Board of Trustees has delegated responsibility for academic affairs to the President, academic officers and the Faculty.

In accordance with the principles of shared governance as described in Appendix I, the University recognizes that shared governance requires that administration and faculty share responsibility for effective communication and decision making with *Primary Responsibility*, meaning deference or due consideration, given to the parties within their respective areas of expertise. When a party has a *Secondary Responsibility*, that party ordinarily shall have the opportunity to provide meaningful input and consultation in advance of decisions.

Approved by Faculty on 12/7/22

Approved by the Board of Trustees on 1/18/23

Article 1 – Membership

Faculty members are individuals holding an academic appointment at the institution.

Approved by Faculty on 12/7/22

Approved by the Board of Trustees on 1/18/23

Article 2 – Jurisdiction of the Faculty

The Faculty is the primary body through which the educational mission of the University is delivered. In all issues, the Faculty works collaboratively in the spirit of shared governance as outlined in Appendix I of the Bylaws. All University policies are developed collaboratively by the Faculty, Chief Academic Officer, and the Council of Deans with oversight by the Board of Trustees.

The Faculty has primary responsibility in the governance of the University for developing and recommending policies to the Board of Trustees and/or duly authorized academic officers related to:

- Curricula
- Academic standards
- Promotion and Tenure
- Approval of degree candidates

In addition to these items listed above, the Faculty works collaboratively with all members of the University administration and the Board of Trustees on policies and procedures concerning the present condition and future development of the University. Examples where faculty responsibility would be considered secondary include, but are not limited to:

- Addition or elimination of colleges, schools, programs, and major or minor areas of study
- Recruitment, retention, appointment, or dismissal of members of the Faculty
- The budget and fiscal priorities of the institution

Approved by Faculty on 3/28/23

Approved by the Board of Trustees on 4/12/23

Article 3 – Organization of the University Faculty

The University shall be organized into colleges, each with its own Dean who serves as the chief executive officer of the College.

Approved by Faculty on 12/16/22

Approved by the Board of Trustees on 1/18/23

Article 4 – University Full Faculty Meetings

A. Meetings

Faculty meetings shall be scheduled by the Faculty Senate (including the time, place and medium for conducting the meeting) and held as necessary when the University is in regular session, but at a minimum should meet at least once per year. Meetings may be called by the

Faculty Senate, upon written request of 5 members of the University's voting Faculty (as defined in Article 4, Section D), the President, or the University's Chief Academic Officer. The purpose of the meeting must be stated in a written request that is submitted to the Faculty Senate President. Except in an emergency, at least 7 days' notice shall be given, and the meeting convened within 30 days of the presentation of the request. The notice may be in electronic or print form and shall set forth the purpose of the meeting, an agenda, and any minutes from the previous meeting.

- B. Presiding Officer
The Faculty Senate President shall be the presiding officer. In the absence or inability of the Faculty Senate President to preside, this function shall be exercised by the Faculty Senate Vice President or by another faculty member designated by the Faculty Senate President.
- C. Secretary
The Faculty Senate Vice President shall also serve as Secretary. The Secretary shall be responsible to the Faculty for proper recording and/or transcribing of the meeting minutes as well as sending or posting notices of the meetings in advance of any meeting. In the event the Faculty Senate Vice President shall be called upon to preside over a meeting of the Faculty, another faculty member will be designated by the Vice President to record meeting minutes. The Secretary shall be responsible for maintaining an archive of the minutes of each University meeting and shall distribute a copy of such minutes to the Faculty within 30 days of the meeting.
- D. Voting
Faculty with full-time appointments have the right to vote at Faculty meetings. Voting will normally be done by a show of hands; however, any Faculty member with voting privileges may request a written ballot. A quorum of voting-eligible Faculty members must be established for a vote to take place (as defined in Article 4, Section E). General faculty business items that require a vote will be passed by a majority approval of voting-eligible Faculty present at the meeting. Voting on amendments to the Bylaws will require at least a two-thirds approval of voting-eligible Faculty present at the meeting.
- E. Quorum
The presence of a majority of Faculty members with voting privileges shall constitute a quorum for the purposes of voting. A Faculty member will be deemed to be present when the Faculty member's presence can be verified by the other participating Faculty members.
- F. Parliamentary Authority
The rules contained in the most recent edition of *Robert's Rules of Order* shall govern elections and when deemed necessary may be invoked for general Faculty meeting proceedings.

Approved by Faculty on 12/16/22

Approved by the Board of Trustees on 1/18/23

Article 5 – To be revised and added here at a later date

Article 6 – University Faculty Committees to be fully revised and added here at a later date; Faculty Senate Description Updated and Approved

Standing Committees of the University Faculty

Faculty Senate

Mission Statement: University of Health Sciences & Pharmacy's Faculty Senate represents and advocates for the will of the faculty as we collectively and diversely drive the University's pursuit and fulfillment of its academic mission. The Senate collaborates with the administration to facilitate the work of the faculty; the Senate also contributes the faculty's considered judgements to the shared governance of the University, helping the institution reap the full benefits of the faculty's varied expertise and the uniquely informed perspectives that arise from our day-to-day delivery of the academic programs. The Senate moreover encourages and defends academic freedom as the prerequisite and life spring of ethical inquiry and engagement in a community of scholars. Toward this end, the Senate recognizes, honors, and asserts, as necessary and useful, the defining differences among the disciplines represented across the University, embracing and authorizing divergent faculty voices as the foundation of the institution's educational efforts and strengths. The Faculty Senate represents the faculty in the consideration of all policies that affect the academic climate and direction of the University, helping it become a supportive and enriching environment for growth, advancement, and leadership that prepares our students, residents, faculty, staff, and alumni to benefit patients and the greater society.

Membership: The Faculty Senate shall consist of full-time faculty members including two members elected from each academic department. When possible, senate members should be at the associate professor level or higher. The chair of each department can make full-time faculty who do not report to the department chair but have responsibilities in their department eligible to serve as representatives of the department, if so voted by the department members.

Senate members will serve two-year, staggered terms with a maximum of two consecutive terms. Vacancies will be filled by special election by the department from which the vacancy occurred. Candidates for Vice President will be voted upon annually by the full faculty. The candidates will alternate between members of each College and rotate between academic departments. Term limits will be suspended while a member serves as Vice President or President. The Vice President will assume the role for one year and serve as senate President the following year.

If the senate President can no longer serve, the department represented by the President will hold a special election for a replacement member. The senate Vice President will assume the role of the

President for the rest of the year and the senate will function without a member serving as Vice President for the rest of the year. The Vice President who assumed the role of President will continue to serve as senate President the following year as pre-planned, alongside the new member elected to assume the role of Vice President by the full faculty in the spring.

If the Vice President can no longer serve, the department represented by the Vice President will provide the faculty with two nominees willing to serve in the capacity of Vice President and a special meeting will be held for elections by the full faculty.

Members of the Administrative Leadership Teams (as defined by University and College Administrative Leadership Team Committees) are not eligible for senate membership.

The term of the officers and members of the Faculty Senate will begin and end with the start of the fall semester in August.

Note: Faculty Senate is not expected to function as a working committee during the summer but may choose to do so in case of unusual or exigent circumstances, provided that all members of the Faculty Senate are contacted and given opportunity for input. However, it is understood that routine Faculty Senate business will not be conducted over the summer months.

Responsibilities:

1. Identify and monitor strategies to enhance faculty engagement within the university to facilitate a participative, thriving community of faculty with a shared vision, mission, and core values.
2. Review Faculty Bylaws and handbook and approve suggestions from the bylaws subcommittee regarding improvement and coordination and ensure that all proposed changes in policies and procedures are congruent with the Faculty Bylaws.
3. Help define and assert the rights of faculty members in keeping with best practices for academic freedom.
4. Work with other committees as useful to review, and recommend policies for teaching, research, scholarly activity, faculty development, or any other matters affecting the faculty to the college administration.
5. Advocate for faculty concerns that arise regarding relations among faculty, students and administration.
6. Collaborate with and advise the Board of Trustees, Office of the President, Deans, and Administrative Leadership Teams on University and College-wide academic issues, e.g. the academic calendar, academic advising, etc.
7. Monitor and advocate for the faculty perspective in the implementation of the College's strategic plan.
8. Represent faculty at administrative meetings as needed when academic issues arise.
9. Facilitate consensus among committees as requested.
10. Review College committee policies and procedures to ensure consistency with Faculty Bylaws and posting of meeting dates and minutes for full faculty review
11. Work with the Office of the President, Deans, Administrative Leadership Teams, and

faculty to establish an annual agenda.

The following are standing subcommittees that report to the Faculty Senate. Subcommittee assignments will be determined by the President and Vice President of the Senate. These subcommittees will convene on an as needed basis.

Bylaws Subcommittee

Membership: One senate member of each academic department. One member will be appointed subcommittee chair.

Responsibility: Develop Faculty Bylaws revisions for approval of the Faculty Senate to be presented to the full faculty.

Faculty Grievance Subcommittee

Membership: One senate member of each academic department, President of the Senate, and Vice President of the Senate.

Responsibility: Hear and provide recommendations to the appropriate administrator for faculty grievances regarding administrative, academic, and promotion & tenure issues.

Approved by Faculty on 12/4/23

Approved by the Board of Trustees on 1/17/24

Article 7 – Amendments of Faculty Bylaws

To ensure that the Bylaws are kept current, these Bylaws may be reviewed from time-to-time and amended through the following procedures:

- A. Administration and the Faculty Senate will meet and confer to amend these Bylaws whenever necessary to reflect technical, non-substantive matters such as, for example, changes in the University's administration or names of committees.
- B. At least once every 5 years or earlier if requested by either party, administration and the Faculty Senate shall meet and confer to establish a joint Faculty-Administration Committee to conduct a comprehensive assessment and review of these Bylaws.
- C. Any changes to the Faculty Bylaws should be made in accordance with the statement of shared governance principles as described in Appendix I of the Bylaws.
- D. Amendments involving substantive changes to these Bylaws may be proposed by any member of the Faculty or a faculty committee through the Faculty Senate, or any ad-hoc committee

constituted for this purpose by the Council of Deans, the University's Chief Academic Officer, or the President of the University.

- E. Proposed amendments shall be made available through any reasonable means (e.g., posting, email) to each voting-eligible Faculty member (as defined in Article 4, Section D) at least 15 days prior to discussion and vote at a meeting of the Faculty.
- F. Amendments to the Bylaws approved by the Faculty will be forwarded by the Faculty Senate President to the Chief Academic Officer and the Council of Deans for further review. The Chief Academic Officer and the Council of Deans will review the proposed amendment and may forward the proposed amendment, along with a recommendation to the President and Board of Trustees or confer with the Faculty Senate regarding establishment of an ad hoc joint Faculty-Administration Committee to resolve any outstanding issues associated with the proposed amendment. Any substantive changes made to the proposed amendment will be resubmitted to the Faculty for a vote.
- G. Amendments to the Bylaws shall become effective upon approval by the Board of Trustees.
- H. Any approved changes to the Faculty Bylaws will be promptly communicated by the University's President or Chief Academic Officer to the Faculty Senate President and disseminated to the Faculty within 30 days of approval by the Board of Trustees.
- I. Faculty Senate and the Chief Academic Officer will collaborate to maintain an archive of previous versions of the bylaws.

Approved by Faculty 12/16/22

Approved by the Board of Trustees on 1/18/23

Section II. Faculty Policies

Policy A – Initial Appointment of Faculty To be revised and added here at a later date

Policy B – Joint Faculty Appointments To be revised and added here at a later date

Policy C – Faculty Evaluation / Performance Review

The University engages in regular, holistic faculty goal setting and performance evaluation to foster every faculty member's professional development and personal growth as well as to adhere to high academic standards. This policy details these university objectives and the process for this evaluation to secure its integrity and facilitate consistency in application throughout the institution. Consistent with the framework described here, colleges and/or academic departments are responsible for developing more detailed guidelines regarding how to interpret and implement these university-wide performance review standards so that they align with the mission and the logistical needs of the academic department, the college and/or university, as well as the norms of the discipline. Faculty, in collaboration with their direct supervisor, have the responsibility for developing these specific performance expectations, which will then be reviewed and approved by the Dean and Chief Academic Officer after consultation with the Council of Deans to ensure integrity and facilitate consistency in application across the University where appropriate. Guidelines and evaluation procedures within colleges and/or academic departments shall be flexible enough to meet the particular objectives of the college and/or academic department and be congruent with the norms of each discipline without undermining the uniformity of the University's faculty performance review process.

This university policy applies to all full-time faculty members. It does not apply to those with adjunct or visiting professor appointments. The deans and department chairs of each college have the responsibility for developing appropriate criteria and methods of evaluation for those appointments and that policy will be available within the college.

The annual performance review process will:

1. Involve faculty in the goal setting for and evaluation of their performance and professional development.
2. Recognize and credit the talents, capabilities, and achievements of each faculty member.
3. Provide specific feedback on faculty fulfillment of goals and expectations as detailed in their individual annual plans.
4. Adhere to and reinforce the institution's mission, values, and high academic and professional standards.
5. Provide a means of recognizing exceptional performance or achievement.
6. Provide appropriate processes to remediate underperformance in any area of responsibility through specific, mutually agreed upon objectives, goals, and timelines.
7. Fulfill renewal requirements for nontenure track faculty members and serve as post-tenure review for tenured faculty.
8. Be documented and stored in a university-wide central system of record.

The annual performance review is only one component used to determine promotion and/or tenure. The process and specific criteria for those decisions are detailed in *Policy K. Interim and Full Reviews toward the Recommendation of Faculty for Promotion and/or Tenure*.

Annual Performance Review Process

Step One: The Annual Plan

Annually, on a timeline and in a format established by individual academic departments or colleges, faculty will submit to their direct supervisor an annual plan that articulates their goals within each appointed area of responsibility and notes the distribution of effort percentages for these for the ensuing appointment term.

The direct supervisor will review the proposed annual plan to ensure its alignment with the faculty member's appointment letter and with departmental, college, and university needs, strategic plans, and goals. Any significant changes deemed necessary will be made in direct consultation between the faculty member, direct supervisor, and dean and be documented in an amended annual plan. A faculty member may initiate a formal grievance to challenge the goals and expectations listed in the annual plan as provided in *Policy J. Grievances*. The faculty member may file a complaint challenging the significant change(s) made by the supervisor based on the grounds of illegal discrimination with Human Resources for handling under the applicable University policies.

Step Two: The Annual Report

Near, at, or soon after the end of the appointment period, faculty will complete a written annual report summarizing the extent to which they fulfilled their goals and expectations. In addition, they will list their accomplishments in each of their areas of responsibility and note their achievement of any professional goals. This report will include appropriate documentation as well as any formal and informal feedback and/or evaluation materials that are determined to be applicable. For faculty who have teaching responsibilities, student feedback on course effectiveness and faculty performance will be sought via a standard University survey for all courses taught during the performance review period and be submitted as part of the annual review process. The faculty member and direct supervisor shall give due consideration when reviewing student feedback to provide constructive evaluation as part of the faculty member's performance review while mitigating potential student bias, personal attacks, or conflict with instructors.

Step Three: The Annual Review

Direct supervisors should provide coaching and formative feedback to faculty throughout the appointment term. The annual review represents the coalescing and totality of that coaching and formative feedback. In addition, faculty, as academics and professionals in their individual disciplines,

are trusted to routinely carry out their responsibilities in a manner consistent with *Appendix II: UHSP Faculty Statement of Professional Conduct*. As part of performance management, direct supervisors are also responsible for addressing and documenting substantiated, significant, and/or persistent breaches of professional conduct expectations. It is recognized that direct supervisors and deans will exercise reasonable judgment when determining significant and/or recurring breaches in professional conduct.

For the annual review of faculty, prior to September 25th of each year, the direct supervisor will review the faculty member's annual report and provide written formative and summative feedback on each area of responsibility, assigning a numeric ranking for each as follows:

Exceeds Expectations = 5.0	Meets Expectations = 3.5	Needs Improvement = 0.0
The faculty member exceeds the minimum competencies and performance expectations in the responsibility area as defined by the college and/or department.	The faculty member meets the minimum competencies and performance expectations in the responsibility area as defined by the college and/or department.	The faculty member fails to meet the minimum competencies and performance expectations in the responsibility area as defined by the college and/or department, despite coaching and feedback that has been provided.

An overall weighted average will then be calculated using the supervisor's rankings in each responsibility area and the faculty member's percentage distribution of effort, as indicated in their annual plan. Any substantiated, significant, and/or persistent breaches of professional conduct expectations as documented by the direct supervisor may be factored into the faculty member's overall weighted average and performance ranking. An overall rank will be determined based on the weighted average as follows:

Overall Weighted Average	Overall Rank
4.55 - 5.00	Exceeds Expectations
3.50* - 4.54	Meets Expectations
0.00 – 3.50*	Needs Improvement

*While mathematically, a faculty member who earns a "Needs Improvement" ranking on 30% or more of their responsibility areas may be able to earn an overall ranking of 3.50 if they "Exceed Expectations" in the remaining 70% of their responsibility areas, to reinforce the university's high academic and professional standards, any faculty member who earns a "Needs Improvement" ranking on 30% or more of their responsibility areas will be deemed ineligible to earn an overall ranking of "Meets Expectations." Faculty members who earn an "Exceeds Expectations" ranking in 70% or more of their responsibility areas and earn a "Meets Expectations" in the remaining 30% of their responsibility areas will be able to earn an overall ranking of "Exceeds Expectations." Faculty members who earn a "Meets Expectations" in 100% of their responsibility areas will earn an overall ranking of "Meets Expectations."

Faculty members with an overall annual performance review rating of "Meets Expectations" or higher are eligible for merit salary increases and other awards available from the department, college, or the

university. Faculty whose overall rating is “Needs Improvement” are ineligible for merit salary increases or awards for the relevant academic year. Depending upon the extent of the deficiency, a “Needs Improvement” rating in one or more areas of responsibility may result in the need to enter the faculty member into a Performance Improvement Plan (PIP) as described in *Policy D. Performance Improvement Plans*.

The supervisor will share the performance review with the faculty member, who may provide written or verbal commentary in response. A faculty member who disagrees with the supervisor’s evaluation may request a formal review by the dean or, if warranted, submit a grievance within 30 days of receipt of the evaluation in accordance with *Policy J. Grievances*. The faculty member may file a complaint challenging the evaluation based on the grounds of illegal discrimination with Human Resources for handling under the applicable University policies.

Approved by Faculty on 4/30/24

Approved by the Board of Trustees on 06/26/24

Policy D – Performance Improvement Plans

In accordance with *Policy C. Faculty Evaluation / Performance Review*, faculty members who are ranked as “Needs Improvement” in one or more areas of responsibility may, as part of their annual review, be entered into a Performance Improvement Plan (PIP), depending upon the extent of the deficiency or deficiencies. Additionally, circumstances may arise in which a faculty member should be entered into a PIP outside of the normal annual evaluation cycle. The direct supervisor will make a recommendation to the dean who will have final determination on whether to place a faculty member on a PIP. The process described herein applies to all PIPs.

As noted in *Policy C. Faculty Evaluation / Performance Review*, faculty as academics and professionals in their individual disciplines, are trusted to routinely carry out their responsibilities in a manner consistent with *Appendix II: UHSP Faculty Statement of Professional Conduct*. Substantiated, significant, and/or persistent breaches of these professional conduct expectations that warrant formal corrective action will result in a faculty member being placed on a PIP.

Within 30 days of the faculty member receiving written notice of the need for a PIP or the outcome of a submitted grievance of that notice, the faculty member and the direct supervisor will develop the PIP and will submit the PIP for approval by the dean. Human Resources will review any proposed PIP to ensure compliance with university policies. The PIP will be implemented as soon as possible after it has been developed but no later than the semester following when the performance ranking is given. A PIP will generally not be longer than one (1) year in duration. In the rare circumstances in which the issue cannot be fully remedied in one (1) year, the PIP may extend beyond one (1) year, but in no event will a PIP exceed two (2) years in duration.

Faculty members who are on a PIP for any portion of the evaluation period in which a merit salary raise is to be awarded will not be eligible for a merit raise or any departmental, college or university awards. Successful completion of the PIP within the stipulated timeframe will restore the faculty member's eligibility for consideration for any merit increases or department, college, or university awards for the ensuing evaluation cycle. Documentation to that effect will be included in the faculty member's performance record.

The PIP will:

- List specific performance expectations that were not met.
- Identify any factors that interfered with or prevented meeting those expectations.
- Identify and provide material resources or appropriate modification of expectations as needed to assist the faculty member in meeting them in the future.
- Identify and provide for any alteration in job responsibilities that may be necessary to implement the PIP.
- Provide a list of specific outcomes that constitute the successful fulfillment of expectations and completion of the PIP.
- Provide a timeline with progress check points for completing the PIP.
- List specific objectives and benchmarks on the timeline.
- Identify the criteria to be used in evaluating progress in fulfilling the PIP.
- Provide clear notification in writing of the faculty member's current and future contractual status at the University relative to their performance, providing reasonable notice of substandard performance per *Policy H. Faculty Separation for Cause, Reduction in Workforce or Academic Reorganization*.

Failure of the faculty member to demonstrate adequate progress relative to a PIP's benchmarks and performance expectations/goals may result in more stringent intervention on the part of the department or college. Failure to fulfill the obligations in the PIP may constitute just cause for dismissal, and result in a recommendation for dismissal in accordance with *Policy H. Faculty Separation for Cause, Reduction in Workforce or Academic Reorganization*. Decisions in this regard are the responsibility of the direct supervisor in cooperation with the dean and will be supported by the appropriate documentation.

Willful refusal of the faculty member to participate in the PIP process or failure to submit required materials with due diligence and within a reasonable time frame may also constitute just cause for dismissal, and result in a recommendation for dismissal, in accordance with *Policy H. Faculty Separation for Cause, Reduction in Workforce or Academic Reorganization*. Decisions in this regard are the responsibility of the direct supervisor in cooperation with the dean and will be supported by the appropriate documentation.

Approved by Faculty on 4/30/24

Approved by the Board of Trustees on 06/26/24

Policy E – Notice of Faculty Appointment

By April 15, for all faculty members, regardless of category, rank and tenure status, an appointment letter that outlines the faculty member's terms of appointment including workload distribution and salary or stipend, will be sent to the faculty member. If the University is not able to meet the April 15 deadline, a formal notice will be promptly communicated to faculty including a reasonable timeframe for issuing the appointment letters. Within 30 days of receiving the appointment letter, the faculty member shall sign and return the appointment letter if the faculty member accepts the appointment. If the faculty member disagrees with the terms of the appointment, every attempt should be made to resolve the matter through informal discussion with the Dean prior to initiating a formal grievance.

If the issue cannot be resolved through informal discussion, then within 14 days of receiving the appointment letter, a faculty member may initiate a formal grievance to challenge the terms of the appointment letter as provided in *Policy J. Grievances*. The faculty member may file a complaint challenging the terms of the appointment letter based on the grounds of illegal discrimination with Human Resources for handling under the applicable University policies.

If a faculty member does not sign and submit the appointment letter within the designated timeframe (inclusive of any timeframe for any appeal or grievance process if enacted by the faculty member), the University reserves the right to rescind the faculty member's appointment.

Approved by Faculty on 5/11/23

Approved by the Board of Trustees on 6/21/23

Policy F – Faculty Resignation

In the event a faculty member wishes to resign, they are required to terminate the appointment effective at the end of the appointment period. Written notice should be given to the Department Chair and the Dean at the earliest opportunity, but no later than 45 days prior to the end date of the appointment. For faculty who accrue vacation days, notice of less than 45 days or departure prior to the end of the appointment period results in forfeiture of accrued vacation.

Approved by Faculty on 5/11/23

Approved by the Board of Trustees on 6/21/23

Policy G – Notice of Non-Tenured Faculty Non-Appointment

Full-time non-tenured faculty at any rank (i.e., Assistant Professor, Associate Professor or Professor) may be separated from the University at the end of an appointment period upon written notice consistent with the following requirements:

- a. Non-tenured faculty who have completed three (3) or more consecutive years of full-time employment at the University as defined in the faculty member's appointment letters will ordinarily be given a notice of non-appointment in writing by the Dean twelve (12) months before the expiration of the terminal appointment.
- b. Non-tenured faculty who have completed fewer than three (3) consecutive years of full-time employment at the University as defined in the faculty member's appointment letters will ordinarily be given a notice of non-appointment in writing by the Dean by April 15 that their appointment will not be renewed for the next academic year.

If the University is not able to meet the April 15 deadline, a formal notice will be promptly communicated to faculty including a reasonable timeframe for issuing the appointment letters.

A non-tenured faculty member may appeal the notice of non-appointment on the grounds of a violation of academic freedom as provided in *Policy I. Appeals*. The faculty member may file a complaint challenging a notice of non-appointment based on the grounds of illegal discrimination with Human Resources for handling under the applicable University policies.

Approved by Faculty on 12/4/23

Approved by the Board of Trustees on 1/17/24

Policy H – Faculty Separation for Cause, Reduction in Workforce or Academic Reorganization

Termination, or the threat of it, will not be used to restrain faculty members in their exercise of academic freedom or their rights under the law.

Separation for Adequate Cause

Circumstances may arise which make it necessary and appropriate for the University to separate a faculty member (non-tenured or tenured) for adequate cause. "Adequate cause" is established when the University can demonstrate by a preponderance of the evidence that the decision to dismiss is reasonable, made in good faith, and is consistent with any applicable University policies and procedures. Examples of circumstances which would constitute adequate cause for such action may include, but are not limited to¹:

1. Material² misrepresentation of fact relevant to the faculty member's academic qualifications, such as false claims of academic degrees or of previous academic or professional experience.
2. Inability of the faculty member to fulfill his/her duties and obligations subject to applicable laws and University leave policies.
3. Documented substandard performance as defined by *Policy C. Faculty Evaluation/Performance Review* and *Policy D. Performance Improvement Plans* and/or in any College or faculty department bylaws and policies.
4. The knowing failure or refusal to perform professional responsibilities.

5. A serious violation of the University's policies including the *Faculty Bylaws & Policies of the University of Health Sciences & Pharmacy*.
6. Failure to maintain licensure or credentials necessary to carry out assigned responsibilities as applicable within the faculty member's discipline.
7. Admission to or conviction of a violation of criminal law that potentially impedes the faculty member from performing their job responsibilities or negatively impacts the University or its reputation.

Procedures in Cases of Separation for Adequate Cause

1. The Dean, in collaboration with the immediate supervisor, will promptly schedule a meeting with the faculty member by giving at least five (5) business days written notice including a summary of the reason(s) for the faculty member's pending dismissal.
2. Following that meeting, the faculty member has ten (10) days to provide a written response to the reason(s) for dismissal and seek a mutually agreeable resolution.
3. If a mutually agreeable resolution cannot be achieved, the Dean will notify the faculty member and immediate supervisor of the final dismissal decision in writing normally within five (5) business days. The dismissal letter will confirm the reason(s) for the dismissal decision, summarize the supporting evidence relied upon by the Dean, and specify the date of separation.
4. A faculty member may appeal the separation based on grounds as provided in *Policy I. Appeals*. The faculty member may file a complaint challenging a dismissal based on the grounds of illegal discrimination with Human Resources for handling under the applicable University policies.

Separation for Reduction in Workforce or Academic Reorganization

Other than adequate cause, circumstances may arise in which a reduction in workforce is needed because of financial exigency as determined to be necessary in the sole judgement of the Board of Trustees, or because of an academic reorganization of a College, an academic department, division, unit, or academic program due to educational, accreditation, or other non-financial considerations. As described in *Article 6. University Faculty Committees*, the Faculty Senate as part of its annual responsibilities will engage in routine discussions with the Vice President of Finance/Chief Financial Officer and the Chief Academic Officer regarding the University's finances. Additionally, if the need for a reduction in workforce or a reorganization arises, whenever possible and as early as possible, the Chief Academic Officer and Vice President of Finance/Chief Financial Officer will confer with the Faculty Senate regarding the University's finances, including 1) other administrative and non-academic areas of the University that have been considered for reductions, and 2) the need for a reduction in academic workforce or academic reorganization.

For purposes of reduction in workforce or academic reorganization, a tenured faculty member is understood to have tenure at the University and will be given due consideration for any open or filled position in another department or college. The University will, in its discretion, make decisions on faculty to be retained and faculty to be separated due to a reduction in force or academic

reorganization. However, before such decisions are made, the Chief Academic Officer/Council of Deans will consult with the Faculty Senate on the criteria to be used and how those criteria are weighed when making decisions on faculty to be separated. Criteria will be based on but not limited to each faculty member's qualifications including their knowledge, skills, abilities, experience, performance, and discipline(s) when weighed against other relevant considerations such as the University's mission and future needs. In the process of identifying faculty members for separation due to a reduction in workforce or academic reorganization, if two faculty members are deemed to be equally qualified (considering but not limited to knowledge, skills, abilities, experience, performance, and discipline) to meet the University's future needs and other relevant considerations, the University will give preference to retaining the tenured faculty member with greater years of service to the University.

Once the criteria and weighting have been determined, the immediate supervisor will apply the criteria to bring forth recommendations to the Dean who will make the decision on faculty to be separated. A faculty member may appeal the separation based on grounds as provided in *Policy I. Appeals*. The faculty member may file a complaint challenging a separation based on the grounds of illegal discrimination with Human Resources for handling under the applicable University policies.

Procedures in Cases of Separation for Reduction in Workforce or Academic Reorganization

A tenured faculty member or a non-tenured faculty member with three or more consecutive years of full-time employment who is to be separated because of a reduction in work force or reorganization will be issued a terminal 9- or 12-month appointment, as defined in their appointment letter.

Procedures for notifying a tenured or non-tenured faculty member for separation are:

1. The Dean and immediate supervisor will schedule a meeting to notify the faculty member of the decision.
2. The Dean and immediate supervisor will review the criteria relied upon to support the faculty member's selection and provide an opportunity for the faculty member to request reconsideration.
3. The Dean will normally notify the faculty member in writing of the final decision, supporting criteria, and a summary of the information supporting the decision at the meeting or, in the case of a request for reconsideration deemed to have merit by the Dean, no later than five (5) business days after the preliminary meeting.
4. A faculty member may appeal the separation based on grounds as provided in *Policy I. Appeals*. The faculty member may file a complaint challenging a dismissal based on the grounds of illegal discrimination with Human Resources for handling under the applicable University policies.

Footnotes for Policy H

¹ This list is representative but not exclusive. It is intended to provide examples illustrating the character of what is understood to be "adequate" cause and to pre-empt the trivial or arbitrary application of this provision in the dismissal of faculty.

² Qualifiers such as *material* misrepresentation, *serious* violation, etc. refer to substantive, significant and/or chronic deviations from University policies, standards, practices, and reasonable expectations regarding appropriate behaviors. Note that the responsibility for providing evidence that dismissal is warranted on such grounds is borne by the administration.

Approved by Faculty on 5/14/24

Approved by the Board of Trustees on 06/26/24

Policy I – Appeals

In cases of separation from the University, a faculty member may appeal on the following grounds:

- Notice of non-tenured faculty non-appointment due to a violation of the University’s policy on academic freedom
- Separation of non-tenured faculty during the term of the appointment for adequate cause, reduction in workforce, or academic reorganization or a violation of the University’s policy on academic freedom
- Separation of tenured faculty for adequate cause, reduction in workforce or academic reorganization or a violation of the University’s policy on academic freedom
- A material failure to follow applicable University, College, or Department policies and procedures which results in prejudice to the faculty member

The standard to be applied to adjudicating an appeal shall be based on the preponderance of evidence, meaning the examination of all relevant evidence and materials more likely than not, supports the conclusion. Additionally, for appeals that involve separation of a faculty member for reduction in workforce or academic reorganization, the Review Panel will not make any findings with respect to the wisdom or necessity for the reduction in workforce or academic reorganization.

Procedures for Filing an Appeal

1. Faculty may submit a written appeal within ten (10) days of receipt of the notice of non-reappointment or separation to the Chief Academic Officer. The appeal should include a copy of the written non-reappointment or separation notice and any written statement or other information (including the names of persons with relevant information pertaining to the issues) the faculty member deems appropriate to support the appeal. If the faculty member opts to seek advice from external legal counsel, that counsel may submit a written appeal on the faculty member’s behalf but will not be allowed to attend any meetings or be interviewed as a part of the appeals process.
2. The Chief Academic Officer will convene a Review Panel consisting of three (3) faculty members (but not faculty members within the same department as the appellant faculty member) randomly selected from the pool of faculty who have the academic rank of associate or full

professor with at least four years of institutional service. Academic administrators are not eligible to be in the pool.

3. Within five (5) business days of the Review Panel selection, the Dean or the appealing faculty member may petition the Chief Academic Officer for disqualification of a Review Panel member on the grounds of bias, prejudice, or a conflict of interest. Prior to making a decision on disqualification, the Chief Academic Officer will confer with the Faculty Senate President but the decision of the Chief Academic Officer will be final.
4. The University's general counsel will provide training to Review Panel members on appeal hearing procedures.
5. The members of the Review Panel will meet to review the faculty member's written appeal and all supporting information provided. Additionally, the Panel will appoint a Chair to govern and manage the Panel's activities, develop a schedule to complete the review, and serve as the primary point of official contact and communication. Under normal circumstances, the Review Panel will complete its work within 30 days of convening and make a recommendation to the Chief Academic Officer.
6. After the initial Panel meeting, the Panel Chair will send a written request to the faculty member's Dean requesting a written response to the faculty member's appeal. The Dean's response shall be provided to the Panel along with supporting materials and the contact information of persons having relevant knowledge of the matter no later than 15 days after receipt of the Panel's request. The Panel may seek to interview the faculty member, the Dean, or any other person identified by the parties as having relevant information to assist the Panel with its review.
7. By a majority vote, the Panel will either affirm or recommend reversal of the faculty member's separation. The Panel shall render its recommendation and rationale in writing to the Chief Academic Officer, Dean, Department Chair, and faculty member within five (5) business days after the meeting.
8. At the completion of this process, the Chief Academic Officer will render a decision in writing to the Dean, Department Chair, faculty member, and the Faculty Senate President either affirming, reversing, or modifying the original non-reappointment or separation notice. As part of the decision, the Chief Academic Officer will explain the rationale for accepting or not accepting the Review Panel's findings and/or recommendations.
9. In the event the faculty member is not satisfied with the decision of the Chief Academic Officer, he/she may, within five (5) days of receiving the decision, present an appeal in writing to the President. Included in this appeal should be a copy of the original non-reappointment or separation notice, the recommendation of the Review Panel, the decision of the Chief Academic Officer, and any written statement or other information the faculty member deems appropriate.

The President will have final authority in the matter and may accept or reject, in whole or in part, the decision of the Chief Academic Officer. The decision of the President will be in writing and will be final.

For appeals of separation for adequate cause, until the final decision concerning separation has been reached, the faculty member may be suspended with or without pay or assigned to other duties. If the faculty member is reinstated, they would be entitled to the award of back pay and benefits.

The appeal process will terminate if the faculty member fails to appeal any decision within the times specified.

Approved by Faculty on 5/14/24

Approved by the Board of Trustees on 06/26/24

Policy J – Grievances

To be revised and added here at a later date

Policy K – Interim and Full Reviews toward the Recommendation of Faculty for Promotion and/or Tenure

To be revised and added here at a later date

Policy L – Exclusion of Time during the Probationary Period

To be added here at a later date

Policy M – Amendments to Policies

To be added here at a later date

Appendix I. Shared Governance (Definition, Principles, Faculty Role)

Definition of Shared Governance:

This statement of shared governance represents the mutual desire of constituents to work together to further codify the institutional understanding of the principles of shared governance at the University and the commitment on the part of the constituents to adhere to these principles.

University of Health Sciences & Pharmacy defines shared governance as a comprehensive system of institutional decision-making involving the cooperative participation of administrators, faculty, staff and students. Participants engage in the development, review, and recommendation of college policies, regulations, practices, and procedures that affect their constituencies and the institution.

To achieve shared governance, the constituencies (or their elected representatives) seek out, consider and meaningfully incorporate creative and constructive ideas and perspectives. Through shared governance all members of the community foster mutual respect and good faith with one another.

Principles of Shared Governance:

1. Shared governance recognizes that regular and open communication among all parties is critical. All parties share responsibility to be informed on issues confronting higher education and the University; share information and feedback in a timely fashion; recognize the specific needs and goals of the University and its constituencies; interact respectfully with other parties in the governance system and ensure participation and accurate representation of constituent views.
2. Shared governance employs collective and cooperative decision-making, involving all affected or appropriate parties as early and completely in the process as practical, and ensuring prompt engagement whenever extenuating circumstances require individual constituents to act without the opportunity to employ ordinary protocol. In those instances, the acting constituents will inform and involve related parties or individuals promptly and responsibly.
3. Shared governance requires constituents to accept responsibility for participating in decision making as well as implementing policies and procedures resulting from it.
4. Shared governance recognizes that the final responsibility for decision-making rests with the authority vested in the President of the University and the Board of Trustees. It also holds that such authority benefits from due consideration of the experience, knowledge and insight resulting from the shared governance process.
5. Shared governance is an intentional process that values divergent views, opinions and perspectives. To this end, no reprisal may be imposed on any stakeholder for expressing dissent

from the majority opinion or from the opinion of a superior. Conversely, all parties must agree to respect and implement the final decision, though they may disagree with the decision itself.

6. Shared governance requires periodic assessment of the process itself. The process shall be subject to amendment as necessary, but shall be reviewed at least once every three years with the express objective of making it better.

What Is My Role in Shared Governance?

Effective shared governance is based on a clear understanding of the roles and responsibilities of participants, including administration, faculty members, staff members and students. Each member of the University of Health Sciences & Pharmacy community must understand these roles and must take responsibility as appropriate.

The Faculty Senate, Staff Council and Student Government Association are the official, elected representatives of the faculty, staff and students. These bodies are responsible for reviewing institutional policies and documents that affect their constituencies and making recommendations regarding these policies to the President of the University.

Similarly, these groups solicit and represent the opinions, suggestions and recommendations of their respective constituents. Further, they respond to questions or issues that arise from individuals or groups. Finally, the Faculty Senate, Staff Council and Student Government Association and their executive committees respond to requests for consultation from the administration.

Faculty Role in Shared Governance:

The faculty will exercise its role in shared governance in various ways: as individuals, within and through departments, on committees, and as members of special task forces. The faculty's involvement in shared governance will specifically include, but is not limited to, all areas involving curriculum, standards of instruction, design and delivery of courses, academic policies, granting of degrees and matters relating to faculty employment and welfare. The faculty will ensure that its governance policies and procedures will include broad-based constituent participation, and in a timely manner initiate, review, amend and enact proposals brought before them. The Faculty Senate will serve as the representative faculty body responsible for facilitating this work as well as advocating for and upholding faculty interests.

Approved by the Faculty on 5/7/21

Approved by the Board of Trustees on 6/23/21

Appendix II. UHSP Faculty Statement on Professional Conduct

As members of the University of Health Sciences and Pharmacy (UHSP) community, we are committed to sustaining an academic community that advances learning and discovery. We recognize our responsibilities and obligations as representatives of the University, and we hold ourselves and each other accountable to the following tenets of professional conduct.

Tenets of Professional Conduct

a. We are inclusive and respectful.

We support creativity and collaborative inquiry in our academic pursuits. We engage in respectful discourse around substantive issues that strives to include all voices. We show respect for the University by conducting ourselves in a manner consistent with professional norms when interacting with all members of our community.

b. We demonstrate integrity and follow established standards.

We follow established standards and strive to maintain the highest level of quality as recognized in our various disciplines and fields. We honor our commitments and demonstrate fairness and honesty in all of our professional duties. We follow laws, UHSP institutional policies, Board of Trustee policies, and avoid real and perceived conflicts of interest. We ask questions when we are unsure about the appropriate course of action.

c. We protect University assets.

We are good stewards of the University resources entrusted to us and do not use these resources for personal gain or benefit. As University ambassadors and advocates, we recognize our responsibility to conduct ourselves professionally and respectfully in all interactions with stakeholders and the community at large.

d. We provide a safe environment for those who work, learn, and visit with us.

We do not tolerate discrimination, harassment, or behavior that intimidates, threatens, demeans, defames, or harms another person. We work to resolve differences constructively, look out for each other and promptly address or report issues of concern. We recognize our individual obligations to make the University a safe and inclusive environment by abiding by the University's policies that prohibit discrimination, harassment, and retaliation.

e. We support academic freedom.

Academic freedom, which is essential to the advancement of knowledge, is rooted in and regulated by the norms of the disciplinary communities within which the faculty are credentialed. In scholarly activity/research, this means we are free to pursue areas of inquiry,

wherever they may lead. In education, it means the freedom to teach from our disciplines, and the freedom of our students to engage within the parameters of the discipline openly and fully. Academic freedom also allows space for the expression of opposing views that is best realized when all parties listen and respond with respect. Opposing viewpoints are central to academic inquiry, without fear of retribution. Truthful, respectful, and honest expressions demonstrate ethical communication.

f. We foster discovery as integral to the academic enterprise.

As faculty and academic professionals, we bear special responsibilities to contribute to informed deliberations on academic issues. Our responsibility to our academic discipline and to our society is to seek and state the truth based on available evidence. Guided by recognition of the value of evidence-based inquiry to our community and an informed citizenry, we recognize our shared obligation to exercise critical judgment and self-discipline in using, extending, and transmitting knowledge. To this end, we devote our energies to developing and improving critical thinking and scholarly rigor through teaching, scholarly activity, and engagement with the University's broader constituencies.

Conduct protected by the University's policy on academic freedom or other laws applicable to private higher education institutions will not be deemed to be a professional conduct violation.

Approved by Faculty on 4/30/24

Approved by the Board of Trustees on 06/26/24