




National University of Health Sciences General Policies

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Date Adopted: 12/30/94	Date(s) Revised: 4/10/95
 President	<u>2-12-09</u> Date

POLICY STATEMENT

Faculty tenure policies and procedures in effect prior to December 30, 1994 were initiated during the spring of 1983. These policies and procedures remain in effect for all tenured and/or regular full-time tenure track faculty who were in the employ of National University of Health Sciences (NUHS) through December 31, 1994, unless otherwise agreed to in writing.

On November 12, 1994, at its annual meeting, the Board of Trustees passed the following resolution concerning tenure.

WHEREAS, the Board of Trustees did, in 1981, undertake a study of the need for a new tenure policy; and

WHEREAS, the Board of Trustees did on or about spring of 1983, institute a new tenure policy which remains in effect until the present time; and

WHEREAS, the total number of faculty who are tenured is now approaching fifty percent of the faculty; and

WHEREAS, it is evident that the ability of the institution to continue to sustain the financial burden which could potentially be produced by unchecked expansion of the percentage of tenured faculty members is questioned; and

WHEREAS, the Board of Trustees recognizes the positive original intent for the development of tenure and respects the need for faculty expression and academic freedom in general; and

WHEREAS, the Board of Trustees also recognizes the societal changes which have resulted in a marked increase in the willingness of members of society to litigate under any circumstance which is perceived to not be in the best interest of the individual regardless of the needs and best interest of the institution; and

WHEREAS, the President was instructed to undertake a study of mechanisms through which the underlying goals of tenure can be met while simultaneously expanding the options of the institution regarding faculty, and that the President shall present such plan to the Board of Trustees at the earliest possible opportunity; and

WHEREAS, the President established an ad hoc tenure review committee; and

WHEREAS, the ad hoc tenure review committee, by consensus, recommended a rolling three year contract in place of the current tenure system, but to be effective only on new employees after a date established by the Board.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees accepts the recommendation of the President to the Board that the recommendation of the ad hoc committee regarding a "Rolling Three Year Contract" as stated in the immediately preceding "Whereas," be adopted and that this new tenure program be referred to as "Rolling Contract Tenure." For purposes of this new policy, a "Rolling Three Year Contract" shall mean a three year employment contract which shall be reconsidered on an annual basis.

BE IT FURTHER RESOLVED that this new tenure system will include a "no cause" release clause.

PROCEDURES

The Board of Trustees has determined that this "Rolling Contract Tenure Policy" shall become effective on January 1, 1995. Therefore, all regular full-time faculty members who are employed on or after January 1, 1995, on a tenure track, shall be subject to the provisions of this policy. The procedures necessary to become eligible for "Rolling Contract Tenure" consideration shall be the same as those which are outlined as necessary for consideration for tenure in the "Tenure" section of the Faculty Handbook, and shall include the same time lines and the same rank requirements. During the first six years of probation, the faculty member's contract shall be strictly a one year term contract which must be renewed annually if the faculty member is to be retained by the University.

The University is under no compulsion to renew the faculty member's contract and there is no real or implied intent that the faculty member, who is on a tenure track will, should or must become tenured.

Any faculty member who is currently employed by the University as a part-time or temporary employee who is employed as a full time faculty member after the January 1, 1995 date and is employed on a tenure track shall be subject to the effects of this policy.

Following the initial six year probation period as outlined in the Faculty Handbook, if the faculty member is granted tenure by the Board of Trustees, the initial "Rolling Contract Tenure" contract is granted for a three year period and must be renewed annually if the faculty member is to remain employed by the University.

In the event that the University determines not to renew a contract of a tenured faculty member who is employed under the "Rolling Contract Tenure" policy, the faculty member will be so informed during the first year of the contract period. The faculty member shall then finish the remainder of the academic year.

The remainder of the contract, which shall amount to two years' salary plus benefits, shall be paid to the faculty member as severance pay and the faculty member shall cease all activity as a faculty member of the University at the end of the academic year in which notice is given or prior to that time if the University agrees to provide payout of the remainder of the faculty member's contract for that year.

In all instances, it shall be the decision of the University regarding the manner in which it shall choose to pay the severance pay to the faculty member, i.e. whether to pay in a lump sum or in divided amounts. When the University invokes the "no cause" clause, the faculty employment by the University ceases regardless of the method of payout that is chosen by the University.

Faculty members under the tenure policies and procedures in effect as of December 30, 1994, may request transfer to be under the rolling contract tenure policy. This request must be written, signed by the faculty member, and dated. The requests that are approved will become effective with the succeeding contract that is issued by the University.