



THE UNIVERSITY OF
TOLEDO
1872

Faculty Rules and Regulations

For faculty not bound by a Collective Bargaining Agreement

College of Medicine and Life Sciences

College of Health Sciences

Approved by the Board of Trustees
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ARTICLE I

Faculty of The University of Toledo who reside in the College of Medicine and Life Sciences and in the College of Health Sciences not bound by a collective bargaining agreement.

A. Faculty Membership

The University of Toledo College of Medicine & Life Sciences and the College of Health Sciences faculty consist of Professors, Associate Professors, Assistant Professors, and Instructors who are not bound by a collective bargaining agreement ("Faculty"). The Provost is the presiding officer of the Faculty, subject to the direction and order of the President. The Health Science Campus of The University of Toledo may be referred to as "HSC" or "UT HSC" in these Rules and Regulations.

College deans and department chairs who are Faculty in the Colleges of Pharmacy, Nursing, and Health Sciences who were hired as faculty bound by a faculty collective bargaining agreement, but who were later appointed to the position of chair are exempted from these rules and will continue to be bound by the rules applicable to faculty of the main campus unless amended by a subsequent singular action of the Board of Trustees.

B. Ethical Standards of the Faculty

The Faculty subscribes to ethical values consistent with the highest levels of professional integrity. The Faculty will be governed by the highest standards of academic and professional conduct. These standards include but are not limited to:

1. Practicing and fostering honest academic and professional conduct,
2. Encouraging free pursuit of learning,
3. Acknowledging significant academic, scholarly and professional contributions from colleagues and staff,
4. Respecting the free inquiry of individuals in the academic environment,
5. Accepting a personal share of responsibility for institutional governance,
6. Fully honoring the terms of appointments; and
7. Avoiding exploitation, harassment or discriminatory treatment of individuals in the academic environment.

C. Academic Freedom of the Faculty

1. The Faculty subscribes to principles of academic freedom and tenure. All members of the Faculty will have freedom to teach and seek the truth, will have security of position after a reasonable period of probation, will have income commensurate with professional attainments and will have assurance of an explicit contract.
2. In speaking or writing, the Faculty will be responsible and accurate, and will indicate that they speak as individuals unless authorized to do otherwise. As scholars and educators, Faculty members should remember that the public may judge their profession and the institution by their public statements.

3. The mission of The University of Toledo is to improve the human condition; to advance knowledge through excellence in learning, discovery and engagement; and to serve as a diverse, student-centered public metropolitan research university. A core value of The University is to vigorously pursue and widely share new knowledge and expand the understanding of existing knowledge. Essential to this mission and the core values are two fundamental principles: open scholarly exchange and academic freedom. To ensure that these two principles will be maintained: 1) The Faculty will not enter into or renew any grant, contract or agreement that would restrain its freedom to disclose the existence of the agreement, the identity of any sponsor of the proposed research, or the purpose and scope of the proposed research; and 2) The University of Toledo will not accept grants, contracts or agreements for research which unreasonably restrict its Faculty, staff or students from publishing or otherwise disseminating the results of the research.

D. Faculty Rights and Responsibilities

1. The rights and responsibilities of the Faculty will be consistent with the Bylaws and policies and procedures of The University of Toledo. The Faculty, through the leadership of the Dean and the administrative structure within each College, will be responsible for the educational affairs, including such fundamental areas as curriculum, subject matter and methods of instruction, learning assessment, research, the granting of degrees, honors and awards, and academic standards within that college consistent with the governance structure of that college.
2. The Faculty Committee on Rules and Regulations will continuously review and make recommendations on these Faculty Rules and Regulations of The University of Toledo, and will submit proposals for amendments to these Faculty Rules and Regulations as set forth in Article II below. The Faculty Committee on Rules and Regulations, will also review and make recommendations on policies and procedures governing Faculty such as, but not limited to, appointments, promotions, tenure, employment benefits, faculty leaves and dismissals.
3. The Faculty Committee on Rules and Regulations will consist of eight (8) elected members of the Faculty: six (6) from the College of Medicine & Life Sciences, and two (2) from the College of Health sciences. A ninth (9th) ex-officio member of the Faculty will represent the Faculty Senate. Part-time Faculty and Faculty with community-based (formerly known as volunteer), emeritus, or Prestige appointments are not eligible to serve as members of the Faculty Committee on Rules and Regulations unless rehired in a full time capacity faculty position. Faculty holding administrative positions at the rank of Chair and below can serve on the Faculty Committee on Rules & Regulations. The elections will be organized each year by the Faculty Senate. The terms are for three years and should be staggered. Members may be reelected, but may not serve more than two consecutive terms. The chair of the Faculty Committee on Rules and Regulations will be elected by the Committee annually. In the case of resignation from the Committee, the Executive Council of the Faculty Senate, in conjunction with the Chair of the Faculty Committee on Rules and Regulations will solicit and appoint a replacement from the appropriate college. The replacement will complete the term. The Faculty Committee on Rules and Regulations will report to the Provost and will periodically report on its activities to the Faculty Senate.

E. Faculty Duties and Responsibilities

1. Faculty members will endeavor to perform at the highest level of professional competence throughout the period of their appointment:
 - a. All obligations of their appointment, and
 - b. All duties established by their respective college, department and/or division.

2. Each member of the Faculty will be responsible to the Chair of the department (if applicable), and through the Chair to the Dean, to the Provost, and to the President for the faithful and efficient performance of the Faculty member's duties.
3. Professional activities conducted elsewhere:

Lectureships, training, consulting arrangements, research and other professional activities that are conducted as extramural activities are encouraged to the extent that they do not interfere with the performance of primary duties and responsibilities at The University of Toledo or impair the performance of the individual as a scholar, teacher, researcher or administrator or create a conflict of interest. Such activities will require the prior approval of the department Chair, Dean of the appropriate college, and the Provost.
4. Clinical Practice

All full-time members of the Faculty, if they are legally qualified and duly appointed, may engage in clinical practice with prior approval of their Chair or Dean and to the extent that it does not interfere with the performance of primary duties and responsibilities at The University of Toledo or impair the performance of the individual as a scholar, teacher, researcher or administrator or create a conflict of interest. In addition, Faculty may engage in clinical practice only as clinical employees of The University of Toledo, members of practice plans approved by the Board, contractors under a contract approved by The University of Toledo or under special exceptions with the prior written approval of the Chair, Dean, and the Provost, as appropriate.

F. Types of Appointments

The academic year will be twelve months (July 1 - June 30). Faculty appointments may be for less than twelve (12) months when appropriate.

1. Regular Appointments may be held only by full-time and part-time salaried members of the Faculty. Full-time Faculty members are faculty members who devote one hundred (100%) percent of their professional time and effort to official programs and approved activities of The University of Toledo, who are not residents or fellows in training, and who are designated as 1.00 FTE (Full Time Equivalent). Part-time Faculty members are faculty members who devote less than one hundred (100%) percent of their professional time and effort to official programs and approved activities of The University of Toledo, who are not residents and fellows in training, and who are designated as less than 1.00 FTE. The faculty rank and salary of each full-time and part-time Faculty member will be specified in an annual contract awarded by The University of Toledo.

Regular appointments may be with or without tenure. Appointments with tenure may be held only by full-time members of the Faculty. If appointment is with tenure, it will be renewable annually by contract unless terminated in accordance with the provisions set forth in the Faculty Rules and Regulations, Article I, Q.
2. Community-Based (formerly known as Volunteer) Appointments will be conferred on individuals who devote professional time and effort to official programs and approved activities of The University of Toledo. Community-Based Volunteer faculty appointments are renewed annually, and are without tenure or remuneration. Notification of appointment is through a letter of appointment.
3. Prestige Appointments are adjunct appointments which may be made without specified duties at no salary for the purpose of associating an individual with an academic program of a department. Such prestige appointments shall be for one (1) year or less and may be renewed.

4. Adjunct Appointments will be conferred to persons who are primarily faculty members at other universities or employees of other institutions and at the same time contribute regularly to the teaching, research or clinical programs of The University of Toledo. Adjunct appointments are without tenure, may be with or without remuneration and will not exceed 50% of the individual's professional time. Notification will be specified in a letter of appointment or, if remunerated, in a contract.
5. Visiting Appointments will be conferred to part-time or full-time faculty, employed on a temporary basis, holding the restricted rank of Visiting Instructor, Visiting Assistant Professor, Visiting Associate Professor or Visiting Professor. Such appointments are for one year or less and may be renewed. Visiting appointments are without tenure and may be with or without remuneration. Notification will be specified in a letter of appointment or, if remunerated, in a contract.
6. Joint Appointments will be conferred to Faculty members who provide service that is mutually beneficial to the respective departments/colleges. One department/college will be designated the primary department/college for matters of rank, tenure and remuneration.

G. Faculty Rank

1. Each college will establish policies for Faculty rank and tenure and non-tenure tracks (see Article I, Section A) for Regular Appointments, Volunteer Appointments, Adjunct Appointments and Visiting Appointments. A Faculty member with an initial appointment in the tenure or the non-tenure track may switch tracks once pending approval by the Dean of that college. College policies related to Faculty rank and tenure must be approved by the Dean of that college and also the Provost. Faculty ranks and descriptions may be found in each college's Faculty Handbook.
2. Tenured track appointments at the faculty rank of Assistant Professor may be renewed annually for a total period not exceeding seven (7) years unless terminated earlier in accordance with the Faculty Rules and Regulations, Article I, Section Q. Faculty members hired in a non-tenure track who switch to the tenure track will have seven (7) years to be promoted as indicated above, starting from the day they switched to the tenure eligible track. During the sixth (6th) year after attaining the rank of Assistant Professor, the department Chair (if applicable) or Dean will evaluate the Faculty member regarding eligibility for promotion to Associate Professor or for reappointment.

A recommendation for promotion will be in accordance with Faculty Rules and Regulations, Article I, Section H. No later than June 30 of the sixth (6th) year at the rank of Assistant Professor, the Faculty member must be promoted to Associate Professor or be notified in writing by the Dean that the contract will not be renewed beyond June 30 of the seventh (7th) year. Subject to written request by the Chair (if applicable) or the Dean, and approval by the Provost, this promotion or termination may be extended annually for a maximum of three (3) additional years.

H. Methods of Appointment or Promotion

Any eligible member of the Faculty may be considered for promotion. An application for promotion may be initiated by the candidate, by the department Chair or by the Dean of the college in which the Faculty member has the primary appointment, as determined by policies of each college. No appointment or promotion may be granted except as provided by this Section.

1. Appointment or promotion of any member of the Faculty to the rank of Professor or Associate Professor will occur only after the following:

- a. The department Chair will forward the application to the Dean of the college for review.
 - b. The Dean of the college will review each application. If the appropriate faculty rank has been requested and all of the required documents and other supporting materials are present and complete, the application will then be submitted to the Committee on Appointments and Promotion of that college for review.
 - c. The Committee on Appointments and Promotion will submit a written report and recommendation on the application to the Dean of the appropriate college.
 - d. The Dean will then submit a written recommendation to the Provost for review and recommendation. Recommendations for appointment must include a current curriculum vitae and evidence that the candidate has earned degrees appropriate for his or her faculty responsibilities. Evidence may include, but is not limited to, transcripts certified as original copies, or other forms of certified verification from the institution that has conferred the candidate's highest degree(s). Documents, which are in a language other than English, must include a certified translation into English.
 - e. The written recommendation of the Provost to the President will be forwarded to The University's Board of Trustees ("Board") for final action.
 - f. A decision not to proceed with a recommendation for promotion will be communicated by the Provost to the nominating Dean and the candidate.
2. Appointment or promotion of any Faculty member to the rank of Assistant Professor, or Instructor will occur only after the following:
- a. The department Chair will forward the application with a written recommendation to the Dean of the college for review.
 - b. The Dean will review the application and recommendation. If approved, the Dean will submit a written recommendation to the Provost for review and recommendation. Recommendations for appointment must include a current curriculum vitae and evidence that the candidate has earned degrees appropriate for his or her Faculty responsibilities. Evidence may include, but is not limited to, transcripts certified as original copies, or other forms of certified verification from the institution that has conferred the candidate's highest degree(s). Documents, which are in a language other than English, must include a certified translation into English.
 - c. When in favor of promotion, the written recommendation of the Provost to the President will be forwarded to the Board for final action.
 - d. A decision not to proceed with a recommendation for promotion will be communicated by the Provost to the nominating Dean and the candidate.

I. Faculty Tenure

The University of Toledo only awards tenure through specific action of the Board. Tenure cannot be awarded by the constituent colleges, departments, programs or individuals.

1. Definition of Tenure

Tenure of a Faculty member is a commitment by The University of Toledo to ensure academic freedom and continuous employment of such Faculty in meeting the goals, needs and objectives of the institution.

2. Eligibility for Tenure

Only full-time members of the Faculty holding regular appointments as Professor or Associate Professor in tenure eligible tracks may be considered for tenure. Tenure is awarded to a qualified Faculty member based on the Faculty member's projected contributions to the goals, needs and objectives of The University of Toledo and its constituent colleges, departments and programs. The candidate for tenure must:

- (a) demonstrate continuing abilities to maintain the responsibilities and duties commensurate with their current faculty rank and provide evidence of continuing career development;
- (b) actively and innovatively contribute to the development of The University of Toledo;
- (c) demonstrate competence in all areas of academic accomplishment; and
- (d) show excellence in at least two (2) of the following areas of endeavor:
 - (1) teaching,
 - (2) scholarly activity including research and
 - (3) service (clinical, national, professional, community and/or administrative).

There is no requirement for Faculty to be nominated or apply for tenure at The University of Toledo.

3. Procedure of the Awarding of Tenure

Any eligible member of the Faculty may be considered for tenure. An application for tenure may be initiated by the candidate, by the Chair of the department or by the Dean of the college in which the faculty member has a primary appointment. After review by the appropriate committee(s) of the Faculty of the college in which the candidate has the primary appointment and with the recommendation of the Chair (where applicable) and the Dean of that college, the nomination will be forwarded to the Provost, who will upon approval forward to the President of The University of Toledo for submission to the Board for consideration and final action. Tenure is not awarded until final approval of the Board. A decision not to proceed with a recommendation for tenure to the Board will be communicated by the **Provost** to the nominating Dean and the candidate.

4. Post-Tenure Review

- a. All tenured Faculty members will continue to undergo a formal review of their contributions to education, scholarship and service, by their respective department chairs every five (5) years beginning from the Faculty member's last annual review or five (5) years from the initial granting of tenure, whichever is first. The review will include the development of mutually agreed upon goals and plans for continued career growth in addition to evaluation of performance. The specific procedures for the formal review are developed on a departmental and college basis and approved by the respective Dean.
- b. Departmental chairs are required to meet with tenured Faculty for informal (formative) annual reviews to discuss progress toward the goals and plans for career growth that were established at the formal review.

- c. Annual informal reviews or formal reviews that indicate excellence in performance will result in incentives as appropriate and as officially approved.
- d. A formal review that indicates unsatisfactory performance by a tenured Faculty member will result in the initiation of the post-tenure review process.

This post-tenure review process includes the development of a Performance Improvement Plan that describes specific goals, measurable outcomes and strategies to improve performance. More frequent (no less than annually) formal reviews will be undertaken once a post-tenure review process for unsatisfactory performance has begun. In cases where performance deficiencies are identified and concerted efforts to improve performance have not been successful, including the Faculty Improvement Plan or intervention by the Post-Tenure Review Committee, sanctions may be imposed by the appropriate Dean and the Provost. Possible sanctions include: (a) reassignment of duties, (b) loss of research space, (c) loss of eligibility for faculty improvement leaves, sponsored travel funds or salary increases, or (d) loss of tenure, potentially leading to termination.

Specific policies and procedures for post-tenure review are located at <http://utoledo.edu/policies>.

J. Improvement Leave for Faculty (Sabbatical)

1. General Policy

- a. A faculty improvement leave is intended for the mutual benefit of The University of Toledo and the full-time Faculty member who is granted such a leave. It should assist a member of the Faculty in improving the Faculty member's professional competence by providing a period of concentrated scholarly work.
- b. Each request for a faculty improvement leave should present concisely the activity proposed and its principal objectives. All leaves require the approval of the Chair of the department (if applicable), the appropriate Dean, the Provost, the President, and the Board. Each request for a faculty improvement leave must include:
 - A concise statement of the principal purpose and objectives and a description of the strategic impact of activities required to achieve the objectives. The statement must identify the specific initiative(s) in The University's Strategic (Prism) document that will be addressed by the improvement leave.
 - The duration and specific dates of the leave(s).
 - A proposal for the location(s) where the work will be completed.
 - A prospective appraisal of how the leave will improve the Faculty member's contributions to the Faculty and how the leave will enhance the strategic performance of the Faculty member's department or college.
 - An identified tangible outcome (deliverable) that will be presented by the Faculty member upon completion of the improvement leave.
- c. The application for a faculty improvement leave must be submitted well in advance of the requested date of leave. Application deadlines normally will be June and December of each year for leaves to be effective the following January and July, respectively. In exceptional cases, the Provost may review applications at another date for good cause shown.

- d. Within ninety (90) days of completing a faculty improvement leave, a written report of the results will be submitted to the department Chair, the College Dean, and the Provost. The report will include:
- An account of activities during the leave, including travel itineraries, institutions visited and persons consulted.
 - A statement of progress made on the leave as proposed in the request and an explanation of any significant changes made in the program.
 - An appraisal of the results obtained during the leave and how the leave will improve the Faculty member's contributions to the Faculty.
- e. No Faculty member on improvement leave will suffer a reduction or termination of regular employee retirement service credit or hospital, life or long-term disability insurance benefits, except specific restrictions of an insurance carrier that are beyond the control of the Board.
- The State Teachers Retirement System of Ohio (STRS) currently provides full service credit to a Faculty member on a paid leave of absence for one year at half salary, prorated over the twelve (12) month period of leave. A leave of six (6) months at full salary requires no change in the service credit or in the salary calculation used for retirement purposes.
- f. After returning from a faculty improvement leave, a review of performance and salary will be performed by the appropriate Chair or Dean. A report must be submitted and accepted in order for a Faculty member to be eligible for any salary adjustments or merit increases.

2. Eligibility

- a. Full-time members of the Faculty in good standing who have completed at least seven (7) consecutive academic years of teaching service at The University of Toledo, as defined by their contracts, will be eligible for faculty improvement leaves.
- b. Full-time members of the Faculty are eligible to request additional faculty improvement leaves seven (7) years after returning from a previous improvement leave.
- c. Academic years of service will be interpreted to include those activities of interest to and supported contractually by The University of Toledo, regardless of the source of financial support. Academic years of service will count from the date of full-time contract appointment. A Faculty member must have a full-time employment contract for a period of nine months or greater. Leaves of absence for non-scholarly purposes, leaves without pay and long-term disability leaves will be excluded in determining academic years of teaching services.

3. Duration of Faculty Improvement Leaves

The duration of an improvement leave may be up to one-half the academic year, or six (6) months duration, whichever is greater, as deemed by the employment contract with no reduction in salary, vacation or sick leave accrual; or a full academic year, as defined by the employment contract, with a fifty (50%) percent reduction in salary and no reduction in vacation and sick leave accrual. Faculty improvement leaves that are not taken in a six (6) month block may be divided in up to four (4) shorter periods of no less than six (6) weeks duration each.

4. Conditions of Faculty Improvement Leaves

- a. A member of the Faculty on an improvement leave may not accept remunerative employment during the period of leave, except where the purpose of the leave is for professional practice or experience which cannot be obtained otherwise. In cases under the exception, the combined salary received will not exceed that which would normally be received by the Faculty member at The University of Toledo from all sources. Any such exception must be approved in advance and in writing by the Provost, as a part of the leave application.
- b. The acceptance of a supplemental grant or fellowship will not carry with it duties or obligations which hinder the pursuit of the purpose for which the leave is granted. If the improvement leave is for a period in excess of six (6) months, grant or fellowship funds may be used to cover all or part of the fifty (50%) percent reduction in salary as set forth in these Faculty Rules and Regulations, Article I, J, 3. Release time for consultation or clinical practice or payment of a salary supplement from a grant or fellowship funds will not be permitted while on an improvement leave unless specifically approved in writing by the Provost.
- c. In addition to salary, special arrangements may be made for grants to defray travel and similar coincidental expenses. Such funds will be received by The University of Toledo and administered in accordance with the leave plan. These arrangements must be approved in advance and in writing by the Provost.
- d. Since the objective of this program is for the mutual benefit of The University of Toledo and the Faculty member, it is required that the Faculty member will return to his/her academic position and responsibilities at the completion of the leave for at least one year, unless such requirement is waived by the Board.
- e. Faculty improvement leaves may be granted concurrently to more than one member of a department if such action does not impair the efficiency of programs of instruction and research.
- f. In the event vacation or sick leave is taken immediately preceding, during or immediately following an improvement leave, such leave will be reported by the appropriate academic department on the appropriate forms required by the Payroll Office.

5. Departmental Adjustments

No Faculty improvement leave will be granted that requires addition to the permanent Faculty or staff. The department or college will be expected to make reasonable adjustments to accommodate the leave of the Faculty member.

K. Professional Licenses/Certificate

Each member of the Faculty who is required by the terms of his or her employment to hold, in good standing, a temporary, limited or regular license/certificate to practice professionally in the State of Ohio will maintain such license/certificate in good standing. Failure to do so will be sufficient grounds for the termination of the appointment of that Faculty member.

L. Compensation

1. The rates of compensation for faculty appointments for Faculty not subject to a Board

approved collective bargaining agreement will be indicated in the annual contract offered by The University of Toledo, and must be approved by the Board.

2. The appropriate Dean will review Faculty salaries on an annual basis with the department Chair and will submit conclusions and recommendations to the Provost, who will review and as appropriate forward to the President.

M. Contracts for Regular Faculty of The University of Toledo

Each member of the Faculty selected for reappointment, and who is not a member of a Board approved collective bargaining agreement, will receive an annual contract of employment from The University of Toledo at least four weeks prior to the end of the fiscal year. Within two weeks of receipt of the contract by the Faculty member, the contract will be signed by the Faculty member and returned to the Office of Faculty Affairs. Failure by the Faculty member to comply with this requirement may result in the withholding of compensation and certain fringe benefits. Under special circumstances, the respective Dean may grant a thirty (30) day extension of the deadline for the withholding of compensation. In the event that the terms of a new contract are not acceptable to the Faculty member, except in the case of financial exigency declared by The University of Toledo Board of Trustees, the Faculty member must file a grievance no later than thirty (30) days prior to the beginning of the new fiscal year, or no later than thirty (30) days following receipt of the new contract. In the event of a grievance filing, the old contract will remain in force until resolution of the grievance.

N. Income Received by Full-Time Faculty from Outside The University of Toledo

Income received for any services related to the profession for which a Faculty member is employed by The University of Toledo as a full-time member of the Faculty will not be accepted by the individual Faculty member and will be assigned to The University of Toledo, except for:

1. Income received as prizes for services on advisory committees, as royalties from educational materials, including but not limited to books, CDs, audiotapes, videotapes and DVDs, for editorial activity or honoraria for scholarly activities;
2. Income received from approved clinical practice as defined by Article I-E-4,
3. Income from patents and inventions pursuant to patent and invention policies of The University of Toledo and applicable provisions of the Ohio Revised Code and accompanying regulations;
4. Income from other approved professional activities as defined by Article I-E-3.

O. Authorized Travel

1. Business Travel of the Faculty

Cost of authorized travel by full-time Faculty members primarily for the conduct of The University of Toledo business will be reimbursed in accordance with applicable policies found at <http://utoledo.edu/policies>.

2. Travel for Educational Purposes

Cost of authorized attendance and participation in scientific and professional meetings may be reimbursed by The University of Toledo in accordance with applicable policies found at <http://utoledo.edu/policies>.

P. Resignation and Retirement

1. Notice of Resignation

A Faculty member who intends to resign must give notice in writing to the department Chair or the Dean at least one hundred twenty (120) days prior to the proposed date of resignation. Failure to comply with this requirement will, in addition to other available remedies, cause the Faculty member to lose compensation and benefits for the period of time which is less than the one hundred twenty (120) days, unless otherwise approved by the Board.

2. State Teachers Retirement System and Other Alternate Retirement Plans

Faculty members are encouraged to refer to his/her specific retirement plan for details regarding conditions for retirement.

3. Emeritus Status

- a. A member of the Faculty may have the title “Emeritus” conferred as an indication of the esteem of the Faculty and the Board. Emeritus status is an honor intended to recognize the outstanding services of retired faculty members and to maintain an ongoing affiliation between the honorees and The University of Toledo.
- b. Under normal circumstances, a Faculty member must have served on the Faculty for at least ten (10) years. If a Faculty member retires and immediately accepts a full-time academic position at another university, an emeritus appointment will not be made. At the point, however, where affiliation at another university ceases and the Faculty member wishes to retain The University of Toledo as the Faculty member’s primary academic identity, an emeritus appointment may be considered upon appropriate initiation of the Faculty member’s candidacy as specified herein and provide that the other conditions have been met.
- c. Designation as an Emeritus member of The University of Toledo is made by the Board. The Board acts with the advice of the President, the Provost and the respective Dean or department Chair.
- d. Each honoree is entitled to certain privileges of The University of Toledo and Faculty as determined from time-to-time by the respective college and the Board.

Q. Termination

1. Termination of a Regular Appointment with Tenure

a. Termination for Institutional Financial Exigency

For all tenured Faculty, the termination of an appointment or a reduction in salary as may be necessitated by a *bona fide* financial exigency of The University of Toledo as declared by the Board. Financial exigency is an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means. New appointments will not be made and tenured Faculty will not be terminated before non-tenured Faculty. The termination of tenured Faculty can only occur as a consequence of the elimination of an entire academic unit in which the Faculty is appointed. The institution will make every effort to place the Faculty concerned in other suitable positions.

b. Termination for Cause

The recommendation for termination of a regular tenured appointment for cause other than financial exigency will be made by the Chair (if applicable) and Dean to the Provost. The Faculty member will be informed in writing by the Provost of the decision and grounds for such termination.

The Faculty member will have the right of appeal and due process in accordance with the provisions set forth in Article I, S. of the Faculty Rules and Regulations and with the policies and procedures of The University of Toledo. A final decision for termination by the President will be transmitted to the Board for final action.

Causes for termination of a continuous appointment may include:

- (1) Falsification of credentials or other academic documents;
- (2) Academic, scientific or professional misconduct;
- (3) Unacceptable performance due to permanent physical or mental incapacity which precludes adequate performance of duty as defined by Title I of the Americans with Disabilities Act;
- (4) Unacceptable performance where there has been an intentional refusal, expressed or implied by conduct, to perform properly assigned academic duties;
- (5) Failure to hold in good standing a certificate for the professional practice when the holding of such is a condition of appointment; and
- (6) Conviction of a felony or crime of moral turpitude.

2. Termination of a Regular Non-Tenured Appointment

a. Termination by Non-Renewal

(1) Decision for Non-Renewal

The recommendation to terminate a non-tenured appointment by non-renewal will be made by the department Chair (if applicable) and the Dean, who will submit the recommendation in writing to the Provost who will review and as appropriate, forward to the President, who will issue the Faculty member a notice of non-renewal.

(2) Notice requirements to Faculty

- (a) If the Faculty member is in the first year of the Faculty member's appointment, a minimum of ninety (90) days' advance written notice before expiration of the appointment must be provided for non-renewal.
- (b) If the Faculty member has held an appointment for longer than one (1) year but less than three (3) years, a minimum of one hundred eighty (180) days' advance written notice before expiration of the appointment must be provided (no later than January 1) for non-renewal.

- (c) If the Faculty member has held an appointment for longer than three (3) years, a minimum of twelve (12) months' advance written notice before expiration of the appointment must be provided (no later than July 1) for non-renewal.
- (d) If notice of non-renewal has been provided, but the notice requirement has not been met then the appointment will be extended for an additional year but, in no event, will a Faculty member be granted tenure or promotion during such extension.
- (e) Faculty members re-appointed under University policy 3364-72-06, will be provided a minimum of ninety (90) days' advance written notice, at any time, of termination of the appointment, unless otherwise specified in a written contract entered between the Faculty member and The University regarding the re-appointment.

b. Termination for Institutional Financial Exigency

For all Faculty non-tenured, the termination of an appointment or a reduction in salary may be necessitated by a *bona fide* financial exigency of The University of Toledo as declared by the Board. Financial exigency is an imminent financial crisis that threatens the survival of the institution as a whole and cannot be alleviated by less drastic means. New appointments will not be made and tenured Faculty will not be terminated before non-tenured Faculty. The institution will make every effort to place the Faculty concerned in other suitable positions subject to placement of tenured faculty first.

c. Termination for cause

The cause and process for termination of a regular non-tenured appointment for cause and its appeal will be the same as those for a tenured appointment. Notice requirements to Faculty will not apply in cases of termination for cause.

3. Termination of a Community-Based (formerly known as Volunteer) or a Prestige Appointment

The recommendation to terminate a community-based or prestige appointment may be made by the department Chair (if applicable), the Dean of the college, who will submit the recommendation in writing to the Provost. The Provost will review the matter and may terminate the appointment immediately upon notice.

4. Administrative Leave for Tenured, Non-Tenured, or Community-Based Faculty Members

The Dean, with the approval of the Provost or the President, may place a tenured, non-tenured, or community-based Faculty member on administrative leave with or without pay when there is reasonable evidence that the Faculty member committed academic, scientific, or professional misconduct. An administrative leave may be used pending an investigation to collect, examine, and evaluate all relevant facts to determine if misconduct occurred. The Dean will notify the Faculty member in writing of the reason for the administrative leave and length of leave. Administrative leaves may not exceed one hundred and twenty (120) calendar days. The medical staff privileges when applicable at The University of Toledo Medical Center will be summarily suspended during administrative leaves according to the Bylaws and Rules and Regulations of the Medical Staff. Faculty members on administrative leave may be terminated at any time according to the Faculty Rules and Regulations of The University of Toledo.

R. Communication with Board

The usual method of communication between a member of the Faculty of The University of Toledo and the Board should be written and should be presented to the Provost or the President. This will not be interpreted, however, as in any way limiting the right of communication between Faculty members of The University of Toledo and the Board, or as limiting the manner in which Trustees may gain information as to the operation of The University of Toledo.

S. Faculty Due Process, Grievance and Appeals

All Faculty members are guaranteed due process and are to be protected from adverse decisions or actions resulting from or associated with unfair practice(s) or failure of due process. Any adverse decision or action affecting the affairs of individual Faculty members is grievable to the extent that unfair practice(s) or failure of due process, as defined by applicable rules and policies of The University of Toledo relating to the grievable issue, is the alleged basis. Exempted from this grievance process are Board actions required as a result of financial exigency that affect the entire academic unit. All grievances and appeals will be processed in accordance with Faculty Grievance and Appeals Policy of The University of Toledo.

ARTICLE II

Review and Amendment of the Faculty Rules and Regulations

A. Review of Articles

The Faculty Rules and Regulations will be subject to approval by the Board of Trustees of The University of Toledo. The President will make a recommendation to the Board based on the following process:

B. Procedure for Amendment

1. An amendment may be proposed by any Faculty member, group of Faculty, a committee, or the Provost. A proposed amendment will include identifications, in writing, of relevant Articles and paragraphs and any modifications of these current Faculty Rules and Regulations. The proposed amendment(s) will be submitted to the Chair of the Faculty Committee on Rules and Regulations.
2. After further review of the amendment if necessary, the Chair of the Faculty Committee on Rules and Regulations will submit the amendment(s) to the Provost, and the HSC Council of Deans. The Provost and/or the Council of Deans may make a recommendation on the proposed amendment(s) back to the Faculty Committee on Rules and Regulations no later than within thirty (30) days of receipt of the proposed amendment(s).
3. At the discretion of the Faculty Committee on Rules and Regulations, the proposed amendment(s) will be sent to Faculty for review and comment within thirty (30) days. After receipt of any comments by the Faculty, the Faculty Committee on Rules and Regulations will submit any recommendations back to the Provost and the Council of Deans for final review.
4. The Provost will submit the final proposed amendment to the President, who may submit the proposed amendment to the Board of Trustees.
5. If the President submits any such amendment to the Board of Trustees the Board may or may not choose to act through a committee of the Board, and will make the final recommendation concerning the proposed amendment(s) in accordance with the Bylaws of the Board of Trustees and all governing rules.

6. Should the Provost or the President not accept a proposed modification put forth by the Faculty Committee on Rules and Regulations, the Faculty Committee on Rules and Regulations can request that the President present its recommendations to the Board of Trustees at the same time that he/she presents his/her proposed modifications.

C. Adoption of Amendments

1. Consideration of proposed amendment(s) brought before the Board will appear on the written agenda for that Board meeting following review and approval by the President.
2. Notice of consideration of the proposed amendment will be given prior to the meeting, including submission of the proposed amendment in writing to all members in attendance.