UHD Faculty Senate Out of Cycle Meeting

Minutes recorded by: Michael Cavanaugh
April 30, 2019 2:32-4:12 pm
UHD, Shea Street Building, B-113

Senate: Hsiao-Ming Wang, Michael Duncan, Michael Cavanaugh, Beverly Alford, Susan Baker, Maria Benavides, David Epstein, Shannon Fowler, Angela Goins, Susan Henney, Karen Kaser, Cynthia Lloyd, Stephen Miller, Mitsue Nakamura, Andrew Pavelich, Rebecca Quander, Joseph Sample, Johanna Schmertz, Nell Sullivan, Jace Valcore, Pat Williams,

Absent: Ray Cao, Kristen Capuozzo, Stephanie Coleman, Felicia Harris, Pamela Hurley, Steve London, Laura Mitchell, Vida Robertson, Rachna Sadana, Ting Zhang, Zehai Zhou.

Guests: Juan Munoz, President; Eric Link, Provost/VPAA; David Bradley, VPAF; Sandra Dahlberg, Faculty Ombuds; Darlene Hodge, FS Admin; Pat Ensor, Library Director; Ed Cueva, Professor; Tahfreh Jafari, Lecturer; Stacie Defreitas, Associate Professor.

Call to order: The Senate was called to order at 2:32 pm by Senate President Hsiao-Ming Wang.

Minutes

Minutes of the April 2nd, 2019 meeting were approved unanimously.

Reports

Dr. Ed Cueva came to Senate to give a presentation on the Voluntary Modification of Employment (VMOE) policy that the Faculty Affairs Committee (FAC) had passed along to the Academic Affairs Committee after comments from faculty and subsequent changes by FAC (see attached VMOE presentation).

Before talking about VMOE, Dr. Cueva wanted to talk about a couple of other policies that the Senate addressed as potentially problematic. Dr. Wang explained that he sent FAC bureaucracy reports on annual evaluation and R&T policies so that they could possibly address the issues. Dr. Cueva indicated that for annual evaluations FAC is not really involved and it is up to the individual departments. Dr. Cueva recommended that Faculty Senate come up with a resolution asking departments and chairs to revisit annual evaluation rubrics to make the evaluation process more efficient and streamlined.

Dr. Cueva did receive feedback on the R&T policy from Senate and FAC did address this a bit with a list of concerns (see the attached VMOE policy presentation).

Q - Can this list be sent to faculty?
A - Dr. Cueva said it would be sent to all faculty.

Q - After all the work that FAC did on the R&T policy last year, will this build on that and will this go somewhere?
A - Dr. Cueva explained that this will not include everything from last year's work, but it does build on a lot of it and we expect it to move forward.

Q. Do you have priorities on the list?
A - Dr. Cueva said the items are listed in order of priority.

Dr. Cueva stepped down to allow President Munoz to present. Dr. Cueva will present on VMOE later in the meeting.

President Munoz is at Faculty Senate to discuss the Planning and Budget Committee - Planning and Budget Group at UHD and to talk about what we should expect from the Texas Legislature.

President Munoz explained that we have a very small amount of new dollars coming in. He explained it is like having $10 with $70 worth of requests. Not everything will get funded.

We have had some past budget issues that we are trying to correct now. We have had items in the budget that are consistently funded even though when they were initially funded, they were considered one-time budget items. This cannot continue. Additionally, operating costs on major projects were not accounted for which puts us behind in our current 2019-2020 budget. The new STEM building is wonderful and construction was completely paid for in past budgets. However, operating costs (about one million dollars per year) were not accounted for when we received the legislative funds to build it years ago. The long term benefits (more SCHs, donations, etc) have not been realized either, but the short term costs hurt us right now. Additionally, PeopleSoft, which was probably inevitable because every other university in the system has it, will cost us $1.2 million per year. The Legislature is also undercounting our spending on staff insurance, which will cost us about $700,000-$1,000,000 this year. Some of the past budgeting issues are why we will have less money this year.

With all that said, President Munoz explained that this is just a temporary setback. Future budget planning is accounting for operating costs and while we aren't sure about the status of the new Student Wellness Center, operating costs have been budgeted for that provided that we receive permission from the legislature to move forward on it. Additionally, President Munoz explained that it would be irresponsible to commit to a salary increase for faculty and staff right now, considering the financial issues that we have at UHD. Both Faculty and Staff are underpaid, but spending millions on raises doesn't make sense right now. Things may change tomorrow, next month, next year, and if they do, he would be happy to come back with a change. There is a possibility of a one-time stipend or a mid-year change, however, nothing is certain right now.

There is reason for optimism as we are seeing increases of FTIC applications (up 30%). We have had 4 straight semesters of enrollment growth compared to the previous 4 years of decreases. The one year retention rate is the highest it has ever been at UHD (over 70%) and a 28% graduation rate is within reach a year earlier than in our strategic plan and currently is the highest in UHD's history. Graduation, Retention, etc. is everyone's responsibility and everyone deserves credit for the increases that we have seen over the past couple of years.

President Munoz explained that the budget process isn't actually finished yet, and he would be happy to report back when the process is completed. Many stakeholders are involved but there will be no more kicking the can down the road.
According to President Munoz, the PeopleSoft transition has involved a lot of individuals around the university and will continue to do so until we are completely transitioned. We have a high number of applications for admission but are suffering from slow processing times which is hurting our overall numbers for summer and fall. We recently cut 2% from everyone's budget at the university, but with enrollment increases now we are seeing a $700,000 university increase. We are also looking to purge a lot of the "one-time budget items" that kept getting funded in past budgets so that we aren't leveraging our future. Finally, for the legislative updates, the Harvey funds and one-time funds look promising, while the Wellness Center looks in doubt. The $15 million renovation money is struggling right now but still has a chance in conference.

Q - How do we close the gap? What has to be sacrificed now?
A - President Munoz said that things may not have to be sacrificed now but we might not get to do everything we want to do. Take for example merit raises. Merit raises would cost millions and that would be cost prohibitive now. I want to do the raises, but I do not have the money.

Q - I appreciate the long-term outlook and approach to the university but is there any immediate political disaster that we are/should be scared about right now?
A - No. As President Munoz explained, one of our biggest challenges at UHD is our anonymity. People, especially in the legislature, don't know about us. When they learn about us and what we offer, they love us.

Q - We have been through tough times before. I'm hoping that instead of just doing merit, when it gets there, we could look at doing CUPA. Doing merit, on average every couple of years, means that we are barely keeping up with cost of living adjustments.
A - President Munoz agreed with the statements. He did mention that he had seen different representations of CUPA standings for UHD but that when we are in a better position we can examine the issue. Some people will probably be more compressed than others.

Q - UHD is definitely the best kept secret. An example of this took place at Cypress Creek High School (our NW campus is right next to the HS). The HS has a college signing ceremony where all of the colleges are there. Only 10 students signed with UHD and no students participated in the ceremony. We should have a speakers bureau of faculty that go out to the high schools.
A - President Munoz said, again, he didn't disagree. Our overall FTIC applications are way up over last year and we had over 14,000 last year. A large number obviously don't enroll, but the higher numbers are a good sign. He visits 1-2 high schools per week and if he could identify 20 faculty to help with these visits (one faculty here, a couple faculty there), that would be wonderful. Students really want to see and interact with the faculty and talk about what they will do at the university.

Q - There is a PeopleSoft issue that I have encountered. I've been contacted by a number of applicants, through a high school counselor that I know, about not hearing back from our admissions office about their status of their applications. This was a few months gap in contact between initial submission and contacting me. I actually hand delivered 80 transcripts to admissions because of the issues. Can we fix the problems?
A - According to President Munoz, we are aware of the problems and working to fix them. However, that challenge will not actually be resolved for a few weeks. While some negligence was identified in the process and that is being taken care of, the overall process is tedious because we are working in two system (Banner and PeopleSoft) right now, and while we are hiring people to help with the situation, it will take a little time to train them. As a result, it will likely cost us some enrollment in Summer I,
although we hope to have the kinks worked out for Fall enrollment. Our enrollment management staff is working hard right now, coming in early and staying late. It is just a difficult period of time for us.

Dr. Cueva came back to give the presentation on VMOE (see presentation). Dr. Cueva opened the floor for questions, comments, and discussion. Questions were asked and discussion ensued.

Q - In section 3.2, it may be helpful to add language that this doesn't counter emeritus rights. One concern is that this comes down to the chair and dean but it may not be applied evenly across all colleges. Can we include research in the 49% instead of just teaching and service? Does the policy restrict scholarship from inclusion in the 49% calculation?
A - According to Dr. Cueva, only service and teaching would count toward the 49% number. The policy language specifically restricts scholarship from counting as part of the VMOE.

Under the VMOE, the contracts seem to get renewed annually for 3 years. It used to be 5 years and that could be renewed. With the annual review process, it doesn't seem like a 3-year contract.

With the annual review, there are multiple dates that start to get confusing (Jan 15, Jan 31 - Fall; Sep 1, Sep 15 - Spring), maybe that can get cleared up.

The language seems to indicate that VMOE can only last for a maximum of 6 years.

Dr. Cueva indicated that the intention of the committee was not to set a maximum on the contract. It was simply to have an initial 3-year contract and then a year to year contract that could continue to be renewed.

Q - How would someone get 49% in a year and does that seem like a problem?
A - As Dr. Cueva explained, 49% applies to a semester and we cannot exceed that workload for VMOE or we would be in trouble.

I don't think this policy is ready to move forward as it doesn't seem to have faculty buy-in.

Heated discussion among some senators on possible changes to VMOE when AAC takes up the policy.

Dr. Schmertz made a motion that "the President and President- Elect of the Senate, in their capacity as members of the Academic Affairs Committee (AAC), should make a motion to table the VMOE policy or if that is not possible, make an effort to reject the VMOE policy." Additionally, Dr. Sullivan added a friendly amendment asking for clarification from Ms. Jennifer Bloom (UH System Counsel) about the language in the VMOE policy and asking for help from Ms. Bloom to come up with language that clearly expresses intent. Dr. Sullivan seconded the motion and the Senate voted. 13 voted in favor of the motion and 3 voted against it. The motion carries.

Dr. Duncan indicated that he will follow what the motion asked for. Dr. Wang indicated he would do the same.

There was some criticism saying that Roberts Rules do not allow for directing someone else's vote.

Dr. Duncan said that he does not feel that his vote is being restricted.
**Senate Updates**

Dr. Duncan gave an update on the Faculty climate survey. It is over and FSEC will receive the initial report on Friday. The full report will be coming soon.

Dr. Wang talked a bit about the Faculty Award Ceremony and how wonderful it was. He explained that currently there are no policies or procedures in place for the committee so they typically have to rely on the previous committee or make up their own procedures on the fly. FSEC had discussed developing procedures for the Faculty Awards over the summer but wanted to get the go-ahead from the Senate. There was consensus in the Senate for FSEC to develop the procedures.

Dr. Benavides made a motion to adjourn the meeting and Dr. Epstein seconded the motion.

Meeting adjourned at 4:12 pm.
UH-Downtown/PS 02.A.06
Survey Feedback
Voluntary Modification of Employment
FAC Update
4/30/2019
### Annual Evaluations

<table>
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<tr>
<th>Survey</th>
<th>Feedback</th>
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<tbody>
<tr>
<td><strong>a.</strong></td>
<td>The annual evaluation process creates an overwhelming amount of work for faculty, the faculty evaluation committee, and the chair</td>
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<td><strong>Survey 1.</strong></td>
<td>HHL has streamlined the process pretty well, while other departments seem to have onerous requirements. This should be up to the department, but there are definitely models where things are easier</td>
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<td><strong>Survey 2.</strong></td>
<td>WAY TOO MUCH WORK for little to no reward, and generally void of any useful feedback</td>
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<td><strong>Survey 3.</strong></td>
<td>This strikes me as a departmental issue and not something the FS should be concerned with.</td>
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<td><strong>Survey 4.</strong></td>
<td>It’s a lot of much ado about nothing to produce three single-digit numbers. CV+observations+meeting with chair, generating a memo with scores. That’s really all we need.</td>
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<td><strong>Survey 5.</strong></td>
<td>Much too much work for everyone involved. The process should be a simpler more straightforward exercise. Spending a couple of weeks to put together an annual evaluation packet seems like a waste of time. Likewise, the committee spending hours reviewing the files seems like a waste, so does the chair having to write the letters to each person. The whole process seems riddled with inefficiency</td>
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<td><strong>Survey 6.</strong></td>
<td>It is a hassle but I don’t see any way around it.</td>
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<td><strong>Survey 7.</strong></td>
<td>There are never any pay raises, and yet every year we have to prepare reports with documentation that run a 100+ pages per faculty member. What gives?</td>
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<td><strong>Survey 9.</strong></td>
<td>I have been through this process many times and the amount of work is burdensome. Further the actual annual evaluations are burdensome to faculty who may submit 60 pages</td>
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<tr>
<td>Survey</td>
<td>Comment</td>
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<tr>
<td>1.</td>
<td>Most decisions can be made fairly easily. The vast reports are only actually required in the rare cases where the decision is not easy. It might be worthwhile to think about a system that involves a simple application with additional material upon request.</td>
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<td>4.</td>
<td>We need a simple policy change to move to a single 3rd year report, not a 2nd and a 4th. It creates unnecessary work for all R&amp;T committees, and the 4th report is too late to 'warn' faculty, which leads to grievances in close situations... generating again, more service, drama, and angst...</td>
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<td>5.</td>
<td>Having never served on University Rank and Tenure, I don't know what they do, but at the department level, a number of the materials included were not even looked at. I spent weeks upon weeks getting everything together and I really think that time could have been better spent in other pursuits. Condensing the format seems necessary.</td>
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<td>7.</td>
<td>I do not agree that the R&amp;T process is overly burdensome. The candidate is seeking a lifetime job. The reviews SHOULD be thorough. I do not agree with Dr. Pavelich's argument that it should be a minimalist document. There are too many different audiences to consider, and we should be rigorous and thorough when reviewing candidates for tenure and promotion.</td>
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<td>9.</td>
<td>We have ambiguity in our approach to rank and tenure. There is a wide divergence with regard to intellectual contributions and a fear of retribution if tenure is denied.</td>
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Rank and Tenure (PS 10.A.01)
• Align R&T with other policies—annual evaluations, grievance, misconduct, non-reappointment
• Address recusals and abstentions
• Electronic participation in meetings/voting
• Instructions for body of evidence that candidates provide (e.g., copies of articles and/or journal TOC)
• Format for C.V.s
• Material changes after submission and requests for additional information
• Credit for prior work (pre-UHD)
• Online submission process and structure
• Development of criteria and periodic review
• Violations of processes/criteria that are not grieved/grievable by applicant
• Minutes—content and scope
• Use of email to communicate about candidates and content
• Individual responsibility
• External reviews of portfolios (outside university)
• Communication between R&T Chair and Dean during review of candidates
• Communication regarding candidate’s R&T information between Chair and Dean during review of candidates
• Communication regarding candidate’s R&T information between the candidate and R&T, Chair, and Dean during review of candidates
• Types of info/definitions in the criteria (e.g., peer review, CVs, authorship, definition of “excellence”, credit for prior work, etc.)
• Which criteria a candidate uses—1st year or current year—chosen by candidate but provided by department
• Going up early for tenure—what are requirements and when
• Going up for full timeline
• Mentoring
• Promotion of faculty who are serving in administrative roles (chairs, deans, assoc deans)
• Tenuring administrators who are hired from outside—processes
• Distinct criteria for Associate to Full
• Separate processes for candidates and after file submission
• Role of the annual reviews in R&T
• Misconduct by an R&T committee
• Define/expand the confidentiality clause in R&T and consequences for breach of confidentiality, perhaps a misconduct?
This PS specifies the policy of the University of Houston-Downtown (UHD) on voluntary modification of employment of faculty.

This Policy Statement (PS) specifies the policy of the University of Houston-Downtown (UHD) on voluntary modification of employment of faculty. Voluntary Modification of Employment (VMOE) is a mutually beneficial opportunity that allows the university to benefit from the expertise and experience of faculty while also allowing faculty to transition out of their career. While not guaranteed, VMOE requests should be honored for faculty in good standing with the university and barring financial exigency.
<table>
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<th>Policy</th>
<th>Definitions</th>
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<td>2.1 In Good Standing: a continued record of compliance with university policies and has met expectations for faculty performance for three years prior to date of VMOE application.</td>
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2.1 Eligibility

All full-time tenured faculty who have reached the age of fifty-five (55) and have ten years participation with the Texas Teacher Retirement System (TRS) or the Texas Optional Retirement System (ORP) may apply to participate in the voluntary modification of employment program.

3.1 Eligibility: All full-time tenured faculty who have reached the age of fifty-five (55), have ten years participation with the Texas Teacher Retirement System (TRS) or the Texas Optional Retirement System (ORP), and are eligible to retire, may apply for modification of the terms of the faculty member’s employment under the provisions of this policy.

Faculty interested in VMOE status should review their retirement program restrictions regarding employment after retirement.
2.2 Basic Principles

The following basic principles govern applications for voluntary modification of employment.

2.2.1 The faculty member negotiates first with the department chair. Then the chair and the appropriate dean confer. Final notification of the administration's acceptance of the proposal to modify employment comes from the Senior Vice President and Provost.

2.2.2 Status as a full-time faculty member is relinquished, including tenure rights.

3.2 Status and Resources: Faculty on VMOE relinquish status as a full-time faculty member, which includes membership in the faculty assembly, tenure rights, and voting rights. Faculty who have VMOE status are not eligible for any pay raises. They remain bound by all university policies and procedures.

Faculty on VMOE will be provided office space (which may be shared) and an individual computer and have all other privileges afforded to part-time faculty.
2.2.3 Full-time equivalent workload and assignment, which may include teaching and other activities, are negotiated on an individual basis but may not exceed forty-nine percent (49%) full-time employment for the academic year or if it exceeds 49%, employment is only for one semester.

2.2.4 Compensation to the faculty member will reflect the negotiated full-time equivalent status applied to the annual (nine-month) salary prior to employment modification. In subsequent years, the salary shall be incremented by an amount not less than that corresponding to any state-mandated pay increments for all employees. The faculty member may agree to reduced compensation to avoid social security payment penalties. At the option of the faculty member, the salary will be paid in nine or 12 monthly installments.

3.3 Basic Principles and Process: The following basic principles govern applications for voluntary modification of employment.

3.3.1 Request and Approval Process: The faculty member requests VMOE status from the department chair and discusses possible terms of the VMOE. Then the chair and the college dean discuss the terms and feasibility. Once the parties agree (faculty, chair, and dean) agree on the terms, the dean transmits the request to the SVPAA/Provost. The SVPAA/Provost will notify the faculty member, chair, and dean of the decision. When the request is approved, the SVPAA/Provost will issue a formal letter of VMOE status and terms with copies to all parties. Service (non-teaching) VMOE work, if any, should be described in the agreement. The 9% non-teaching activity should the equivalent of 3-4 hours per week for 15 weeks. The request and approval process must be completed prior to January 31 for fall semester implementation or September 15 for spring semester implementation.
3.3.2 Agreement and Renewal: Initial VMOE agreements will be for a maximum of three years, covering the 9-month academic year. **VMOE agreements can be renewed annually for a maximum of three years.** During the initial contract period, VMOE faculty must confirm their intent to continue with the VMOE contract with their department chair no later than January 31 for fall and September 15 for spring. As part of agreement renewal confirmation, VMOE faculty must submit a 2-3-page report on teaching or service activities that addresses expectations of the department in terms of teaching and service; the report should be submitted by January 15 or September 1, respectively.

VMOE status beyond the initial agreement may be renewed on an annual basis by mutual agreement between administration and faculty, based on needs of the department.

Each agreement renewal must include the workload and assignment for the agreement period. Faculty on VMOE who decide not to continue on a given agreement, must notify the department chair and at that point are not eligible for future VMOE. Compensation is modified as appropriate under provisions of this policy.

1. Language in section 3.3.2 is not clear that the length of the initial contract is at the request of the faculty member (e.g., if a faculty member asks for a 3-year contract, this is not negotiable, as long as he/she is in good standing).

**The initial VMOE agreement will be for a period of three years, unless the faculty member requests a shorter duration.**
3.3.3 VMOE workload and assignment, which included teaching and/or service activities, are negotiated on an individual basis and may not exceed forty-nine percent (49%) full-time employment for the academic year. The SVPASA’s office publishes guidelines for determining allocation of the 49% workload, grounded in current workload policy and reporting guidelines; VMOE allocation guidelines are distributed to chairs and deans at the beginning of each academic year. Teaching assignments and reassigned time will respect the faculty expertise but are subject to enrollment and needs of the department. VMOE faculty are bound by department expectations for assigned teaching and/or service.

If VMOE faculty teach as part of their VMOE load, the teaching load for a given 9-month agreement period may be distributed in any combination across long semesters based on department need and approval of the department chair, but must be in compliance with the 49% of maximum salary restriction. If any course in the planned VMOE teaching load does not make, the VMOE faculty may be offered an alternative course or service as available, after all full-time faculty loads are fulfilled. If the VMOE faculty member chooses not to accept an alternative or there is no alternative, the VMOE faculty pay will be pro-rated accordingly.

2. Language in 3.3.3 is not clear that faculty do not have to do 49%--maybe add something in 3.3.1 with respect to the initial request. Add in parentheses in 3.3.1 “discusses possible terms of the VMOE (e.g., courses to teach, any non-teaching terms, % of salary up to 49% being considered, etc.)”
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3.3.4 Compensation to the faculty member will reflect the negotiated full-time equivalent status applied to the annual (nine-month) salary prior to employment modification. At the option of the faculty member, the salary will be paid in nine or 12 monthly installments. Compensation for any teaching outside of the VMOE agreement is at the adjunct rate.

2.2.5 Participation in the Texas Teacher Retirement System (TRS) or Texas Optional Retirement System (ORP), tax deferred annuity (TDA), deferred compensation, or the Tex Flex Spending Accounts program are not available; however, the faculty member is entitled to all the amenities which the university affords its full-time faculty, including continued participation in group insurance plans in accordance with existing University of Houston System guidelines for retirees. All benefits under university leave policies cease as of the month of modification and all sick leave accumulation is forfeited.

3.3.5 Participation in the Texas Teacher Retirement System (TRS) or Texas Optional Retirement Program (ORP), deferred compensation, or the Tex Flex Spending Accounts program are not available; however, the faculty member is entitled to all the amenities which the university affords its full-time faculty, including continued participation in retiree group insurance plans, if eligible in accordance with Employees Retirement System of Texas (ERS) and University of Houston System guidelines for retirees. All benefits under university leave policies cease as of the month of modification and all sick leave accumulation is forfeited.
2.2.6 A faculty member’s eligibility to draw retirement benefits from TRS or an ORP contract and eligibility for membership in TRS or ORP are governed by the laws and rules governing eligibility in those organizations.

2.2.7 If the faculty member becomes physically or mentally unable to continue the reduced workload, the university may continue to pay the faculty member’s salary until the end of the academic year. Medical certification from the attending physician detailing the condition and the anticipated duration is required before salary payments can be made. The medical certification must be submitted to the Benefits Coordinator and, once approved, notice will be provided to the faculty member’s department, in order to place the employee on paid leave of absence. After that, the obligation of the university under this policy is terminated. Because the judgment of physical and mental inability to continue the reduced workload is similar to dismissal for cause, the faculty member has the same rights as members of the tenured faculty under PS 10.A.06, UH-Downtown Faculty Dismissal Policy and Procedures.

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2.3 Duration

A negotiated agreement for employment modification shall be for a period of time not to exceed five years, and may be renewable by mutual agreement. Full-time equivalent workload and assignment are negotiated on an annual basis. Compensation is modified as appropriate under section 2.2.4.
4.1 A Voluntary Modification of Employment Agreement must be completed and signed by the faculty member, department chair, dean, and the Senior Vice President and Provost.

4.2 Employment Services and Operations (ESO) will review the Agreement reached under this policy prior to final execution by the university and the faculty member.

4.3 The signed Agreement will be scanned into the faculty member’s personnel file.

Procedures

4.1 A Voluntary Modification of Employment Agreement must be completed and signed by the faculty member, department chair, dean, and the Senior Vice President and Provost.

4.2 The Office of the SVPASA will forward the fully executed VMOE agreement to the Benefits Department for inclusion in the faculty member’s personnel file.