14. PROFESSIONAL PRACTICES REVIEW PROCESS (PPRP)

14.1. ADMINISTRATIVE ACTIONS

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 or alternative dispute resolution should be considered, and the University will pay for the cost of the mediator. The Associate Provost for Faculty Affairs should be involved in the resolution attempts.

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.

14.1.1. MAJOR SANCTIONS

Major sanctions are adverse employment actions and include such things 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). Reassignment which occurs pursuant to Section 14.1.3 is not a University sanction.

14.1.2. 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. 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.

14.1.3. REASSIGNMENTS

A faculty member may be removed from classroom teaching 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. A faculty member may be temporarily reassigned 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. A faculty member who believes he/she has been removed from the classroom teaching or reassigned improperly, and
who is not involved in the PPRP, may file a grievance with the APRC.

14.1.4. **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.

14.2. **ORIGIN OF ALLEGATIONS**

14.2.1. **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. 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 Affairs. If none of the three administrators chooses to initiate the PPRP, the matter is considered resolved.

14.3. **THE REVIEW PROCESS**

14.3.1. **INFORMAL REVIEW**

Continued attempts for resolution 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.

14.3.2. **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 days, the APRC shall empanel a 5-member University Hearing Panel as set forth in Section 13.3.1. 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 can be removed from classroom teaching and for reassigned to other University duties while the PPRP process is proceeding if at least two of the following three administrators agree (Department Head, Dean and Provost). The faculty member shall continue to receive his/her salary throughout the process, and it shall not be reduced because of the reassignment.

14.3.3. 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.

14.3.4. 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.

14.3.5. HEARING

The formal hearing may involve one or more meetings at which witnesses may be 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.

14.3.6. BURDEN OF PROOF

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

14.3.7. 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.

14.3.8. 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 7 days of the conclusion of the hearing. A minority report also may be prepared.
14.3.9.  **TIME PERIOD**

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

14.4.  **POST-HEARING PROCEDURE**

14.4.1.  **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 14 days of the date of the UHP report. If the Provost is a party to the dispute, the President will fulfill this function.

14.4.2.  **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 14 days of receiving the decision of the Provost. The President will rule on the appeal within 30 days of its receipt and notify the faculty member of the results in writing.

14.4.3.  **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 14 days of the receipt of written notification regarding implementation of sanctions from the President.

14.4.4.  **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).

14.4.5.  **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.