Faculty Handbook Revision Committee
Chapter 13 (14) FACULTY DISCIPLINARY PROCESS AND SANCTIONS: PROFESSIONAL PRACTICES REVIEW PROCESS (PPRP) Revision (FHRC Recommended Language)

Changes made since the March Faculty Senate meeting:
• Correction in statement about the scope of the PPRP.
• Changes made specifying the role of APRC (rather than Associate Provost) in informal resolution attempts (same language as in the previous chapter, including the requirement that the Associate Provost be informed).
• In the discussion of major sanctions (13.2.2), clarifying that a sanction based on imminent threat may be imposed prior to PPRP. This was already stated in the section on imminent threat (13.2.5), but the two sections appeared to be contradictory.
• Specifying (two places) that certain decision require unanimous consensus among the Head, Dean, and Provost (rather than 2 out of 3).
• Update language regarding deadlines (business versus calendar days).

Changes as of the March Faculty Senate meeting:
• Altered title to more clearly indicate chapter’s contents.
• Added short overview to clearly state the intent of the chapter, and in particular differentiate it from Chapter 13.
• Reinforce the preference for informal resolution of conflicts without invocation of formal grievance processes.
• Specifically mention the Center for Dispute Resolution as a source for mediation and the requirement for the Associate Provost’s involvement.
• Rearrange some of the contents for more logical flow.
• Clarify distinctions between major and minor sanctions.
• Clarify that reassignments of duties within an academic unit (e.g., removing an individual from a departmental assignment such as graduate coordinator) do not represent sanctions and are not subject to the processes described in this chapter.
• Clarify differences in procedures for reassignments with and without consent.
• Minor edits for clarity and consistency.

Note that there are a number of overlaps with Chapter 12 (in an earlier edition of the Handbook, they were together in a single chapter). Effort was made to maintain parallel language.

As is the case for all Handbook chapters starting with Chapter 9, renumbering will be required to account for consolidation of Chapters 6 and 8 into a single chapter.
13. FACULTY DISCIPLINARY PROCESS AND SANCTIONS:  
PROFESSIONAL PRACTICES REVIEW PROCESS (PPRP)

The section's title is altered to give a clearer indication of the section’s content.

Overview added to provide introduction and particularly to distinguish this Section from the preceding section.

13.1. OVERVIEW

This section describes the Professional Practices Review Process (PPRP), the formal process for reviewing allegations of a faculty member’s misconduct or unprofessional behavior, and the range of sanctions, up to and including dismissal, that may be imposed. Processes to review grievances by faculty against administrators or other faculty are described in Section Chapter 12. In all cases, efforts to reach a resolution should be made through informal negotiations, and the formal proceedings described here should only commence once those efforts have been exhausted.

13.1.2 ADMINISTRATIVE ACTIONS

13.2.1 INFORMAL RESOLUTION

Prior to invoking the Professional Practices Review Procedure (PPRP), the administrator(s) should demonstrate reasonable attempt to resolve the complaint about the faculty member through informal negotiation. The use of mediators (impartial third parties) or alternative dispute resolution should be considered, and the University will pay for the cost of the mediator. The Associate Provost for Faculty and Academic Affairs Academic Personnel Review Commission (APRC) should be informed of the attempts at informal resolution and may participate in the resolution attempts. The APRC must also inform the Associate Provost for Faculty and Academic Affairs that such resolution attempts are starting.

The following section makes more sense when integrated into the specific sections on major and minor sanctions.

A major sanction on a faculty member may be imposed only after the formal review process set forth in the Professional Practices Review Process (PPRP) has occurred or after consent of the faculty member is obtained. The PPRP process must be used regardless of whether sanctions are being considered for a single faculty member or a group of faculty members. If multiple faculty members are involved, a separate PPRP must be used for each individual faculty member unless all parties agree that one PPRP be conducted. The imposition of minor sanctions may occur without use of the PPRP; however, a faculty member may utilize the APGP to grieve the imposition of a minor sanction.

13.2.2 MAJOR SANCTIONS

Major sanctions are adverse employment actions and include such things penalties as dismissal, revocation of tenure, demotion of rank, involuntary reassignment to duties which substantially change the nature of the faculty member’s responsibilities and suspension of employment without pay. Dismissal of a faculty member may only occur if the statutory reasons set forth in RSMo Section 174.150 are established (incompetence, neglect or refusal to perform duties, dishonesty, drunkenness, or immoral conduct – see also Section 14.5). Reassignment which occurs pursuant to Section 13.4.2.4 is not a University sanction.

Originally in 13.2.1
With the exception of a sanction imposed on the basis of imminent threat (see Section 13.2.5), a major sanction on a faculty member may be imposed only after the formal review process set forth in the Professional Practices Review Process (PPRP) has occurred or after consent of the faculty member is obtained. The PPRP process must be used regardless of whether sanctions are being considered for a single faculty member or a group of faculty members. If multiple faculty members are involved, a separate PPRP must be used for each individual faculty member unless all parties agree that one PPRP be conducted.

13. 13. 12.3. MINOR SANCTIONS

Minor sanctions are less serious actions and include such things as formal warnings, letters of reprimand and requests for formal written apologies. If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, it will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed minor sanction should not be imposed.

Part of the following originally part of 13.2.1:

The imposition of minor sanctions may occur without use of the PPRP; however, a faculty member may utilize the APGP to grieve the imposition of a minor sanction. A faculty member who believes that a major sanction has been imposed under this section, or that a minor sanction has been unjustly imposed, may file a grievance with the APRC (see Section Chapter 12).

13. 13. 12.4. REASSIGNMENTS

13.2.4.1 DISCRETIONARY REASSIGNMENTS WITHIN A DEPARTMENT/SCHOOL

Department Heads and School Directors have the discretion to make assignment changes within their academic units, e.g., changes of program coordinators or graduate directors. Such reassignments do not represent sanctions and are not subject to PPRP or APRC processes.

13.2.4.2 REASSIGNMENT WITH CONSENT

A faculty member may be removed from classroom teaching assignments or reassigned to other University duties by the Provost if he/she consents to the reassignment. Reassignment may be offered to a faculty member as an alternative remedy as part of the PPRP. A memorandum of understanding (MOU) regarding the reassignment shall be drafted by the Provost and faculty member. The faculty member will have up to five business days to sign the MOU. Refusal to consent to a reassignment may not, in itself, be used as a condition or basis for sanctioning a faculty member.

13.2.4.3 REASSIGNMENT WITHOUT CONSENT

A faculty member may be temporarily reassigned for up to one academic year by the Provost without his/her consent in exceptional circumstances for the good of the University for up to one academic year. The existence of the exceptional circumstances must be verified by the Department Head, Dean, and Provost (two of the all three must agree). A faculty member who believes he/she has been removed from the classroom teaching assignments or reassigned improperly, and who is not involved in the PPRP, may file a grievance with the APRC.
13.4.2.5. IMMINENT THREAT

If a faculty member poses an imminent threat, major sanctions can be imposed before the internal University informal and formal review processes have been initiated.

If there is probable cause to believe that the actions of a faculty member pose an imminent threat to the safety of a member of the University Community, or if the faculty member has threatened destruction of University property and there is probable cause to believe the threat will be carried out, the Provost or President has the authority to suspend the faculty member from his/her teaching or other assignments and/or ban the faculty member from using University property or services.

If a major sanction is imposed based on an imminent threat, the faculty member may initiate the Academic Personnel Grievance Process.

13.23. ORIGIN OF ALLEGATIONS INITIATION OF FORMAL PPRP

13.2.1. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

The PPRP is initiated by a Department Head, Dean, Provost, or President if the conduct of a faculty member is considered sufficiently grave to justify imposition of major sanctions and attempts at resolution by informal negotiations have been exhausted. After discussing the situation with the faculty member, the administrator institutes the PPRP by preparing a written complaint and providing it to the faculty member. Only the President of the University may institute the PPRP if a dismissal is a recommended sanction. Exercising academic freedom of speech or political speech/affiliation shall not be grounds for dismissal or imposition of major sanctions.

Although the PPRP may be initiated only by administrators, faculty or staff may present allegations of unprofessional conduct against another faculty member to the faculty member’s Department Head who should investigate and proceed appropriately. If the Department Head is unable to resolve the complaint, the person alleging the impropriety may take the matter to the Dean of the faculty member’s college or the Associate Provost for Faculty and Academic Affairs. If none of the three administrators chooses to initiate the PPRP, the matter is considered resolved.

13.34. THE REVIEW PROCESS

13.34.1. INFORMAL REVIEW RESOLUTION

Continued attempts for resolution through informal negotiations can occur after a written complaint has been filed to initiate the PPRP. If the faculty member and administration can come to an agreement resolving the issues, the PPRP shall be rescinded.

13.34.2. FORMAL REVIEW

If a mutually agreeable resolution of the dispute has not been reached through informal review, the formal review process may be instituted by the Provost or President through written notification of the faculty member and the Academic Personnel Review Commission (APRC). Within 21 calendar days, the APRC shall empanel a five-member University Hearing Panel (UHP) as set forth in Section 12.3.4.4.1.2. The APRC shall be available to advise the UHP on procedural issues, to ensure that the PPRP process is followed, and to ensure that the faculty member receives due process before sanctions are imposed. The UHP may receive legal advice from the Office of General
A faculty member can be removed from classroom teaching assignments and reassigned to other University duties while the PPRP process is proceeding if at least two of the following three administrators agree (the Department Head, Dean and Provost) all agree. The faculty member shall continue to receive his/her salary throughout the process, and it shall not be reduced because of the reassignment.

13.34.3. DOCUMENTARY EVIDENCE

The formal charges and all evidence utilized during the informal review shall be forwarded to the UHP for review. The administration and faculty member may present any other written evidence to the UHP, which shall also be presented to the other party.

13.34.4. PREHEARING MEETINGS

At the first UHP meeting, the UHP shall select a chairperson, review the written material, and review the procedures for conducting the hearing. The chairperson of the APRC shall attend this meeting. The UHP may also hold joint prehearing meetings with the parties in order to understand the simple underlying facts, simplify the issues, effect stipulations of fact, provide for the exchange of information, or to achieve other prehearing objectives as will make the hearing fair, effective, and expeditious. The UHP may not interview witnesses at any prehearing meetings. Any additional written material submitted to or requested by the UHP will be shared with the parties.

13.34.5. HEARING

The formal hearing may involve one or more meetings at which witnesses may be questioned examined. Each party shall provide the names of its witnesses to the other party and the UHP in advance of the hearing. The administrator initiating the PPRP and the faculty member will each be allowed to present an opening statement without interruption and orally question the witnesses and parties. The UHP may also orally question the witnesses and parties. The administrator and the faculty member may be represented by counsel, but counsel shall not be permitted to question the witnesses or parties. The Missouri Rules of Evidence need not be followed, but the UHP will base its finding on only reliable evidence. A verbatim record of the hearing will be taken and made available to the parties at the University's cost.

13.34.6. BURDEN OF PROOF

The administration must prove its case against the faculty member by a preponderance of the evidence.

13.34.7. CONFIDENTIALITY

To the extent practical, the informal and formal PPRP shall be confidential. All proceedings of the UHP shall be conducted in private, and the UHP report shall be available only to the parties to the grievance, those involved in the process, and those acting on any appeal.

13.34.8. REPORT

The UHP shall prepare a written report divided into findings of fact and recommendations with supporting reasons which shall be presented to the Provost and the faculty member within seven five business days of the conclusion of the hearing. A minority report also may be prepared.
13.34.9. **TIME PERIOD**

The time between the empanelling of the UHP and the preparation of the UHP report shall be no longer than 60 calendar days unless there are exceptional circumstances. Extensions must be approved by the APRC.

13.4 5. **POST-HEARING PROCEDURE**

13.4 5.1. **PROVOST REVIEW**

The Provost shall accept the UHP findings of fact, but is not required to accept the UHP recommendations or sanctions. If the Provost imposes different sanctions on a faculty member than recommended by the UHP, said sanctions shall be set forth in writing and presented to the faculty member within 44 ten business days of the date of the UHP report. If the Provost is a party to the dispute, the President will fulfill this function.

13.4 5.2. **APPEAL RIGHTS**

If major sanctions are imposed by the Provost on a faculty member, the faculty member may prepare a written appeal to the President within 44 ten business days of receiving the decision of the Provost. The President will rule on the appeal within 30 calendar days of its receipt and notify the faculty member of the results in writing.

13.4 5.3. **RIGHT TO APPEAL TO THE BOARD OF GOVERNORS**

When the UHP, Provost, and President do not agree on the sanctions, the faculty member shall have the right to appeal to the Board of Governors. If the sanction is dismissal, the decision may always be appealed to the Board of Governors. The appeal must be filed within 44 ten business days of the receipt of written notification regarding implementation of sanctions from the President.

13.4 5.4. **INFORMATION PROVIDED TO THE BOARD OF GOVERNORS**

The Board of Governors reviews the case, including all documentation, written findings and recommendations. The following reports must be forwarded to the Board of Governors for review:

1. Comments and Recommendations of the APRC,
2. Findings of Fact and Recommendations of the UHP; and
3. Recommendations of the Provost and President (or designees).

13.4 5.5. **BOARD OF GOVERNORS IS FINAL AUTHORITY**

The Board of Governors has discretion regarding hearings, presentations, and review. The decision of the Board of Governors shall be final.
Revised Language

13.  FACULTY DISCIPLINARY PROCESS AND SANCTIONS: PROFESSIONAL PRACTICES REVIEW PROCESS (PPRP)

13.1.  Overview

This section describes the Professional Practices Review Process (PPRP), the formal process for reviewing allegations of a faculty member’s misconduct or unprofessional behavior, and the range of sanctions, up to and including dismissal, that may be imposed. Processes to review grievances by faculty against administrators are described in Chapter 12. In all cases, efforts to reach a resolution should be made through informal negotiations, and the formal proceedings described here should only commence once those efforts have been exhausted.

13.2  Administrative Actions

13.2.1 Informal Resolution

Prior to invoking the Professional Practices Review Procedure (PPRP), the administrator(s) should demonstrate reasonable attempt to resolve the complaint about the faculty member through informal negotiation. The use of mediators (impartial third parties) or alternative dispute resolution should be considered, and the University will pay for the cost of the mediator. The Academic Personnel Review Commission (APRC) must be informed of the attempts at informal resolution and may participate in the resolution attempts. The APRC must also inform the Associate Provost for Faculty and Academic Affairs that such resolution attempts are starting.

13.2.2.  Major Sanctions

Major sanctions are adverse employment actions and include such penalties as dismissal, revocation of tenure, demotion of rank, involuntary reassignment to duties which substantially change the nature of the faculty member’s responsibilities and suspension of employment without pay. Dismissal of a faculty member may only occur if the statutory reasons set forth in RSMo Section 174.150 are established (incompetence, neglect or refusal to perform duties, dishonesty, drunkenness, or immoral conduct – see also Section 14.5). Reassignment which occurs pursuant to Section 13.2.4 is not a University sanction.

With the exception of a sanction imposed on the basis of imminent threat (see Section 13.2.5), a major sanction on a faculty member may be imposed only after the formal review process set forth in the Professional Practices Review Process (PPRP) has occurred or after consent of the faculty member is obtained. The PPRP process must be used regardless of whether sanctions are being considered for a single faculty member or a group of faculty members. If multiple faculty members are involved, a separate PPRP must be used for each individual faculty member unless all parties agree that one PPRP be conducted.

13.2.3.  Minor Sanctions

Minor sanctions are less serious actions and include such responses as formal warnings, letters of reprimand and requests for formal written apologies. If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, it will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed minor sanction should not be imposed.
The imposition of minor sanctions may occur without use of the PPRP; however, a faculty member who believes that a major sanction has been imposed under this section, or that a minor sanction has been unjustly imposed, may file a grievance with the APRC (see Chapter 12).

**13.2.4. Reassignments**

**13.2.4.1 Discretionary Reassignments within a Department/School**

Department Heads and School Directors have the discretion to make assignment changes within their academic units, e.g., changes of program coordinators or graduate directors. Such reassignments do not represent sanctions and are not subject to PPRP or APRC processes.

**13.2.4.2 Reassignment with Consent**

A faculty member may be removed from teaching assignments or reassigned to other University duties by the Provost if he/she consents to the reassignment. Reassignment may be offered to a faculty member as an alternative remedy as part of the PPRP. A memorandum of understanding (MOU) regarding the reassignment shall be drafted by the Provost and faculty member. The faculty member will have up to five business days to sign the MOU. Refusal to consent to a reassignment may not, in itself, be used as a condition or basis for sanctioning a faculty member.

**13.2.4.3 Reassignment without Consent**

A faculty member may be temporarily reassigned for up to one academic year by the Provost without his/her consent in exceptional circumstances for the good of the University. The existence of the exceptional circumstances must be verified by the Department Head, Dean, and Provost (all three must agree). A faculty member who believes he/she has been removed from the teaching assignments or reassigned improperly, and who is not involved in the PPRP, may file a grievance with the APRC.

**13.4.42.5. Imminent Threat**

If a faculty member poses an imminent threat, major sanctions can be imposed before the internal University informal and formal review processes have been initiated.

If there is probable cause to believe that the actions of a faculty member pose an imminent threat to the safety of a member of the University Community, or if the faculty member has threatened destruction of University property and there is probable cause to believe the threat will be carried out, the Provost or President has the authority to suspend the faculty member from his/her teaching or other assignments and/or ban the faculty member from using University property or services.

If a major sanction is imposed based on an imminent threat, the faculty member may initiate the Academic Personnel Grievance Process.

**13.3. Initiation of Formal PPRP**

The PPRP is initiated by a Department Head, Dean, Provost, or President if the conduct of a faculty member is considered sufficiently grave to justify imposition of major sanctions and attempts at resolution by informal negotiations have been exhausted. After discussing the situation with the faculty member, the administrator institutes the PPRP by preparing a written complaint and providing it to the faculty member. Only the President of
the University may institute the PPRP if a dismissal is a recommended sanction. Exercising academic freedom of speech or political speech/affiliation shall not be grounds for dismissal or imposition of major sanctions.

Although the PPRP may be initiated only by administrators, faculty or staff may present allegations of unprofessional conduct against another faculty member to the faculty member's Department Head who should investigate and proceed appropriately. If the Department Head is unable to resolve the complaint, the person alleging the impropriety may take the matter to the Dean of the faculty member's college or the Associate Provost for Faculty and Academic Affairs. If none of the three administrators chooses to initiate the PPRP, the matter is considered resolved.

13.4. The Review Process

13.4.1. Informal Resolution

Continued attempts for resolution through informal negotiations can occur after a written complaint has been filed to initiate the PPRP. If the faculty member and administration come to an agreement resolving the issues, the PPRP shall be rescinded.

13.4.2. Formal Review

If a mutually agreeable resolution of the dispute has not been reached through informal review, the formal review process may be instituted by the Provost or President through written notification of the faculty member and the Academic Personnel Review Commission (APRC). Within 21 calendar days, the APRC shall empanel a five-member University Hearing Panel (UHP) as set forth in Section 12.4.1.2. The APRC shall be available to advise the UHP on procedural issues, to ensure that the PPRP process is followed, and to ensure that the faculty member receives due process before sanctions are imposed. The UHP may receive legal advice from the Office of General Counsel.

A faculty member may be removed from teaching assignments and reassigned to other University duties while the PPRP process is proceeding if the Department Head, Dean and Provost all agree. The faculty member shall continue to receive his/her salary throughout the process, and it shall not be reduced because of the reassignment.

13.4.3. Documentary Evidence

The formal charges and all evidence utilized during the informal review shall be forwarded to the UHP for review. The administration and faculty member may present any other written evidence to the UHP, which shall also be presented to the other party.

13.4.4. Prehearing Meetings

At the first UHP meeting, the UHP shall select a chair person, review the written material, and review the procedures for conducting the hearing. The chairperson of the APRC shall attend this meeting. The UHP may also hold joint prehearing meetings with the parties in order to understand the simple underlying facts, simplify the issues, effect stipulations of fact, provide for the exchange of information, or to achieve other prehearing objectives as will make the hearing fair, effective, and expeditious. The UHP may not interview witnesses at any prehearing meetings. Any additional written material submitted to or requested by the UHP will be shared with the parties.
13.4.5. Hearing

The formal hearing may involve one or more meetings at which witnesses may be questioned. Each party shall provide the names of its witnesses to the other party and the UHP in advance of the hearing. The administrator initiating the PPRP and the faculty member will each be allowed to present an opening statement without interruption and orally question the witnesses and parties. The UHP may also orally question the witnesses and parties. The administrator and the faculty member may be represented by counsel, but counsel shall not be permitted to question the witnesses or parties. The Missouri Rules of Evidence need not be followed, but the UHP will base its finding on only reliable evidence. A verbatim record of the hearing will be taken and made available to the parties at the University's cost.

13.4.6. Burden of Proof

The administration must prove its case against the faculty member by a preponderance of the evidence.

13.4.7. Confidentiality

To the extent practical, the informal and formal PPRP shall be confidential. All proceedings of the UHP shall be conducted in private, and the UHP report shall be available only to the parties to the grievance, those involved in the process, and those acting on any appeal.

13.4.8. Report

The UHP shall prepare a written report divided into findings of fact and recommendations with supporting reasons which shall be presented to the Provost and the faculty member within five business days of the conclusion of the hearing. A minority report also may be prepared.

13.4.9. Time Period

The time between the empanelling of the UHP and the preparation of the UHP report shall be no longer than 60 calendar days unless there are exceptional circumstances. Extensions must be approved by the APRC.

13.4.5. Post-Hearing Procedure

13.5.1. Provost Review

The Provost shall accept the UHP findings of fact, but is not required to accept the UHP recommendations or sanctions. If the Provost imposes different sanctions on a faculty member than recommended by the UHP, said sanctions shall be set forth in writing and presented to the faculty member within ten business days of the date of the UHP report. If the Provost is a party to the dispute, the President will fulfill this function.

13.5.2. Appeal Rights

If major sanctions are imposed by the Provost on a faculty member, the faculty member may prepare a written appeal to the President within ten business days of receiving the decision of the Provost. The President will rule on the appeal within 30 calendar days of its receipt and notify the faculty member of the results in writing.
13. 5.3.  Right to Appeal to the Board of Governors

When the UHP, Provost, and President do not agree on the sanctions, the faculty member shall have the right to appeal to the Board of Governors. If the sanction is dismissal, the decision may always be appealed to the Board of Governors. The appeal must be filed within ten business days of the receipt of written notification regarding implementation of sanctions from the President.

13.5.4.  Information Provided to the Board of Governors

The Board of Governors reviews the case, including all documentation, written findings and recommendations. The following reports must be forwarded to the Board of Governors for review:

1. Comments and Recommendations of the APRC,
2. Findings of Fact and Recommendations of the UHP; and
3. Recommendations of the Provost and President (or designees).

13.5.5.  Board of Governors Is Final Authority

The Board of Governors has discretion regarding hearings, presentations, and review. The decision of the Board of Governors shall be final.