

**Faculty Senate Action #87014
Class B Legislation**

[Legislation to replace Faculty Senate Legislation #87004 and to Amend Sections of
Faculty Senate Legislation #87001(B) and #87003(A)]

I. REPLACEMENT FOR LEGISLATION #87004(B)

1.5
Educator Faculty

1.5.1

The Educator Faculty shall consist of four categories of appointments:

- 1) those clinicians who serve in the clinical programs of the University, and whose title consists of a rank followed by a discipline prefixed by "Clinical" (e.g., Professor of Clinical Surgery, Professor of Clinical Nursing) or, in the School of Law, of a rank and discipline prefixed by "Clinical" (e.g., Clinical Professor of Law);
- 2) those faculty whose major function is to serve in teaching and educational support programs and who hold the rank of Educator Professor, Educator Associate Professor, or Educator Assistant Professor;
- 3) those faculty serving in the libraries of the University and who hold the rank of Library Assistant Professor, Library Associate Professor, and Library Professor; and
- 4) Lecturers.

1.5.2

All Educator Faculty shall be subject to Annual Reviews as provided for in Sections 9.3 and 9.5 of these Bylaws and to Special Reviews as provided below:

- a) for one year contracts not later than three months before the end of the contract;
- b) for two year contracts not later than the end of the first year of the contract;
- c) for three year contracts not later than the end of the second year of the contract.

There shall be a Special Review any time promotion of a member of the Educator Faculty to the rank of Professor or Associate Professor is considered.

1.5.3

If, as a result of a Special Review, it is determined not to reappoint or not to renew the contract of a faculty member, the following provisions for notice shall be observed:

a) During the probationary period, notice of three months plus one month for each year of service;

b) During the final year and after expiration of the probationary period, notice of one full year;

c) For Educator Faculty holding category three appointments, after the award of a long-term contract, notice of one year plus one month for each year of service up to a limit of two years.

The probationary period for Educator Faculty in categories one, two and three is defined as six years, or promotion to the rank of Educator Professor, or, in the case of category three appointments, the award of a long-term contract.

1.5.4

The standards and procedures for the Special Reviews required by paragraph 1.5.2 above shall be developed as follows:

a) The Director of Libraries and the Dean of each affected School shall each separately submit to the Faculty Senate for its approval a proposed set of standards and procedures for carrying out Special Reviews of Educator Faculty appointed, in the case of the Director's proposals, to the Richter Library and in the case of each Dean's proposals, to their School.

b) These procedures shall approximate, as closely as possible, those established in Sections 9.6 through 9.8.4 of these Bylaws and the standards proposed shall be appropriate to the role played by Educator Faculty in each affected School.

c) Upon approval of the proposed standards and procedures by the Faculty Senate, they shall be submitted to the President for final approval. Any amendment to these approved standards and procedures shall be made in the same manner.

1.5.5

Educator Faculty shall not hold tenured or tenure-earning appointments. Faculty with educator appointments may request to be considered for appointment to the Regular Faculty of the University under the provisions of section 1.8 of this Bylaw.

1.5.6

Educator Faculty in category one holding appointments in the School of Medicine are subject to a salary ceiling.

1.5.7

Positions in category two may be established in a school by vote of the faculty of that school. The number of such educator faculty in a school shall be limited to ten percent of the regular faculty in that school. Upon recommendation of the faculty of the school a higher limit for a particular school may be established by a special Bylaw to the *Faculty Charter*.

1.5.8

Educator Faculty in category three in Richter Library shall not exceed forty-five percent (45%) of the University Faculty in Richter Library. Educator faculty in category three in all libraries of the University shall be subject to the following special provisions:

a) All Educator Faculty shall be awarded one of the following types of contract:

i) Probationary contracts for a term of one, two or three years. The probationary period for Educator Faculty before the award of a long-term contract shall not exceed six years. Persons with appropriate experience at comparable institutions may be awarded up to three years credit toward the probationary period by the Provost following a recommendation of the Dean upon consultation with the Regular Faculty. Persons granted credit for prior service under this section shall have their probationary period appropriately reduced, but in no case shall a probationary period of less than three years be established.

ii) A long-term contract for a term of five years. A long-term contract shall be awarded no later than completion of the probationary period, unless a decision is made not to reappoint. If in any year prior to the expiration of the probationary period, consideration is given to awarding long-term contract and the decision is against doing so, that decision shall not prejudice renewal of any probationary contract. Persons with appropriate experience may be awarded a long-term contract at the time of initial appointment.

b) In addition to the special reviews in section 1.5.2 above, there shall be a special review:

i) in the fourth year of a long-term contract to determine whether that contract shall be renewed;

ii) to determine whether a member of the Educator Faculty under a probationary contract shall be awarded a long-term contract before expiration of the probationary period.

1.5.9

Appointment as a Lecturer may be held for no more than three years after which it must be terminated or changed to a category two Educator appointment.

1.8

Change of Type of Faculty Appointment

1.8.1

Any member of the Research or Educator faculty may initiate a request to be considered for appointment to the Regular Faculty of the University. The decision on that request must be made in accordance with the standards and procedures applicable to initial appointment to the Regular Faculty as set forth in the *Faculty*

Charter and these Bylaws, including Sections 6 and 8. If the requested appointment to the Regular faculty is made, but without an immediate grant of tenure, the period served as a member of the Research or Educator faculty may, if requested by the faculty member and approved by the President, be credited toward the probationary period for Regular Faculty appointments as provided in Sections 3.6 and 3.6.1 of these Bylaws.

1.8.2

Any member of the Regular Faculty of the University, during their probationary period as defined in Section 3.6 of these Bylaws, may initiate a request to be considered for appointment to the Research or Educator Faculty. The decision on that request shall be made by the President upon recommendation of the Regular Faculty of the department and the Dean of the School.

1.8.3

Members of the Regular Faculty who have become members of the Research or Educator Faculty under the provisions of Section 1.8.2 may not subsequently be appointed to the Regular Faculty except as a tenured Professor.

II. AMENDMENT TO FACULTY SENATE LEGISLATION #87001

[**Boldface** indicates additions to the language.]

2.5.2

The term "Adjunct" is prefixed to the title of persons who collaborate in some special way in the academic work of the University. **Persons holding adjunct titles may not teach more than eight credit hours in an academic year at the University.**

III. AMENDMENT TO FACULTY SENATE LEGISLATION #87003

[**Boldface** indicates additions to the language.]

Charter Section 2.1

The Educator Faculty shall consist of **four** categories of appointments:

1) those clinicians who serve in the clinical programs of the University, and whose title consists of a rank followed by a discipline prefixed by "Clinical" (e.g., Professor of Clinical Surgery, Professor of Clinical Nursing) or, in the School of Law, of a rank and discipline prefixed by "Clinical" (e.g., Clinical Professor of Law);

2) those faculty whose major function is to serve in teaching and educational support programs and who hold the rank of Educator Professor, Educator Associate Professor, or Educator Assistant Professor;

3) those faculty serving in the libraries of the University and who hold the rank of Library Assistant Professor, Library Associate Professor, and Library Professor; and

4) Lecturers.

Educator Faculty shall not hold tenured or tenure-earning appointments. The Regular Faculty of each school shall vote to establish positions in category two in that School. The number of Educator Faculty in a school shall be limited to ten percent of the regular faculty in that school. Upon recommendation of the faculty of the school a higher limit for a particular school may be established by a special Bylaw to the *Faculty Charter*.

IV. SPECIAL PROVISIONS

No later than May, 1990, all librarians in the University, not members of the Regular Faculty, who are eligible and qualified to become Educator Faculty shall be appointed to that Faculty upon expiration of their existing contracts. Each such person may, at that time, elect to receive credit for prior service in determining the length of their probationary period. Any such person who has served six or more years shall automatically be awarded a long-term contract.

Within six months of the effective date of the Bylaw on Faculty Appointment, Promotion and Tenure, the Director of Libraries and the Dean of each affected School shall each separately submit to the Faculty Senate for its approval a proposed set of standards and procedures for carrying out Special Reviews of Educator Faculty as provided in sections 1.5.2 and 1.5.3 of the Bylaw.

Calendar for 1990-1991

It was *moved* to approve the calendar with the following changes: The Council meeting of September 24 was changed to September 17, the meeting of November 19 to November 12. The meeting with the President and the reception for Mr. McLamore was scheduled for September 24. The *motion carried unanimously*. It was agreed to hold the Retreat on October 27.

Review of Doctor of Philosophy Programs in Ergonomics
and in Sociology

A memo from Dean Pamela A. Ferguson of the Graduate School in reference to the review of the Doctorate of Philosophy program in Ergonomics and Medical Sociology was introduced by Professor Alexandrakis. It was agreed to request a report stating the actual situation of both programs. The Faculty Senate office will give the guidelines on the information that should be included in the report. The Council agreed that information on GRE scores for admissions, research projects, publications from students and faculty, and the updated budget should be included in the report.

Nominations for the James W. McLamore Outstanding Service Award

Professor Susi Seiler withdrew the nomination from the Library. It was *moved* to nominate Doctor Rita Bornstein, Vice President for Development, for the award. The *motion carried unanimously*.

Matters from the Floor


Several subjects were discussed, among them promotion and tenure and Educator Faculty. Professor Awad reported that there was a committee at School of Medicine studying the status of Educator Faculty; the Committee will render a report that will come to the Faculty Senate. The Chair stated that the Committee to re-examine the voting rights of Educator and Research Faculty will be appointed during the summer. The meeting of the Faculty on Wednesday, May 2nd was discussed with the President. Some Council members expressed their constituencies disappointment in the fact that the Senate did not appear to have a clear, coherent plan for the future development of the University. In this regard, the position of the Senate has been very clear on these matters, since it has called for the Issues Committee and for an expanded role for the Faculty in the planning and budgeting process. Members expressed the opinion that the "issues summary" sent to the Faculty before the meeting should have been more critical.

The meeting was adjourned at 6:50 p.m.


Clarisa Alvarez

MEMORANDUM

TO: Dr. George Alexandrakis
Chairman, Faculty Senate

FROM: Edward T. Foote II 
President

DATE: July 15, 1988

RE: Bylaw on Faculty Status, Titles, Appointment,
Reappointment, Promotion and the Award of
Tenure - Faculty Senate Actions, Consolidated
Version 87001, 87005, 87006, 87008, 87014, 87034.

I have reviewed the above-referenced legislation which you have submitted to me for approval pursuant to Article 8.8 of the Faculty Charter. Having reviewed those proposals, I approve of them with the following exceptions:

1. References to Educator Faculty should be deleted until such time as we have agreed to the creation of that faculty position. The references to Educator Faculty to which I refer are found in paragraphs 1.5, 1.7, 1.8.1, 1.8.2, 1.8.3, 3.3, 3.4, 3.5, 4.2.1, and 9.3. Should we have missed any other references to Educator Faculty, those references would be likewise included in this objection.

2. In paragraph 2.3, given the fact that there are independent faculty in the Graduate School of International Studies, I disapprove the inclusion of the sentence which reads, "All Participating Faculty in the Graduate School of International Studies shall hold joint appointments."

3. In paragraph 2.5.2, I disapprove of the proposed language until such time as we have agreed on Educator Faculty. In the interim, the present definition of adjunct faculty should apply.

4. In paragraph 2.7, I recommend that the first sentence of the second paragraph be rewritten as follows, "Associated Faculty

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teaching more than nine hours in any calendar year shall be considered full-time faculty."

5. As I understand, there have been discussions that the provisions of all of Section 3.0 and all of Section 4.0 should be approved in the form in which you have proposed, provided, that the provisions of those two sections not be incorporated or included in the Faculty Bylaws. I understand that those sections will be segregated into a separate section of the Faculty Manual to be appropriately designated.

6. In paragraph 3.4, the phrase "a minimum of" in line 2 must be deleted.

7. I do not agree that the Advisory Boards to the Dean should be memorialized in the form proposed in paragraph 9.9.1. Therefore, I do not approve the provisions of that paragraph.

8. Similarly, the reference to "the report of the Advisory Board" in paragraph 9.9.2 should be deleted.

The changes which you have proposed and which I have approved constitute the largest single amendment to our form of faculty governance. I congratulate you and the members of the Faculty Senate who have worked over the past year on this matter. With respect to the sections to which I have objected, I would be pleased to meet with you to further discuss those issues.

ETF:ckv

sm6/a

Proposed New Section 1.5 of Bylaws
(Draft of June 15, Rev.) 1988

Replacement for Legislation #87004(B)

1.5

This section establishes a category of University Faculty known as Educator Faculty, for the purpose of extending to all persons in that category recognition for the important role they play in carrying forward the University's academic mission and of assuring regularity and fairness in the standards and procedures governing their appointment, reappointment, and promotion. Educator Faculty are expected to stay abreast of the latest learning relevant to their tasks, to engage with their colleagues in the intellectual dialogue that is of the essence of the University, and to join in the broader commitment of the faculty to enhancing the academic quality and reputation of the institution.

1.5.1

Categories of Educator Faculty

Educator Faculty shall consist of four categories of appointments:

- 1) Faculty serving in the clinical programs of the University whose title consists of a rank followed by a discipline prefixed by "Clinical" (e.g. Professor of Clinical Surgery, Professor of Clinical Nursing) or, in the School of Law, of a rank and discipline prefixed by "Clinical" (e.g. Clinical Professor of Law);
- 2) Faculty whose major function is to serve in teaching and educational support programs and who hold the rank of Educator Professor, Educator Associate Professor or Educator Assistant Professor;
- 3) Faculty serving in the libraries of the University who hold the rank of Library Professor, Library Associate Professor or Library Assistant Professor;
- 4) Lecturers

1.5.2

Conditions and Limitations

No Educator Faculty may be appointed in any School unless the Regular Faculty of the School shall have voted to authorize the making of such appointments. This authorization may designate the departments in which the appointments are to be made and the number of such appointments in each department.

The number of category two Educator Faculty appointed in any School shall not exceed ten percent (10%) of the Regular Faculty of that School. The number of category three Educator Faculty appointed in the Richter Library shall not exceed forty-five percent (45%) of the University Faculty in Richter Library. A higher limit may be established for a particular School or for the Richter Library by a special By-Law to the Faculty Charter enacted upon the recommendation of the Regular Faculty of that School, or, with respect to Richter Library, the University Faculty in that Library.

Educator Faculty shall not hold tenured or tenure-earning appointments. Faculty with Educator appointments, however, may request to be considered for appointment to the Regular Faculty of the University under the provisions of Section 1.8 of this By-Law.

All Educator Faculty shall be subject to Annual Reviews as provided for in Sections 9.3 and 9.5 of these By-Laws and to a Special Review at any time promotion to the rank of Professor or Associate Professor is considered.

Educator Faculty holding appointments in the School of Medicine shall be subject to a salary ceiling.

1.5.3

Clinical Faculty and Lecturers -- Term of Appointment

Educator Faculty in categories one (Clinical) and four (Lecturers), except in the Law School, shall be awarded a renewable one-year contract. In Schools having category two Educator Faculty, however, no person may be appointed to and hold the rank of Lecturer for more than three years, after which the appointment must either be terminated or changed to a category two educator Faculty appointment.

Notice of a decision not to renew a contract awarded under this Section must be given three months prior to the expiration of that contract, otherwise the contract will be deemed renewed for the ensuing year.

1.5.4

Category Two and Library Faculty -- Probationary Period

During the probationary period defined below, Educator Faculty in categories two (Teaching) and three (Library) and in category one in the Law School (Clinical), shall be awarded an initial one-year contract. Thereafter such faculty may be awarded a two-year contract followed by a three-year contract. Under special circumstances a faculty member may be awarded an additional one-year contract to be followed by one or more two-year contracts or a three-year contract, as appropriate. The decision to award an additional probationary contract shall be preceded by a Special Review.

If an Educator Faculty member is not to be awarded an additional probationary contract, the following provisions for notice shall be observed:

- a) For a decision not to award an additional one-year or a two-year contract, at least three months' notice;
- b) For a decision not to award a three-year contract, at least six months' notice.

No justification for a decision by the University not to award an additional probationary contract need be communicated to the faculty member concerned. All such decisions, however, shall be based solely upon the considerations set forth in Section 1.5.8(b) below.

The probationary period shall be six years commencing with the September in which the initial appointment is made or, if made in any other month, commencing with the first September following the date of appointment. Persons with

appropriate experience at other comparable institutions, however, may be awarded up to three years credit toward the probationary period by the Provost following a recommendation by the Dean made in consultation with the chair. During the first year of appointment, a faculty member may waive credit for applicable prior service at another institution.

1.5.5

Category Two and Library Faculty: -- Regular contracts

Upon completion of the probationary period, category two (Teaching) and category three (Library) Educator Faculty and category one Educator Faculty in the Law School (Clinical), may be awarded an indefinite term contract subject to termination as provided in Sections 1.5.6 and 1.5.7 below. The decision to award such a contract shall be made only upon completion of a Special Review conducted during the last year of the faculty member's probationary period.

Notwithstanding the requirement for a probationary period, a person whose record of achievement and experience merits such action may be awarded an indefinite term contract at the time of initial appointment to any category of Educator Faculty eligible to receive such contracts.

If it is decided not to award an indefinite term contract following the probationary period, notice of the decision shall be given on or before expiration of the faculty member's current contract and that member's appointment shall terminate at the end of the ensuing academic year.

1.5.6

Termination For Unsatisfactory Performance

If, during the course of any contract, there is evidence of unsatisfactory performance by a member of any category of Educator Faculty, a Special Review may be initiated by the voting faculty, the Chair or the Dean to determine whether the faculty member's contract shall be terminated. A decision to terminate a contract shall be effective as follows:

- a) For any probationary or one-year contract, six months following notice of termination.
- b) For any indefinite term contract, one year following notice of termination.
- c) For any contract where the reason for termination raises a threat of immediate serious harm to the University, effective as specified in the notice of termination.

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1.5.7

Termination of Contracts Because of Changed Needs

Any Educator Faculty contract may be terminated or the award of an additional probationary contract may be withheld if it is determined that because of changes in the demand for, or in the organization or content of, the academic program or activity to which the faculty member is assigned, the member's services are no longer needed. Such a determination shall be made only after consultations with the appropriate faculty, chair and dean and between the Provost and the

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Council of the Faculty Senate. In their consultations the Provost and Council shall explore fully all the facts and equities of the situation and shall consider all alternatives in order to best serve the interests of both the University and the Faculty member involved. Consultations with the appropriate faculty shall require a vote thereof.

If it is decided to terminate or otherwise discontinue the services of an Educator Faculty member under this Section, notice of the decision shall be given before the end of the academic year in which it was made and shall take effect at the end of the ensuing academic year.

1.5.8

Considerations Governing the Award, Renewal and Termination of Contracts

Except as provided in Section 1.5.7 above, all decisions on whether to award, renew or terminate Educator Faculty contracts shall be made as follows:

a) The decision to make an initial appointment to the Educator Faculty shall be made in accordance with the procedures set-forth in Sections 8.1 through 8.3 of these By-Laws.

b) The decision to (i) renew a one-year contract under Section 1.5.3, (ii) to award an additional probationary contract under Section 1.5.4, (iii) to award an indefinite term contract under Section 1.5.5, or (iv) to terminate a contract because of unsatisfactory performance under Section 1.5.6, shall be made in accord with the procedures, standards and criteria governing the Special Reviews established under Section 1.5.9 below.

1.5.9

Standards and Procedures for Special Reviews

The standards and procedures for special Review of Educator Faculty shall be developed as follows:

a) Upon the approval of the Regular Faculty of each School with Educator Faculty, the Dean of the School (or the Director of Libraries) shall submit to the Faculty Senate for its approval a proposed set of standards and criteria and a proposed set of procedures to govern all Special Reviews of Educator Faculty appointed, in the case of each Dean's proposals, to their School and, in the case of the Director's proposals, to the Richter Library.

b) The procedures proposed shall approximate as closely as possible the procedures established in Sections 9.6 through 9.10 of these By-Laws and the standards and criteria proposed shall be appropriate to the role played by Educator Faculty in the School or Library and to the purpose of the Special Review: promotion, award of probationary contracts, award of indefinite term contracts, contract renewals or the termination of contracts because of unsatisfactory performance.

c) Upon approval of the proposed standards and procedures by the Faculty Senate, they shall be submitted to the President for final approval. Any amendment to the approved standards and procedures shall be made in the manner of their initial adoption as specified above.



Executive Vice President and Provost

June 18, 1987

Dr. John Knoblock
Chairman
Faculty Senate

Dear John:

There is an anomalous situation at this University inasmuch as the Library faculty can only be on a tenure track. This is contrary to policies at most major universities.

We would like to request that the Senate consider legislation to allow the Library faculty to be on an educator track, i.e., a non-tenure track, with no limitation on the percentage of Library faculty on this track. This is in no way meant to preclude those faculty working in the Library who can adequately participate in research-teaching as well as University service from being on a tenure track and, if appropriate, receiving tenure at this University.

The prompt consideration by the Senate of such legislation would be appreciated.

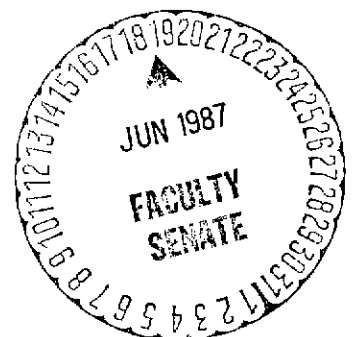
Sincerely yours,

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

Luis Glaser
Executive Vice President
and Provost

LG:nh

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Delegate to the Council authority to make editorial adjustments in the language of the Bylaw.

I. Educator Faculty:

1.5

The Educator Faculty shall consist of **three categories of appointments:**

1) those clinicians who hold the rank of Professor, Associate Professor, or Assistant Professor, who serve in the clinical programs of the University, and whose title consists of a rank and discipline prefixed by "Clinical" (e.g., Professor of Clinical Surgery, Professor of Clinical Nursing, but in the School of Law, the rank of Clinical Professor of Law, Clinical Associate Professor of Law, or Clinical Assistant Professor of Law);

2) those faculty who hold the rank of Educator Professor, Educator Associate Professor, or Educator Assistant Professor and whose major function is to serve in teaching and educational support programs; and

3) Lecturers.

Educator Faculty shall not hold tenured or tenure-earning appointments.

The faculty of each school shall vote to establish positions in category two. INSERT: Educator Faculty in category one holding appointments in the School of Medicine are subject to a salary ceiling.

The number of such educator faculty in a school is limited to ten percent of the regular faculty. Upon recommendation of the faculty of the school a higher limit for a particular school may be established by a special Bylaw.

Appointment as a Lecturer may be held for no more than three years after which it must be terminated or changed to a category two Educator appointment.

II. REVISE, omitting *Italicized* portions:

2.2.3

A member of the General Faculty shall be compensated from University approved sources, but not necessarily by the University. The fact that the salary of a member of the Regular Faculty is paid from *such* non-University sources as *project grants, Jackson Memorial Hospital, Public Health Trust, or others funds* does not affect the faculty member's tenure status.

III. DELETE

2.6

Graduate Faculty

The Graduate Faculty of the University of Miami is composed of those members of the Regular Faculty of other schools who hold appointments in departments offering graduate degrees. Other members of the General Faculty may be admitted to the Graduate Faculty.

IV. NEW DRAFT.

2.1.

Appointive Authorities

The power to appoint and remove both administrative officers and members of the General Faculty is vested in the Board of Trustees. The Board of Trustees shall appoint the President of the University.

The President, by authority of the Board of Trustees, shall select the Provost, the Deans, and the administrative officers and shall appoint the General Faculty of the University. The President is the presiding officer of the General Faculty.

The Provost, as delegated by the President, shall make appointments to the General Faculty and promote members of the General Faculty to higher ranks. All appointments to the General Faculty and promotions to higher ranks shall be made in accordance with the procedures set forth in the *Faculty Charter*, Section XII, and in this Bylaw.

V. NEW DRAFT

2.8

Privileges and Benefits of Associated and Emeriti Faculty

Associated and Emeriti faculty members are entitled to the following privileges and benefits:

- 1) Any discounts which University Faculty members are eligible to receive including identification cards, bookstore purchases, football tickets, etc.;
- 2) Membership in the Faculty Club, Lowe Museum, and Credit Union;
- 3) Purchase of parking stickers; and
- 4) Purchase of prescription medicines through the University Health Center.

Members of the Associated Faculty are entitled to fifty percent (50%) personal tuition remission at the University of Miami after one academic year of continuous employment at the University. Benefits are limited to seven credit hours per semester and four credit hours per summer session.

2.8.1

Full-time visiting faculty are entitled to remission of tuition for themselves and at fifty percent (50%) for their dependents at the University of Miami and are eligible for participation in the group insurance plans but not in the retirement plan.

2.8.2

Adjunct faculty and Instructors who are both full-time and salaried by the University are entitled to participate in the insurance and retirement programs. Associated Faculty who teach more than nine hours in any calendar year are considered full-time.

2.8.3

All members of the University Faculty are entitled to the benefits and privileges listed in the Benefits and Privileges section of this *Manual*.

VI. NEW DRAFT

9.10

Provost Actions

The Provost, as delegated by the President, makes all reappointments and promotions. [Remainder unmodified.]

VII. REVISION

3.2.2

Regular Appointments With Limited Financial Support

Regular appointments with limited financial support are limited to those regular tenured appointments in *the School of Medicine in which faculty members have their appointments continued from year to year with the University committed to providing them that salary for which the University accepts responsibility.* The dollar amount of the tenured salary is calculated by a formula established by the School Council of the School of Medicine. That amount of financial support for which the University accepts responsibility may not be decreased except in times of financial exigency.

The President of the University shall determine annually which sources of funds (and in what amounts) the School of Medicine may consider sufficiently secure to use in fulfilling the obligations associated with tenure and with limited support. In making this determination, the "U" budget shall be considered the strongest source. Other sources may include, but are not limited to, the following:

- a. Federal Education Grants
- b. Veterans Administration Medical Center
- c. Professional Income Plan
- d. Dade County (Jackson Memorial Hospital/ Public Health Trust)

Research grants and contracts are not considered sufficiently secure to warrant their use in fulfilling the obligations associated with tenure with limited financial support.

ALTERNATE REVISION:

Regular Appointments With Limited Financial Support

Regular appointments with limited financial support may be made only in the School of Medicine. "Limited financial support" defines the minimum level of salary support which the University is obligated to provide tenured members of the faculty. The dollar amount of the minimum level of salary support is calculated by a formula established by the School Council of the School of Medicine and approved by the Dean of the School of Medicine and the Provost. The amount of financial support defined by the formula may not be decreased except in times of declared financial exigency.

The President of the University shall determine annually which sources and amounts of funds the School of Medicine may consider sufficiently secure to use in fulfilling the obligations required by the formula defining limited financial support for tenured members of the faculty. In making this determination, the "U" budget of the School of Medicine shall be considered the most secure source. Other secure sources may include, but are not limited to: Veterans Administration Medical Center; Professional Income Plan; and Dade County (Jackson Memorial Hospital/ Public Health Trust). Research grants and contracts are not considered sufficiently secure to warrant their use in fulfilling the obligations associated with tenure with limited financial support.

Revisions
April 9, 1987

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Legislative Items

1. Sections 1-3, excepting 1.5, 2.1, 2.2.3, 2.6, 2.8, 3.2.2, Sections 4-6.
2. Sections 7-10, excepting 9.10.
3. Charter Amendments
4. Section 1.5
5. Sections 2.1 and 9.10
6. Sections 2.2.3 and 3.2.2
7. Section 2.6 and Charter Amendment on Graduate School
8. Section 2.8

FACULTY SENATE MEETING

March 23, 1987

Call to Order and Approval of Minutes

The meeting was called to order at 3:45 P.M. by Dr. Knoblock. It was moved, and seconded, to approve the minutes of December 15 and February 23, 1987. The motion carried. Excused absences were approved for Drs. Carmichael, DeCarbo, Fell, Forman, Greenfield, Lopez-Gottardi, McQueen, Neider, and Sowle.

Remarks by President Foote

The President announced that the re-accreditation team had completed its visit to the University. He stated that a report will be forthcoming.

Items for Discussion

Dr. Knoblock announced that the planned a luncheon with the President had proved impossible to arrange because of teaching schedules. It was agreed to arrange a meeting as early as possible for late afternoon on a Friday. The retreat scheduled for March 28 would be better attended if it were rescheduled. The Senate agreed to April 4 as the new date.

Approval of Charter Changes required for Sections 1 and 2 of Bylaw

Dr. Knoblock explained the proposed addition to Charter Section 2.1 with respect to educator faculty. It was moved by Dr. Awad, and seconded, to amend the proposed language to apply the restriction of 10% only to category 2 of the educator faculty. The motion to amend carried by a vote of 11 in favor and 8 opposed. It was moved by Dr. Zaller, seconded by Dr. Heuson, to amend the boldfaced language to add "The faculty of each school shall vote to establish positions in category two." The motion to amend carried. It was moved by Dr. Swan, and seconded, to allow the School of Law to use the title "Clinical Professor of Law", etc. The motion carried.

It was moved, and seconded, to approve the Charter amendment, Section 2.1, by deleting the current language and substituting the language as amended. The motion carried.

It was moved by Dr. Yacoub, and seconded, to strike the last sentence of 2.2 of the Charter amendments concerning joint appointments with an appropriate statement to be placed in the Bylaws. The motion carried.

It was moved by Dr. Zaller, seconded by Dr. Heuson, to delete "by rank" in paragraph 2.2 of the proposed addition. The motion carried.

It was moved, and seconded, to approve the additions and deletions as enumerated in the document. The motion was unanimously adopted.

Dr. Knoblock announced that Sections 1 and 2 of the Bylaws had been previously adopted and summarized the contents of Section 3. It was moved by Dr. Zaller, seconded by Dr. Heuson, to strike "do not attain tenure" and substitute the language "are not eligible for tenure" in paragraph 3.2.3. Discussion followed. The motion to amend the language carried.

It was agreed that the Council will draft language for paragraph 3.4 to cover the notice requirements for educator faculty in category 2. The last sentence of Section 3.6.1 was editorially amended to read "... upon consultation with the Chair." It was moved, and seconded, to approve Section 3.0 as amended. The motion carried.

It was moved, and seconded, to change "term, or affiliated appointments" in paragraph 4.2.1 to read "Research, Educator or Associated appointments". The motion to amend carried. The motion to approve Section 4.0 carried.

Section 5.0 was editorially amended to read "All members of the General Faculty ...". It was moved, and seconded, to approve Sections 5 and 6. The motion carried.

Sections 7 and 8 were adopted on the first reading.

The Chairman explained Section 9.0, paragraphs 9.1 through 9.10. Discussion followed. It was moved, and seconded, to add "Senate Council" following "...the Chair" in the last sentence of paragraph 9.6.3. The motion carried.

Editorial

The academic recognition of clinician teachers

In our university medical centers, medical education, patient care, and research are all integral, collective responsibilities of the faculty, the complexity and scope of whose mission has increased at an almost logarithmic rate, in large measure driven by the progress in medical science. Fifty years ago, at the end of World War II, when the process of rapid change was just beginning, clinical departments, tiny by today's standards, included a high proportion of physicians adept at teaching, patient care, and research. Those of us who were beginning our careers in that period remember these "triple-threat" physicians as role models, but now, for all intents and purposes, they are an extinct species. There are among us individuals who are skillful teachers and clinicians as well as those who are skillful teachers and researchers, but few who are able to be clinicians and researchers at the same time, and even fewer, if any, who can be all three. Modern biomedical research is too sophisticated and too time consuming to be conducted effectively by those who are expected to respond to the unexpected and unpredictable demands of patient care. That is not to say that gifted physician scientists cannot contribute to clinical education and patient care, but they inevitably must do so to a limited degree. Similarly, those who devote the majority of their time to teaching and patient care cannot compete as "bench" researchers.

The size of today's clinical departments reflects the demanding character of tertiary care, with its multiple forms of technology. The increasing load of outpatient services necessitates large numbers of clinically oriented faculty members, who must generate the income needed to finance both departmental activities as well as the educational programs of the medical school.

How then can all of the necessary faculty components be brought together and sustained when in many medical schools clinician teachers

often are only offered what are in essence "second-class" academic titles? Appointments, and especially promotions, are usually awarded on the basis of research productivity, and in many medical schools, research means "bench" research. Admittedly, it is easier for academic appointment and promotion committees to evaluate a researcher's publications of laboratory studies by utilizing generally accepted standards, for example, publication in refereed journals and evaluations by peers in other institutions, than to measure a candidate's clinical and teaching skills. The latter requires much more in the way of subjective appraisal and by and large must be done within the institution. Yet, it is usually possible, on the basis of student and house officer opinions, to identify able teacher-clinicians, whose peers often emphasize their respect by their pattern of referrals and by their own selection of such physicians for personal care for themselves and their families.

Why then are many universities reluctant to appoint clinician teachers in the conventional academic line? One major factor is tenure, which traditionally is awarded only to those with exemplary research records. As noted, however, the standards of measurement are not applicable to the same degree for clinician teachers. It is this difference that has led a number of institutions to establish nontenure tracks, with term appointments, usually of five years' duration. Often the academic title includes the designation "clinical," differentiated in some way from the title accorded voluntary faculty members.

For many in the clinical fields, lack of tenure is not a material consideration, as able clinicians do have the option of leaving academia for practice. Yet, some individuals inevitably believe that their self-esteem depends on being on a tenure track.

Almost thirty-five years ago, the late Vernon Lippard, then dean of the Yale University Medical School,

titled his presidential address to the Association of American Medical Colleges "The Medical School — Janus of the University."¹ His title took note of the medical school's unique role in the university: namely, a conventional part having to do with teaching and scholarship, and another part generated by the school's inevitable relationship to the external community through its patient-care obligations. The cognate graduate schools in law, business, engineering, et cetera, do not have a similar service role. In the years since Dr. Lippard addressed this topic, the size and scope of the medical school-community interface has grown substantially, and, as noted above, it is this growth that has accentuated the problem of maintaining in the university medical school a coterie of highly competent, patient care-oriented physicians primarily concerned with teaching and the care of the sick.

The problem is one that will continue to face us and may well increase in magnitude. Short of redesigning academic medical centers so that they become research institutes grouped around large patient care facilities staffed primarily by clinician teachers, an arrangement in some ways more like many British medical schools, the universities will have to make the role of clinician teacher in our existing centers an attractive one, not one that smacks of second-class citizenship. My sense is that the key issues are now being addressed in many institutions. It is likely that somewhat different solutions will be developed in different settings, but the well-being of the university medical center and its ability to meet the challenge resulting from progress in medical science is in a major way at stake.

Robert J. Glaser, M.D.
Editor

Reference

1. Lippard, VW: The medical school — Janus of the university. *J Med Educ* 30:698-706, 1955.

Honorary members elected to Alpha Omega Alpha

The constitution of Alpha Omega Alpha Honor Medical Society authorizes the board of directors of the society to "elect physicians or others to honorary membership who have attained national or international recognition in teaching or research, or in leadership roles which are pertinent to medicine and who are not

eligible for election through any other means." In accordance with the foregoing constitutional provision, the board, at its meeting on October 7, 1988, elected Sir Walter F. Bodmer, Dr. Daniel E. Koshland, Jr., and Sir David John Weatherall as honorary members.

The nominations were recom-

mended to the board by a committee made up of William B. Deal, M.D., chairman, Robert M. Filler, M.D., and Faith Fitzgerald, M.D.

Pictures and brief biographical notations of the three new honorary members appear on this page. Each enjoys an enviable reputation for his contributions to medicine.



Dr. Daniel E. Koshland, Jr., professor of biochemistry at the University of California, Berkeley, and editor of *Science*, received his undergraduate degree from the University of California in 1941. After graduation from college, he spent five years as a group leader in the Manhattan Project and then entered the graduate program at the University of Chicago, from which he received his Ph.D. in 1949. For the next two years, he pursued postdoctoral training at Harvard University and was then on the staff of the Brookhaven National Laboratory from 1951 until 1965, when he became professor of biochemistry at Berkeley.

Dr. Koshland's contributions to biochemistry have marked him as one of the most imaginative and productive basic scientists, not only in this country but in the world. He has received honorary degrees from the Weizmann Institute and from Carnegie Mellon and Simon Frazer Universities, is a member of both the National Academy of Sciences and the American Academy of Arts and Sciences, and holds an honorary membership on the Royal Swedish Academy of Sciences.

Dr. Koshland has been invited to deliver a large number of prestigious lectures and has received various prizes recognizing his scientific achievements. He has been an effective spokesman in behalf of education and science, and as the editor of *Science*, he has enhanced the prestigious stature of that publication.



Sir David John Weatherall, Nuffield Professor of Clinical Medicine at the University of Oxford and honorary consultant physician to the Oxfordshire District Health Authority, is honorary director of both the Medical Research Council Molecular Haematology Unit and the Institute for Molecular Medicine at Oxford. A graduate with honors from the University of Liverpool, he is a fellow of the Royal Society, holds fellowship in both the Royal College of Physicians of London and of Edinburgh, and was elected to the Association of American Physicians.

Sir David has received honorary degrees from the Universities of Manchester and Leeds, has delivered numerous prestigious named lectureships, and has been a visiting professor at a number of institutions in the United Kingdom and the United States. He has also received the Stratton Award and Medal of the International Society of Haematology, the Carter Medal of the Clinical Genetics Society, and the Edwin Stevens Medal from the Royal Society of Medicine.

Sir David is a world authority in the field of hematology with a special interest in normal and abnormal hemoglobins. His investigative work has addressed both fundamental problems at the molecular level as well as those of clinical significance, and his laboratories at the John Radcliffe Hospital in Oxford have attracted an outstanding group of colleagues. As the Nuffield Professor, he also is active as a teacher of medical students and postdoctoral trainees.



Sir Walter F. Bodmer is director of research, the Imperial Cancer Research Fund, in London. A distinguished geneticist, Sir Walter received his B.A. degree in 1956 and his Ph.D. degree in 1959, both from Cambridge University. In 1961, he came to the United States as a visiting assistant professor in the Department of Genetics at Stanford University, rising rapidly to the rank of professor. In 1970, he returned to the United Kingdom as professor of genetics at Oxford University, where he remained until 1979, when he assumed his present post.

Dr. Bodmer's contributions to the field of genetics have been consistently major ones. He is especially known for his work on histocompatibility loci and antigens, a field that he has systematically and effectively explored. In addition, Dr. Bodmer has demonstrated keen interest in relating basic science to clinical problems, and to this end he has collaborated with clinical colleagues in well-designed studies of import to diagnosis and treatment of malignancy.

Sir Walter has received a multitude of honors, including election to the Royal Society, the National Academy of Sciences (Foreign Associate), and the American Academy of Arts and Sciences (Foreign Honorary Member). He is the recipient of honorary degrees from the Universities of Bologna, Bath, and Oxford, and honorary fellowships in the Royal College of Physicians and Royal College of Surgeons of England.

**Faculty Senate Action #87014
Class B Legislation**

**[Legislation to replace Faculty Senate Legislation #87004 and to Amend Sections of
Faculty Senate Legislation #87001(B) and #87003(A)]**

I. REPLACEMENT FOR LEGISLATION #87004(B)

**1.5
Educator Faculty**

1.5.1

The Educator Faculty shall consist of four categories of appointments:

1) those clinicians who serve in the clinical programs of the University, and whose title consists of a rank followed by a discipline prefixed by "Clinical" (e.g., Professor of Clinical Surgery, Professor of Clinical Nursing) or, in the School of Law, of a rank and discipline prefixed by "Clinical" (e.g., Clinical Professor of Law);

2) those faculty whose major function is to serve in teaching and educational support programs and who hold the rank of Educator Professor, Educator Associate Professor, or Educator Assistant Professor;

3) those faculty serving in the libraries of the University and who hold the rank of Library Assistant Professor, Library Associate Professor, and Library Professor; and

4) Lecturers.

1.5.2

All Educator Faculty shall be subject to Annual Reviews as provided for in Sections 9.3 and 9.5 of these Bylaws and to Special Reviews as provided below:

a) for one year contracts not later than three months before the end of the contract;

b) for two year contracts not later than the end of the first year of the contract;

c) for three year contracts not later than the end of the second year of the contract.

There shall be a Special Review any time promotion of a member of the Educator Faculty to the rank of Professor or Associate Professor is considered.

1.5.3

If, as a result of a Special Review, it is determined not to reappoint or not to renew the contract of a faculty member, the following provisions for notice shall be observed:

a) During the probationary period, notice of three months plus one month for each year of service;

b) During the final year and after expiration of the probationary period, notice of one full year;

c) For Educator Faculty holding category three appointments, after the award of a long-term contract, notice of one year plus one month for each year of service up to a limit of two years.

The probationary period for Educator Faculty in categories one, two and three is defined as six years, or promotion to the rank of Educator Professor, or, in the case of category three appointments, the award of a long-term contract.

1.5.4

The standards and procedures for the Special Reviews required by paragraph 1.5.2 above shall be developed as follows:

a) The Director of Libraries and the Dean of each affected School shall each separately submit to the Faculty Senate for its approval a proposed set of standards and procedures for carrying out Special Reviews of Educator Faculty appointed, in the case of the Director's proposals, to the Richter Library and in the case of each Dean's proposals, to their School.

b) These procedures shall approximate, as closely as possible, those established in Sections 9.6 through 9.8.4 of these Bylaws and the standards proposed shall be appropriate to the role played by Educator Faculty in each affected School.

c) Upon approval of the proposed standards and procedures by the Faculty Senate, they shall be submitted to the President for final approval. Any amendment to these approved standards and procedures shall be made in the same manner.

1.5.5

Educator Faculty shall not hold tenured or tenure-earning appointments. Faculty with educator appointments may request to be considered for appointment to the Regular Faculty of the University under the provisions of section 1.8 of this Bylaw.

1.5.6

Educator Faculty in category one holding appointments in the School of Medicine are subject to a salary ceiling.

1.5.7

Positions in category two may be established in a school by vote of the faculty of that school. The number of such educator faculty in a school shall be limited to ten percent of the regular faculty in that school. Upon recommendation of the faculty of the school a higher limit for a particular school may be established by a special Bylaw to the *Faculty Charter*.

1.5.8

Educator Faculty in category three in Richter Library shall not exceed forty-five percent (45%) of the University Faculty in Richter Library. Educator faculty in category three in all libraries of the University shall be subject to the following special provisions:

a) All Educator Faculty shall be awarded one of the following types of contract:

i) Probationary contracts for a term of one, two or three years. The probationary period for Educator Faculty before the award of a long-term contract shall not exceed six years. Persons with appropriate experience at comparable institutions may be awarded up to three years credit toward the probationary period by the Provost following a recommendation of the Dean upon consultation with the Regular Faculty. Persons granted credit for prior service under this section shall have their probationary period appropriately reduced, but in no case shall a probationary period of less than three years be established.

ii) A long-term contract for a term of five years. A long-term contract shall be awarded no later than completion of the probationary period, unless a decision is made not to reappoint. If in any year prior to the expiration of the probationary period, consideration is given to awarding long-term contract and the decision is against doing so, that decision shall not prejudice renewal of any probationary contract. Persons with appropriate experience may be awarded a long-term contract at the time of initial appointment.

b) In addition to the special reviews in section 1.5.2 above, there shall be a special review:

i) in the fourth year of a long-term contract to determine whether that contract shall be renewed;

ii) to determine whether a member of the Educator Faculty under a probationary contract shall be awarded a long-term contract before expiration of the probationary period.

1.5.9

Appointment as a Lecturer may be held for no more than three years after which it must be terminated or changed to a category two Educator appointment.

1.8

Change of Type of Faculty Appointment

1.8.1

Any member of the Research or Educator faculty may initiate a request to be considered for appointment to the Regular Faculty of the University. The decision on that request must be made in accordance with the standards and procedures applicable to initial appointment to the Regular Faculty as set forth in the *Faculty*

Charter and these Bylaws, including Sections 6 and 8. If the requested appointment to the Regular faculty is made, but without an immediate grant of tenure, the period served as a member of the Research or Educator faculty may, if requested by the faculty member and approved by the President, be credited toward the probationary period for Regular Faculty appointments as provided in Sections 3.6 and 3.6.1 of these Bylaws.

1.8.2

Any member of the Regular Faculty of the University, during their probationary period as defined in Section 3.6 of these Bylaws, may initiate a request to be considered for appointment to the Research or Educator Faculty. The decision on that request shall be made by the President upon recommendation of the Regular Faculty of the department and the Dean of the School.

1.8.3

Members of the Regular Faculty who have become members of the Research or Educator Faculty under the provisions of Section 1.8.2 may not subsequently be appointed to the Regular Faculty except as a tenured Professor.

II. AMENDMENT TO FACULTY SENATE LEGISLATION #87001

[**Boldface** indicates additions to the language.]

2.5.2

The term "Adjunct" is prefixed to the title of persons who collaborate in some special way in the academic work of the University. **Persons holding adjunct titles may not teach more than eight credit hours in an academic year at the University.**

III. AMENDMENT TO FACULTY SENATE LEGISLATION #87003

[**Boldface** indicates additions to the language.]

Charter Section 2.1

The Educator Faculty shall consist of **four** categories of appointments:

1) those clinicians who serve in the clinical programs of the University, and whose title consists of a rank followed by a discipline prefixed by "Clinical" (e.g., Professor of Clinical Surgery, Professor of Clinical Nursing) or, in the School of Law, of a rank and discipline prefixed by "Clinical" (e.g., Clinical Professor of Law);

2) those faculty whose major function is to serve in teaching and educational support programs and who hold the rank of Educator Professor, Educator Associate Professor, or Educator Assistant Professor;

3) those faculty serving in the libraries of the University and who hold the rank of Library Assistant Professor, Library Associate Professor, and Library Professor; and

4) Lecturers.

Educator Faculty shall not hold tenured or tenure-earning appointments. The Regular Faculty of each school shall vote to establish positions in category two in that School. The number of Educator Faculty in a school shall be limited to ten percent of the regular faculty in that school. Upon recommendation of the faculty of the school a higher limit for a particular school may be established by a special Bylaw to the *Faculty Charter*.

IV. SPECIAL PROVISIONS

No later than May, 1990, all librarians in the University, not members of the Regular Faculty, who are eligible and qualified to become Educator Faculty shall be appointed to that Faculty upon expiration of their existing contracts. Each such person may, at that time, elect to receive credit for prior service in determining the length of their probationary period. Any such person who has served six or more years shall automatically be awarded a long-term contract.

Within six months of the effective date of the Bylaw on Faculty Appointment, Promotion and Tenure, the Director of Libraries and the Dean of each affected School shall each separately submit to the Faculty Senate for its approval a proposed set of standards and procedures for carrying out Special Reviews of Educator Faculty as provided in sections 1.5.2 and 1.5.3 of the Bylaw.

MEMORANDUM

TO: President Edward T. Foote II

FROM: Dr. John Knoblock
Chairman, Faculty Senate

DATE: December 8, 1987

SUBJECT: Faculty Senate Legislation #87014(B) -
Replacement for Legislation #87004(B) - Educator Faculty

The Faculty Senate, at its meeting of November 30, voted to approve Faculty Senate Legislation #87014(B). The text of the legislation is attached.

This legislation is now forwarded to you for your action.

JK/b

Attachment

cc: Provost Luis Glaser

Proposed New Section 1.5 of By-Laws
(Draft of October 4, 1988)

Replacement for Legislation #87004(B)

1.5
Educator Faculty -- Purpose

This Section establishes a category of University Faculty known as Educator Faculty. Its purpose is to extend to all persons in that category recognition for the important role they play in carrying forward the University's academic mission and to assure regularity and fairness in the standards and procedures governing their appointment, reappointment, promotion and termination. Educator Faculty are not only expected to perform their work with competence, but continually to improve their performance, stay abreast of the latest learning relevant to their tasks, engage with their colleagues in that intellectual dialogue that is of the essence of the University and to join fully in a broader commitment to enhancing the academic quality and reputation of the institution.

1.5.1
Categories of Educator Faculty

Educator Faculty shall consist of four categories of appointments:

- 1) Faculty serving in the clinical programs of the University whose title consists of a rank followed by a discipline prefixed by "Clinical" (e.g. Professor of Clinical Surgery, Professor of Clinical Nursing) or, in the School of Law, of a rank and discipline prefixed by "Clinical" (e.g. Clinical Professor of Law);
- 2) Faculty whose major function is to serve in teaching and educational support programs and who hold the rank of Educator Professor, Educator Associate Professor or Educator Assistant Professor;
- 3) Faculty serving in the libraries of the University who hold the rank of Library Professor, Library Associate Professor or Library Assistant Professor;
- 4) Lecturers

1.5.2
Conditions and Limitations

No Educator Faculty may be appointed in any School unless the Regular Faculty of the School shall have voted to authorize the making of such appointments. This authorization may designate the departments in which the appointments are to be made and the number of such appointments in each department.

The number of category two Educator Faculty appointed in any School shall not exceed a number equal to ten percent (10%) of the Regular Faculty of that School. The number of category three Educator Faculty appointed in the Richter Library shall not exceed a number equal to forty-five percent (45%) of the University Faculty in Richter Library. A higher limit may be established for a particular

School or for the Richter Library by a special By-Law to the Faculty Charter enacted upon the recommendation of the Regular Faculty of that School, or, with respect to Richter Library, the University Faculty in that Library.

Educator Faculty shall not hold tenured or tenure earning appointments. Faculty with Educator appointments, however, may request to be considered for appointment to the Regular Faculty of the University under the provisions of Section 1.8 of this By-Law.

All Educator Faculty shall be subject to Annual Reviews as provided for in Sections 9.3 and 9.5 of these By-laws and to a Special Review any time promotion to the rank of Professor or Associate Professor is considered.

Educator Faculty holding appointments in the School of Medicine shall be subject to a salary ceiling.

1.5.3 Clinical Faculty and Lecturers -- Term of Appointment

Educator Faculty in categories one (Clinical) and four (Lecturers), except in the Law School, shall be awarded a renewable one year contract. In Schools having category two Educator Faculty, however, no person may be appointed to and hold the rank of Lecturer for more than three years, after which the appointment must either be terminated or changed to a category two Educator Faculty appointment.

Notice of a decision not to renew a contract awarded under this Section must be given three months prior to the expiration of that contract, otherwise the contract will be deemed renewed for the ensuing year.

1.5.4 Category Two and Library Faculty -- Probationary Period

During the probationary period defined below, Educator Faculty in categories two (Teaching) and three (Library) and in category one in the Law School (Clinical), shall be awarded an initial one year contract. Thereafter such faculty may be awarded a two year contract followed by a three year contract. Under special circumstances a faculty member may be awarded an additional one year contract to be followed by one or more two year contracts or a three year contract, as appropriate. The decision to award an additional probationary contract shall be preceded by a Special Review.

If an Educator Faculty is not to be awarded an additional probationary contract, the following provisions for notice shall be observed:

- a) For a decision not to award an additional one-year or a two-year contract, at least three months' notice;
- b) For a decision not to award a three-year contract, at least six months' notice.

No justification for a decision by the University not to award an additional probationary contract need be communicated to the faculty member concerned. All

such decisions, however, shall be based solely upon the considerations set-forth in Section 1.5.8(b) below.

The probationary period shall be six years commencing with the September in which the initial appointment is made or, if made in any other month, commencing with the first September following the date of appointment. Persons with appropriate experience at other comparable institutions, however, may be awarded up to three years credit toward the probationary period by the President following a recommendation by the Dean made in consultation with the Chair. During the first year of appointment a faculty member may waive credit for applicable prior service at another institution.

1.5.5

Category Two and Library Faculty: -- Regular Contracts

Upon completion of the probationary period, category two (Teaching) and category three (Library) Educator Faculty and category one Educator Faculty in the Law School (Clinical), may be awarded an indefinite term contract subject to termination as provided in Sections 1.5.6 and 1.5.7 below. The decision to award such a contract shall be made only upon completion of a Special Review conducted during the last year of the faculty member's probationary period.

Notwithstanding the requirement for a probationary period, a person whose record of achievement and experience merit such action may, at the time of initial appointment to any category of Educator Faculty eligible to receive such contracts, be awarded an indefinite term contract.

If it is decided not to award an indefinite term contract following the probationary period, notice of the decision shall be given on or before expiration of the faculty member's current contract and that member's appointment shall terminate at the end of the ensuing academic year.

1.5.6

Termination For Unsatisfactory Performance

If, during the course of any contract, there is evidence of unsatisfactory performance by a member of any category of Educator Faculty, a Special Review may be initiated by the voting faculty, the Chair or the Dean to determine whether the faculty member's contract shall be terminated. A decision to terminate a contract shall be effective as follows:

a) For any probationary or one-year contract, six months following notice of termination.

b) For any indefinite term contract, one year following notice of termination.

c) For any contract where the reason for termination raises a threat of immediate serious injury to the University, as specified in the notice of termination.

1.5.7
Termination of Contracts Because of Changed Needs

The contract of any Educator Faculty may be terminated at any time or the award of an additional probationary contract may be withheld, if it is determined, in accordance with the following procedures, that because of changes in the demand for, or in the organization or content of, the academic program or activity to which the faculty member is assigned, the member's services are no longer needed. Such a determination may be made only after consultations with the appropriate faculty, the chair and the dean and between the Provost and the Council of the Faculty Senate. In their consultations the Provost and Council shall explore fully all the equities of the situation and shall consider all alternatives to action under this Section in order to best serve the interests of both the University and the faculty member involved. Consultations with the appropriate faculty shall require a vote thereof.

If it is decided to terminate or otherwise discontinue the services of an Educator Faculty member under the authority of this Section, notice of the decision shall be given before the end of the academic year in which it was made and shall take effect at the end of the ensuing academic year.

1.5.8
Considerations Governing the Award, Renewal and Termination of Contracts

Except as provided in Section 1.5.7 above, all decisions on whether to award, renew or terminate Educator Faculty contracts shall be made as follows:

a) The decision to make an initial appointment to the Educator Faculty shall be made in accordance with the procedures set-forth in Sections 8.1 through 8.3 of these By-Laws.

b) The decision to (i) renew a one-year contract under Section 1.5.3, (ii) to award an additional probationary contract under Section 1.5.4, (iii) to award an indefinite term contract under Section 1.5.5, or (iv) to terminate a contract because of unsatisfactory performance under Section 1.5.6, shall be made in accord with the procedures, standards and criteria governing the Special Reviews established under Section 1.5.9 below.

1.5.9
Standards and Procedures for Special Reviews

The standards and procedures for Special Reviews of Educator Faculty shall be developed as follows:

a) Upon the approval of the Regular Faculty of each School with Educator Faculty, the Dean of the School (or the Director of Libraries) shall submit to the Faculty Senate for its approval a proposed set of standards and criteria and a proposed set of procedures to govern all Special Reviews of Educator Faculty appointed, in the case of each Dean's proposals, to their School and, in the case of the Director's proposals, to the Richter Library.

b) The procedures proposed shall approximate as closely as possible the procedures established in Sections 9.6 through 9.10 of these By-Laws and the standards and criteria proposed shall be appropriate to the role played by Educator Faculty in the School or Library and to the purpose of the Special Review: promotion, award of probationary contracts, award of indefinite term contracts, contract renewals or the termination of contracts because of unsatisfactory performance.

c) Upon approval of the proposed standards and procedures by the Faculty Senate, they shall be submitted to the President for final approval. Any amendment to the approved standards and procedures shall be made in the manner of their initial adoption as specified above.

Proposed New Section 1.5 of Bylaws
(Draft of June 15, Rev.)

Replacement for Legislation #87004(B)

1.5

This section establishes a category of University Faculty known as Educator Faculty, for the purpose of extending to all persons in that category recognition for the important role they play in carrying forward the University's academic mission and of assuring regularity and fairness in the standards and procedures governing their appointment, reappointment, and promotion. Educator Faculty are expected to stay abreast of the latest learning relevant to their tasks, to engage with their colleagues in the intellectual dialogue that is of the essence of the University, and to join in the broader commitment of the faculty to enhancing the academic quality and reputation of the institution.

1.5.1

Categories of Educator Faculty

Educator Faculty shall consist of four categories of appointments:

- 1) Faculty serving in the clinical programs of the University whose title consists of a rank followed by a discipline prefixed by "Clinical" (e.g. Professor of Clinical Surgery, Professor of Clinical Nursing) or, in the School of Law, of a rank and discipline prefixed by "Clinical" (e.g. Clinical Professor of Law);
- 2) Faculty whose major function is to serve in teaching and educational support programs and who hold the rank of Educator Professor, Educator Associate Professor or Educator Assistant Professor;
- 3) Faculty serving in the libraries of the University who hold the rank of Library Professor, Library Associate Professor or Library Assistant Professor;
- 4) Lecturers

1.5.2

Conditions and Limitations

No Educator Faculty may be appointed in any School unless the Regular Faculty of the School shall have voted to authorize the making of such appointments. This authorization may designate the departments in which the appointments are to be made and the number of such appointments in each department.

The number of category two Educator Faculty appointed in any School shall not exceed ten percent (10%) of the Regular Faculty of that School. The number of category three Educator Faculty appointed in the Richter Library shall not exceed forty-five percent (45%) of the University Faculty in Richter Library. A higher limit may be established for a particular School or for the Richter Library by a special By-Law to the Faculty Charter enacted upon the recommendation of the Regular Faculty of that School, or, with respect to Richter Library, the University Faculty in that Library.

Educator Faculty shall not hold tenured or tenure-earning appointments. Faculty with Educator appointments, however, may request to be considered for appointment to the Regular Faculty of the University under the provisions of Section 1.8 of this By-Law.

All Educator Faculty shall be subject to Annual Reviews as provided for in Sections 9.3 and 9.5 of these By-Laws and to a Special Review at any time promotion to the rank of Professor or Associate Professor is considered.

Educator Faculty holding appointments in the School of Medicine shall be subject to a salary ceiling.

1.5.3

Clinical Faculty and Lecturers -- Term of Appointment

Educator Faculty in categories one (Clinical) and four (Lecturers), except in the Law School, shall be awarded a renewable one-year contract. In Schools having category two Educator Faculty, however, no person may be appointed to and hold the rank of Lecturer for more than three years, after which the appointment must either be terminated or changed to a category two educator Faculty appointment.

Notice of a decision not to renew a contract awarded under this Section must be given three months prior to the expiration of that contract, otherwise the contract will be deemed renewed for the ensuing year.

1.5.4

Category Two and Library Faculty -- Probationary Period

During the probationary period defined below, Educator Faculty in categories two (Teaching) and three (Library) and in category one in the Law School (Clinical), shall be awarded an initial one-year contract. Thereafter such faculty may be awarded a two-year contract followed by a three-year contract. Under special circumstances a faculty member may be awarded an additional one-year contract to be followed by one or more two-year contracts or a three-year contract, as appropriate. The decision to award an additional probationary contract shall be preceded by a Special Review.

If an Educator Faculty member is not to be awarded an additional probationary contract, the following provisions for notice shall be observed:

- a) For a decision not to award an additional one-year or a two-year contract, at least three months' notice;
- b) For a decision not to award a three-year contract, at least six months' notice.

No justification for a decision by the University not to award an additional probationary contract need be communicated to the faculty member concerned. All such decisions, however, shall be based solely upon the considerations set forth in Section 1.5.8(b) below.

The probationary period shall be six years commencing with the September in which the initial appointment is made or, if made in any other month, commencing with the first September following the date of appointment. Persons with

appropriate experience at other comparable institutions, however, may be awarded up to three years credit toward the probationary period by the Provost following a recommendation by the Dean made in consultation with the chair. During the first year of appointment, a faculty member may waive credit for applicable prior service at another institution.

1.5.5

Category Two and Library Faculty: --- Regular contracts

Upon completion of the probationary period, category two (Teaching) and category three (Library) Educator Faculty and category one Educator Faculty in the Law School (Clinical), may be awarded an indefinite term contract subject to termination as provided in Sections 1.5.6 and 1.5.7 below. The decision to award such a contract shall be made only upon completion of a Special Review conducted during the last year of the faculty member's probationary period.

Notwithstanding the requirement for a probationary period, a person whose record of achievement and experience merits such action may be awarded an indefinite term contract at the time of initial appointment to any category of Educator Faculty eligible to receive such contracts.

If it is decided not to award an indefinite term contract following the probationary period, notice of the decision shall be given on or before expiration of the faculty member's current contract and that member's appointment shall terminate at the end of the ensuing academic year.

1.5.6

Termination For Unsatisfactory Performance

If, during the course of any contract, there is evidence of unsatisfactory performance by a member of any category of Educator Faculty, a Special Review may be initiated by the voting faculty, the Chair or the Dean to determine whether the faculty member's contract shall be terminated. A decision to terminate a contract shall be effective as follows:

a) For any probationary or one-year contract, six months following notice of termination.

b) For any indefinite term contract, one year following notice of termination.

c) For any contract where the reason for termination raises a threat of immediate serious harm to the University, effective as specified in the notice of termination.

1.5.7

Termination of Contracts Because of Changed Needs

Any Educator Faculty contract may be terminated or the award of an additional probationary contract may be withheld if it is determined that because of changes in the demand for, or in the organization or content of, the academic program or activity to which the faculty member is assigned, the member's services are no longer needed. Such a determination shall be made only after consultations with the appropriate faculty, chair and dean and between the Provost and the

Council of the Faculty Senate, In their consultations the Provost and Council shall explore fully all the facts and equities of the situation and shall consider all alternatives in order to best serve the interests of both the University and the Faculty member involved. Consultations with the appropriate faculty shall require a vote thereof.

If it is decided to terminate or otherwise discontinue the services of an Educator Faculty member under this Section, notice of the decision shall be given before the end of the academic year in which it was made and shall take effect at the end of the ensuing academic year.

1.5.8

Considerations Governing the Award, Renewal and Termination of Contracts

Except as provided in Section 1.5.7 above, all decisions on whether to award, renew or terminate Educator Faculty contracts shall be made as follows:

a) The decision to make an initial appointment to the Educator Faculty shall be made in accordance with the procedures set-forth in Sections 8.1 through 8.3 of these By-Laws.

b) The decision to (i) renew a one-year contract under Section 1.5.3, (ii) to award an additional probationary contract under Section 1.5.4, (iii) to award an indefinite term contract under Section 1.5.5, or (iv) to terminate a contract because of unsatisfactory performance under Section 1.5.6, shall be made in accord with the procedures, standards and criteria governing the Special Reviews established under Section 1.5.9 below.

1.5.9

Standards and Procedures for Special Reviews

The standards and procedures for special Review of Educator Faculty shall be developed as follows:

a) Upon the approval of the Regular Faculty of each School with Educator Faculty, the Dean of the School (or the Director of Libraries) shall submit to the Faculty Senate for its approval a proposed set of standards and criteria and a proposed set of procedures to govern all Special Reviews of Educator Faculty appointed, in the case of each Dean's proposals, to their School and, in the case of the Director's proposals, to the Richter Library.

b) The procedures proposed shall approximate as closely as possible the procedures established in Sections 9.6 through 9.10 of these By-Laws and the standards and criteria proposed shall be appropriate to the role played by Educator Faculty in the School or Library and to the purpose of the Special Review: promotion, award of probationary contracts, award of indefinite term contracts, contract renewals or the termination of contracts because of unsatisfactory performance.

c) Upon approval of the proposed standards and procedures by the Faculty Senate, they shall be submitted to the President for final approval. Any amendment to the approved standards and procedures shall be made in the manner of their initial adoption as specified above.