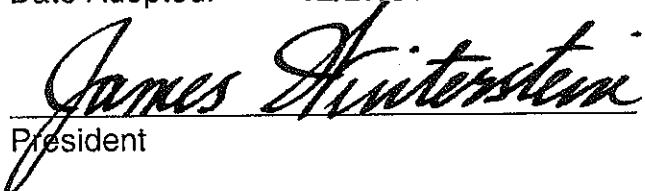




# National University of Health Sciences General Policies

Title: Dean Level Personnel	Page 1 of 5
Date Adopted: 12/27/91	Date(s) Revised: 4/13/95, 2/24/04 12/5/06
 President	<u>2-11-09</u> Date

## POLICY STATEMENT

The National University of Health Sciences (NUHS) faculty may be assigned to a Dean position who do not have tenure or are not on a tenure track. This policy establishes the procedures for fair and equitable management of these administrative rolls.

### Procedures

### Length of Appointment

Appointees to these positions are employees-at-will, and their appointment will be governed by this policy. The University reserves the right to amend this policy or terminate the personnel addressed in this policy at any time.

### Termination

**Death:** The Appointee's employment with the University will terminate upon his/her death, in which event the University shall not thereafter be obligated to make any further payments under the provisions of the employment agreement other than the amount(s) accrued by the appointee as of the date of the appointee's death. However, appointee's heir(s), executor(s), administrator(s), personal representatives (s), successor(s), and assign(s) shall be eligible to receive benefits accrued by the appointee as of the date of his/her death.

**Disability:** If, by reason of illness or physical or mental disability, the appointee, in the sole judgment of the President of the University, or his/her designee, reasonably exercised, shall have been unable for six (6) consecutive months to devote his/her customary time and effort to the performance of his/her duties as stipulated in his/her position description, the President of the University, or his/her designee, may terminate the appointee's employment at any time by giving fifteen (15) days' prior written notice by registered or certified mail, return receipt requested.

### Appointees Holding Faculty Rank

If an appointee occupying one of the dean level positions is terminated, and also holds a non-tenured rank as faculty of the University, that appointment shall end at the same time as the appointment to the administrative position. If an appointee holding a non-tenured faculty position **resigns** from a position he/she holds that is a dean level position, such resignation automatically includes resignation of the individual from the faculty position, whether or not it is so stated in his/her resignation.

### Termination for Cause

An appointee's employment by the University may be terminated for cause by the appointee's supervisor, in which event the University shall not be obligated to make any further payments to the appointee other than the amount(s) accrued by the appointee as of the date of termination.

Cause shall include, but not be limited to, the following:

- Appointee's fraud, misappropriation, embezzlement, insubordination or other wanton, intentional, or willful misconduct, gross negligence; or,
- Appointee's material violation of any provision of this policy or policies of the University, or violation of any rule(s) of employee conduct as set forth in the policies and procedures of the University.
- Appointee's conviction of a felony.

### Termination Without Cause

An appointee's employment by the University may be terminated without cause. If the University elects to terminate an employee without cause, written notice will be given to the individual. The University will then pay the appointee severance pay equivalent to two weeks salary.

### Release Benefit

In addition to the severance pay which an appointee is entitled to receive under this policy, if the University elects not to renew the appointee's contract without cause, following termination, the University will pay the appointee a Release Benefit in exchange for the appointee signing an enforceable Waiver and Release Agreement, in a form acceptable to the University, pursuant to which the appointee releases any and all rights or claims against the University. The consideration for this voluntary Waiver and Release Agreement shall be the Release Benefit to which the appointee would otherwise not be entitled.

The Release Benefit amount will depend upon the appointee's total continuous University service as a full-time non-tenure track faculty as defined by the following interval schedule:

Appointee's Time of Service in a dean position is:

<u>Greater than or</u>	<u>Equal to</u>	<u>Release Benefit Formula</u>
0 months	1 year	BMS x 2 x 1.20
1 year	4 years	BMS x 4 x 1.20
4 years	8 years	BMS x 8 x 1.20
8 years	15 years	BMS x 12 x 1.20
15 years	Unlimited	BMS x 16 x 1.20

Severance pay and any Release Benefit which becomes payable to the appointee under this policy shall be payable in accord with the University regular payroll schedule. Severance pay and any Release Benefit are considered taxable income and are subject to applicable income tax withholding and payroll taxes.

Sick Leave

Illness leave for the appointee will be administered according to University policy.

Vacation

Vacation leave for the appointee will be administered according to University policy.

Appeal

An Appointee may appeal in the event he/she is terminated for cause.

Professional Standards Review Committee (PSRC) Composition:

The Professional Standards Review Committee shall be appointed as needed by the President or his/her designee and shall be composed of two (2) appointees holding dean level positions and one (1) full-time member of the faculty holding the rank of professor. To avoid a potential conflict of interest, there shall be two (2) alternates for each appointee member and two (2) alternates for the faculty member. The President shall designate the chairperson.

Function

The Professional Standards Review Committee, hereafter referred to as the PSRC, is established as a body to which an appointee may appeal his/her termination. An appointee desiring to appeal his/her termination must, within fourteen (14) consecutive calendar days of the effective date of termination, advise the chairperson of the PSRC in writing of his/her desire to appeal and the basis of the appeal. The chairperson of the PSRC shall appoint two (2) independent mediators who shall meet with the appointee and his/her supervisor for the purpose of attempting to resolve the issue. Failing this, the PSRC shall be convened by its chairperson within thirty (30) calendar days of receiving an appointee's notice of his/her desire to appeal, and the chairperson of the PSRC shall notify the appointee in writing, by registered or certified mail, return receipt requested, of the date, time, and place for hearing the appeal.

All proceedings of the PSRC will be transcribed and correspondence and documents related thereto shall be held in strict confidence.

During the hearing, the appellant and the person who terminated the appellant's employment, the supervisor, each may have a University employee present to advise him/her, or he/she may have present legal counsel of his/her own choosing at his/her own expense to advise him/her, but any such advisor shall not participate directly in the hearing other than to furnish advice. No member or alternate member of the PSRC may function as an advisor to the appellant or the supervisor, nor shall any University employee deemed by the chairperson of the PSRC to have a conflict of interest be permitted to act as an advisor to the appellant or to the supervisor.

During the hearing, the appellant and the supervisor shall have the right to testify in their own behalves and to present witnesses relevant to their position in the matter before the PSRC. The names of any witnesses to be presented must be given in writing to the chairperson of the PSRC no less than five (5) consecutive calendar days in advance of the date set for the hearing.

Witnesses shall be present during the hearing only during the time they are presenting testimony. However, any advisor to the appellant or supervisor, even though the same is a witness, shall be permitted to be present throughout the hearing. However, any legal counsel acting as an advisor shall not be a witness.

Subject to any rules of procedure which the PSRC may establish from time to time, the appellant and the supervisor shall have the right to confront and examine all persons who make statements before the PSRC.

After concluding the hearing, the chairperson of the PSRC shall conduct a closed deliberation. Any decision of the PSRC shall be by majority vote, and the members of the PSRC, including the chairperson, shall be privileged only to vote aye or nay. The PSRC shall make explicit findings and shall write an opinion either to support the supervisor's termination of the appellant or vice versa.

The findings, opinion, and any recommendation of the PSRC shall be transmitted in writing to the President by the chairperson of the PSRC within fourteen (14) consecutive calendar days after the conclusion of the hearing, with copies sent to the appellant and the supervisor.

The President of the University, or his/her designee, within fourteen (14) consecutive calendar days after receiving the findings, opinion, and any recommendation of the PSRC, shall make a decision. However, if the President deems that further information is needed to facilitate a final decision, he/she may direct the matter back to the PSRC with specific direction(s) relative to the area(s) in which he/she needs further information. To accomplish this latter process, from one to seven additional days may be provided at the discretion of the President or his/her designee. The PSRC shall respond to the President, and, if necessary, require and receive new information (evidence) before rendering its response, and if warranted, a new recommendation. The President shall make a final decision, and the matter shall be closed.

Within fourteen (14) consecutive calendar days after making his/her decision, the President shall transmit his/her decision in writing, stating his/her reasons therefore, to the appellant and the supervisor, with copies sent to the members of the PSRC.

If the decision of the President is that the termination was unwarranted, the appellant shall be reinstated without loss of salary and benefits from the date of termination to the date of reinstatement.

The chairperson of the PSRC shall transmit all documents in the possession of the PSRC to the President who shall maintain them in a confidential file in the office of the President.