

New York Medical College

FACULTY CONSTITUTION AND BYLAWS

FACULTY CONSTITUTION

I. PURPOSE

To provide a mechanism through which the faculty can efficiently use its talents and resources to participate, in a collegial manner, in academic governance; and, thereby, counsel and assist the College in its mission of maintaining a scholarly environment in which to provide and develop excellence in teaching, research and clinical service.

II. ORGANIZATIONAL STRUCTURE

The faculty organization shall be composed of:

1. Elected Faculty Senate
2. President, Executive Vice-President, Secretary and Regional Vice-Presidents for the Basic Sciences and for each of the Academic Medical Centers and University Hospitals.
3. Committees as set forth in this document.

III. FACULTY SENATE

- A. The Faculty Senate shall meet at least twice yearly. Additional meetings may be called by the President of the Faculty Organization; a majority of the Executive Committee; on written petition to the Secretary of the Faculty Senate signed by twenty (20) members of the Senate; or, on written petition to the Secretary of the Faculty Senate signed by fifty (50) faculty members. In the latter two instances the specific agenda items must be included in the petition. Meetings requested by valid petition must be held within forty-five (45) days after receipt of the petition.
- B. In addition to electing or approving membership appointments to committees as outlined in this document, the Senate may:
 1. Form such additional Ad Hoc Committees as it deems necessary;
 2. Direct the Executive Committee or other permanent committees to deliberate on and/or make policy recommendations in various areas as deemed necessary by the Senate.

- C. Senators shall be elected for two (2) year terms by facility to ensure appropriate representation for all facilities and departments. Facilities shall be defined as institutions where New York Medical College faculty teach, such as hospitals and the Basic Sciences Building and is not meant to include units of faculty organization such as individual academic departments. Representation shall be distributed in the following manner:
1. Facilities with less than 50 eligible voters: One at-large Senator for every seven eligible voters. Facilities with less than seven eligible voters shall elect one Senator.
 2. Facilities with 50 or more eligible voters: One Senator for every seven eligible voters, except, each department with more than seven eligible voters shall have at least one Senator elected from that department.
 3. Twenty (20) additional Senators shall be named from the part-time and voluntary faculty. Ten (10) of these Senators shall be chosen by the President of the Faculty Organization and ten (10) shall be chosen by the Dean of the College. An attempt shall be made to include voluntary and part-time faculty such that they represent the broad geographic range of the College's constituency.
 4. The Basic Sciences Faculty shall hold a minimum of 20% of the elected Senate seats. If representation calculated on the basis of one seat for each seven eligible voters results in a lesser percentage, additional Basic Science Senators shall be elected.
- D. Once a year a meeting of the entire faculty shall be called by the President of the Faculty Organization to report to the faculty. This meeting is for informational purposes only and is not a Faculty Senate meeting.

IV. OFFICERS OF THE FACULTY SENATE

- A. The officers of the Faculty Organization shall be the President, Executive Vice-President, Secretary and the Regional Vice-Presidents as described in Section II-2.
- B. The President shall preside over the Faculty Organization, meetings of the Faculty Senate and the Executive Committee as well as carry out the other duties assigned to that office in this document.
- C. The Executive Vice-President shall assume the duties of the President in the President's absence.
- D. The Regional Vice-Presidents shall be responsible for conveying the concerns of their respective constituencies to the Executive Committee of the Faculty Senate. They shall be empowered to call meetings of the Senators at the facilities they represent in order to convey or receive information and/or concerns.

- E. The Secretary shall carry out the duties assigned to that office in this document plus those that are customarily performed by the Secretary of similar organizations.
- F. The President, Executive Vice-President and the Secretary shall be elected for two (2) year terms in school-wide elections by a majority of voters.
- G. The Regional Vice-Presidents shall be elected for two (2) year terms by a majority of voters at the facilities they will represent.

V. ELECTIONS

A. Persons eligible to vote in elections shall include:

1. Any person with a full-time faculty appointment.
2. In order to be considered full-time for purposes of voting in Senate elections the faculty member must:
 - a) Hold one the following faculty titles: Professor, Professor Clinical, Research Professor, Associate Professor, Associate Professor Clinical, Research Associate Professor, Assistant Professor, Assistant Professor Clinical, Research Assistant Professor, Instructor, Instructor Clinical, Research Instructor.

and

 - b) Provide twenty-hours per week or more of some combination of teaching, research, clinical service or administrative service at New York Medical College or one of the College's affiliated institutions.
3. Part-time and voluntary faculty chosen as Senators under Section III-C-3 may also vote in Faculty Senate elections during their terms of office.

B. Any person eligible to vote in a Faculty Senate election shall be eligible to be elected an Officer or a Senator; except that department chairs, deans, medical directors, and other administrative personnel, although they may be eligible to vote in elections, shall not be eligible to become Officers of the Senate or Senators. Chiefs of service and departmental vice-chairs shall be eligible to hold elected positions.

C. Elections shall be conducted by the Nominating Committee as described in this document.

VI. COMMITTEES

A. There shall be three classes of Permanent Committees:

1. Committees of the Faculty Senate that shall include as members only Senators or Officers of the Faculty Organization. These committees are the Executive Committee, the Nominating Committee and the Grievance Committee.
2. Committees of the Faculty shall include the Student Admissions Committee; Education and Curriculum Committee; Tenure, Appointments and Promotions Committee; Faculty Compensation Committee; Advisory Committee on Graduate Medical Education. Appointments to these committees will be made by the Dean from a preferred list of faculty submitted by the Executive Committee of the Senate. Additional members may be appointed by the Dean in order to ensure an effective committee. The Executive Committee shall also forward to the Dean a list of suggested faculty to chair these respective committees.
3. Standing Committees of the Faculty shall include the Student Promotions Committees; Student Financial Aid Committee; Faculty-Student Relations Committee; Library and Academic Support Committee; Protection of Human Subjects Committee; Animal Care Committee; Radioisotope Committee; Biosafety Committee; Fellowship Review Committee and the Intellectual Property/Patent Committee.

Additional Committees may be formed as needed as described in the By-Laws to this Constitution. Appointments to these Standing Committees of the Faculty shall be in the manner described in the By-Laws.

B. Committees of the Faculty Senate:

1. The Executive Committee shall represent the faculty in regular communication with the Dean. It shall meet with the Dean on a regular basis or as often as it deems necessary in order to represent the interests of the faculty regarding major academic and personnel issues affecting the faculty. Periodic meetings of the committee, the Dean and Departmental Chairpersons shall also be held at the request of the Dean and/or the President of the Senate. The Committee shall serve as the coordinating body for recommendations or concerns received from the Faculty Senate, faculty committees, faculty at a given teaching affiliate, or member(s) of a particular academic department. The committee shall submit to the Dean a preferred list of names from which the Dean shall select members of the Committees of the Faculty. The Executive Committee shall also submit a list of suggested faculty to chair the Committees of the Faculty.

While the Executive Committee will have no standing committees, it shall be empowered to form ad hoc committees as needed. The Executive Committee may direct other permanent committees to deliberate on and/or make policy recommendations in various areas as it deems necessary.

The Executive Committee shall be composed of: the President, the Executive Vice-President, the Secretary, the Regional Vice-Presidents, the immediate Past President of the Faculty Organization and 10 other Senators. The 10 other

members shall be elected by the Senate from among its membership for two years as described in the By-Laws to this Constitution. Among the 10 elected Executive Committee members there must be at least one from each of the Academic Medical Centers and University Hospitals. At least one member shall be from the Basic Sciences. One member shall be from the part-time and voluntary group. The President of the Organization shall serve as Chairperson.

2. The Nominating Committee shall be empowered to nominate two candidates for each of the following positions: President, Executive Vice-President, Secretary, Regional Vice-Presidents. Additional nominations shall be added to the ballot when petitions signed by 25 faculty members eligible to vote are received by the Committee. Any faculty member eligible to vote in an election except department chairpersons, assistant deans, deans and other administrative personnel, shall be eligible to be Senators or Officers.

The Nominating Committee may appoint local nominating committees at the various facilities. These committees shall seek candidates for Senator from the faculty according to the appropriate formula. In addition, the Committee shall be responsible for conducting the actual election by secret mailed ballot, ensuring that appropriate ballots have been mailed, receiving the return ballots and counting the votes.

The Nominating Committee shall have a minimum of 10 members appointed by the Executive Committee and approved by the Senate. All members of this Committee shall be Senators. One of them shall be designated Chairperson by the Officers prior to Senate approval. At least 2 members shall come from the Basic Sciences and at least one from each of the Academic Medical Centers and University Hospitals.

3. The Grievance Committee shall consist of 7 individuals elected by the Faculty Senate from among its members. The President of the Faculty Organization shall appoint a Chairman and a Vice-Chairman from among the elected members of the Grievance Committee. The Grievance Committee shall elect a Secretary from among its own members.

Election to the Grievance Committee shall be for two years but individuals may serve unlimited successive terms. If a vacancy occurs on the Grievance Committee the Faculty Senate will elect one of its members to complete the term of the member who left.

Procedural details for the Grievance Committee shall be included in the By-Laws to this document. Confirmed grievances as found by the Grievance Committee shall be accorded a presumption of legitimacy by the Dean and the College Administration.

- C. The purpose and composition of the various Committees of the Faculty and Standing Committees of the Faculty are described in the By-Laws to this document. Except as otherwise set forth in this document, the length of a faculty member's service on a

committee shall have no set limit; however, all appointments shall be reviewed annually. Every effort shall be made by the Dean and the Executive Committee of the Senate to ensure that interested members of the part-time and voluntary faculty group are represented.

Each of the committees shall meet at least twice a year. Periodic written reports shall be submitted to the Dean with copies to the Executive Committee of the Senate.

In making appointments to the five Committees of the Faculty, the Dean shall ensure that at least one member of each of these committees is a member of the Executive Committee of the Senate.

D. Search Committees for Department Chairpersons shall be formed to fill any vacancies in the position of Department Chairperson. The following procedures shall be followed:

1. The Dean shall notify the Executive Committee of the Faculty Senate that a vacancy in a department chair exists or is scheduled to occur. The Executive Committee will submit a list of at least twelve names of faculty members to the Dean which will be used by the Dean as a preferred list from which to choose members of the Search Committee. The Dean may also appoint as members of the Committee faculty who have not been nominated by the Executive Committee if the Dean feels that they will ensure that the Committee will function in the most efficient and effective manner.

One medical student shall be appointed to serve on the Search Committee by the Dean. The medical student should be recommended to the Dean by the Medical Student Senate. If a Chairperson for one of the Basic Sciences Departments is being sought, the Graduate Student Association may recommend to the Dean a full-time Ph.D. candidate to serve as a voting member of the Search Committee in addition to the medical student. The Dean may appoint a member of the New York Medical College alumni to serve on the Search Committee and the Dean may also appoint one house officer from the subject clinical department to serve on the Search Committee.

The Dean may appoint a knowledgeable professional from another institution not affiliated with the College to serve on the Search Committee. This person may not serve as Chairperson of the Search Committee. The Dean or a designated representative of the Dean will serve as ex-officio members of the Search Committee.

The Dean shall notify the Secretary of the Faculty Senate that a Search Committee for a Chairperson is to be formed. The Secretary of the Faculty Senate will request, by mail, nominees from the full-time faculty of the Department for which the search is going to be conducted to serve as members of the Search Committee. The Secretary of the Faculty Senate will then conduct an election, by mail, of all the full-time faculty of the Department. The two faculty receiving the highest vote totals shall serve on the Search Committee. The faculty member receiving the greatest number of votes will be designated the voting

member and the other faculty member will be designated as an observer. In the case of a tie vote, Search Committee members will be chosen by lottery from among the faculty receiving the highest vote totals. If in the opinion of the Dean, the election results in an imbalance in facilities represented on the Search Committee, the Dean may, in consultation with the Executive Committee of the Faculty Senate, appoint one additional non-voting full-time faculty member of the Department to the Search Committee in order to ensure the broadest possible representation. It is understood that the departmental members represent the views of their department and it is their particular task to provide close liaison between the Committee and department. Departmental representatives on the Search Committee may attend all Search Committee meetings except when the Committee is called into executive session by its Chairperson to discuss individual department members or other special problems relating to the department.

2. To ensure the selection of the strongest possible candidate, every search should be wide and competitive and include the consideration of several candidates. The Search Committee should seek recommendations from the faculty, particularly from members of the department concerned.

The interview procedure should include meetings of the candidate with the members of the department concerned. The details of the interview procedure should be left to the Search Committee itself. However, the Search Committee should seek the recommendations of the department involved after a candidate has been interviewed.

3. The Search Committee will make its recommendations to the Dean. When the Dean has made a decision, the result will be reported to the Search Committee and to either a combined meeting of the Executive Committee of the Faculty Senate and the Department Chairpersons or to individual meetings of these two groups. The proposed academic rank of the selected Chairperson will be forwarded by the Dean to the Tenure, Appointments and Promotions Committee for approval. The name of the selected Chairperson and his or her academic rank will then be presented to the Board of Trustees for final approval.
4. Notwithstanding any language in this section, all search Committees will be formed and searches conducted in accord with specific contractual obligations as written in the various affiliation agreements between New York Medical College and its affiliated institutions.

E. A Search Committee for Dean will be formed whenever that position is vacant or a vacancy is anticipated. The following procedure shall be followed:

1. Formation of Advisory Committee: The President of the College will notify the Executive Committee of the Faculty Senate that a Search Committee is to be formed. The Executive Committee will submit three names of its members to the President of the College to serve along with three Department Chairpersons chosen by the President of the College, the Medical Board Presidents of the

Academic Medical Centers and University Hospitals and the President of the Alumni Association to advise the President of the College in the selection of a Search Committee.

2. Composition of Search Committee: The Search Committee shall have the following composition:

Four members from the Clinical Faculty, four members from the Basic Sciences faculty; three voluntary faculty; one alumnus; President of the Faculty Senate at the time the Committee is formed; President of the senior class. A member of the Board of Trustees and the President of the College shall serve as ex-officio members of the Search Committee. The President of the College may also, if desired, appoint knowledgeable professionals who are faculty at other institutions to serve on the Search Committee for Dean. The President of the College shall appoint the Chairperson of the Search Committee and shall notify the Executive Committee of the Senate and the Departmental Chairpersons of the composition of the Search Committee.

3. The Search Committee for Dean shall develop the criteria for this position and select, interview and recommend suitable candidates to the President of the College.
- F. Search Committee for President will be formed by the Board of Trustees. The Trustees will seek suitable faculty advice in searching for a President of the College.
- G. Ad Hoc Committees appointed by the Dean or other College officials that deal with matters affecting faculty shall, whenever feasible, include among their membership at least one Senate representative arrived at through consultation with the President of the Senate.

VII. FACULTY TENURE

- A. New York Medical College recognizes that it is living in a highly competitive world and it seeks to build up and maintain a faculty that is second to none in excellence. It believes that justice and academic freedom as well as its own best interests are assured by providing permanent tenure to its foremost scholars.
- B. Permanent tenure shall mean the continued employment of a professor or associate professor, who has received a tenure appointment, under conditions to be developed by the Faculty, Dean, President and Board of Trustees and incorporated into the By-Laws. Permanent tenure refers only to the academic appointment and its rank and does not refer to any administrative position which a faculty member may carry, such as Dean, Department Chair, Director, Chief-of-Service, etc.

VIII. AMENDING FACULTY CONSTITUTION

- A. The Faculty constitution may be amended by a two-thirds vote of the faculty provided a majority of eligible voters participate. This vote shall be by secret ballot.

Amendments must first be passed by two-thirds vote of the Executive Committee of the Faculty Senate or by two-thirds of the Faculty Senate. The Executive Committee will circulate any proposed amendments to the constitution prior to the vote. Amendments must subsequently have the approval of the Board of Trustees.

- B. By-Laws to this document may be enacted or amended by a majority vote of the Faculty Senate and approved by the Board of Trustees.
- C. Substantive changes in grievance procedure shall require two-thirds vote of the faculty provided a majority of eligible voters participate. Such a vote shall be by secret ballot. Changes in the grievance procedure must also be approved by the Board of Trustees.

FACULTY BY-LAWS

FACULTY BY-LAW 1: GRIEVANCE

I. GRIEVANCE COMMITTEE AND PROCEDURES

A. Grievance Committee: Composition

The Grievance Committee shall consist of 7 individuals selected by the Faculty Senate from among its members. The President of the Faculty Organization shall appoint a Chairperson from among the elected members of the Grievance Committee and a Vice-Chairperson to serve as Chairperson in the absence or disability of the Chairperson. The Grievance Committee shall elect a Secretary from its members who shall cause required notices to be given, minutes of the Committee's proceedings to be taken and who shall maintain the records of the Committee.

B. Meetings and Quorum

1. The Grievance Committee shall meet, at the direction of its Chairperson, as often as shall be necessary for the Committee to accomplish its purposes without unreasonable delay. Notice of each meeting shall be given under direction of the Chairperson, in writing, at least five days before the date scheduled if delivered personally or at least eight days before the date scheduled if mailed to the members. A copy of the agenda of each meeting shall accompany notice of the meeting.
2. The presence of a majority of all the members of the Grievance Committee shall be required for a duly constituted meeting and for any action taken thereat, except that a lesser number may adjourn any scheduled meeting at which a quorum is not present. The vote of a majority of the members present at a duly constituted meeting shall constitute action by the Committee.

C. Procedural Principles

In connection with proceedings by and before the Grievance Committee, the following procedural principles shall apply:

1. For good cause as determined in the judgment of its members, the Committee may permit or order one or more adjournments of its meetings or extensions of time limitations provided for herein;
2. No formal rules of evidence shall apply to the Committee's proceedings, but the essential facts underlying its decision must have a trustworthy basis;
3. Because of the often inherently sensitive nature of Grievance Committee inquiries into issues such as performance, reputation and credibility, the Committee's proceedings shall be open only to Committee members and staff and to those persons participating as parties or witnesses and to observers agreed to by the Committee and the parties.
4. Without compromising its duties as prescribed herein or its objectivity, the Grievance Committee shall encourage and assist in the informal resolution of grievances.

D. Grievance Procedures

1. Submission of Grievance:
 - a. An aggrieved faculty member shall submit his or her grievance to the Secretary of the Grievance Committee in writing. The written grievance shall contain, stated separately, summaries of (i) the facts, and (ii) the contentions, upon which the faculty member will rely, and shall be submitted with copies of all exhibits available to the faculty member that he or she deems relevant.
 - b. The Secretary shall cause copies of the grievance to be forwarded to the Chairperson, the other members of the Grievance Committee and the person responsible for the grievance within 15 days after its receipt. The aggrieved faculty member shall be given a reasonable advance notice of the date of the first meeting at which the grievance will be considered and invited to appear at that meeting. Such meeting shall be held within 45 days after submission of the grievance.
2. First Meetings:
 - a. At the first meeting at which a grievance is presented, the Committee shall review the grievance and the exhibits submitted therewith and shall permit the aggrieved faculty member to appear in support of the grievance.
 - b. After considering the grievance and any statements made by the grievant, the Committee shall determine whether sufficient evidence of the conditions for

processing of a grievance exists to warrant further proceedings under these by-laws:

- (i) If the committee determines that sufficient evidence for further proceedings does not exist, it shall so inform the grievant in writing and no further proceedings under these laws shall be called for;
- (ii) If the Committee determines that sufficient evidence for further proceedings does exist, it shall so inform the grievant, the person responsible for the grievance and the Dean in writing and adjourn further proceedings to a subsequent meeting, which shall be held within 45 days after final adjournment of the first meeting.

3. Subsequent Meetings:

a. In preparing for a subsequent meeting on a grievance the committee shall:

- (i) Determine, based on the grievant's evidence and other factors deemed relevant, those persons who should be invited to appear at the subsequent meeting to give evidence in connection with the grievance and those documents and items of information that should be requested from appropriate persons for use in connection therewith, and;
- (ii) Upon reasonable notice in writing, invite those persons who, in the Committee's judgment, can give evidence most material to the grievance issues to appear at the subsequent meeting or to submit a written statement on such issues for the consideration of the Committee thereat, and request from the appropriate persons, subject to a claim of confidentiality, copies of those documents and items of information deemed by the Committee necessary to its efforts to reach a determination on the grievance issues.

b. At the subsequent meeting, the Committee shall permit those persons invited, as well as others who appear and are able to provide relevant and material information, to state their positions regarding the grievance issues and to submit such documentary evidence as the Committee may deem appropriate. The Committee shall also consider at such meeting all documents and items of information supplied at its request relating to the grievance issues, and may direct questions to the persons appearing before it.

4. Decision:

After the Committee's receipt, review and consideration of evidence sufficient in its judgment for a fair determination, the Committee shall, within 30 days, render a decision on the grievance:

- a. If the decision is adverse to the grievant, he or she, the Dean and the person responsible for the grievance shall simultaneously be informed in writing and the reasons for the decision, stated separately as to facts and conclusions, shall be summarized after which there shall be no cause for further proceedings under these by-laws;
- b. If the decision is in favor of the grievant, (a "confirmed grievance") he or she, the Dean and the person responsible for the grievance shall simultaneously be so informed in writing and the reasons for the decision, stated separately as to facts and conclusions, shall be summarized.

E. Basis for Finding A "Confirmed Grievance"

A "confirmed grievance" exists if the Grievance Committee finds the following conditions exist:

1. The faculty member has a claim of entitlement from the College to some substantial advantage, benefit or immunity based on College-promulgated policies or past College practice upon which the faculty member has good cause to rely and that are applicable to the class of faculty to which the faculty member belongs; or, in the absence of any specifically promulgated policies or past practice, based on certain advantages, benefits or immunities that are customarily afforded faculty members of his or her class.
2. The faculty member's claim of entitlement has been denied, repudiated or not acted upon in a reasonable period of time by a person or persons in superior authority without sufficient reason;
3. The faculty member has reasonably brought the matter before the Grievance Committee after taking reasonable steps in good faith to attempt an informal resolution of the grievance first with his immediate supervisor and then with appropriate persons in higher authority;
4. The substance of the grievance has not been adjudicated by, and is not pending before, a court of law or some other tribunal or agency.

F. Adjustment of Grievances

1. "Confirmed grievances" as found by the Grievance Committee shall be accorded a presumption of legitimacy by the Dean and college Administration, subject to a demonstration of substantial irregularity in the procedures leading to the Committee's findings, palpable error of fact or bad faith.
2. Upon the Dean's receipt of a "confirmed grievance" from the Grievance Committee, the Dean shall cause inquiry to be made of the person or persons responsible for the grievance and of those with the authority to effect its satisfaction, and shall, within 30 days cause the Grievance Committee and the

grievant to be advised in writing of whether and how the "confirmed grievance" will be adjusted.

3. If the Dean's response to the Grievance Committee and the grievant is that the "confirmed grievance" will be adjusted and the adjustment is accepted by the grievant, there shall be no cause for further proceedings under these bylaws.
4. If the Dean's response to the Grievance Committee is that the "confirmed grievance" will not be adjusted, the reasons shall be stated in writing to the Grievance Committee and the grievant.

G. Appeal to President of the University

1. If the Dean's response to the grievant and the Grievance Committee is that a 'confirmed grievance' will not be adjusted, or if the adjustment proposed by the Dean is not satisfactory to the grievant, the aggrieved faculty member may, within 15 days after receipt of the Dean's response, appeal in writing to the President. In appealing to the President the grievant shall outline, in writing, how the Dean's response differed from the recommendations of the Grievance Committee. The grievant shall also inform the Grievance Committee, in writing, of an appeal to the President.
2. The President shall respond within 30 days from receipt of the appeal, in writing, to the grievant and the Grievance Committee.
3. If the response is that the 'confirmed grievance' will be adjusted and the adjustment is accepted by the grievant, there shall be no further cause for action under these by-laws.

H. Mediation

1. If the President's response to the grievant and the Grievance Committee is that the 'confirmed grievance' will not be adjusted or if the proposed adjustment is not satisfactory to the grievant, the grievant may, within 15 days of receipt of the President's response, make a request in writing to the President of the Faculty Senate that a mediation panel be formed.
2. Within 15 days of written receipt of a request for mediation, the President of the Faculty Senate shall jointly with the President choose, by lottery, from the previously composed panel of mediators as described in Section III below three faculty to serve as mediators.
3. The grievant and the President may challenge one mediator each. If a challenge occurs, the challenged mediator will be replaced by another faculty member chosen by lottery from the panel of mediators.
4. The mediators shall attempt to work with all involved parties to achieve a good faith resolution of the 'confirmed grievance.' Should a good faith resolution be

reached, the mediators shall notify, in writing, the President, President of the Faculty Senate, the Dean, the grievant and the Grievance Committee of the parameters of the resolution.

I. Recommendation

1. If after 30 days the mediators have been unable to achieve a mediated settlement, they shall so notify, in writing, the President, the President of the Faculty Senate, the Dean, the grievant and the Grievance Committee. They shall also notify the above-mentioned parties that they are preparing a recommendation to be issued fifteen days from the time of this notice.
2. Fifteen (15) days after notifying the parties as described in Section I-1 above, the mediators shall issue their recommendation, in writing, to all parties listed in Section I-1. The parameters of the recommendation shall not exceed and may be less than those set forth in the initial Grievance Committee recommendation.
3. Following receipt, the President shall confer with the Dean regarding the mediation panel recommendation. The President shall thereafter determine whether the recommendation will be adopted or not. The President will inform the Dean, the grievant, the Grievance Committee and the President of the Faculty Senate within 30 days after its receipt whether or not the recommendation will be adopted.

II. Definitions

1. President refers to President of the University.
2. Dean refers to, respectively, the Dean of the Medical School or the Dean of the Graduate School of Basic Medical Sciences depending upon the school of the faculty member's primary appointment or, more specifically, if the grievance is based on an action specific to a particular school, the Dean of that School.

III. Panel of Mediators

1. Immediately after approval of this amendment by the Board of Trustees, the President of the Faculty Senate and the President shall solicit, by a method that is mutually agreeable, faculty to serve on the panel of mediators (Mediation Panel).
2. A minimum of twenty (20) faculty shall be chosen for the panel.
3. Service on the panel shall be for three years. Faculty may be reappointed for additional terms.
4. Once a year the President and the President of the Faculty Senate shall review the composition of the Mediation Panel and add additional faculty as needed.

FACULTY BY-LAW 2: COMMITTEES

I. COMMITTEES OF THE FACULTY

- A. Appointments to the Committees of the Faculty shall be made by the Dean, preferentially chosen from a list of faculty submitted by the Executive Committee of the Senate. The Dean may appoint additional faculty not included on the submitted list in order to ensure that each Committee contains the expertise it needs to carry out its charge. At least one member of each of the Committees of the Faculty shall also be a member of the Executive Committee of the Faculty Senate.

The Executive Committee shall submit a list of names to the Dean as suggested Chairpersons of the various Committees of the Faculty. The Dean shall give preference to the names on the list in selecting Chairperson for the various Committees of the Faculty. On those Committees that include students, the Student Senate shall send a list of students to the Dean for appointment to the respective Committees.

- B. The following is a description of the designated Committees of the Faculty:

1. **Student Admissions Committee** shall establish and maintain standards and criteria for the admission of students to New York Medical College. The Committee and the Associate Dean of Admissions, shall determine procedures for the review of applicant information and for interviewing candidates. It shall approve for selection qualified students to fill the requisite places in each entering class. The Committee shall also review the qualifications and authorize the appropriate selections for admission of transfer students from other medical schools.

The Student Admissions Committee shall have a minimum of eighteen (18) faculty members. Any faculty member is eligible to serve on this Committee. Medical students may also be selected to serve on the Admissions Committee at the discretion of the Dean and the Associate Dean of Admissions.

2. **Education and Curriculum Committee** shall give continuous study and review to the medical curriculum and teaching programs of New York Medical College. It shall pay particular attention to curriculum content and schedule, coordination of teaching activities, evaluation of teaching programs, and innovations in medical education. The Committee shall recommend to the Dean such changes in curriculum and teaching programs as it deems necessary. It shall be empowered to form subcommittees and consult with other members of the faculty as needed. This Committee shall work closely with any Faculty Committee on Graduate Education that might be initiated by the Senate and Dean in the future.

The Education and Curriculum Committee shall have a minimum of 26 members including 5 students. Any faculty member may be appointed to this Committee.

It is preferable that as many teaching departments and institutions be represented on this Committee as possible.

3. **Tenure, Appointments and Promotions Committee** shall establish and maintain written standards, criteria and procedures for reviewing and recommending faculty appointments, promotions and tenure. It shall review all proposed appointments or promotions to the rank of professor, professor of clinical, research professor, clinical professor, associate professor, associate professor of clinical, research associate professor and clinical associate professor.

After careful review of the required applicant materials, the Committee shall recommend to the Dean the approval or disapproval of each proposed candidate for faculty appointment promotion or tenure. When tenure is being considered, the Committee may form a subcommittee of its tenured members to review the tenure application. This subcommittee shall only deal with tenure and not promotions or appointments.

The Tenure, Appointments and Promotions Committee shall have a minimum (16) faculty members. Any associate professor or professor shall be eligible for appointment to this committee. At least six appointees shall be from clinical departments and at least six appointees shall be from basic science departments.

4. **Faculty Compensation Committee** shall review faculty suggestions and related data concerning faculty salaries and fringe benefits. After such review, the Committee shall formulate recommendations on faculty salary and fringe benefit policies and communicate these recommendations to the Dean, the President of the College and the Executive Committee of the Faculty Senate.

The Faculty Compensation Committee shall be composed of a minimum of ten (10) members. The Committee should include appropriate representatives from administration in order to ensure that it functions efficiently and effectively.

5. **Student Advisory Committee on Graduate Medical Education** shall be concerned with counseling students on career choices, choice of institution for post-graduate education and, in general, developing an extensive advisory system to assist medical students in their professional development throughout their residence at New York Medical College.

The size and composition of the Student Advisory Committee on Graduate Medical Education shall be determined by the Dean.

II. STANDING COMMITTEES OF THE FACULTY

- A. Appointments to the Standing Committees of the Faculty shall be made by the Dean in consultation with the Executive Committee of the Faculty Senate unless stated otherwise in this By-Law. Each of these Committees shall have at least seven (7) members. Additional members may be appointed depending on the purpose of the Committee and the preference of the Dean.

B The following is a description of the Committees designated as standing Committees of the Faculty:

1. **Student Promotions Committees** shall be three in number-first year, second year and third/fourth years. Each Committee shall be composed of the department Chairperson (or his/her designee) and one additional member from each department recommended by each department that teaches during that year. The recommended members should be actively involved in that department's teaching program. The Committees shall evaluate the scholastic performance of individual students. Based on their evaluations, the Promotions Committees shall recommend to the Dean that students be promoted to the subsequent class, perform remedial work, repeat a year or be asked to withdraw from New York Medical College. The Dean shall appoint the Committees' Chairpersons.
2. **Student Financial Aid Committee** shall formulate policies of New York Medical College as related to scholarships, bursaries and student loans. The Committee shall evaluate applications and requests submitted by the students and make recommendations as to funding based on merit, need and other factors, in accordance with guidelines of governmental agencies or private donors.
3. **Faculty-Student Relations Committee** shall promote communications (formal and informal), understanding and harmony between student and faculty to assure a friendly scholastic atmosphere that is conducive for work, learning and achievement.
4. **Library and Academic Support Committee** shall promote accessible and effective library and computer services. It shall recommend related policy changes and program initiatives to the Dean and other College Officials.
5. **Protection of Human Subjects Committee** shall formulate and maintain written policies that safeguard the rights and welfare of individuals who are involved as human subjects in research conducted by or under the supervision of faculty members at the College or its hospital affiliates. The Committee shall review and approve or disapprove, or state conditions for, the conduct of all research activities involving a human subject or subjects in accordance with these policies. It shall monitor all ongoing projects involving human subjects and render formal review no less than annually.
6. **Animal Care Committee** shall ensure the humane treatment of experimental animals at New York Medical College. The care of animals used in research or for student teaching shall meet the requirements of federal, state, county, and city regulations. Such care includes, but is not restricted to adequate analgesia, anesthesia, nutrition, exercise, ventilation and hygiene.
7. **Radioisotope Committee** shall promote safe practices in handling and using radioactive sources within the jurisdiction of New York Medical College and its affiliates. It shall promote adherence to the recommendations and safety

standards as outlined in the radiation safety manual and by governmental and scientific regulatory agencies.

8. **Biosafety Committee** shall make recommendations which promote the highest standards of safe research. It shall develop policy regarding potential hazards related to research activities involving recombinant DNA technology, oncogenic viruses, chemical carcinogens, and other bio-hazards not under the jurisdiction of the Radioisotope Committee. It shall make recommendations of containment techniques, laboratory practices, waste handling, identification and control of hazardous areas, medical surveillance, training of personnel and other related practices.
9. **Fellowship Review Committee** shall review the proposals and the credentials of candidates for extramural or intramural career development awards, research scholar awards, fellowships or related prizes. It shall recommend to the Dean those candidates best qualified based on scientific merit and sponsoring agency or institutional criteria.
10. **Intellectual Property/Patent Committee** shall be responsible for general oversight and advice concerning the College's patent policy as it regards faculty, employees, students, or outside sponsors. It shall make recommendations to the President of the College regarding disposal of inventions, the manner of disclosure or publication of discoveries and the type of patent action that should be taken.
11. **Research Support Services Committee** shall ensure that administrative services, e.g. purchasing, accounting, research administration, etc., as well as the auxiliary support services (bookstore, photography, etc.) provide appropriate service to the faculty. This committee shall be empowered to request joint meetings with other faculty committees whose charge it may be to oversee activities that are also essential to the research activities of the college.

The President of the Faculty Senate, with the approval of the Executive Committee of the Faculty Senate, shall recommend to the Dean five faculty members to serve on this Committee. The Dean may appoint four additional faculty or members of the College Administration to serve on this Committee. The President of the Faculty Senate and the Dean shall serve in an ex-officio capacity on this Committee. The Dean, in consultation with the President of the Faculty Senate will appoint the Chairperson of this Committee.

FACULTY BY-LAW 3: APPROVAL OF CONSTITUTION AND BY-LAWS

This document will take effect after being approved by:

1. Two thirds (2/3) of the faculty voting in a secret ballot election (Faculty eligible to vote shall be those described in Section V of this document);
2. The Board of Trustees.

FACULTY BY-LAW 4: TRANSITION FROM CURRENT BY-LAWS

- I. The current Officers and Steering Committee shall serve until new Officers and a Senate have been certified.
- II. Upon approval of this document the current President of the Faculty Organization will charge the Steering Committee to serve as the Nominating Committee as described in this document.
- III. Elections will be conducted by the current Steering Committee in accord with the provisions of this document.
- IV. For the first election, one-half (1/2) of the Senators will be nominated to serve one-year terms.
- V. At the completion of the election and certification of new Officers and Senators the existing By-Laws shall no longer be deemed valid and the procedures described in this document shall be followed.

FACULTY BY-LAW 5: ALTERNATE PATHWAY TO CONSIDERATION FOR PROMOTION OR TENURE

The purpose of this By-Law is to provide faculty members with an alternate pathway to use to be considered for promotion or tenure if they have not been proposed for such consideration by their Department Chairpersons in a reasonable and timely fashion. The Alternate Pathway Promotions Committee established in this By-Law will be empowered to recommend to the Dean that faculty it has considered should have their names submitted to the regular Tenure, Appointments and Promotions Committee (T.A.P. Committee) for consideration for promotion and/or tenure.

I. Composition of Alternate Pathway Committee

- A. All members of the Alternate Pathway Committee shall hold the rank of either Professor or Associate Professor (Unmodified or Modified).
- B. Department Chairpersons shall not be eligible to serve on this committee.
- C. The Dean of the Medical College will choose the members of this committee in consultation with the Executive Committee of the Faculty Senate and the Departmental Chairpersons. At least eleven faculty shall serve on this committee. The Dean will select the committee to represent the various Departments in a proportional manner.
- D. The members of the Committee will elect their own Chairperson.
- E. Appointment to the committee shall be for two years. The Dean may reappoint committee members for unlimited additional terms.

II. Eligibility for using Alternate Pathway

- A. A faculty member must have been an Assistant or Associate Professor (Unmodified or Modified) for a minimum of five years before using the procedures outlined in this By-Law when applying for consideration for promotion.
- B. A faculty member must have been an Associate Professor or a Full Professor (Unmodified or Modified) for a minimum of three years before using the procedures in this By-Law to apply for consideration for tenure.
- C. The faculty member's Department Chairperson must have refused to forward the faculty member's promotion or tenure recommendation to the Dean for transmittal to the T.A.P. Committee.

III. Procedure for using Alternative Pathway

- A. The faculty member shall notify the Chairperson of the Alternative Pathway Committee, in writing, that he/she wishes to be considered for promotion and/or tenure.
- B. The Alternate Pathway Committee will then solicit from the faculty member the material it requires in order to make a determination. The Committee will also consult with that faculty member's Department Chairperson before making a decision. The Committee will make its decision using the general guidelines developed by the T.A.P. Committee.
- C. If the Committee decides that the faculty member should be considered for promotion or tenure it will forward its recommendation in writing to the Dean who will then forward the faculty member's name to the T.A.P. Committee in a manner similar to that in which Chairperson's recommendations are processed. The T.A.P. Committee will then evaluate the faculty member's suitability for promotion and/or tenure according to its own guidelines.
- D. Members of the Alternate Pathway Promotions Committee may not participate in reviews of their own cases.
- E. During the time the Alternate Pathways Committee is considering a faculty member's petition no punitive action may be taken against the petitioning faculty member except, with the Dean's approval, for reasons other than the faculty member's resort to the Alternate Pathways Committee. An appeal to the Alternate Pathways Committee may not be used as a reason for disciplinary action whether or not the Alternate Pathways Committee approves the appeal.

IV. Approval of By-Law

- A. This By-Law will take effect when approved by the Faculty Senate and the Board of Trustees in accord with the provisions of the Faculty Constitution (Section VIII-B).

FACULTY BY-LAW 6: ELECTION OF EXECUTIVE COMMITTEE

- I. The ten Senators elected to the Executive Committee as described in the Faculty Constitution (Section VI.B.1. paragraph 4, line 3) shall be elected by a majority vote of the Senators for a term of two years. If a member of the Executive Committee is not re-elected to the Senate during his/her term of office on the Executive Committee, a new Senator will be elected to the Executive Committee for a full two-year term.
- II. This By-Law will take effect when approved by the Faculty Senate and the Board of Trustees as described in the Faculty Constitution and will apply to the Executive Committee members elected immediately prior to its ratification.

FACULTY BY-LAW 7: TENURE

In accord with the principles concerning Faculty Tenure described in Section VII of the Faculty Constitution, New York Medical College adheres to the following tenure policy:

I. Definition of Tenure

- A. Tenure means continued employment in the primary department in the academic rank to which the faculty member was tenured.
- B. Tenure guarantees salary support according to the following schedule:
 1. Tenured faculty who are funded entirely or in part by New York Medical College institutional funds and/or grants are guaranteed 100% of their salary amounts derived from these sources.
 2. Tenured faculty whose salaries are funded entirely or in part from affiliation contracts are not guaranteed salary continuation for that portion of their salaries that are derived from affiliation agreements.
 3. Tenured faculty who receive salary support from Private Practice are not guaranteed salary continuation for that portion of their salaries derived from this source.

II. Eligibility for Tenure

- A. Full time faculty in the ranks of Professor, Associate Professor, Professor Clinical or Associate Professor of Clinical are eligible for tenure.

III. Number of Tenure Positions

- A. The College will maintain the overall percentage of faculty who are tenured as close as possible to the national average of tenured faculty in medical schools.

- B. The Dean and the Executive Committee of the Faculty Senate will meet at the beginning of each academic year and review the overall percent of tenured faculty at the College, national norms for the percent of tenured faculty at medical schools and the number of tenured positions available at New York Medical College.
- C. The Dean will encourage Department Chairpersons and Supervisors to recommend faculty who are eligible for tenure to the Tenure, Appointments and Promotions Committee on a reasonable and timely basis.

IV. Recommendations for Tenure

- A. The T.A.P. Committee shall review all recommendations for tenure as described under the general guidelines in the Faculty By-Laws on Committees (By-Laws II: Committees, Paragraph A-2-C).
- B. Recommendations for tenure shall be submitted to the T.A.P. Committee by the Dean.

V. Termination of Tenure

- A. Tenure automatically terminates when a faculty member changes his or her faculty status from full-time to part-time or voluntary.
- B. Tenure may also be terminated for cause in situations in which a faculty member fails to perform his/her duties, as defined ultimately by the Dean; or, for acts that are clearly contrary to professional, academic or institutional standards. Tenure may also be terminated because of financial exigency, or when programs, departments or institutions are abolished or curtailed. The College will make a good faith effort, consistent with institutional needs, to retain the tenured faculty.
- C. Recommendations for termination of tenure may be made to the Dean by the Department Chairpersons or by the Dean directly to the President and the Board of Trustees. In either instance, the faculty member shall be notified, in writing, of the reasons why this recommendation is being made and shall be afforded a reasonable opportunity to respond, in writing, to the Dean. Upon consideration of all the relevant facts, the Dean may elect to continue the faculty member's tenure or recommend to the President and the Board of Trustees that the faculty member's tenure be terminated. The faculty member shall be notified, in writing, of the Dean's decision.
- D. If the Dean decides to recommend to the President and the Board of Trustees that a tenure appointment be terminated, the faculty member whose tenure appointment is scheduled to be rescinded is entitled to file a grievance with the Faculty Grievance Committee under the procedures outlined in Faculty By-Law I: Grievance. In cases in which a faculty member files a grievance because of termination of tenure, the Grievance Committee shall assume that sufficient evidence for proceedings exist and shall fully investigate the grievance in accord with its established procedures.

- E. Unless deemed inappropriate by the Chairperson and the Dean, a faculty member shall remain on staff as a tenured faculty member until his or her grievance is resolved.

VI. Currently Tenured Faculty

- A. All faculty who received tenure prior to the adoption of this By-Law shall continue to hold tenure under the terms hereof.

VII. Approval of By-Law

- A. This By-Law shall take effect when approved by the Faculty Senate and the Board of Trustees in accordance with the provisions of the Faculty Constitution (Section VIII-B).

FACULTY BY-LAW 8: SABBATICAL POLICY

The purpose of this By-Law is to provide a formal mechanism through which eligible faculty may receive a sabbatical leave. It is recognized by the College that a policy that encourages faculty to take sabbatical leave is an important component for maintaining a rich and productive scholarly environment.

I. Eligibility

- A. Faculty shall be eligible for sabbatical leave of up to one year, at the discretion of the Dean, after each seven-year period of full-time employment in faculty duties provided that they have, during that time, at a minimum, achieved the rank of Associate Professor (Modified or Unmodified).

II. Method of Applying for and Criteria for Granting Sabbatical Leave

- A. Eligible faculty shall request sabbatical leave from their Department Chairpersons based upon a meaningful written proposal describing the place, purpose and nature of the work to be pursued during the sabbatical and any outside salary support, stipend or other compensation or award to be available.
- B. If the absence of the faculty member will not be unduly detrimental to the functioning of the Department and, if the purpose of the proposed sabbatical is of an appropriate scholarly nature, then the sabbatical leave may be granted by the Dean upon recommendation of the Chairperson.
- C. If the leave is denied, then the faculty member shall be notified, in writing, of the reasons. The faculty member may appeal the denial to the Dean and, if there is not a satisfactory resolution to the faculty member's request, the faculty member may appeal the denial in accordance with the grievance procedures of the Faculty Constitution and By-Laws.

- D. Any substantial changes in the place, purpose or nature of the sabbatical require the prior written approval of the Dean.

III. Salary Support and Length of Sabbatical

- A. Faculty who are granted sabbatical leaves of six months or less will be entitled to continuation during the sabbatical of the full College hard money components of their normal salaries. Faculty who are granted leaves of greater than six months will be entitled to continuation of the hard money components of their normal salaries pro-rated, however, such that they will receive an amount equal to the six month hard money components of their salaries. Hard money sabbatical salary support as so determined and benefits will be made available from the faculty members' respective departmental hard money salary budgets in the same proportions as the faculty members' full-time salary support and benefits have been chargeable to such budgets. Salary support and benefits, if any, made available to the College for sabbatical purposes from soft money sources (e.g., grants, affiliation contracts and departmental faculty practice funds) and not otherwise encumbered may be used to support a faculty member's sabbatical to the extent, when added to any hard money sabbatical support, that the faculty member receives up to an amount equal to his or her full salary and benefits during normal College employment.
- B. If there will be support from sources outside the College, whenever payable, in the form of salary, stipend, award or other compensation available to a faculty member in connection with sabbatical activities, salary support from the College will be reduced as necessary so that the sum of the College's sabbatical salary support plus the outside support will not exceed the faculty member's full-time salary during normal College employment. Under special circumstances the Dean may in advance authorize recovery by a faculty member on sabbatical of more than the amount of the faculty member's normal full-time salary from such outside sources in order to defray unusual personal expenses to be incurred because of the sabbatical.
- C. Faculty who are on sabbatical leave shall receive their fringe benefits as full-time faculty, however, retirement benefits will be calculated on actual salary amounts paid by the College during the sabbatical.

IV. Approval of By-Law

This By-Law will take effect when approved by the Faculty Senate and the Board of Trustees in accord with the provisions of the Faculty Constitution (Section VIII-B).

FACULTY BY-LAW 9: ACADEMIC DEPARTMENTS

- I. Before creating, merging, or abolishing any Academic Departments in the Medical School, the Administration shall seek, on a timely basis, the advice of the Faculty Senate.
- II. The Administration shall ask the President of the Faculty Senate, in writing, to submit the proposal(s) to the Faculty Senate. The Administration shall be given an opportunity to

present to the Faculty Senate, in a mutually agreed upon forum, the reasons for proposing the change(s) in departmental structure of the Medical School.

- III. A majority vote of the Faculty Senate in favor of the proposed change(s) shall constitute a recommendation for approval. The vote may be held by mail ballot or at a duly called meeting of the Faculty Senate.
- IV. The President of the Faculty Senate shall inform the Administration, in writing, of the Faculty Senate's recommendation(s) and concern(s).
- V. It is understood that the recommendation(s) of the Faculty Senate, while not binding on the Administration, shall be given serious consideration by the Administration. The Board of Trustees shall be informed by the Administration of the Faculty Senate's recommendation(s).
- VI. Administration as referred to in this By-Law shall, in general, mean Dean of the Medical School or President of the University.
- VII. The Faculty Senate shall act on all such proposals in a prompt and timely manner appropriate to the circumstances.
- VIII. This By-Law will take effect when approved by the Faculty Senate and the Board of Trustees in accord with the provisions of the Faculty Constitution (Section VIII-B).

<u>History of Constitution and By-Laws</u>	<u>Date</u>
<i>Constitution Approved, By-Laws 1, 2, 3 and 4 Approved</i>	<i>1985</i>
<i>Constitution Amended, By-Laws 5, 6 and 7 Approved</i>	<i>1986</i>
<i>Constitution Amended, By-Laws 8 Approved</i>	<i>1988</i>
<i>Constitution Amended, By-Law 1 Amended</i>	<i>1990</i>
<i>Constitution Amended, By-Law 6 Amended</i>	<i>1993</i>
<i>By-Laws 1 and 5 Amended, By-Law 9 Approved</i>	<i>1996</i>
<i>Constitution Amended, By-Law 7 Amended</i>	<i>1997</i>