




National University of Health Sciences General Policies

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 President	<u>8-25-09</u> Date

POLICY STATEMENT

National University of Health Sciences (NUHS), in recognition of the unique demands on professional/administrative level personnel, has established the following policy and procedures to cover any employee with the title 'Director' or 'Registrar'.

Appointees to these positions are employees-at-will and their appointment will be governed by this policy. The University reserves the right to amend or terminate the professional/administrative personnel 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 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 representative(s), successor(s), and assign(s) shall be eligible to receive benefits accrued by the appointee as of the date of his 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.

Termination for Cause – An appointee's employment with 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; or,
- Appointee's conviction of a felony.

Termination Without Cause – An appointee's employment with 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, following termination without cause, 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 defined by the following interval schedule:

Appointee's Time of Service in a professional/administrative position is:

Greater than	-or-	Equal to	Release Benefit Formula
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		or more	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 any payroll taxes.

Sick Leave

Sick 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 to the Professional Standards Review Committee (PSRC).

The PSRC shall be appointed as needed by the President or his/her designee and shall be composed of two (2) appointees holding positions as 'Director' or 'Registrar' 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 alternates for the faculty member. The President, or his/her designee, shall designate the chairperson of the PSRC.

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 his/her 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 may be 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 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, without fourteen (14) consecutive calendar days after receiving the findings, opinion, and any recommendation of the PSRC, shall make a decision. However, if the President, or his/her designee, deems that further information is needed by him/her 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 further information is needed. 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 any information (evidence) before rendering its response, and if warranted, new recommendation(s). 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.