



THE UNIVERSITY OF  
**TOLEDO**

# **Faculty Rules and Regulations**

For Faculty not bound by Collective Bargaining Agreements

**College of Medicine and Life Sciences**  
**College of Health and Human Services**

As approved by the Board of Trustees on:  
DATE: December 14, 2020

## **ARTICLE I Scope and Procedure**

### **A. Scope**

These Faculty Rules and Regulations (“Rules and Regulations”) govern the Faculty (defined below) of The University of Toledo (“University”) in the College of Medicine and Life Sciences and in the College of Health and Human Services who are not bound by a collective bargaining agreement.

### **B. The University of Toledo Mission Statement**

The University of Toledo is a national, public research university where students obtain a world-class education and become part of a diverse community of leaders committed to improving the human condition in the region and the world.

### **C. The University of Toledo Vision**

The University of Toledo will be a nationally ranked, public, research university with internationally recognized expertise and exceptional strength in discovery, teaching, clinical practice and service.

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 identify of any sponsor of the proposed research, or the purpose and scope of the proposed research; and (2) the University 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 Membership**

The University of Toledo College of Medicine and Life Sciences and the College of Health and Human Services faculty consist of professors, associate professors, assistant professors, and instructors who are primarily employed by the University and are not bound by a collective bargaining agreement (collectively, “Faculty” or “Faculty Members”, each a “Faculty Member”). Faculty with ProMedica Practitioner, Community-Based, and Visiting Appointments are members of the Faculty, however, because they are not primarily employed by the University only certain provisions of these Rules and Regulations apply to them. The Provost is the presiding officer of the Faculty, subject to the direction and order of the President. As such, the Office of the Provost should be aware of these Rules and Regulations and advocate on the part of Faculty as necessary.

College deans and department and/or school/division chairs who are Faculty in the College of Health and Human Services 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 (“the Board”).

### **E. Ethical Standards of the Faculty**

The Faculty subscribes to ethical values consistent with the highest levels of professional integrity. The Faculty are 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.

#### **F. Academic Freedom of the Faculty**

1. The Faculty subscribes to the principles of academic freedom and tenure. All Faculty Members have freedom to teach and seek the truth, have security of position after a reasonable period of probation, have income commensurate with professional attainments and 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.

#### **G. Faculty Rights and Responsibilities**

1. The rights and responsibilities of the Faculty are consistent with these Faculty Rules & Regulations and the bylaws, policies and procedures of the University. The Faculty, through the leadership of their respective dean and the administrative structure within each college, is 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 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 working with the respective committees for promotion and tenure, 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 consists of Ten (10) elected Faculty Members: eight (8) from the College of Medicine and Life Sciences, and two (2) from the College of Health and Human Services. A representative of the Faculty Senate that is also a Faculty Member will serve as the eleventh (11<sup>th</sup>), ex-officio member of the Faculty Committee on Rules and Regulations. Part-time Faculty and Community-Based, ProMedica Practitioner or Emeritus 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 and Regulations. The elections are organized as needed by the Office of Faculty Affairs. Members of the Faculty Committee on Rules and Regulations serve for a three-year term and terms should be staggered. Membership may be renewed, but members may not serve more than two consecutive terms. The chair of the Faculty Committee on Rules and Regulations is elected by the Committee annually. In the case of resignation from the Committee, the College of Medicine Committee members or the College of Health and Human Services Committee members, 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.

#### **H. Faculty Duties and Responsibilities**

1. Faculty Members will endeavor to perform the following 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 Faculty Member is responsible to the chair of the department and/or school (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 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, and be in compliance with all University policies.

4. **Clinical Practice**

All Regular, Adjunct, Visiting, and Joint Faculty Members (“Regular Faculty” or “Faculty Members with Regular Appointments”), 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 or impair the performance of the individual as a scholar, teacher, researcher, or administrator or create a conflict of interest. In addition, Faculty Members with Regular Appointments may engage in clinical practice only as clinical employees of the University, members of practice plans approved by the Board, or as contractors under a contract approved by the University or under special exceptions with the prior written approval of the chair, dean, and the Provost, as appropriate.

5. **Annual Review**

- a. Faculty Members with Regular Appointments are expected to meet with their department/school chair and/or their division chief or program director for an annual review to discuss progress towards the goals that were established from previous annual reviews. Discussion of promotion criteria and plans for career growth should also be reviewed, per either the College of Medicine Appointment, Promotion, and Tenure Procedures documents, the Faculty Tracks & Criteria for Promotion document, and the College of Health & Human Services Faculty Handbook in accordance with the Academic Personnel Calendar, as applicable. Faculty in the College of Health & Human Services workload assignments will be determined following guidelines in the Faculty Handbook. This provision does not apply to Faculty with ProMedica Practitioner, Community-Based, or Visiting Appointments.
- b. Faculty Members with ProMedica Practitioner and Community-Based Appointments are reviewed appropriate to their letter of appointment as well as level of involvement by their department/school chair and/or their division chief or program director on an annual basis.

I. **Types of Appointments**

The academic year is 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 Faculty members. Full-time Faculty Members are faculty who devote one hundred (100%) percent of their professional time and effort to official programs and approved activities of the University, 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 who devote less than one hundred (100%) percent of their professional time and effort to official programs and approved activities of the University, 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.

Regular appointments may be with or without tenure. Appointments with tenure may only be held by full-time Faculty Members who are primarily employed by the University. If appointment is with tenure, it is renewable annually by contract unless terminated in accordance with the provisions set forth in the Faculty Rules and Regulations.

- a. Adjunct Appointments are a type of Regular Appointment conferred on 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. Adjunct appointments are without tenure, may be with or without remuneration

(as specified in the letter of appointment) and will not exceed 50% of the individual's professional time.

- b. Visiting Appointments are a type of Regular Appointment conferred on 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 and terms and conditions of appointment are specified in a letter of appointment.
  - c. Joint Appointments are a type of Regular Appointment conferred on Faculty Members who provide service that is mutually beneficial to the respective departments/colleges. One department/college is designated the primary department/college for matters of rank, tenure and remuneration. If the College of Medicine and Life Sciences or the College of Health and Human Services is designated the primary college, these Faculty Rules and Regulations take precedence.
2. ProMedica Practitioner Appointments are initiated upon the recommendation of the chair and follow the college specific elaborations and process. After final approval by the Board, notifications go out through a letter of appointment signed by the chair and the Dean of the College of Medicine and Life Sciences. These appointments are reviewed and renewed annually. These appointments are without tenure and can be terminated at any time with or without cause by an appointing authority.
  3. Community-Based Appointments are conferred on individuals who devote professional time and effort to official programs and approved activities of the University College of Medicine and Life Sciences. Community-Based Faculty appointments are renewed annually and are without tenure or remuneration. Notification of appointment is through a letter of appointment. Appointments in this track can be terminated at any time by an appointing authority with or without cause.

## **J. Faculty Rank**

1. Each college will establish policies for Faculty rank and tenure and non-tenure tracks for Regular, ProMedica Practitioner, Community-Based, Adjunct and Visiting Appointments, as applicable. Faculty Members with an initial appointment in the tenure or the non-tenure track may switch tracks once upon 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 the Provost. Faculty ranks and descriptions may be found in each College's Faculty Handbook.
2. Tenure 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 these Rules and Regulations. 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 (6<sup>th</sup>) year after attaining the rank of assistant professor, the department, school, or division chair (if applicable) and the 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 these Rules and Regulations. No later than June 30 of the sixth (6<sup>th</sup>) year at the rank of assistant professor, the Faculty Member must be promoted to associate professor or be notified in writing by an Appointing Authority that the contract will not be renewed beyond June 30 of the seventh (7<sup>th</sup>) year. Subject to written request by the department, school or division chair (if applicable) or the dean, and approval by the Provost, this renewal may be extended annually for a maximum of three (3) additional years.

## **K. Methods of Appointment or Promotion**

1. Any eligible Faculty Member with a Regular Appointment 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.
2. Promotion of any Faculty Member to the rank of associate professor or professor will be submitted through the University database system (Faculty 180) and will follow the University's Academic

Personnel Calendar's process and timeline as applicable. The approval and decision of the President will be forwarded to the Board for final action.

3. Faculty Members primarily employed by the University in tenure-eligible tracks shall receive 10% of their base, faculty salary (academic portion only) or \$10,000, whichever is greater, for promotion from assistant to associate professor or promotion from associate professor to professor
4. 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.

## **L. Faculty Tenure**

The University only awards tenure through specific action of the Board. Tenure cannot be awarded by a college, department, school, division, program, or individual. This provision does not apply to Faculty with Visiting, ProMedica Practitioner, or Community-Based Appointments.

### **1. Definition of Tenure**

Tenure of a Faculty Member is a commitment by the University to ensure academic freedom and continuous employment of such Faculty in meeting the goals, needs and objectives of the institution. Tenure may be held at only one institution at a time.

### **2. Eligibility for Tenure**

Only full-time Faculty Members primarily employed by the University who hold 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 and its constituent colleges, departments, schools, divisions and programs. The candidate for tenure must:

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

There is no requirement for Faculty to be nominated or apply for tenure under these Faculty Rules and Regulations.

### 3. **Procedure of the Awarding of Tenure**

Any eligible Faculty Member may be considered for tenure. An application for tenure may be initiated by the candidate, by the chair, or by the dean of the Faculty Member's primary appointment. An application for tenure will be submitted through "Faculty 180," and will follow the process and the timeline outlined in the University Academic Personnel Calendar. 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. Faculty need to refer to the College of Medicine and Life Sciences Tenure Criteria document, and to the College of Health and Human Services Faculty Handbook. Tenure is not awarded until final approval of the Board.

### 4. **Post-Tenure Review**

All tenured Faculty Members will undergo a formal tenured faculty review ("Formal Review") of their contributions to education, scholarship and service, every 5 years. This Formal Review shall be made by the Faculty Member's departmental personnel committee, department chair, academic personnel committee, college dean, university committee on academic personnel and the Provost.

The materials considered in a Formal Review include, but are not limited to, a current CV, annual reviews for last five years, all currently existing documentation of instructional effectiveness (e.g. student evaluations of teaching) from the last five years, evidence of scholarship, and service.

If the Formal Review identifies matters requiring remedy, the Departmental Personnel Committee and the Faculty Member's department chair will meet with the Member to discuss and establish a program of growth. The Faculty Member's department chair will notify the Member and appropriate college dean in writing of the agreed upon program of growth and the means of monitoring progress and success in that program.

## **M. Faculty Improvement Leave (Sabbatical)**

### 1. **General Policy**

- a. Faculty Improvement Leave (FIL) is intended for the mutual benefit of the University and the tenured, Regular Faculty Member who is granted such a leave. It should assist a Faculty Member in improving the Faculty Member's professional competence by providing a period of concentrated scholarly work. This provision does not apply to Faculty Members with Visiting, ProMedica Practitioner, or Community-Based Appointments.
- b. Each request for FIL 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 University Sabbatical Committee, the Provost, the President, and the Board. Each request for FIL must include:
  - (1) A concise statement of the principal purpose and objectives and a description of the strategic impact of activities required to achieve the objectives.
  - (2) The duration and specific dates of the leave(s).
  - (3) A proposal for the location(s) where the work will be completed.
  - (4) 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.
  - (5) An identified tangible outcome (deliverable) that will be presented by the Faculty Member upon completion of the improvement leave.

- c. The application for FIL must be submitted well in advance of the requested date of leave, and will be reviewed and processed as outlined in the University Academic Personnel Calendar.
- d. Within ninety (90) days of completing a FIL request, a written report of the results will be submitted to the department or school chair, the dean, and the Provost. The report will include:
  - (1) An account of activities during the leave, including travel itineraries, institutions visited, and persons consulted.
  - (2) A statement of progress made on the leave as proposed in the request and an explanation of any significant changes made in the program.
  - (3) 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 FIL will suffer a reduction or termination of regular employee retirement service credit or hospital, life or long-term disability insurance benefits, except by specific restrictions of an insurance carrier that are beyond the control of the Board.
- f. After returning from FIL, a review of performance and salary will be performed by the appropriate chair or dean. A report must be submitted and accepted for a Faculty Member to be eligible for any salary adjustments or merit increases.

## 2. **Eligibility**

- a. Full-time Faculty Members in good standing who have completed at least seven (7) consecutive academic years of service at the University, as defined by their contracts, are eligible for FIL.
- b. Full-time Faculty Members are eligible to request additional FILs seven (7) years after returning from a previous FIL.
- c. Academic years of service are interpreted to include those activities of interest to and supported contractually by the University, 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 a FIL may be up to one-half the academic year, or six (6) months in duration, whichever is greater, as defined 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. FILs 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 Faculty Member on a FIL 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 from all sources. Any such exception must be approved in advance and in writing by the Provost, as a part of the FIL 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 FIL 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 Rules and Regulations. 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 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 FIL is for the mutual benefit of the University and the Faculty Member, it is required that the Faculty Member return to his/her academic position and responsibilities at the completion of the leave for a minimum of one year, unless such requirement is waived by the Board.
- e. FILs 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 a FIL, such leave will be reported by the appropriate academic department on the appropriate forms required by the University.

**5. Departmental Adjustments**

No FIL will be granted that requires addition to the permanent Faculty or staff. The department, school, division, or college is expected to make reasonable adjustments to accommodate the leave of the Faculty Member.

**N. Professional Licenses or Certificates**

Each Faculty Member who is required by the terms of his or her appointment to hold, in good standing, a temporary, limited, or regular license or certificate to practice professionally in the state of Ohio will maintain such license or certificate in good standing. Failure to do so is grounds for termination for cause of the Faculty Member's Faculty appointment.

**O. Compensation**

1. A Faculty Member's rate of compensation is indicated in the Faculty Member's annual University Faculty appointment letter approved by the Board.
2. The appropriate dean will review Faculty salaries on an annual basis with the department/school chair and will submit conclusions and recommendations to the Provost, who will review and as appropriate forward to the President.

**P. Contracts for Faculty Members with Regular Faculty Appointments**

Each Faculty Member with a Regular Appointment selected for reappointment will receive an annual contract of employment (Faculty appointment letter) from the University at least four weeks prior to the end of the fiscal year. Within two weeks of the contract being sent, the contract must be signed by the Faculty Member and returned to the Office of Faculty Affairs or the Office of the Provost for Faculty in the College of Health & Human Services. Failure by a Faculty Member to return a signed contract by the date required will result in resignation of the Faculty Member's faculty appointment, effective June 30 of that year. In the event that the terms of a new contract are not acceptable to the Faculty Member, except in the case of financial emergency declared by the University, 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, unless the contract was terminated by the University, in which case it will not be in effect unless and until the grievance is resolved in favor of the Faculty Member.

**Q. Income Received by Full-Time Faculty from Outside the University of Toledo**

Faculty Members may not accept remuneration received for any services related to the profession for which that Faculty Member is employed by the University as a full-time member of the Faculty. The Faculty Member must assign any such remuneration to the University, 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, Section H (4);
3. Income from patents and inventions pursuant to patent and invention policies of the University and applicable provisions of the Ohio Revised Code and accompanying regulations;
4. Income from other approved professional activities as defined by Article I, Section H (3).

**R. Authorized Travel**

**1. Business Travel of the Faculty**

All travel on behalf of the University must follow the University's Travel and Business Expense Reimbursement policy – 3364-40-03.

**S. Resignation and Retirement**

**1. Notice of Resignation**

A Faculty Member who intends to resign must give notice in writing to the department, school, or division chair or the dean at least ninety days (90) prior to the proposed date of resignation.

**2. Emeritus Status**

- a. A Faculty Member may have the title "Emeritus" conferred as an indication of the esteem of the Faculty and the Board of Trustees. 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. This provision does not apply to Faculty Members with Visiting, ProMedica Practitioner, or Community-Based Appointments.
- b. 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 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 provided that the other conditions have been met. The review and approval process is outlined in the University Academic Personnel Calendar.
- c. Designation as an Emeritus member of the University is made by the Board. The Board acts with the advice of the President, the Provost and the respective dean or department or school chair.
- d. Each Emeritus honoree is entitled to certain privileges of the University and Faculty as determined from time-to-time by the respective college and the University, and according to the University's policies. Some of these privileges may include maintaining a University email address, ability to use the University's library services, purchase of parking pass, invitation to special events and graduations, and ability to serve as a volunteer on department and institutional committees as determined by current University of Toledo policies.

**T. Termination**

**1. Termination of a Regular Appointment with Tenure**

**a. Termination for Institutional Financial Emergency**

For all tenured Faculty, the termination of an appointment or a reduction in salary may be necessitated by a *bona fide* financial emergency of the University as declared by the Board. If the Board declares a financial emergency, the Board will take steps it deems necessary to address the financial emergency with respect to the colleges subject to these Rules and Regulations.

b. **Termination for Cause**

The decision to terminate a Regular, tenured appointment for cause other than financial emergency may be made by an appointing authority. The Faculty Member will be informed in writing of the decision and grounds for such termination. It is not necessary for the post-tenure review process to precede a termination for cause.

The Faculty Member will have the right of appeal and due process in accordance with the Faculty Grievance and Appeals policy<sup>1</sup>.

Causes for termination of a continuous appointment may include:

- (1) Falsification of credentials or other academic documents;
- (2) A finding of academic, scientific, research, or professional misconduct;<sup>2</sup>
- (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 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;
- (6) Charged with a felony or crime of moral turpitude;
- (7) Violation of University policy, rules, regulations, procedures or bylaws.<sup>3</sup>

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/school chair (if applicable) and the dean, and will be issued by an appointing authority.

(2) **Notice Requirements to Faculty**

- (i) If a 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.
- (ii) 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'

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<sup>1</sup> See [3364-72-51](#).

<sup>2</sup> Please see University policies: <http://www.utoledo.edu/policies/>

<sup>3</sup> Please note that allegations of sex discrimination/harassment/violence, stalking, domestic violence, or dating violence will be handled in accordance with legal requirements and separate from these Faculty Rules and Regulations. A finding of responsibility for violating those policies is sufficient cause to terminate a continuous appointment under these rules.

advance written notice before expiration of the appointment must be provided for non-renewal.

- (iii) If the Faculty Member has held an appointment for three (3) years or longer, a minimum of twelve (12) months' advance written notice before expiration of the appointment must be provided for non-renewal.
- (iv) If the Faculty Member is a rehired retiree, policy # 3364-25-61 will be followed, and a minimum of ninety (90) days' advance written notice before expiration of the appointment will be provided for non-renewal.

**b. Termination for Institutional Financial Emergency**

For all non-tenured faculty, the termination of an appointment or a reduction in salary may be necessitated by a *bona fide* financial emergency of the University as declared by the Board. If the Board declares a financial emergency, the Board will take steps it deems necessary to address the financial emergency with respect to the colleges subject to these Rules and Regulations.

**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.

**d. Termination Without Cause**

- (1) If a Faculty Member is in the first year of the Faculty Member's appointment, a minimum of ninety (90) days' advance written notice must be provided prior to the effective date of termination.
- (2) 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 must be provided prior to the effective date of termination.
- (3) If the Faculty Member has held an appointment for longer than three (3) years, a minimum of twelve (12) months' advance written must be provided prior to the effective date of termination.
- (4) If the Faculty Member is a rehired retiree, a minimum of ninety (90) days' advance written notice must be provided prior to the effective date of termination.

**3. Termination of a ProMedica Practitioner Appointment**

An appointing authority will provide the ProMedica Practitioner with a minimum 90-day notice of termination in writing unless the termination is for cause, which will be immediate. ProMedica Practitioner appointments may be terminated by an appointing authority for a cause listed in these Faculty Rules and Regulations at any time.

**4. Termination of a Community-Based, Adjunct or Visiting Appointment**

An appointing authority will provide the Community-Based, Adjunct, or Visiting Faculty Member with a minimum 90-day notice of termination in writing unless the termination is for cause, which will be immediate. Community-Based, Adjunct, or Visiting Faculty Members can be terminated by an appointing authority for a cause listed in these Faculty Rules and Regulations at any time.

**5. Administrative Leave for Tenured, Non-Tenured Faculty Members**

An appointing authority may place a Faculty Member on administrative leave with or without pay in accordance with Ohio Revised Code § 124.388 and University policy. An administrative leave may be used pending an investigation to collect, examine, and evaluate all relevant facts to determine if misconduct occurred. The appointing authority will notify the Faculty Member in writing of the reason

for the administrative leave and length of leave. Administrative leaves without pay may not exceed one hundred and twenty (120) calendar days at a time.

6. The medical staff privileges when applicable may 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 these Faculty Rules and Regulations.

#### **U. Communication with The University of Toledo Board of Trustees**

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

#### **V. Faculty Due Process, Grievance and Appeals**

All Faculty Members are guaranteed due process and are 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 relating to the grievable issue, is the alleged basis. Exempted from this grievance process are Board actions required as a result of financial emergency that affect the entire academic unit. All grievances and appeals are processed in accordance with the University's Faculty Grievance and Appeals policy.

### **ARTICLE II**

#### **Review and Amendment of the Faculty Rules and Regulations**

##### **A. Review of Articles**

The Faculty Rules and Regulations are 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 process outlined below.

##### **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 Sections and any modifications of the 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 to the Deans of the College of Medicine and Life Sciences and the College of Health and Human Services. Any comments, edits or recommendations made back to the Faculty Committee on Rules and Regulations by the Provost, the Dean of the College of Medicine and Life Sciences or the Dean of the College of Health and Human Services on the proposed amendment(s) must be provided back to the Faculty Committee on Rules and Regulations no later than thirty (30) days after receipt of the proposed amendment(s).
3. The proposed amendment(s) will be sent to the Faculty for review and comment for at least 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.
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.
7. These Faculty Rules and Regulations may be amended by the University at any time when necessary to comply with state or federal law or accreditation requirements.

**C. Adoption of Amendments**

1. Consideration of proposed amendment(s) brought before the Board will appear on the written agenda for the Board meeting following review and approval by the President.