

Faculty Handbook



**Missouri
State.**

U N I V E R S I T Y

2007

Preface

In many ways, there may be few differences between one university and another. To stand out as truly great, a university must be more than manicured grounds or ivy-covered walls, more than a packed arena or a crowded stadium, more than "smart" classrooms, paneled offices, hushed libraries, busy laboratories, or row after row of gleaming new computers. While all these things may be necessary or desirable, they are not the things that make a university great.

Rather, a great university is first and foremost a human community. It is a place where people express their sense of commitment, their passion for learning and discovery, their dedication to service over self interest, and do it all through the completion of those various daily tasks and challenges that mark the institution's steady heartbeat. A great university is a community of dedicated people bound together by shared responsibilities, mutual obligations, and a dependence on each other both to accomplish things of true value and to make a future.

It is the purpose of this Handbook to help define or codify those responsibilities, obligations, and lines of interdependence and, thereby contribute to Missouri State's continued life as a great university.



Missouri State
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Dear Faculty:

Missouri State University enjoys a rich history of educating students well, contributing influential discoveries and scholarship, and extending valuable service to its region, state, and nation. For more than 100 years, Missouri State University has been an institution that Missouri can trust to imagine and help make its future. The soul of this success has been the University's people – its distinguished faculty, dedicated staff, well-prepared students, and loyal alumni and friends. Together, this community of scholars combines the best of rich traditions with the strength of future aspirations to create a University that advances and preserves knowledge in the interest of the common good.

Our long-range plan, *Imagining and Making Missouri's Future*, captures the University's mission in this one sentence:

"Missouri State University is a statewide university system with a mission in public affairs, whose purpose is to develop educated persons while achieving five goals: democratizing society, incubating new ideas, imagining Missouri's future, making Missouri's future, and modeling ethical and effective behavior." Our five-year plan outlines how we intend to accomplish this mission and provides the road map for our work over the next five years. I look forward to using our collective talents and commitment to help achieve these ambitious goals.

The Faculty Handbook is this University's main document of shared governance and, therefore, is an important document. It sets forth our Universitywide policies and procedures, particularly as they pertain to the rights and responsibilities of the faculty. The result of an ongoing process of revision and improvement, the Handbook should serve the University well as it helps define an institutional environment that ensures fair treatment, promotes high standards, rewards exceptional achievement, and specifies the mutual obligations between the University and its faculty.

I value the work of the individuals who have crafted this latest revision to the Handbook. The committee advocated for faculty interests within the perspective of the University's goals and budget along with the guidance provided by the Board of Governors. The result is a strong, workable document.

I am glad you have chosen to join the scholarly community of Missouri State University. I look forward to succeeding with you.

Best regards

Michael T. Nietzel
President

mmd

OFFICE OF THE PRESIDENT

901 South National Avenue • Springfield, Missouri 65897 • 417-836-8500 • Fax 417-836-7669
President@missouristate.edu • www.missouristate.edu
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February 2007

To the Missouri State University Community,

I am delighted to introduce the *2007 Missouri State University Faculty Handbook*. It is the product of the efforts of many individuals. The Faculty Handbook Review Committee, led by Rhonda Ridinger, did an extraordinary job of reviewing every element of the previous handbook, questioning past practice and debating future options. Our Faculty Senate, led by Mark Richter, subjected the revised document to a thoughtful and deliberate examination process, which significantly strengthened the final product. John Black, University Counsel, provided meaningful assistance, balancing a commitment to rights and responsibilities in his efforts to promote clarity in the articulation of policies and procedures. Not to be forgotten, this handbook was built upon the strong foundational efforts of faculty and administrators from previous generations, who worked together to provide meaningful guidance to their successors.

I was fortunate to join this university summer 2006. I was able to participate in ongoing discussions regarding handbook review and to contribute my own thoughts and concerns to the process. This experience provided an excellent opportunity to learn the culture and history of this institution as well as to develop a strong appreciation and respect for our faculty, their values and work ethic.

In many ways a manual such as this is never finished or complete. It is a living document, describing "best practices" and outlining the expectations we have for working together. In anticipation of the inevitability of change, the handbook describes the process for its own revision -- as the mission of the university evolves and as changing interests and circumstances may require. At the same time, I am confident that the policies spelled out in this document can and should be implemented with transparency; in doing so we strengthen the university and provide a stronger and richer work environment for everyone at Missouri State.

At Missouri State University, we wish to foster a culture of leadership. In many ways, the collaborative process utilized to craft this document provides a material representation of the strength and importance of that philosophy.

Belinda McCarthy, Ph.D.
Provost

February 2007

OFFICE OF THE PROVOST

901 South National Avenue • Springfield, Missouri 65897 • 417-836-5119 • Fax 417-836-8432
www.missouristate.edu

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Explanatory Note

This Faculty Handbook reflects the policies of Missouri State University in effect as of the date of publication. It prescribes the conditions of employment of all members of the faculty, both ranked and unranked.

The Faculty Handbook represents University-wide policy and takes precedence over policy promulgated by departments, colleges, or other units within the University. This does not preclude departments, colleges, or other units within the University from issuing policy documents separate from the Faculty Handbook; however, while all such documents may amplify, add detail to, and expand upon policies contained in the Faculty Handbook, all policy disputes shall be resolved in favor of those contained in the Faculty Handbook.

Sections 1 through 15 rescind all prior related Senate actions, all prior related administrative policies and procedures, and all faculty handbooks issued prior to 2007. This edition does not, however, rescind Appendix A: Intellectual Property Rights nor Appendix B: Financial Exigency Policy. This Faculty Handbook shall remain the policy of the University until amended according to procedures prescribed herein.

This handbook reflects the policies of Missouri State University - Springfield (Springfield Campus) and the research campus in Mountain Grove; it does not reflect the policies of Missouri State University - West Plains (West Plains Campus).

Non-Discrimination Policy Statement

Missouri State University is a community of people with respect for diversity. The University emphasizes the dignity and equality common to all persons and adheres to a strict nondiscrimination policy regarding the treatment of individual faculty, staff, and students. In accord with federal law and applicable Missouri statutes, the University does not discriminate on the basis of race, color, religion, sex, national origin, ancestry, age, disability, veteran status in employment or in any program or activity offered or sponsored by the University. In addition, the University does not discriminate on any basis (including, but not limited to, political affiliation and sexual orientation) not related to the applicable educational requirements for students or the applicable job requirements for employees.

This policy shall not be interpreted in a manner as to violate the legal rights of religious organizations or military organizations associated with the Armed Forces of the United States of America.

The University maintains a grievance procedure incorporating due process available to any person who believes he or she has been discriminated against. Missouri State University is an Equal Opportunity/Affirmative Action employer. Inquiries concerning the grievance procedure, Affirmative Action Plan, or compliance with federal and state laws and guidelines should be addressed to Equal Opportunity Officer, Sicheluff Hall 296, 901 South National, Springfield, Missouri 65897, (417) 836-4252.

Table of Contents

1. Purpose, Organization, and Governance	19
1.1 Mission	19
1.2 History	19
1.3 University Purpose	23
1.3.1 University Setting	23
1.3.2 University's General Mission	23
1.3.3 Teaching.....	23
1.3.4 Scholarship, Research, and Creative Activity.....	24
1.3.5 Service	24
1.3.6 Specific Mission.....	24
1.3.7 Beliefs, Values, and Collegiality	25
1.3.8 Support Programs	25
1.4 Accreditation and Approvals	25
1.5 University Governance.....	27
1.5.1 Administrative Organization.....	28
1.5.1.1 President	28
1.5.1.1.1 Chief of Staff and Assistant to the President for University Relations	28
1.5.1.1.2 General Counsel.....	28
1.5.1.1.3 Equal Opportunity Officer.....	28
1.5.1.1.4 Director of Intercollegiate Athletics	28
1.5.1.2 Director of Internal Audit.....	28
1.5.1.3 Chancellor of the West Plains Campus	28
1.5.1.4 Chancellor of the Research Campus at Mountain Grove	28
1.5.1.5 Provost	29
1.5.1.5.1 Associate and Assistant Provosts.....	29
1.5.1.5.2 Associate Provost and Dean of Graduate College	29
1.5.1.5.3 College Deans	29
1.5.1.5.4 Dean of Library Services.....	29
1.5.1.5.5 Director of Institutional Research.....	29
1.5.1.5.6 Department Heads and School Directors	29
1.5.1.6 Vice President for Administrative & Information Services.....	29
1.5.1.6.1 Associate Vice President for Administrative Services...30	
1.5.1.6.2 Director of Facilities Management	30
1.5.1.6.3 Director of Safety and Transportation.....	30
1.5.1.6.4 Director of Communication Services.....	30
1.5.1.6.5 Director of Computer Services.....	30
1.5.1.6.6 Director of Environmental Management	30
1.5.1.6.7 Director of Human Resources.....	30
1.5.1.6.8 Director of Web Services	30
1.5.1.7 Vice President for Student Affairs.....	31
1.5.1.7.1 Assistant Vice President for Enrollment Management and Services	31
1.5.1.7.2 Assistant Vice President for Student Academic Support Services	31
1.5.1.7.3 Director of Taylor Health and Wellness Center.....	31
1.5.1.7.4 Dean of Students	31

1.5.1.8 Vice President for University Advancement.....	31
1.5.1.8.1 Director of Development and Alumni Relations	31
1.5.1.8.2 Executive Director of Juanita K. Hammons Hall for the Performing Arts, Hammons Student Center, and Plaster Sports Complex	31
1.5.1.9 Chief Financial Officer	32
1.5.1.9.1 Bursar	32
1.5.1.9.2 Controller	32
1.5.1.9.3 Director of Accounting and Budgeting	32
1.5.1.9.4 Director of Procurement Services	32
1.5.1.10 Vice President for Research and Economic Development.....	32
1.5.1.10.1 Director of Office of Sponsored Research and Programs	32
1.5.1.10.2 Director of Broadcast Services	33
1.5.1.10.3 Director of China Programs	33
1.5.1.10.4 Director of Center for Applied Science and Engineering	33
1.5.1.11 Administrative Council	33
1.5.2 Academic Governance	33
1.5.2.1 Academic Council	33
1.5.2.2 The Faculty Senate.....	33
1.5.2.3 Graduate Council.....	34
1.5.2.4 College Councils.....	34
1.5.3 Staff Senate.....	34
1.5.4 Student Government Association.....	34
1.5.5 University Committee Structure.....	34

2. Recruitment and Employment 36

2.1 Recruitment and Employment.....	36
2.2 Faculty Handbook Equal Opportunity Policy.....	36
2.3 Hiring Procedures	37
2.3.1 Hiring of Missouri State University Graduates.....	37
2.3.2 Nepotism	37
2.3.3 Hiring Foreign Nationals.....	37
2.4 Identification Cards	38
2.5 Personnel Records.....	38
2.6 Release of Employment Information	38

3. Academic Personnel Policies 40

3.1 Academic Responsibilities, Ethics, and Freedom	40
3.1.1 Responsibilities and Ethics.....	40
3.1.2 Academic Freedom	41
3.2 Definitions	43
3.3 Appointment, Rank, and Tenure	44
3.3.1 Introduction.....	44
3.3.2 Initial Appointment Contract Letters	45
3.3.3 General Criteria	45
3.4 Requirements for Appointment, Tenure, and Promotion of Tenure-Track Faculty....	47
3.4.1 Assistant Professor	47

3.4.2 Associate Professor	48
3.4.3 Professor	49
3.4.4 Distinguished Professor.....	49
3.5 Research Faculty	50
3.6 Non-Tenure Track Academic Positions.....	50
3.6.1 Instructor	50
3.6.2 Senior Instructor	50
3.6.3 Visiting Faculty Appointments	51
3.6.4 Artist-in-Residence	51
3.6.5 Practitioner-in-Residence	51
3.6.6 Executive-in-Residence.....	51
3.6.7 Adjunct Faculty	51
3.6.8 Per Course Faculty.....	52
3.6.9 Academic Affiliate Appointments	52
3.6.10 Research Faculty	52
3.6.10.1 State Fruit Experiment Station Research Faculty.....	52
3.6.10.2 Research Faculty—Research Centers	53
3.6.11 Clinical Faculty	53
3.7 Special Appointments	53
3.7.1 Emeritus Status	53
3.7.1.1 Reappointment of Emeritus Faculty.....	54
3.7.2 Joint Appointments.....	54
3.7.3 Associate Appointments	54
3.8 Tenure.....	55
3.8.1 General Philosophy	55
3.8.2 Tenure	55
3.9 Prior Service and the Probationary Period.....	56
3.9.1 Stopping the Tenure Clock.....	56
3.9.2 Tenure upon Hire	56
3.10 Locus of Tenure	56
3.11 Notice of Non-Reappointment of Tenure-Track Faculty During the Probationary Period.....	56
3.12 Graduate Faculty.....	57

4. Faculty Evaluation59

4.1 Faculty Performance Criteria and Evaluation Model.....	59
4.2 Evaluation of Faculty with Standard Appointments.....	59
4.2.1 Teaching.....	60
4.2.1.1 Teaching Mission.....	60
4.2.1.2 Goals and Criteria for Evaluating Teaching	60
4.2.1.3 Documenting Teaching Effectiveness	62
4.2.2 Research	63
4.2.2.1 Research Mission	63
4.2.2.2 Goals and Criteria for Evaluating Research	63
4.2.3 Service	64
4.2.3.1 Service Mission.....	64
4.2.3.2 Goals and Criteria for Evaluating Service.....	64
4.3 Evaluation of Faculty with Clinical Appointments.....	65
4.3.1 Clinical Education Mission.....	65
4.3.2 Goals and Criteria for Evaluating Clinical Education	65

4.3.3 Service	67
4.3.4 Professional Productivity/ Research.....	67
4.3.4.1 Professional Productivity Mission for Clinical Faculty.....	67
4.3.4.2 Goals and Criteria for Evaluating Professional Productivity/Research.....	67
4.4 Evaluation of Faculty with Research Appointments	67
4.5 Faculty Policies and Responsibilities	68
4.5.1 Teaching.....	68
4.5.1.1 Meeting Classes	68
4.5.1.2 Course Policy Statements	68
4.5.1.3 Review of Graded Work.....	69
4.5.1.4 Class Records	69
4.5.1.5 Student Advisement.....	69
4.5.1.6 Office Hours.....	69
4.5.1.7 Access to and Release of Student Academic Records	70
4.5.2 Research	70
4.5.2.1 Intellectual Integrity and Ethical Conduct.....	70
4.5.2.2 Intellectual Property	70
4.5.3 Service	70
4.5.3.1 Service Responsibilities.....	70
4.5.4 General Policies	71
4.5.4.1 Use of Copyrighted Materials	71
4.5.4.2 Sale of Faculty or Departmental Materials.....	72
4.6 Faculty Performance Evaluation Process	73
4.6.1 Annual Appointment Reviews for Probationary Faculty	73
4.6.2 Tenure Review	75
4.6.2.1 Pre-Tenure/Promotion Review	75
4.6.2.2 Tenure/Promotion Review (Promotion from Assistant Professor Rank to Associate Professor Rank).....	75
4.6.3 Promotion Review (Promotion from Associate Professor Rank to Full Professor Rank)	76
4.6.3.1 Pre-Promotion Review.....	76
4.6.3.2 Application Process for Promotion.....	76
4.6.4 Performance Review of Probationary Faculty, and Instructors	76
4.6.5 Work Assignment Negotiation	76
4.7 Evaluation-Related Policies	77
4.7.1 Applicant's Rights and Responsibilities.....	77
4.7.2 Departmental Personnel Committees.....	77
4.7.3 College Personnel Committees	78
4.7.4 Departmental Personnel and Governance Documents	78
4.7.5 Documentation	80
4.7.6 Faculty & Department Head Procedural Agreement	80

5. Salary Policies.....81

5.1 Salary Policy and Goals	81
5.2 Salary Procedures.....	81
5.3 Performance Evaluation Appeals Process.....	81
5.4 Role of the College Compensation Committee	82
5.5 Rank Change	82
5.6 Equity Adjustments	82

5.7 Salary Report	82
5.8 Summer Session	82
5.9 Intersessions	83
5.10 Off-Campus Teaching	83
5.11 Compensation for Teaching through Continuing Education.....	83
6. Fringe Benefits.....	84
6.1 Statutory.....	84
6.1.1 Workers' Compensation	84
6.1.2 Unemployment Compensation	84
6.1.3 Social Security.....	84
6.1.4 Legal Defense of Faculty Members.....	84
6.2 University Sponsored (Fringe Benefits)	84
6.2.1 Employee Group Insurance Plan.....	85
6.2.2 Cafeteria Plan.....	85
6.2.3 Pension	85
6.2.4 Annuities.....	85
6.2.5 Educational Assistance	85
6.2.5.1 Credit Course Fees.....	85
6.2.5.2 Noncredit Course Fees.....	86
6.2.6 University Facilities and Services.....	87
6.2.7 Notary Public	87
7. Faculty Development.....	88
7.1 Faculty Development Policy and General Procedures.....	88
7.2 Developmental Leaves.....	88
7.2.1 Sabbatical Leave for Faculty	88
7.2.2 Professional Leave	89
7.2.3 Educational Leaves	89
7.2.4 Special Leave for Faculty	90
7.3 Faculty Development Centers and Resources.....	90
7.3.1 Academic Development Center.....	90
7.3.2 Carnegie Academy for the Scholarship of Teaching and Learning	91
7.3.3 Citizenship and Service-Learning.....	91
7.3.4 Community and Social Issues Institute.....	91
7.3.5 Missouri Campus Compact Grants.....	91
7.4 Extramural Support for Scholarship, Research, Creative Activity, and Development	92
7.5 Faculty Exchange Program and International Teaching Opportunities.....	92
7.5.1 China Programs	92
7.5.2 Missouri London Program	92
7.5.3 International Travel Support	92
7.5.4 Faculty-led Short Term Programs	93
7.5.5 International Faculty Development Seminars Through Council on International Educational Exchange (CIEE)	93
7.6 University Funds for Faculty Development	93
7.6.1 University Funds for Scholarship, Research, Creative Activity, and Curricular Development.....	93
7.6.2 Funds for Enrollment in Classes.....	93

7.6.3 Scholarship, Research, and Creative Activity Reassigned Time.....	93
7.6.4 Travel	94
8. Leave Benefits.....	95
8.1 Leaves.....	95
8.2 Short-term and Extended Sick Leave	95
8.3 Civil Duty Leave	95
8.4 Bereavement Leave	95
8.5 Military Leave	95
8.6 Voting Leave	96
8.7 Leave of Absence	96
8.8 Family and Medical Leave	97
8.8.1 Leave for Birth or Adoption of a Child.....	97
8.8.2 Leave for Serious Health Condition.....	97
8.8.3 Request for Family Leave.....	97
8.8.4 Medical Care Certification	97
8.8.5 Status During Family Leave	97
9. Professional Issues	99
9.1 Prohibition of Discrimination and Harassment Policy.....	99
9.2 Sexual Harassment.....	99
9.3 Faculty Absences.....	100
9.4 Consensual Sexual or Romantic Relationships Policy.....	100
9.5 Drug-Free Workplace.....	101
9.6 Use of Tobacco	101
10. Research.....	102
10.1 Research Faculty in University Centers.....	102
10.2 The Jordan Valley Innovation Center.....	102
10.3 Extramural Support for Research and other Sponsored Programs.....	102
10.4 Regulatory Guidelines for Research	103
10.4.1 Animal Care and Use	104
10.4.2 Bio-Hazardous Substances.....	104
10.4.3 Export Control	105
10.4.4 Human Subject Protection.....	105
10.5 Whistleblower Protection Policy	106
10.6 Copyright/Patent Policy	106
11. Outside Activities and Conflict of Interest	107
11.1 Outside Activities.....	107
11.1.1 Introduction.....	107
11.1.2 Remunerated Outside Activities	107
11.1.3 Procedures for Reporting Remunerated Outside Activities	108
11.1.4 Non-Remunerated Professional Activities.....	108
11.1.5 Other Non-Remunerated Outside Activities (Volunteerism).....	109
11.2 Conflict of Interest	109
11.2.1 Economic Involvement	109

11.3 External Utterances and Political Activities	110
12. Academic Administration Policies	111
12.1 Evaluation of Academic Administrators.....	111
12.2 Recall of Academic Administrators	111
12.3 Retreat Rights of Administrators	111
12.4 Absences of Department Heads and Deans.....	112
12.5 Administrative Leave.....	112
12.6 Sabbatical Leave for Administrators	113
12.7 Special Leave for Administrators	113
13. Grievance.....	114
13.1 Introduction	114
13.1.1 Overview	114
13.1.2 Policies Guiding Processes.....	115
13.1.3 Time Frames and Time Extensions.....	116
13.1.3.1 Work Day.....	116
13.1.3.2 Time Extension - Short.....	116
13.1.3.3 Time Extension - Long.....	116
13.1.3.4 Ruling on Time Extension.....	116
13.1.4 Procedural Process Determination.....	116
13.1.4.1 APRC Authority.....	116
13.1.4.2 Procedural Matter - PPRP	116
13.1.5 Confidentiality.....	117
13.1.5.1 Review Process and Proceedings.....	117
13.1.5.2 Acknowledgment of Review Process.....	117
13.2 Definitions	117
13.2.1 Acronyms	117
13.2.2 Terms	118
13.3 Basic Faculty Rights.....	121
13.3.1 Constitutional or Statutory Rights.....	121
13.3.2 Academic Freedom of Speech	122
13.3.3 Non-Discrimination	122
13.3.4 Grievance	122
13.3.5 Fair Treatment.....	122
13.3.6 Sustained Pattern of Treatment.....	122
13.3.7 Internal Appeal of Performance Evaluation.....	123
13.3.8 Suspension During Contractual Period	123
13.3.9 Process Prior to Sanctions	123
13.3.10 Professional Reputation	124
13.3.11 Burden of Proof	124
13.3.12 Status with University	124
13.4 Remedies (including Sanctions).....	124
13.4.1 Overview of Remedies (including Sanctions).....	124
13.4.2 Sanctions.....	125
13.4.2.1 Minor Sanctions.....	125
13.4.2.2 Major Sanctions.....	125
13.4.2.3 Imminent Threat.....	126
13.4.2.4 Reassignment.....	126

13.4.2.5 Termination of Employment (Dismissal)	126
13.4.3 Appeals	127
13.5 Academic Personnel Grievance Process (APGP).....	127
13.5.1 Attempt Resolution before Filing	127
13.5.2 Grievances to which the APGP Informal Review Process Applies.....	127
13.5.2.1 Adverse Employment Action.....	128
13.5.2.2 Violation of Basic Faculty Rights	128
13.5.3 Academic Personnel Review Commission (APRC) for APGP Informal Review.....	128
13.5.3.1 Purpose of the APCR	128
13.5.3.1.1 Composition of the APCR	128
13.5.3.1.2 Recusal of Commissioner	128
13.5.3.1.3 Retirement of Commissioner	129
13.5.3.1.4 APCR Annual Report to Faculty Senate	129
13.5.3.1.5 Confidentiality	129
13.5.3.1.6 Documentation.....	129
13.5.3.2 Determination of Prima Facie Case.....	129
13.5.3.3 Notification to Parties Involved	130
13.5.3.4 Attempt to Resolve Case	130
13.5.3.5 Right to Initiate Formal Review Process.....	130
13.5.3.6 Commissioner Assistance in Reaching Resolution	130
13.5.4 Formal Review Process for APGP Grievance	130
13.5.4.1 Initiation of APGP Formal Review Process	130
13.5.4.1.1 Distribution of Filings.....	131
13.5.4.1.2 Provision of Written Notification	131
13.5.4.1.3 Selection of University Hearing Panel.....	131
13.5.4.2 Initial Review by University Hearing Panel (UHP)	131
13.5.4.2.1 Organizational Meeting	131
13.5.4.2.2 Consideration of Documentation from Informal Review	131
13.5.4.2.3 Review of Grievance.....	131
13.5.4.2.4 Interview with Faculty Member	132
13.5.4.2.5 Provision of Written Documentation.....	132
13.5.4.2.6 Waiving Formal Hearing	132
13.5.4.3 Due Process for APGP	132
13.5.4.3.1 Due Process Opportunity	132
13.5.4.3.2 UHP Procedures	132
13.5.4.3.3 Following Procedures	132
13.5.4.3.4 Burden of Proof.....	132
13.5.4.3.5 Permanent Record.....	132
13.5.4.4 APGP Formal Hearing	133
13.5.4.4.1 Formal Hearing Meetings.....	133
13.5.4.4.2 Witnesses	133
13.5.4.4.3 Presentation of Facts	133
13.5.4.4.4 Questions Following Presentation	133
13.5.4.4.5 Legal Counsel.....	133
13.5.4.5 UHP Report	133
13.5.4.6 Preserving Legal Remedies and Statutes of Limitations	133
13.5.5 Claims to which the APGP Grievance Process does NOT apply:	133
13.5.5.1 Complaints Filed Against Faculty Member	133
13.5.5.2 Grade Disputes and Fines	134

13.5.5.3	Claims by Graduate Assistants.....	134
13.5.5.4	Employment Issues of Term-Limited or Part-Time Faculty.....	134
13.5.5.5	Disputes Covered by Other Internal Procedures.....	134
13.5.5.5.1	Procedures Established by the Office for Equity and Diversity	134
13.5.5.5.2	Reappointment, Tenure, and Promotion Disputes....	134
13.5.5.5.3	Appeal of Merit or Equity Evaluation.....	134
13.5.5.5.4	Exception for Sustained Pattern of Violation.....	135
13.5.5.5.5	Fallback Provision.....	135
13.5.6	Promotion, Tenure and Reappointment Review.....	135
13.5.6.1	Evaluation Criteria	135
13.5.6.2	Grounds for a PCTP Grievance.....	135
13.5.6.3	Provost's Committee on Tenure and Promotion (PCTP) Review	135
13.5.6.3.1	Grievance Related to Reappointment, Tenure, or Promotion.....	135
13.5.6.3.2	Prima Facie Case Referred to PCTP	136
13.5.6.3.3	Burden of Proof.....	136
13.5.6.3.4	PCTP Review.....	136
13.5.6.3.5	PCTP Findings of Fact and Recommendations.....	136
13.5.6.3.6	Department Head or Committee Complaint.....	136
13.5.6.3.7	Implementation or Appeal of Recommendation.....	136
13.5.6.3.8	Unavailability of APGP Grievance Process	137
13.5.7	Academic Personnel Grievance Process (APGP) Flow Chart Exhibit APGP - 1	138
13.5.8	APGP Informal Review for Grievance Process Exhibit APGP – 2	139
13.5.9	APGP Formal Review for Academic Personnel Grievance Process Exhibit APGP - 3	140
13.6	The Professional Practices Review Process (PPRP).....	141
13.6.1	Claims to Which the PPRP Process Does Not Apply.....	141
13.6.2	PPRP: Background and Parameters.....	141
13.6.2.1	Complaints Against a Faculty Member	141
13.6.2.1.1	Nature of Complaint	141
13.6.2.1.2	Academic Freedom of Speech.....	141
13.6.2.2	Adherence to Process	142
13.6.2.3	Initial Informal Review.....	142
13.6.2.4	Time Frames and Time Extensions	142
13.6.2.4.1	Adherence to Time Frames	142
13.6.2.4.2	Time Extensions - Short.....	142
13.6.2.4.3	Time Extensions - Long	142
13.6.2.5	Preserving Legal Remedies and Statutes of Limitations	142
13.6.3	Initiation of the PPRP Informal Review Process.....	143
13.6.3.1	Attempt to Resolve Issue.....	143
13.6.3.2	Written Complaint	143
13.6.3.2.1	Complaint Referred to Department Head	143
13.6.3.2.2	Alternate Referrals of Complaints	143
13.6.3.2.3	Written Notification.....	143
13.6.3.3	Mediation	143
13.6.3.3.1	Written Request for Mediation	143
13.6.3.3.2	Agreement to Seek Mediation.....	143
13.6.3.3.3	Limit to Use of Mediation	143

13.6.3.3.4	Costs of Mediation	143
13.6.3.3.5	Process Beyond Mediation	143
13.6.4	Informal Review for PPRP	144
13.6.4.1	Department Head's Review	144
13.6.4.1.1	Review of Complaint and Documentation.....	144
13.6.4.1.2	Consultation with EOO.....	144
13.6.4.1.3	Determination of Prima Facie Case	144
13.6.4.2	Dean's Review and Informal Review Consultation for PPRP ..	144
13.6.4.2.1	Determination of Prima Facie Case	144
13.6.4.2.2	Consultation with the EOO.....	144
13.6.4.2.3	Written Notification.....	144
13.6.4.2.4	Finding of Prima Facie Case.....	144
13.6.4.2.5	Informal Review Consultation	145
13.6.5	Formal Review Process for PPRP Complaint	145
13.6.5.1	Initiation of Professional Practices (PPRP) Formal Review Process.....	145
13.6.5.1.1	No Informal Resolution of Case	145
13.6.5.1.2	Request for PPRP Formal Review Process.....	145
13.6.5.1.3	Written Notification.....	145
13.6.5.1.4	Formal Charges Filed by President	146
13.6.5.1.5	Formal Review Process Time Frames	146
13.6.5.2	Preliminary Requirements for PPRP Formal Review Process	146
13.6.5.2.1	Empanelling the University Hearing Panel.....	146
13.6.5.2.2	Documentation to UHP	146
13.6.5.2.3	UHP Review.....	146
13.6.5.2.4	Interview with Faculty Member	146
13.6.5.2.5	Reasonable Discovery	147
13.6.5.2.6	Request for Formal Hearing.....	147
13.6.5.2.7	Provision of Written Documentation.....	147
13.6.5.2.8	Legal Advice	147
13.6.5.3	Due Process for PPRP	147
13.6.5.3.1	Due Process for Faculty Member	147
13.6.5.3.2	UHP Procedures	147
13.6.5.3.3	Adherence to Procedures	147
13.6.5.3.4	Burden of Proof.....	147
13.6.5.3.5	Permanent Record.....	147
13.6.5.4	Formal Hearing Process for PPRP	148
13.6.5.4.1	Formal Hearing Meetings.....	148
13.6.5.4.2	Witnesses	148
13.6.5.4.3	Presentation of Facts	148
13.6.5.4.4	Questions Following Presentations.....	148
13.6.5.4.5	Legal Counsel	148
13.6.5.5	UHP Report	148
13.6.6	Professional Practices Review Process (PPRP) Flow Chart Exhibit PPRP - 1	149
13.6.7	PPRP Informal Review for Professional Practices Review Process Exhibit PPRP - 2.....	150
13.6.8	Professional Practices Formal Review Process Exhibit - 3	151
13.6.9	Implementation of Remedies and Imposition of Sanctions for PPRP and APGP Exhibit PPRP – AGRP – 4	152
13.7	Formal Review Processes Applicable to Both AGRP and PPRP	153

13.7.1	Selection of the University Hearing Committee and Empanelling the University Hearing Panel.....	153
13.7.1.1	University Hearing Committee.....	153
13.7.1.2	University Hearing Panel.....	153
13.7.1.2.1	Faculty Member Selection.....	153
13.7.1.2.2	Dean Selection.....	153
13.7.1.2.3	Other Parties Selection.....	153
13.7.1.2.4	FSEC Selection.....	153
13.7.1.2.5	College Faculty Member on UHP.....	154
13.7.1.2.6	Right of Recusal.....	154
13.7.1.2.7	Organizational Meeting.....	154
13.7.1.3	Vacancy on Panel.....	154
13.7.1.4	APRC Assistance.....	154
13.7.1.5	Adherence to Faculty Handbook.....	154
13.7.2	Confidentiality.....	154
13.7.3	Hearing Process.....	154
13.7.4	UHP Formal Report of Findings of Fact and Recommendations for the Formal Review Process of the APGP and the PPRP.....	154
13.7.4.1	UHP Meetings.....	154
13.7.4.2	UHP Report.....	155
13.7.4.3	UHP Minority Report.....	155
13.7.4.4	Written Notification of Findings of Fact.....	155
13.7.4.5	Distribution of Written Notification – APGP.....	155
13.7.4.6	Distribution of Written Notification – PPRP.....	155
13.7.5	Appellate Review by Provost and President of APGP or PPRP or PCTP Case.....	155
13.7.5.1	Recommendation of Remedy or Sanction.....	155
13.7.5.2	Provost or President Review.....	155
13.7.5.3	Conclusion of PPRP Case.....	155
13.7.5.3.1	Acceptance of Findings.....	155
13.7.5.3.2	Challenge of Recommendations.....	156
13.7.5.4	Provost Review of Findings and Documentation.....	156
13.7.5.4.1	Provost Acceptance of Findings.....	156
13.7.5.4.2	Provost Review of Sanctions and Remedies.....	156
13.7.5.4.3	Attempt to Reach Mutual Recommendation.....	156
13.7.5.5	Agreement of Provost and UHP.....	156
13.7.5.5.1	Minor Sanction.....	156
13.7.5.5.2	Major Sanction.....	156
13.7.5.6	Presidential Review.....	156
13.7.5.6.1	Disagreement of Provost and UHP.....	156
13.7.5.6.2	Request for Presidential Review.....	156
13.7.5.6.3	Agreement on Minor Sanction.....	157
13.7.5.6.4	President’s Decision.....	157
13.7.5.7	Conclusion of Appellate Review.....	157
13.7.5.7.1	Written Notification.....	157
13.7.5.7.2	Recommendations to Board of Governors.....	157
13.7.6	Board of Governors’ Review of APGP or PPRP Case.....	157
13.7.6.1	Cases That May/May Not be Appealed to the Board of Governors.....	157
13.7.6.1.1	Termination of Employment.....	157
13.7.6.1.2	Denial of Constitutional Rights.....	157

13.7.6.1.3 No Appeal – Agreement on Other Major Sanctions..	158
13.7.6.1.4 Disagreement on Major Sanctions.....	158
13.7.6.1.5 Imminent Threat.....	158
13.7.6.1.6 No Appeal – Minor Sanctions	158
13.7.6.1.7 Authority of Board of Governors	158
13.7.6.2 Time Lines of Appeals	158
13.7.6.3 Board of Governors Review.....	158
13.7.6.4 Legal Counsel.....	159
13.7.6.5 Record	159
13.7.6.6 Board's Authority to Decide Case.....	159
13.7.6.7 Written Notification of Decision.....	159
13.7.6.8 Once the Board of Governors has Decided the Case	159
13.7.7 External Court Case or Alternative Dispute Resolution.....	159
13.7.7.1 Establishment of Official Record.....	159
13.7.7.2 External Review.....	159

14. Separation from Employment..... 160

14.1 Resignation	160
14.2 Retirement.....	160
14.3 Teaching for Missouri State University after Retirement.....	160
14.4 Notice of Non-Reappointment of Tenure-track Faculty	160
14.5 Dismissal.....	161
14.5.1 Dismissal Procedures.....	161
14.6 Check-Out Procedures for Faculty Members Leaving the Employ of the University	162
14.7 Reduction in Force Due to Financial Exigency	162
14.7.1 Preliminary Considerations.....	162
14.7.2 Faculty Reductions.....	162
14.7.3 Program Reductions.....	163
14.7.4 Rights of Terminated Faculty Members.....	163
14.8 Reduction in Force Due to Elimination of Academic Programs for Reasons Other Than Financial Exigency	164
14.8.1 Definition	164
14.8.2 Procedures for Eliminating Academic Programs	165
14.8.3 Rights of Faculty Members in Eliminated Programs.....	165

15. Amendments 167

15.1 Amendments to Section 1 of the Faculty Handbook	167
15.1.1 Faculty Senate and Faculty Constitution (Section 1.5.2.2).....	167
15.1.2 Student Government Association (Section 1.5.4).....	167
15.1.3 University Committee Structure (Section 1.5.5)	167
15.2 Amendments to Preamble, Explanatory Note, and Sections 2-15 of the Faculty Handbook.....	167
15.2.1 Reserved Statutory Rights	167
15.2.2 Amendment Process	167
15.2.3 Faculty Handbook Revision Committee	167
15.2.3.1 Initiation of Amendments	168
15.2.3.2 Processes of Committee Consideration	168
15.2.3.2.1 Amendments from the University Community.....	168

15.2.3.2.2 Seven-Year Review	168
15.2.3.3 Process of Senate Consideration	168
15.2.3.4 Process of Board Consideration	168
15.2.3.4.1 Exigency	168
15.3 Amendments to Take Effect	169
Appendix A Missouri State University Intellectual Property Policy	170
Appendix B Missouri State University Financial Exigency Policy	179
Index.....	183



1. Purpose, Organization, and Governance

1.1 Mission

Missouri State University is a public, comprehensive university system with a mission in public affairs, whose purpose is to develop educated persons. It is committed to achieving five major goals: 1) democratizing society, 2) incubating new ideas, 3) imagining Missouri's future, 4) making Missouri's future, and 5) modeling ethical and effective behavior as a public institution.

The University's identity is distinguished by its statewide mission in public affairs, requiring a campus-wide commitment to foster competence and responsibility in the common vocation of citizenship.

The academic experience is grounded in a general education curriculum which draws heavily from the liberal arts and sciences. This foundation provides the basis for mastery of disciplinary and professional studies. It also provides essential forums in which students develop the capacity to make well-informed, independent critical judgments about the cultures, values and institutions in society.

The task of developing educated persons obligates the University to expand the store of human understanding through research, scholarship and creative endeavor, and drawing from that store of understanding, to provide service to the communities that support it. In all of its programs, the University uses the most effective methods of discovering and imparting knowledge and the appropriate use of technology in support of these activities.

1.2 History

Missouri State University was founded in 1905 as the Fourth District Normal School and in 1919 became Southwest Missouri State Teachers College. The University's primary purpose during the first forty years of its history was the preparation of teachers for the public school systems in the southwest region of Missouri.

By the mid-1940s, the University had expanded its instructional program beyond teacher education to include the liberal arts and sciences; as a consequence, the Missouri legislature in 1945 authorized an official change in the institution's name to Southwest Missouri State College. As additional programs were implemented at the undergraduate level, and with the development of graduate programs beginning in 1955, the University had become by 1972 an educationally diverse institution. Recognition of this further growth and development again resulted in an official change in name to Southwest Missouri State University.

By 2005 Southwest Missouri State University had become a comprehensive university in the center of a unique metropolitan region serving a state-wide clientele, attracting students from all 114 counties of Missouri, 48 states, and 81 other countries. The University system now comprises three campuses: a selective admissions campus at Springfield, a research campus at Mountain Grove, and an open admissions campus at West Plains. In addition, the University has an established presence at Dalian and Qingdao, China.

In recognition of the University's focused mission and expanded role, the legislature authorized the institution to become Missouri State University, effective August 28, 2005. It is in this enhanced and evolving environment that University faculty execute a three-fold role: to provide quality teaching, to further scholarship, research, and creative activity, and to provide service.

The University treats these activities as integrated functions. Each draws from and builds upon the strengths of the other. The liberal arts and sciences constitute the structural foundation on which the University's varied undergraduate programs rest. That foundation is also built upon by the forty plus graduate programs offered at the Springfield campus.

Although the University is first and foremost a community whose history is the result of dynamic interaction, specific events and points in time characterize its evolution. Faculty may gain a greater appreciation of the unique character of Missouri State by consulting the centennial history of the University, *Daring to Excel: The First 100 Years of Southwest Missouri State University*, by Donald D. Landon, Emeritus Professor of Sociology & Anthropology (Springfield: SMSU, 2004). An earlier monograph, *Shrine of the Ozarks* (Springfield: Southwest Missouri State College, 1968) by Roy Ellis, third President of the University, also captures the spirit of the University, especially during its earlier years. Copies of both are available in the University Libraries.

Below is a representative enumeration of a few of the dates and milestones that have had some significance in making Missouri State University what it is today. This timeline borrows heavily from Dr. Landon's history of SMSU.

Brief University Time Line

Normal School Period (1905-1919)

- 1905 • Missouri General Assembly authorizes State Normal School #4 to serve 22 counties in southwest Missouri.
- 1906 • First summer term enrolls 543 students. Fall term enrolls 173.
 - College library opens with 600 volumes; content swells to 20,000 volumes by 1920.
 - W.T. Carrington named first President.
 - First intercollegiate athletic contest-the women's basketball team plays Drury College.
- 1908 • Training school established, renamed Greenwood Training School (1911),
 - Debate club and school orchestra are established.
- 1909 • Academic Hall completed. Normal School #4 moves to National and Grand Campus from Pickwick and Cherry.
 - First yearbook (Ozarko) is published.
- 1910 • First Regents' Scholarship offered to top high school graduates in 22 county service area.
 - Student newspaper, Southwest Standard, is established.
- 1914 • All Normal Schools in Missouri expand curricula to offer four full years of college work.

Southwest Missouri Teachers College (1919-1946)

- 1919 • Normal School #4, now Missouri's largest, becomes Southwest Missouri State Teachers College (STC).
 - Student government is established.
- 1921 • Legislature authorizes funds for Education Building (second building on campus).
- 1925 • Elenora Linney becomes the first female member of the Board of Regents.
- 1926 • Roy Ellis becomes President of STC.
- 1927 • High school credit courses dropped from curriculum, except as offered at Greenwood.
 - College granted first accreditation by North Central as a liberal arts college and a teachers college.
- 1930 • Science Building (Siceluff Hall) is completed.
- 1931 • 50 percent of faculty hold terminal degrees in their field.
- 1932 • STC ranks 6th in size among nation's teachers colleges.
- 1933 • 46 percent of faculty are graduates of Normal School or STC.

- 1934 • Faculty ranks introduced, including Instructor, Assistant Professor, Associate Professor, and Professor.
- First faculty retirement plan authorized by the Board of Regents.
- 1940 • Health and Recreation Building (McDonald Arena) completed.
- Hazing of freshmen is discontinued.
- First American Association of University Professors (AAUP) local chapter established.

Southwest Missouri State College (1946-1972)

- 1946 • Enrollment increases from 728 to 1,614.
- Board officially changes name to Southwest Missouri State College; SMS becomes the abbreviation.
- 1948 • Tenure system approved for faculty.
- 1951 • Fall enrollment (1,681) exceeds summer enrollment for the first time.
- 1952 • Men's basketball team wins NAIA national championship.
- 1953 • Men's basketball team repeats as NAIA national champions.
- Two months after the U.S. Supreme Court rules against segregation, SMS Board follows suit. One week later, Freda Marie Thompson becomes the first African American to be accepted for admission to SMS.
- 1955 • First graduate program offered in cooperation with University of Missouri.
- New Memorial Library opens—first air-conditioned academic building.
- 1956 • Chester Shipps (basketball), "Dopey" Huddleston (football), and LeRoy Johnson (track) become the first African American intercollegiate athletes at SMS.
- 1959 • Fine arts building, classroom building, and men's residence hall completed.
- Dr. Paul Redfearn receives SMS' first National Science Foundation grant.
- 1961 • Leland Traywick becomes President of SMS.
- Sabbatical leave policy approved for faculty. Faculty put on 9 month contract at 11 month rate.
- 1962 • First Faculty Senate elected by faculty.
- 1963 • College moves from quarter to semester system.
- Tent Theatre established.
- West Plains campus established.
- 1964 • Arthur Mallory becomes President of SMS.
- 1967 • Independent graduate program starts.
- Enrollment exceeds 6,000 (6,596).
- 1971 • Duane G. Meyer becomes President of SMS.
- Temple Hall opens for science classes; Bookstore and Health Clinic open.

Southwest Missouri State University (1972-2005)

- 1972 • Name changed to Southwest Missouri State University.
- Administration Building renamed Carrington Hall.
- 1973 • Enrollment exceeds 10,000 (10,471), including 62 foreign students enrolled from 23 countries.
- 1974 • KSMU radio station begins broadcasting.
- State Fruit Experiment Station in Mountain Grove becomes part of SMS.
- SMS women's softball team wins Women's College World Series.
- SMS men's cross country team wins NCAA II National Championship.
- 1976 • Hammons Student Center opens with an appearance of Bob Hope.
- 1977 • Office of Grants opens to assist faculty research.
- 1979 • SMSU gymnast Kolleen Casey wins AIAW I National All-Around Championship.
- Women's field hockey team wins AIAW II National Championship.
- 1980 • Enrollment exceeds 15,000 (15,854).
- New library and Hammons Fountains completed.

- 1982 • Missouri London Program begins.
- SMSU women's and men's athletic programs begin NCAA Division I competition.
- 1983 • Marshall Gordon becomes President of SMSU.
- 1984 • Baker Astronomical Observatory becomes fully operational.
- Dr. Andrew Lewis of the History Department is named McArthur Fellow.
- 1990 • Enrollment exceeds 20,000 (20,652).
- 1992 • Juanita K. Hammons Hall for the Performing Arts opens.
- Discovery of ancient city of Ubar by Dr. Juris Zarins of the Sociology & Anthropology Department is listed by Time as number three in the top ten scientific discoveries of the year.
- SMSU joins the Missouri Valley Conference.
- SMSU women's basketball team reaches the NCAA Final Four.
- 1993 • John Keiser becomes President of SMSU.
- 1994 • West Plains Campus granted 5 year independent accreditation by North Central Association.
- Mountain Grove Campus opens at Fruit Experiment Station.
- 1995 • Selective admission policy implemented. Enrollment drops to 17,442.
- Statewide mission in public affairs granted by the legislature.
- 1997 • First cooperative doctoral program offered at SMSU.
- 1998 • First Internet-based graduate program, Master of Science in Computer Information Systems.
- Exchange program with Qingdao University in China begins.
- 1999 • Public Affairs Classroom, renamed Strong Hall in 2001, and Physical Therapy Classroom Buildings open.
- Men's basketball team reaches NCAA Sweet Sixteen.
- 2000 • Branch campus established at Liaoning Teachers University in Dalian, China.
- Over 40 graduate programs operating on campus.
- SMSU Libraries become only the 46th United Nations depository library in the country, and the only one in the four-state area.
- 2001 • University acquires Ozarks Public Television station.
- SMSU women's basketball team reaches NCAA Final Four again.
- Dr. J.D. Crouch, Professor of Defense & Strategic Studies, is named Assistant Secretary of Defense for International Security Policy.
- Ozarks Public Health Institute established.
- 2002 • Remodeled and expanded Duane G. Meyer Library and Jane Meyer Carillon are completed and dedicated.
- 2003 • SMSU receives three separate patents, the results of work by Dr. Ryan Giedd, Physics, Astronomy & Materials Science; by Dr. Reza Sedaghat-Herati, Chemistry; and by Drs. Klass Bakker, Mary Byrne, Thomas Byrne, and Ron Netsell, Communications Sciences & Disorders, and Dr. Richard Biagioni of Chemistry.
- 2004 • System-wide headcount enrollment exceeds 20,000 (20,765).

Missouri State University (2005-Present)

- 2005 • Through legislative action, SMSU becomes Missouri State University.
- Michael T. Nietzel becomes President of Missouri State University.

1.3 University Purpose

1.3.1 University Setting

Missouri State University is located in Springfield, the third largest population center in Missouri, a metropolitan service area of approximately 400,000. Supported by an industrial and manufacturing base and an expanding service industry in tourism, the community serves as a regional center for health and medical services for southwest Missouri, northwest Arkansas, southeast Kansas, and northeast Oklahoma. The University is located in an area of distinct geographical character, unique cultural heritage, as well as an extended and colorful history.

Based on its legislatively granted mission choice and its statewide student base, Missouri State University serves the entire state of Missouri, capitalizing on the same strengths that marked its earlier service focus in Missouri's southwest Ozarks region.

1.3.2 University's General Mission

As a public comprehensive institution of higher education, Missouri State University declares as its mission the advancement of learning, scholarly inquiry, and service. Consistent with its history, traditions, and continuing growth, the University's mission is achieved through the development of quality and excellence in teaching; scholarship, research, and creative activity; and a variety of forms of service.

In defining the roles for teaching, scholarship, research, creative activity, and service, the University emphasizes the interrelationship and compatibility of its degree programs to the mission of the institution. Each program draws from and builds upon the strengths of the others. Research and creative activities are vital to the assurance of excellence in teaching. Teaching, scholarship, research, and creative activity represent the foundation upon which service to the University's constituencies is developed.

1.3.3 Teaching

While the University recognizes the individual importance and collective synergies of teaching, scholarship, research, creative activity, and public service, its first obligation is to the teaching of students. To provide quality learning experiences, Missouri State University subscribes to the following educational objectives:

- To provide educational opportunities which enable students to develop a capacity for scholarly inquiry and critical reasoning, the facility to synthesize knowledge from various disciplines, and the ability to undertake self-directed learning.
- To ensure that all educational programs are undergirded by a quality general education core and a foundation of communications and computational skills.
- To instill in each student an appreciation and understanding of scholarship and creativity in the arts, humanities, social sciences, and natural sciences.
- To provide students with the opportunity to acquire a depth of knowledge in at least one academic field of study.
- To provide the opportunity for students to understand and apply early the mutual benefits of tying mind and body.
- To promote a learning environment that encourages students to grow and recognize their full potentials, and to engage in a life-long learning process of self-actualization.
- To instill in students a sense of civic responsibility and engagement in activity for the public good.

1.3.4 Scholarship, Research, and Creative Activity

The role of research at Missouri State University includes those activities designed to produce one or more outcomes including the discovery, organization, and application of knowledge. While a blend of scholarship of discovery, of integration and application, and that related to teaching is essential to the mission of the University, the principal focus of the research program is directed to the solution of problems relevant to the constituencies served by the University.

Financial support for scholarship, research, and creative activities comes from institutional funds as well as gifts, grants, and contracts from individuals and agencies outside the University.

The scope of research activities at Missouri State University encompasses individual faculty research, departmental research programs, the activities of the University's various research centers, and the operations of the State Fruit Experiment Station at the Mountain Grove campus.

While research is a major avenue of scholarly inquiry for many academic disciplines of the University, for the arts the corresponding activity is creativity. Creative works in areas such as music, drama, art, and literature are essential for sustaining the cultural role of the University.

1.3.5 Service

Service activities of the University represent the joint products of the teaching and scholarship, research, and creative activity programs of the institution. The role of service at Missouri State University is to make available the University's physical resources and human expertise for the purpose of meeting needs or solving problems of various constituencies both within and, more significantly, beyond the University. The most important service resources of the University are the diverse and specialized talents of the faculty. The scope of service includes community education, cultural and entertainment events, recreational activities, clinical and diagnostic services, conferences and institutes, public broadcasting services, professional development clinics and seminars, summer workshops and camps, and faculty/staff consultation services. These service activities with both public and private partners emphasize a collaborative spirit for the common good.

1.3.6 Specific Mission

The University's specific mission in public affairs is to develop educated persons while focusing on five major goals: 1) democratizing society, 2) incubating new ideas, 3) imagining Missouri's future, 4) making Missouri's future, and 5) modeling ethical and effective behavior as a public institution. The Public Affairs mission at Missouri State seeks to:

- Develop an increasing awareness of the public dimension of life.
- Produce a broad literacy in the primary public issues.
- Establish a campus environment where the awareness of public questions is nurtured and their discussion is encouraged.
- Create the capacity for and the interest in doing voluntary public work.
- Provide community service learning opportunities as a significant component of disciplinary instruction.

The public affairs mission manifests itself in a number of pursuits and activities including capstone courses, citizenship and service-learning, various awards structures, and programs

such as the Public Affairs Week, Common Purpose and the Missouri Campus Compact, and in selected publications.

1.3.7 Beliefs, Values, and Collegiality

The community of scholars that is Missouri State University carries out the University's general mission and its public affairs focus guided by these values and beliefs:

- Practicing personal and academic integrity.
- Being a full participant in the educational process, and respecting the right of all to contribute to the "Marketplace of Ideas."
- Respecting the integrity of peers and associates by treating all persons with civility, while understanding that tolerating an idea is not the same as supporting it.
- Being a steward of the shared resources of the community of scholars.

Collegiality among colleagues is a vital asset to the University community, particularly as it impacts reappointment, tenure, promotion, and evaluation of performance. However, the University community also values collegiality less as a separate quality and more as an integrated or distributed aspect of an individual's interactions, as expressed in On Collegiality as a Criterion for Faculty Evaluation.

(<http://www.aaup.org/AAUP/pubsres/policydocs/collegiality.htm>)

1.3.8 Support Programs

The support programs at Missouri State University facilitate and enhance the activities of faculty and students. Programs providing support service are delineated into three areas: academic support, student services, and institutional support. Each area has a distinctive role within the University.

The role of academic support units is to provide direct service to the University's programs of teaching, scholarship, research, creativity activity, and public service. The scope of this responsibility includes (1) acquiring, preserving, and displaying published materials, art objects, and scientific materials; (2) providing services to assist teaching and scholarship, research, and creative activity; (3) administering academic programs; and (4) developing opportunities for the personal and professional growth of faculty.

The role of student service units is to develop the emotional and physical well-being of students as well as to contribute to the intellectual, cultural, and social development outside the context of the institution's formal instructional program. The scope of this responsibility includes activities which provide (1) personal services to students, (2) opportunities for student growth and development, and (3) services and conveniences needed by students as members of a resident and commuting student body.

The role of institutional support units is to provide for the University's organizational effectiveness and continuity. The scope of this responsibility includes (1) planning and executive leadership, (2) administrative and logistical services, and (3) institutional advancement activities.

1.4 Accreditation and Approvals

Missouri State University is accredited by The Higher Learning Commission (HLC) and is a member of the North Central Association. The University has been continuously accredited by this body since 1915, and in May, 2006, was granted accreditation by the HLC through 2016.

Missouri State University is also professionally accredited or approved by the following organizations:

- AACSB International - The Association to Advance Collegiate Schools of Business
- Accreditation Commission for Programs in Hospitality Administration
- The Accreditation Review Commission on Education for the Physician Assistant
- American Association of Family and Consumer Sciences
- American Association for Leisure and Recreation
- American Chemical Society
- American Speech-Language-Hearing Association
- Association for Educational and Communications Technology
- Commission on Accreditation of Allied Health Education Programs
- Commission on Accreditation for Dietetics Education of the American Dietetic Association
- Commission on Accreditation of Physical Therapy Education
- Commission on Collegiate Nursing Education
- Computing Sciences Accreditation Board
- Council on Accreditation of Nurse Anesthesia Educational Programs
- Council on Education of the Deaf
- Council on Social Work Education
- Missouri Advisory Council and Certification for Educators
- Missouri Association of Colleges for Teacher Education
- Missouri Department of Elementary and Secondary Education
- National Association for Industrial Technology
- National Association for Sport and Physical Education
- National Association of Schools of Music
- National Association of Schools of Public Affairs and Administration
- National Association of Schools of Theatre
- National Council for Accreditation of Teacher Education
- National Recreation and Park Association
- Planning Accreditation Board

Affiliations and Memberships:

Missouri State University and its faculty/staff hold continuing membership in the following professional organizations:

- American Alliance for Health, Physical Education, Recreation, and Dance
- American Association for Colleges of Teacher Education
- American Association of Collegiate Registrars and Admissions Officers
- American Association of Higher Education
- American Association of State Colleges and Universities
- American Association of University Professors
- American College Personnel Association
- American Library Association
- Association for Childhood Education International
- Association for Education Communications and Technology
- Association of Governing Boards of Universities and Colleges
- Association of College and Research Libraries

- Association on Higher Education and Disability
- Association of Veterans Education Certifying Officials
- Better Business Bureau
- Campus Compact
- Council for Advancement and Support of Education
- Council for Exceptional Children
- Council of Graduate Schools
- College and University Personnel Association
- Educational Leadership Constituent Council
- International Reading Association
- International Technology Association
- Midwest Association of Student Financial Aid Administrators
- Midwestern Association of Graduate Schools
- Missouri Academic Advising Association
- Missouri Association of Collegiate Registrars and Admissions Officers
- Missouri Association of Faculty Senates
- Missouri Association of Student Financial Aid Personnel
- Missouri Campus Compact
- Missouri College Personnel Association
- National Academic Advising Association
- National Association of College Admissions Counselors
- National Association of College and University Business Officers
- National Association of Student Financial Aid Administrators
- National Association for Student Personnel Administrators
- National Association of Teachers of English
- National Council for the Social Studies
- National Council of Teachers of Mathematics
- National Middle School Association
- National Science Teachers Association
- University Risk Management and Insurance Association

1.5 University Governance

Missouri State University is under the general control and management of a Board of Governors selected from throughout the state which is charged with the responsibility and authority to adopt administrative policies and procedures relevant to the management of the University. The nine voting members of the Board, comprised of one member from each of the nine congressional districts in Missouri, are appointed by the Governor, with the advice and consent of the Missouri Senate, to serve six-year terms. A student member of the Board is appointed by the Governor for a two-year term.

The President is the chief executive officer of the University System and is responsible to the Board of Governors for the recommendation of and administration of institutional policies and operation. The senior administrative officers of the University serve as an advisory body to the President and are responsible for specific operational divisions of the University. The Faculty Senate is an elected body of academic faculty established to provide a means of dealing with curricular matters and the concerns of the faculty. The Staff Senate is an elected body from the University support staff which addresses concerns related to staff. The Student Government

Association provides the means by which students can participate in campus governance, in student discipline and in the management of student activities.

To formulate policy, to facilitate decision making and to promote a spirit of collegiality, the University is committed to participatory governance and to an open system of communication throughout the University.

1.5.1 Administrative Organization

1.5.1.1 President

The President is the chief executive officer of the University, responsible to the Board of Governors for the administration of all policies adopted by the Board and for the execution of all acts of the Board.

1.5.1.1.1 Chief of Staff and Assistant to the President for University Relations

The Chief of Staff and Assistant to the President for University Relations will assist the President in managing the operations of the President's office and will manage the offices of Governmental Relations, University Communications, Photographic Services, and Publications.

1.5.1.1.2 General Counsel

The General Counsel serves as the legal adviser to the University.

1.5.1.1.3 Equal Opportunity Officer

The Equal Opportunity Officer is responsible for all aspects of the University's affirmative action and equal employment opportunity compliance programs to ensure compliance with applicable laws and regulations. This position also reports to the University President.

1.5.1.1.4 Director of Intercollegiate Athletics

The Director of Intercollegiate Athletics is responsible for administering the University's intercollegiate athletics program.

1.5.1.2 Director of Internal Audit

The Director of Internal Audit is responsible to the Board of Governors for directing the advisory functions on internal auditing and systems accounts, which serves as an independent appraisal review regarding the administrative operations and fiscal control systems of the University.

1.5.1.3 Chancellor of the West Plains Campus

The Chancellor of the West Plains Campus is responsible for the overall administration of the West Plains Campus, including the academic programs, faculty and staff personnel matters, financial affairs, student life, athletics, physical plant, and liaison to the various publics of the Campus.

1.5.1.4 Chancellor of the Research Campus at Mountain Grove

The Chancellor of the Research Campus at Mountain Grove is responsible for the operations of the Research Campus.

1.5.1.5 Provost

The Provost is the senior academic officer of the University. Responsibilities include, but are not limited to, the overall direction, development, and administration of all academic and scholarly programs of the University, including the six academic colleges, the Graduate College, Library Services, and Continuing Education.

1.5.1.5.1 Associate and Assistant Provosts

The Associate and Assistant Provosts serve as deputies to the Provost in all functions, with special responsibility for faculty relations and diversity, undergraduate programs and studies, graduate programs and the graduate college, and public affairs, continuing education and the extended campus.

1.5.1.5.2 Associate Provost and Dean of Graduate College

The Associate Provost and Dean of the Graduate College is responsible for administration of graduate programs, internal research funds, and external grants.

1.5.1.5.3 College Deans

Each of the College Deans is responsible for the administration of one of the six discipline-based colleges. Responsibilities include faculty recruitment and development, faculty evaluation, program development, program review, student advisement, collegiate budgeting and budget control, class schedule planning, and general supervision of the scholarship, research, creative activity, instructional and service activities of the college.

1.5.1.5.4 Dean of Library Services

The Dean of Library Services is responsible for administering library facilities, resources, and services within the University. The Dean also serves as Head of the Department of Library Science.

1.5.1.5.5 Director of Institutional Research

The Director of Institutional Research provides information which supports institutional planning, policy formulation, and decision-making.

1.5.1.5.6 Department Heads and School Directors

Each Department Head is responsible for administering one of the academic departments of the University. Responsibilities include faculty recruitment and development, faculty evaluation, program development, program review, student advisement, departmental budgeting and budget control, class schedule planning, and general supervision of the scholarship, research, and creative activity of the department. The Director of a School is expected to fulfill the same role as a Department Head. The faculty and programs in an academic unit are designated as a School primarily upon the recommendation of an accrediting agency, and such designation indicates the unit's involvement in and integration into an external professional environment which usually requires specific standards for licensure. A School is a professional unit which in all respects has the same status, responsibilities, and benefits as an academic department.

1.5.1.6 Vice President for Administrative & Information Services

The Vice President for Administrative & Information Services ensures prompt and effective delivery of essential services to support the University's mission of producing educated persons

by developing goals and objectives, establishing priorities, allocating resources, reviewing and approving unit plans, and designing systems of effective control to guide work toward expected outcomes. The Vice President for Administrative & Information Services serves as the University System's Chief Information Officer (CIO), ensures the implementation, application, and system-wide integration of appropriate information technologies for all campuses of the University and assures the expedient and efficient delivery of services.

1.5.1.6.1 Associate Vice President for Administrative Services

The Associate Vice President for Administrative Services is responsible for providing leadership in administrative services to support the development of educated persons and extending the Vice President's range of communication, coordination, and supervision.

1.5.1.6.2 Director of Facilities Management

The Director of Facilities Management is responsible for providing a quality physical environment for the University through effective facilities and grounds planning, service, maintenance, repair, and construction.

1.5.1.6.3 Director of Safety and Transportation

The Director of Safety and Transportation coordinates efficient transportation services and the maintenance of a safe and secure campus environment.

1.5.1.6.4 Director of Communication Services

The Director of Communication Services oversees the effective delivery of postal, printing, and telecommunications services.

1.5.1.6.5 Director of Computer Services

The Director of Computer Services provides automation support for academic and administrative computing needs.

1.5.1.6.6 Director of Environmental Management

The Director of Environmental Management coordinates the acquisition, handling, storage, and disposal of hazardous chemical materials, proper handling of select agents, and monitors radiation safety for all Missouri State University campuses.

1.5.1.6.7 Director of Human Resources

The Director of Human Resources provides leadership and direction for recruitment and employment services, benefits management and counseling, salary administration and job evaluation, affirmative action issues, training and development, records management, labor and employee relations, and human resource information systems for the University.

1.5.1.6.8 Director of Web Services

The Director of Web Services provides system-wide leadership in planning, organizing, and directing the design, functionality, and security of the University's web site, and oversees the coordinated development, communication, and implementation of web projects, policies, procedures and accessibility of the University's web site.

1.5.1.7 Vice President for Student Affairs

The Vice President for Student Affairs is the senior executive officer responsible for developing services that supplement classroom experience and enrich the quality of students' educational careers. Administrative units under the direction of the Vice President include enrollment management, student life and development, student academic support, student health and wellness, and student auxiliary services.

1.5.1.7.1 Assistant Vice President for Enrollment Management and Services

The Assistant Vice President for Enrollment Management and Services oversees the offices of Admissions, Financial Aid, Records and Registration, and Office of Veterans Affairs. Coordination of University recruitment efforts for undergraduate students, including college and departmental activities, is a major responsibility.

1.5.1.7.2 Assistant Vice President for Student Academic Support Services

The Assistant Vice President for Student Academic Support Services is responsible for the coordination of Career Services, Counseling and Testing Center, Retention Efforts, Minority Student Services, International Student Services, and Multicultural Resource Center. Cooperative efforts with the retention committee of the Enrollment Management Task Force and the design and implementation of retention initiatives are critical. This position rotates within the unit leadership.

1.5.1.7.3 Director of Taylor Health and Wellness Center

The Director of Taylor Health and Wellness Center is responsible for the operation of the Center which provides health care for members of the University community. Major initiatives include drug and alcohol education and prevention, wellness education, and faculty development.

1.5.1.7.4 Dean of Students

The Dean is responsible for Student Activities, Campus Judicial Affairs, Plaster Student Union, Greek Affairs, Student Support Services, Services for Students with Disabilities, Residence Life, Food Services and the Bookstore.

1.5.1.8 Vice President for University Advancement

The Vice President for University Advancement is the senior executive officer responsible for institutional development. Administrative units under the direction of the Vice President include development and alumni relations; Hammons Student Center/Plaster Sports Complex; and Juanita K. Hammons Hall for the Performing Arts.

1.5.1.8.1 Director of Development and Alumni Relations

The Director of Development and Alumni Relations is responsible for maintaining contact with the University's alumni, coordinating the annual fund-raising campaign, and developing and implementing plans for raising funds from individuals, businesses, foundations, and other sources of support.

1.5.1.8.2 Executive Director of Juanita K. Hammons Hall for the Performing Arts, Hammons Student Center, and Plaster Sports Complex

The Executive Director of Juanita K. Hammons Hall for the Performing Arts and Hammons Student Center/Plaster Sports Complex is responsible for the operation of the facilities which

house several recreational areas for student, staff, and faculty use and which serves as an important performing arts venue for University programs.

1.5.1.9 Chief Financial Officer

The Chief Financial Officer is the senior executive officer responsible for financial services, which consist of accounting, investing, budgeting, payroll, accounts receivable, accounts payable, credit management, budget control, fiscal planning, financial statement preparation, student loan collection, procurement, and the Bursar's Office.

1.5.1.9.1 Bursar

The Bursar is responsible for the collection of all moneys received by the University and provides a check cashing service for currently enrolled students, faculty, and staff.

1.5.1.9.2 Controller

Duties of the Controller include assisting with auditing and accounting for the University, the Missouri State University Foundation, and the Missouri State University Development Corporation. The Controller monitors investment of all funds and supervises the payroll office.

1.5.1.9.3 Director of Accounting and Budgeting

The Director of Accounting and Budgeting is responsible for coordinating the preparation of the University internal operating budget and preparation of the operating budget request submitted to the state legislature for appropriation of state funds. The Director maintains the financial information for the University by supervising financial transactions that affect the general ledger and financial statements. The Director performs budget control by approving purchases and monitoring the individual budgets of the University, conducts the processing of accounts payable and accounts receivable transactions, and coordinates the collection of student loans and other accounts receivable items.

1.5.1.9.4 Director of Procurement Services

The Director of Procurement Services is the University's agent for acquiring all materials, services, supplies, equipment, and real property; supervises the University's insurance and risk management programs; and provides leadership and direction for central receiving, warehousing, property control, and vending and concessions operations.

1.5.1.10 Vice President for Research and Economic Development

The Vice President for Research and Economic Development is responsible for the University's research and economic development activities, including the Office of Sponsored Research and Programs, the Center for Applied Science and Engineering, China Programs, and Broadcast Services. Each of these programs supports the University's mission in public affairs by creating an environment that encourages, supports and values research, scholarship, creative activity and community and international outreach.

1.5.1.10.1 Director of Office of Sponsored Research and Programs

The Director of the Office of Sponsored Research and Programs is responsible for the office acquiring and sustaining external support for research, education and service projects, and ensures these projects are conducted in compliance with federal and state regulations, and University policies and commitments.

1.5.1.10.2 Director of Broadcast Services

The Director of Broadcast Services is responsible for supporting the University's mission in public affairs while enriching the lives of people by meeting their educational, cultural, and informational needs through delivery of high-quality radio, television and other digital media services.

1.5.1.10.3 Director of China Programs

The Director of China Programs establishes and maintains cooperative agreements with institutions of higher education in China, including degree programs in grapevine biotechnology, plant science, and general business, among others.

1.5.1.10.4 Director of Center for Applied Science and Engineering

The Director of the Center for Applied Science and Engineering has primary responsibility for this unit best described as a business-oriented applied research and development resource, which facilitates research as it moves from high-risk research and development to product and manufacturing practice.

1.5.1.11 Administrative Council

The Administrative Council is chaired by the President. The Council includes the Provost, the Vice Presidents, the Chancellor of the West Plains campus, the Chief of Staff and Assistant to the President, the Chief Financial Officer, the Internal Auditor, the Secretary to the Board of Governors, one college Dean, and the General Counsel. When appropriate to the agenda for a particular meeting, others may be invited as guests. The Administrative Council discusses items of University-wide interest.

1.5.2 Academic Governance

1.5.2.1 Academic Council

The Academic Council is the advisory committee that works with the Provost. The body is composed of the Associate Provosts; the Assistant Provost; the Deans of the Colleges of Arts and Letters, Business Administration, Education, Health and Human Services, Humanities and Public Affairs, Natural and Applied Sciences, and the Dean of the Graduate College; the Dean of Library Services; and the Chairperson of the Faculty Senate.

1.5.2.2 The Faculty Senate

The Faculty Senate, established by the Constitution of the Faculty, is an elected body of faculty composed of the officers, including the Chairperson, the Chairperson-elect, and the Secretary of the Faculty; one Senator from each department; representatives of the ranked faculty, one Senator from each rank; one Senator as a representative of Instructors; delegates comprised of the chairs of the Faculty Senate standing committees; student representatives, one delegate from the Student Government Association, one delegate from the Graduate Student Council; and a delegate position filled by the Chair of the Staff Senate.

The Senate provides a forum for discussing matters of concern to the Faculty and distributes information on Faculty Senate concerns, findings, and actions to all segments of the academic community.

The functions of faculty governance are also carried out by the College Councils, the Professional Education Committee, the Committee on General Education and Intercollegiate Programs, the Graduate Council, and by various other committees established by the Constitution and Bylaws of the Faculty.

The Constitution and Bylaws of the Faculty are available in the Faculty Senate Office.

1.5.2.3 Graduate Council

The Graduate Council is composed of one representative from each graduate program and the President of the Graduate Student Council. The Director of Admissions and Records, the Dean of Library Services, and the Associate Provost and Dean of the Graduate College serve as non-voting members of the Graduate Council.

The Graduate Council recommends policy governing graduate studies and recommends action on graduate curricular matters.

1.5.2.4 College Councils

A College Council in each of the discipline based colleges is composed of one member from each department/school of the college and one student representative, majoring in a discipline in that college. The Dean of the college is an ex-officio member of the College Council without vote. Each College Council acts upon curricular matters referred to it by departments or schools within the college.

1.5.3 Staff Senate

The purpose of the Staff Senate is to represent the staff employees as a fact-finding, deliberative and consultative body that makes studies, reports and recommendations on behalf of its constituency. Representatives serve to foster the growth and welfare of the staff.

1.5.4 Student Government Association

The Constitution of the Student Government Association is available in the Office of the Student Government Association.

1.5.5 University Committee Structure

Several committees are appointed by the members of the Administrative Council, the purpose of which is to assist in the on-going administrative work of the institution. Such committees perform a wide variety of tasks; for example, ensuring conformity with legal requirements for the disposal of toxic wastes, planning the academic calendar, and planning lectures and programs in the performing arts for the campus community. Faculty members routinely serve on such committees.

Faculty members also serve on committees which are appointed by and serve in an advisory capacity to the members of the Administrative Council. These committees deal with many issues; for example, faculty and staff parking, services for handicapped students, and student personnel policies.

Faculty members also serve on a number of other standing committees, functions of which involve matters of vital interest to the faculty. Unless otherwise specified in the action establishing a particular committee, faculty members serving on these committees are

appointed by the President of the University or the Provost based on faculty interests, expertise, and recommendations by the Faculty Senate Executive Committee (or some other duly constituted Senate body designated by the Faculty Senate). These committees report to the appointing academic administrator and also have a duty to keep the Faculty Senate fully informed of their proceedings and the results of those proceedings:

<http://www.missouristate.edu/Provost/22097.htm>.



2. Recruitment and Employment

2.1 Recruitment and Employment

Missouri State University has a deep and abiding commitment to diversity as a core institutional value and responsibility. Diversity is central to providing and retaining a quality educational environment. As a public affairs institution, Missouri State University is deeply committed to developing educated persons equipped to contribute to the interdependent world in which we now live. The ability to adapt to rapid economic, social, and cultural changes is imperative. Skills and competencies to deal with diverse cultures and societies have not only become necessary to function in today's workplace, but they also enrich one's life and work.

Missouri State University is committed to programs and practices that assure an environment free of the barriers of discrimination in education and employment and that establish a collegial and just community through our shared commitment to the principles of diversity, nondiscrimination and affirmative action. To achieve this end, Missouri State University views, evaluates, and treats all persons in any University-related activity or circumstance in which they may be involved, solely as individuals on the basis of their own personal abilities, qualifications, and relevant characteristics. (Missouri State University Affirmative Action Plan)

2.2 Faculty Handbook Equal Opportunity Policy

Missouri State University reaffirms its policy as an equal employment opportunity employer. To assure full compliance and implementation of this policy, Missouri State University, through its various administrative officers, shall ensure that:

1. Individuals are recruited, employed, promoted, and transferred in all jobs consistent with the University's nondiscrimination statement and without regard to age, ancestry, color, creed, disability, marital or parental status, national origin, participation in constitutionally protected activities, political affiliations or beliefs, race, religion (belief or non-belief), gender, or disabled and/or veteran status. In addition, the University does not discriminate on any basis not related to the applicable job requirements for employees.
2. Decisions regarding employment, promotion, and transfer shall be made on the principles of Equal Employment Opportunity and on the basis of an individual's qualifications for the position to be filled.
3. Personnel actions such as compensation, benefits, transfers, layoffs, returns from layoffs, educational programs, and all other University-sponsored programs, benefits, services, and aids, shall be administered consistent with the University's nondiscrimination statement and without regard to age, ancestry, color, creed, handicap, marital or parental status, national origin, participation in constitutionally protected activities, political affiliations or beliefs, race, religion (belief or non-belief), gender, or disabled and/or veteran status. Reasonable accommodation on the basis of religion or disability is assured.
4. The University does not discriminate on any basis not related to the applicable educational requirements for students or the applicable job requirements for employees.

The University's Affirmative Action Plan and the Board of Governors' Equal Opportunity Policy are available for review in the Office of Human Resources. Overall responsibility for monitoring these policies and reporting on the University's equal employment opportunity and affirmative action program is assigned to the University's Equal Opportunity Officer who reports to the President. <http://www.missouristate.edu/equity/>

2.3 Hiring Procedures

Missouri State University is an equal opportunity and affirmative action employer. Academic search guidelines provide open and uniform procedures to be followed by all hiring units and search committees in defining and filling vacant and new positions. Every major administrator, hiring administrator, and search committee participant has responsibility to ensure full implementation of the University's nondiscrimination policies and affirmative action program. Complete search guidelines are available online at: <http://www.missouristate.edu/equity/10542.htm>.

2.3.1 Hiring of Missouri State University Graduates

In order to encourage a diversity of disciplinary points of view and teaching techniques in the departments, Missouri State University recruits its new faculty members from many different graduate schools in the United States and abroad. It is the policy of Missouri State University not to employ as ranked faculty members those individuals who have just completed their graduate programs at Missouri State University. In those instances where the University employs faculty members who have completed a master's degree on the Missouri State University campus, such faculty member is required to have completed a period of professional experience elsewhere following the completion of the degree before being appointed to the regular Missouri State University faculty.

2.3.2 Nepotism

The University's policy regarding the employment of relatives is set forth in the nepotism provision of the Conflict of Interest Policy (refer to Section 11). The policy does not prohibit the appointment of more than one member of a family to the same academic department or to another position within the University.

No Governor, officer, faculty, or employee shall participate, either directly or indirectly, in a decision to appoint or hire an employee of the University, either part-time or full-time, who is related to such person within the fourth degree of consanguinity (blood) or affinity (marriage). It also shall be a violation of this policy for an employee to supervise, either directly or indirectly, the work of another employee who is related within such fourth degree or affinity, unless the supervisory role is specifically approved by the pertinent Department Head, by the pertinent Dean, by the Provost, and by the President of the University. Should a head or Dean be directly involved, approval of all higher administrative levels will be required. An employee may not be permitted to make judgments on another employee who is related within such fourth degree concerning such matters as appointment, promotion, and tenure.

A relative within the fourth degree includes, but is not limited to, spouse, child, grandchild, great-grandchild, great-great-grandchild, parent, grandparent, great-grandparent, brother/sister, aunt/uncle, great-aunt/uncle, niece/nephew, grand-niece/nephew, and cousin. All relationships are included, whether full-, half-, step-, adopted, or in-law.

2.3.3 Hiring Foreign Nationals

Foreign nationals employed by the University must be able to produce documentation to the Immigration and Naturalization Service (INS) for establishing employment eligibility in the United States and must be eligible to begin work on the first day of their contracts. Foreign nationals who are employed at another university cannot change their location of work without INS consent, and must receive notification of extension on their I-94 (Arrival/Departure card) before

beginning work at Missouri State University. Upon arrival at Missouri State University, all foreign nationals must meet with Financial Services.

The hiring and continuous employment of foreign nationals require monitoring by the hiring unit and by the college to insure that annual documentation is submitted by the employee for maintaining his or her employment status. The hiring unit should maintain a tracking system so that verification of visa status can be provided. To remain employed, the faculty member must comply with the verification requirements of the Immigration Reform and Control Act of 1986.

2.4 Identification Cards

Every academic employee is issued an identification card by the Office of Human Resources. Full-time faculty members may also secure a spouse identification card by submitting a written request to the Office of Human Resources.

2.5 Personnel Records

The University maintains official personnel files for each faculty member in the Office of Human Resources. This record includes the vita, recommendations, official transcripts of academic work, and correspondence and records dealing with terms and conditions of employment. Additional personnel files containing similar information are also kept by the college Dean and the Department Head. All personnel files, that is, files maintained in the offices of Human Resources, the Department Head, the Dean, the Provost and the President, are considered in aggregate as the official personnel file.

The personnel files are available to the members of the Board of Governors, the Administration and its agents, and as otherwise required by law where necessary to allow the University to comply with law and standard business practices. Department Heads may examine the personnel files of the faculty members of their own departments only.

Faculty members may review from their own personnel files on request and in the presence of a designated University official, copies of vitae and official transcripts of academic work, placement papers if not confidential (such as letters of recommendation), correspondence with University officials, salary information, performance evaluations and appraisals, written complaints, and commendations that have previously been discussed with the faculty member.

A faculty member may submit and have inserted into the personnel file a statement which clarifies any material in the file which he or she believes is inaccurate. Said clarification shall be maintained so long as the disputed material is maintained.

It is the responsibility of each faculty member who completes a degree while he or she is employed at Missouri State University to have an official transcript, which includes the date on which the degree was conferred, sent to the Director of Human Resources. It is also required that faculty members notify the Office of Human Resources of any address changes or any other changes related to personnel records so that such information may be kept current. Employees may be asked to provide written authorization to release copies of documents from an employee file to a third party.

2.6 Release of Employment Information

Employees' names, job titles, and salaries are provided to the State of Missouri for publication in the Missouri Official Manual. The Office of Human Resources will verify the employment of an

employee by telephone or in writing. If a request is in writing, an employee's written consent will be required. The Office of Human Resources will only verify the employee's date of hire, position and department, and confirm salary information.



3. Academic Personnel Policies

3.1 Academic Responsibilities, Ethics, and Freedom

A faculty member at Missouri State University assumes responsibility for teaching, scholarship, research, creative activity, and service, along with obligations inherent in membership in a learned profession. Essential to fulfilling these responsibilities and obligations are adherence to standards of ethical conduct and respect for academic freedom, as well as implementation of a system of tenure.

In developing a statement of faculty responsibilities and ethical standards, Missouri State University subscribes to the belief, long held by the learned professions, that self-regulation is preferable to any externally imposed discipline.

In a University faculty it is, therefore, desirable that the most stringent obligations be laid upon individual Professors that, so far as possible, any serious breach of duties be judged by colleagues who are well acquainted with the problems and practices of a specialized field. Only in cases of the most serious violations of professional responsibilities shall the academic profession regulate itself by calling upon a group representative of the whole faculty to deal with faults that could have been avoided either by individual self-control or by departmental discipline as specified in the PRRP process of grievance (Refer to Section 13).

3.1.1 Responsibilities and Ethics

The University, recognizing that faculty responsibilities in the development of citizen scholars are grounded in ethical standards, endorses the following edited statement by the American Association of University Professors (1987):

Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their disciplines is to seek and to state the truth as they see it. To this end they devote their energies to developing and improving scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although they may follow subsidiary interests, these interests must never seriously hamper or compromise freedom of inquiry.

As teachers, Professors encourage the free pursuit of learning in their students. They hold before them the best scholarly standards for their discipline. They demonstrate respect for students as individuals, and adhere to their proper role as intellectual guide and counselor. They make every reasonable effort to foster honest academic conduct and to assure that the evaluation of students reflects their true merit. They respect the confidential nature of the relationship between Professor and student. They avoid any exploitation of students for their private advantage and acknowledge significant assistance from them. They protect students' academic freedom.

As colleagues, Professors have obligations that derive from common membership in the community of scholars. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas they show due respect for the opinion of others. They acknowledge academic debts and strive

to be objective in the professional judgment of colleagues. They accept their share of faculty responsibilities for the governance of the institution.

As members of their institution, Professors seek above all to be effective teachers and scholars. Although they observe the stated regulations of the institution, provided they do not contravene academic freedom, they maintain the right to criticize and seek revision. Professors determine the amount and character of the work they do outside the institution with due regard to their paramount responsibilities within it. When considering the interruption or termination of service, Professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

As members of a community, Professors have the rights and obligations of citizens. They measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression that they speak or act for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, Professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

Each faculty member is responsible for his or her own ethical conduct. There is both individual and collegial assurance that strong ethical standards are enacted and followed. However, if an individual commits a serious breach of professional conduct and fails to meet his or her responsibilities, a process is in place for peer faculty review. Refer to Section 13 of this handbook.

Intellectual honesty is necessary in the performance of faculty responsibilities and requires the avoidance of fabricating, falsifying, and plagiarizing research results.

A concise statement of generally accepted standards for research and publication appears in the Chicago Manual of Style, 15th edition, in the discussion of "Fair Use: Quoting Without Permission," Section 4.75 through 4.84, p.135-138. Activities of faculty members may also be constrained by codes of ethics specific to their disciplines, including standards of integrity in the conduct of scientific research. Adherence to discipline-specific professional codes is an appropriate subject for peer review of performance. In addition, faculty members who engage in funded scholarship, research, and creative activity are obligated to meet standards for integrity specified by their sponsoring agencies.

3.1.2 Academic Freedom

The right of faculty members to academic freedom is essential to the functioning of a university. Therefore, that right shall be protected at Missouri State University.

Academic freedom is the particular right of scholars, teachers, and students within the University to pursue knowledge, speak, write, and follow the life of the mind without unreasonable restriction. It is that freedom to be judged as scholar, teacher, or student on the basis of legitimate intellectual criteria, not personal beliefs, political views, religious or other individual preferences, except as these may demonstrably affect intellectual and professional achievement.

Each faculty member is entitled to full freedom in research and in publication of research results, subject to the adequate performance of his or her academic duties.

Each faculty member is expected to conduct his or her assigned courses in a manner consistent with the course content and course credit as approved by the faculty, and consistent with the scheduled class meeting times. Within these constraints he or she is entitled to freedom in the classroom in developing and discussing subjects appropriate to the course.

Each faculty member is a citizen, a member of a learned profession, and an officer of an educational institution. When a faculty member speaks or writes as a citizen, he or she should be free from institutional censorship or discipline. As a person of learning and as an educational officer, he or she should remember, however, that the public may judge one's profession and the institution by one's utterances. Hence the faculty member should strive to be accurate, to exercise appropriate restraint, to show respect for the opinions of others, and to indicate that he or she is not speaking for the institution.

Each faculty member has the right to criticize and seek alteration of institutional regulations and policies through legal and existing shared governance means.

The protection of academic freedom extends to all faculty members with full-time or part-time appointments in the University regardless of their rank, tenure status, or position title.

At Missouri State University, the roles of faculty cannot be separated from the responsibilities that are unique to the mission of the department. However, in no way will the negotiation of faculty roles within the department be construed to justify any intrusion into any individual faculty member's academic freedom, especially as that freedom pertains to the individual research and expression in the classroom.

Recognizing that academic freedom is not unlimited, and cognizant of the dangers to academic freedom that may arise from its misunderstanding and abuse, the University subscribes to the following principles defined in the Statement of Freedom and Responsibility approved on October 31, 1970, by the Council of the American Association of University Professors (p.135, 9th edition), with minor editorial revision:

Membership in the academic community imposes on students, faculty members, administrators, and trustees an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus. The expression of dissent and the attempt to produce change, therefore, may not be carried out in ways which injure individuals or damage institutional facilities or disrupt the classes of teachers or colleagues. Speakers on campus must not only be protected from violence but must be given the opportunity to be heard. Those who seek to call attention to grievances must not do so in ways that significantly impede the functions of the institution.

Students are entitled to an atmosphere conducive to learning and to even-handed treatment in all aspects of the teacher-student relationship. Faculty members may not refuse to enroll or teach students on the grounds of their beliefs or the possible uses to which they may put the knowledge to be gained in the course. Students should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or their

own part in society. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance, whether personality, race, religion, degree of political activism, gender, or personal beliefs.

It is the teachers' mastery of their subject and their own scholarship which entitle them to the classroom and to freedom in the presentation of their subject. Thus, it is improper for Instructors to intrude materials which have no relation to the subject matter of the course as announced to their students and as approved by the faculty in its collective responsibility to the curriculum.

Because academic freedom has traditionally included the Instructors' full freedom as citizens, most faculty members face no insoluble conflicts between the claims of politics, social actions and conscience, on the one hand, and expectations of their students, colleagues, and institutions, on the other. If such conflicts become acute, and the Instructors' attention to their obligations as citizens and moral agents precludes the fulfillment of substantial academic obligations, they cannot escape the responsibility of that choice, but should either request a leave of absence or resign their academic position.

3.2 Definitions

In this Faculty Handbook the following definitions are used:

Ranked faculty refers to tenure-track/tenured faculty holding the rank of Assistant Professor, Associate Professor or Distinguished Professor. [Instructors and Research Faculty employed prior to January 1, 2007 shall retain the status of ranked faculty.]

Research refers to the production and formal communication of creative scholarly works. Specific modes of research include discovery, application, synthesis, criticism, and creation. Refer to Section 4.2.2.

Service (when used to identify one of the three basic areas of faculty responsibility) means the contribution of a faculty member to the effective functioning of the University as an institution, to the effective functioning of professional and learned societies, and the contribution of professional expertise by a faculty member to the civic community. Service is defined more fully in Section 4.2.3.

Tenure means the status granted (after a probationary period, except as specified in Section 3.8.2) to a ranked faculty member protecting him or her from arbitrary dismissal. Tenure gives the faculty member the contractual right to be reemployed for succeeding academic years until he or she resigns, retires, is dismissed for cause, is separated pursuant to a reduction in force, or is unable to perform the duties of the position or dies, but subject to the terms and conditions of employment that exist in this Faculty Handbook and in future editions of the Faculty Handbook as amended.

Terminal degree refers to an earned doctorate in the individual's discipline or such other degree standard established by the specific profession/discipline and approved by the appropriate college Dean and the Provost.

A faculty member with an acceptable terminal degree in one discipline who transfers to another discipline within the University shall be considered as having a terminal degree in the transfer discipline regardless of the designated terminal degree in the transfer discipline.

Rank refers to the designation of traditional tenure-track academic ranks of Assistant Professor, Associate Professor, Professor, and Distinguished Professor. Faculty hired as Instructors prior to January 1, 2007, also hold academic rank.

Unranked faculty refers to faculty in non-tenure track positions.

Tenure-track faculty refers to faculty members appointed to tenure-track positions that lead to tenure upon successful completion of a probationary period and to faculty who have been awarded tenure. Refer to Section 3.4 for tenure-track positions. Appointment to a position with academic rank is not synonymous with appointment to a tenure-track position.

Probationary faculty refers to faculty appointed for a stated term to a tenure-track position with provisions for review and renewal at the end of the appointment term and designed to lead to a tenure decision at the end of the probationary period. Notice of non-reappointment shall be provided according to Section 3.11.

Non-Tenure Track refers to faculty members appointed to positions that are not eligible for tenure consideration. Refer to Section 3.6 for non-tenure track positions.

Promotion refers to a progression within an appointment series (tenure-track, clinical, research) following fulfillment of criteria and review as specified in departmental promotion documents, Greenwood documents, and the Faculty Handbook. Refer to Sections 3.4 and 3.6 for specific tenure-track and non-tenure track faculty appointments. Promotion is accompanied by an increase in base salary.

Years of academic service to Missouri State University means full-time academic years of service to Missouri State University. In computing years of academic service to Missouri State University, intersession and summer teaching shall not apply, nor shall time spent on educational leave apply. Time spent on sabbatical leave will apply in computing years of academic service to Missouri State University, as well as time spent on scholarly leave, e.g., Fulbright Fellowships or National Science Foundation Fellowships.

A fraction of a year of service (ordinarily resulting from initial appointment occurring in the middle of the academic year or from a one-semester leave of absence) shall count as zero in computing years of academic service for tenure or promotion eligibility and for determining the maximum length of the probationary period.

3.3 Appointment, Rank, and Tenure

3.3.1 Introduction

The Board of Governors has the sole authority and responsibility to appoint, assign rank, promote, and grant tenure to the members of the University faculty. The President of the University, after consultation with appropriate members of the academic administration and faculty, shall make recommendations to the Board of Governors concerning these personnel decisions.

3.3.2 Initial Appointment Contract Letters

It is the policy of Missouri State University that all faculty of the University shall be clearly informed as to the personnel policies of the institution. These personnel policies are contained in this Faculty Handbook, and additional supplemental information related to criteria and procedures used to evaluate faculty for performance, reappointment, promotion, and tenure will be provided by the various colleges and departments.

The precise terms of every appointment shall be stated in the initial appointment contract letter. The conditions of appointment may vary in individual situations, but they must conform to policies stated in this Handbook. The conditions of employment for each faculty member including rank, salary, length of appointment, length of probationary period (including the last semester during which a tenure application can be made), credit for prior academic service or equivalent experience, terminal degree and tenure status, and position responsibilities and performance expectations shall be clearly stated in writing. The criteria and procedures currently in use by which faculty are evaluated for performance, reappointment, tenure and promotion to the next rank, shall also be stated in writing as specifically as possible.

3.3.3 General Criteria

The criteria for tenure and promotion consist of training evidenced by academic degrees, experience, and achievement. Academic achievement involves teaching, scholarship, research, creative activity, and service. (Refer to Section 3.4 and Section 4.) Teaching is the prime responsibility of the University. For tenure and promotion to a higher professional rank, evidence of effectiveness in teaching performance must be furnished. This evidence may take several forms. Student and peer evaluations are highly desirable.

Effective teaching requires continual application and effort. The teacher must keep abreast of new developments in his or her field and related fields. The teacher should be enthusiastic about the particular discipline and should be able to communicate this enthusiasm to the students, thus stimulating both the teacher and the students to greater achievement. The University prides itself on having exceptional teachers whose merit and contribution to the University earn them a well-deserved place of honor and respect in the institution. But this criterion alone does not serve as a basis for promotion and tenure.

Teaching is the most important responsibility of an institution of higher education. Its effectiveness must be reviewed and evaluated on a periodic basis by faculty and administration. Several approaches for assessing effectiveness are necessary for various reasons: (1) indicators of effective teaching vary among individuals and across disciplines, (2) some measures of effectiveness may be valid at one level of analysis and invalid at another, and (3) single methods of measuring effective teaching can be avoided by using an appropriate combination of approaches, permitting a comprehensive view of teaching.

Each department is responsible for preparing procedures for evaluating teaching effectiveness and for communicating these to each faculty member in the department. Departmental procedures should be appropriate to the type and nature of the teaching assignment. Procedures should be reviewed every three years by the department.

The evaluation procedures are to be based on the Faculty Handbook as supplemented by guidelines in other relevant University documents and should explicitly state the factors of teaching effectiveness that may be measured and how these are to be assessed. Departmental procedures should include student evaluations of instruction, but never as the sole means of the

evaluation of teaching effectiveness. Other appropriate approaches should be included. (Examples of different approaches to the evaluation of teaching effectiveness can be found in Faculty Senate Action 18-97/98, available at the Faculty Senate web site.)

Departmental procedures are to be reviewed and approved by the College Dean and the Provost every three years.

At all levels of teaching evaluation, direct comparisons or rankings of faculty members between departments should be avoided.

If statistical data are used in assessing teaching effectiveness, some understanding of statistical analysis is expected of those doing the assessment. The use of small differences in quantitative measures, which are not statistically significant, should be avoided as a basis for differentiating teaching effectiveness.

In a university, scholarship, research, and creative activity serve several purposes. It is a contribution to the profession and to society. A teacher's accomplishments and contributions in this regard also bring vital recognition to the University as well as to the individual. The University exists to create, preserve, and transmit knowledge. The creative process—scholarly productivity—is an integral and indispensable part of the University as an educational institution. Consequently, it should be a consideration in all tenure and promotion decisions.

The standards for measuring research productivity cannot be applied uniformly throughout the University. In many disciplines the evidence for competence is research results submitted outside the institution for professional evaluation, review, and criticism. This constitutes peer review. Publication in refereed journals and in books is the most significant measure of research productivity. Publication in in-house media and non-refereed journals is also valued but does not qualify as peer review.

Competitive awards and grants are useful indices of an individual's success in obtaining recognition for research. Research production can also take the form of published reports, studies, and other materials. Participation in professional conferences is another outlet for publicizing and testing the results of one's research.

In the creative and performing arts, peer review and recognition through exhibitions, concerts, prizes, and awards set a similar kind of standard to the kind of recognition another faculty member will achieve through publication in a prestigious journal.

Service is of several kinds. It includes serving productively on various committees from the departmental to the university level. It means participating in professional organizations and in public bodies, which is an important means of bringing prestige to the University and adding to the professional competence of the individual. It also includes providing professional expertise to business, industry, schools, community organizations, and colleagues in other University programs.

Professionalism and collegiality are essential to teaching, scholarship, research, creative activity, and service activities, and are evidenced in at least two important ways: maintaining high standards of professional ethics and performing as a responsible member of the University community.

This document contains University policy for matters related to appointment, the granting of tenure, and promotion. Advancement to each higher rank carries with it the expectation of a greater contribution to the University's mission in teaching, research, and service. Advancement also carries with it the expectation that the individual will accept responsibility for assuming the leadership roles upon which the concept of shared governance depends.

The University policies specified in this Faculty Handbook should be used in conjunction with departmental and college policies which may be more specific than those of the University but which must be consistent with the University policies.

Both tenure and promotion considerations involve mutual obligations. Faculty members must meet the requirements established by the department, college, and University. They must receive the approbation of their colleagues and appropriate administrative officers. The University must also fulfill its obligations.

3.4 Requirements for Appointment, Tenure, and Promotion of Tenure-Track Faculty

The provisions for promotion and tenure listed below for each rank represent the conditions the tenure-track faculty member must meet in order to be minimally eligible for consideration for a change in status. Procedures for the granting of tenure or promotion are prescribed in Section 4. Provisions for tenure, as specified for each academic rank, may be modified by and are superseded by the provisions of Section 3.9. A faculty member who held tenure at Missouri State University when promoted from a lower rank shall continue to hold tenure at the higher rank.

Effective January 1, 2007, the Instructor rank shall be tenure track for Greenwood Laboratory School faculty only. Greenwood Laboratory School faculty are eligible for tenure in the Laboratory School. Tenure in the Laboratory School is not transferable to the University. Faculty at the Laboratory School are subject to the requirements for appointment, tenure and promotion as established by the Greenwood faculty and approved by the Dean, Provost, President, and the Board of Governors.

University faculty members tenured in the rank of Instructor prior to January 1, 2007, shall retain their tenure status in the University and shall be eligible for promotion according to department guidelines. Likewise, a probationary faculty member in the rank of Instructor prior to January 1, 2007, shall be eligible to apply for tenure as stated in his/her appointment letter and shall retain the right to apply for promotion to Assistant Professor according to department guidelines.

3.4.1 Assistant Professor

Definition:

An academic rank of one who has demonstrated achievement or potential in the areas of teaching, research, and service appropriate to the discipline.

Basis of Appointment:

A terminal degree or equivalent as determined by appropriate department faculty with the approval of the Provost. In exceptional cases, individuals with doctoral course work complete and dissertation in progress (ABD) may be appointed with the stipulation that the degree must be completed within the first year of appointment to be specified in the contract letter. Under extraordinary circumstances, an extension can be granted with the approval of the Provost.

Tenure:

An Assistant Professor is minimally eligible to hold tenure after completing three years of academic service to Missouri State University.

Assistant Professors normally apply for tenure in their sixth year of probationary status. In exceptional circumstances, individuals may apply for tenure in their fourth or fifth year. The tenure decision shall occur at the latest during the sixth year of probationary status excepting those circumstances where the Provost has granted a temporary stopping of the tenure clock. Refer to Sections 3 and 4 for criteria for tenure and promotion.

Eligibility for Promotion:

An Assistant Professor is minimally eligible to apply for promotion to the Associate Professor rank after three years in the rank of Assistant Professor at Missouri State University. Assistant Professors normally apply for promotion in their sixth year of probationary status. In exceptional circumstances, individuals may apply for promotion in their fourth or fifth year.

Criteria for Tenure and Promotion:

In addition to meeting years-of-service requirements, those seeking tenure and/or promotion must have demonstrated sustained effectiveness in teaching, peer-reviewed scholarship, research or creative activity, and service as defined in the Assistant Professor rank. (Refer to Sections 3 and 4 for criteria for promotion.) Faculty hired before January 1, 2007, have the option of a six- or seven-year probation period.

3.4.2 Associate Professor

Definition:

An academic rank of one who has demonstrated a sustained record of effectiveness in teaching, peer-reviewed scholarship, research, or creative activity, and service appropriate to the discipline.

Basis of Appointment:

Any of the following: (1) promotion from the rank of Assistant Professor or (2) terminal degree and a minimum of four years of experience equivalent to academic service to Missouri State University in the rank of Assistant Professor.

Tenure:

Individuals who are promoted to the Associate Professor rank retain the same tenure eligibility which they had as Assistant Professors.

Individuals whose initial appointment is to the Associate Professor rank must apply for tenure by their fourth year of probationary status, excepting those circumstances where the Provost has granted a temporary stopping of the tenure clock. In exceptional circumstances, individuals may be granted tenure earlier than their fourth year. Refer to Sections 3 and 4 for criteria for tenure.

Eligibility for Promotion:

Associate Professors are eligible to apply for promotion after five years of academic service to Missouri State University in the rank of Associate Professor. In exceptional circumstances, individuals may be granted early promotion. The criteria to be utilized for promotion from Associate Professor to Professor are those in place at the time the individual is appointed to Associate Professor. Faculty have the option of using the most current version of promotion criteria. Refer to Sections 3 and 4 for criteria for promotion.

3.4.3 Professor

Definition:

Professors are recognized leaders who have a cumulative record of teaching effectiveness, of peer-reviewed scholarship, research, or creative activity appropriate to the discipline, and of substantial service appropriate to the discipline.

Basis of Appointment:

(1) Promotion from the Associate Professor rank or (2) terminal degree and a minimum of five years of experience equivalent to academic service to Missouri State University in the rank of Associate Professor.

Tenure:

Professors normally will be hired with tenure. A Professor who is hired without tenure is minimally eligible to hold tenure following one year of academic service to Missouri State University. The tenure decision will occur at the latest during the second year of probationary status.

Promotion:

Professors with extraordinary accomplishments may apply for promotion to Distinguished Professor.

3.4.4 Distinguished Professor

Definition:

Distinguished Professor is a rank beyond Professor which recognizes extraordinary accomplishment. The year of appointment to the rank of Distinguished Professor will include an addition to base salary greater than the amount given for promotion to Professor.

Eligibility:

To be eligible for Distinguished Professor rank an individual must have Professor rank and a record of extraordinary performance in at least two areas of accomplishment and a sustained record of accomplishments in the remaining category.

Procedures:

Contact the Office of the Provost for current procedures.

3.5 Research Faculty

Effective January 1, 2007, Research Faculty appointments shall be non-tenure track. Research Faculty who held tenure prior to January 1, 2007, shall retain their tenure status. A Research Faculty member with a probationary appointment prior to January 1, 2007, shall be eligible to apply for tenure as stated in his/her appointment letter.

3.6 Non-Tenure Track Academic Positions

Persons who hold non-tenure track positions are given term appointments which automatically terminate upon the expiration of the specified term. Non-tenure track appointments may be given annual or multi-year contacts as determined by the program/department with approval of the Dean and the Provost. No notice of non-reappointment is given, and reemployment of the employee after the conclusion of the contractual term is solely within the discretion of the University. Non-tenure track faculty members are not eligible for tenure, educational leave, or sabbatical leave. With the exception of visiting Professors, time spent in a non-tenure track position does not count towards tenure eligibility if the individual later applies for and is appointed to a tenure-track faculty position. Non-tenure track faculty must be qualified by academic or practical experiences appropriate for the responsibilities assigned. A Master's degree or higher is preferred. All non-tenure track academic positions have the same right to academic freedom accorded tenure-track faculty.

3.6.1 Instructor

An Instructor is appointed to teach full-time and to provide appropriate service, and may participate in research or creative activities. An Instructor may be appointed to an annual or to a multi-year term of up to five years. Contingent upon satisfactory performance reviews, educational needs and continued funding, the Instructor appointment is renewable without constraint of term limits. Instructors shall have earned a terminal degree or possess the degree required for teaching in specific disciplines, have potential or demonstrated teaching ability, and a willingness to serve the academic unit, college, and University. If an Instructor applies for and is appointed to a tenure-track position, the time spent as Instructor at Missouri State University will not count toward the probationary period for tenure and promotion. Instructors on 9-month contracts will receive salary compensation and benefits for 12 months.

3.6.2 Senior Instructor

An Instructor who has demonstrated excellence in teaching and service at Missouri State University for at least five years may be appointed as a Senior Instructor. Senior Instructors are expected to provide leadership in teaching, contribute to course and curriculum development and provide appropriate university service. Senior Instructors may participate in research or creative activities. A Senior Instructor shall be appointed to a specific term not to exceed five years and may be reappointed to one or more additional terms, contingent upon satisfactory performance reviews, educational needs and continued funding. If a Senior Instructor applies for and is appointed to a tenure-track faculty position, the time spent as Senior Instructor at Missouri State University will not count toward the probationary period for tenure and promotion. Senior Instructors on 9-month appointments will receive benefits for 12-months.

3.6.3 Visiting Faculty Appointments

A Visiting Professor, Visiting Associate Professor, Visiting Assistant Professor or Visiting Instructor is an individual who possesses all of the qualifications to be appointed at that rank or who has held that rank at another institution. A Visiting Faculty member may be appointed to a specific term no longer than three years. If a Visiting Faculty member applies for and is appointed to a tenure-track faculty position, time spent as a Visiting Faculty member at Missouri State University may be counted toward the time required for tenure and promotion.

3.6.4 Artist-in-Residence

The position of Artist-in-Residence is offered to outstanding professional artists who render a specified service to the University. This service can include lectures, performances, demonstrations, master classes, and consultations. Academic degrees are not essential to this position. An Artist-in-Residence is chosen on the basis of outstanding professional attainments, creative accomplishments, and recognition in his or her specified field. An Artist-in-Residence may be appointed for a specified term not to exceed five years and may be reappointed to one or more additional terms, contingent upon satisfactory performance reviews, educational needs of the department, and continued funding. If an Artist-in-Residence applies for and is appointed to a tenure-track faculty position, time spent as an Artist-in-Residence at Missouri State University may not be counted toward the time required for tenure and promotion.

3.6.5 Practitioner-in-Residence

The position of Practitioner-in-Residence is offered to outstanding practitioners who render a specified service to the University. A Practitioner-in-Residence is chosen on the basis of outstanding professional attainments and recognition in his or her specified field. A Practitioner-in-Residence may be appointed for a specified term not to exceed five years and may be reappointed to one or more additional terms, contingent upon satisfactory performance reviews, educational needs of the department, and continued funding. If a Practitioner-in-Residence applies for and is appointed to a tenure-track faculty position, time spent as a Practitioner-in-Residence at Missouri State University may not be counted toward the time required for tenure and promotion.

3.6.6 Executive-in-Residence

The position of Executive-in-Residence is offered to outstanding business executives who render a specified service to the University. An Executive-in-Residence is chosen on the basis of outstanding professional attainments and recognition in his or her field. An Executive-in-Residence may be appointed for a specified term not to exceed five years and may be reappointed to one or more additional terms, contingent upon satisfactory performance reviews, educational needs of the department, and continued funding. If an Executive-in-Residence applies for and is appointed to a tenure-track faculty position, time spent as an Executive-in-Residence at Missouri State University may not be counted toward the time required for tenure and promotion.

3.6.7 Adjunct Faculty

Adjunct Faculty are those individuals who offer educational experiences to students of the University but who have no contract with the University. The title is honorary, although the Adjunct Faculty member may receive an honorarium.

3.6.8 Per Course Faculty

A per course faculty member is appointed on a semester basis to teach no more than six credit hours per semester. Employment terminates automatically at the end of the semester or academic year appointment. Per course faculty should possess a master's degree or the equivalent professional experience in a field determined acceptable by the Dean. Per course faculty members receive no retirement or insurance benefits. However, they may be allowed the use of Hammons Student Center, the Meyer Libraries, resources provided by Computer Services, and Taylor Health and Wellness Center. Per course faculty have only the duties directly associated with teaching and are not required to perform committee work nor assume other responsibilities required of tenure-track faculty. A notice and search process is not required to fill these positions, but reasonable effort should be made to meet the affirmative action policy. These positions require the recommendation of the Department Head and of the Dean, and approval by the Provost.

3.6.9 Academic Affiliate Appointments

Academic Affiliates are those individuals employed full-time by the University in non-academic positions and who are assigned to teach courses, supervise students or direct research in academic departments. Academic Affiliate assignments are based on the experience, training, and interests of individuals that would qualify them to teach, supervise students and/or direct research outside their normal assignments and upon the needs of the University to utilize their expertise in teaching responsibilities. The teaching/supervision responsibilities of the Academic Affiliate may be included as part of the non-academic load with no additional remuneration or the Academic Affiliate may be compensated through overload pay.

3.6.10 Research Faculty

Research faculty are members of the faculty whose primary responsibilities are research, but according to specific assignments, may be involved in teaching and service also. Research Faculty members must hold graduate degrees in appropriate disciplines. Appointment is to the rank of Research Associate, Assistant Research Professor, Associate Research Professor, or Research Professor. The standards for these ranks shall be the same as those for the comparative ranks in Section 3.4. Research Faculty are not eligible for tenure but have the same right to academic freedom accorded tenure track faculty. Evaluations of research faculty members will be based primarily upon research, with teaching and service accomplishments considered commensurate with assigned duties.

3.6.10.1 State Fruit Experiment Station Research Faculty

State Fruit Experiment Station faculty members hold Research Faculty status with responsibilities in research, teaching, outreach and service. Evaluations shall be based on these areas commensurate with assigned duties. Outreach includes various teaching and service activities targeting the public and industry, including but not limited to individual consultations, diagnostic services, conferences, workshops, field days, and other educational opportunities. Activities at the State Fruit Experiment Station are mandated by state law (RSMo (1899) ch. 67, art. 3, sect. 4725-4737 and RSMo (2000) chpts. 261.023, 262.030-262.090). State Fruit Experiment Station Research Faculty are not eligible for tenure but have the same right to academic freedom accorded tenure track faculty. However, Research Faculty who held tenure prior to January 1, 2007, shall retain their tenure status. A Research Faculty member with a probationary appointment prior to January 1, 2007, shall be eligible to apply for tenure as stated in his/her appointment letter.

3.6.10.2 Research Faculty—Research Centers

Faculty members may be initially appointed to service in the research centers to conduct research which is partially or totally supported by outside funds. Such faculty members are designated as Research Associate, Assistant Research Professor, Associate Research Professor, or Research Professor. Qualifications for appointment must be commensurate with appointment to the tenure-track faculty. Research Faculty members have such rights, prerogatives, and benefits (e.g., sick leave, vacation, etc.) as are provided in each individual contract. A Research Faculty member may be employed without limit, subject to the availability of outside funding to support the appointment. If a Research Faculty member is appointed to a tenure-track faculty position, time spent in the term position may not be counted toward the time required for tenure and promotion.

All faculty members assigned or appointed to research centers are entitled to the full protection guaranteed all faculty members in the Section of this Faculty Handbook dealing with academic freedom (refer to Section 3.1.2).

3.6.11 Clinical Faculty

Clinical Faculty are members of the faculty whose primary responsibilities are clinical education and service. Clinical Faculty may participate in research and other scholarly or creative activities. Clinical Faculty must be qualified as defined by professional/discipline standards, have practical experience appropriate for the responsibilities assigned and must maintain appropriate professional credentials. Appointment is to the rank of Clinical Instructor, Clinical Assistant Professor, Clinical Associate Professor, or Clinical Professor. Departments desiring to appoint Clinical Faculty shall develop appropriate appointment, promotion and performance review criteria for each rank, which must be approved by the Dean of the College and the Provost. Clinical Faculty may be appointed to a specific term not to exceed five years and may be reappointed to one or more additional terms, contingent upon satisfactory performance reviews, educational needs of the department, and continued funding. Clinical Faculty are not eligible for tenure but have the same right to academic freedom accorded tenure track faculty. A Clinical Faculty member wishing to move to a tenure-track regular faculty position must apply for a vacant position for which recruitment has been authorized. If a Clinical Faculty member applies for and is appointed to a tenure-track faculty position, the time spent as a Clinical Faculty member at Missouri State University will not count toward the probationary period for tenure and promotion. Clinical Faculty members may be appointed to 9-month or 12-month contracts. Clinical Faculty on 9-month contracts will receive salary compensation and benefits for 12 months.

3.7 Special Appointments

3.7.1 Emeritus Status

Appointment to Emeritus Faculty status is granted as a result of meritorious service to the University, including contributions in the areas of teaching, research, publications, the arts, and leadership. To be eligible for the title, a faculty member must also satisfy the following requirements: (1) completion of at least ten years of full-time academic service to Missouri State University (some exceptional senior faculty may be recognized with fewer than 10 years of service), (2) and retirement status or disability status at Missouri State University. Emeritus status is awarded through affirmative vote of the faculty in the department in which the candidate holds appointment and by favorable administrative action. The candidate shall be informed in writing in a timely manner of non-approval at any stage of the review process.

Emeritus faculty, who will be listed as such in the University Catalog, shall be entitled to all benefits provided to University retirees (Refer to Section 14.2) and, in addition, shall receive invitations to special events, an e-mail account and a President's parking pass. Emeriti faculty are entitled to enroll in one course per semester and have their required student fees paid by the University. This educational fee waiver benefit may be assigned to eligible dependent children of the retiree or to the spouse of the retiree. When this benefit is assigned to an eligible dependent child, that child may receive up to 12 credit hours per academic year, the same benefit provided to active faculty employees' children.

3.7.1.1 Reappointment of Emeritus Faculty

An Emeritus faculty member may be reappointed to a temporary appointment after achieving emeritus status to teach or for other academic assignments. In general, reappointments are renewable but will be approved for only one year at a time. The title used for a reappointment is "appropriate rank Emeritus".

3.7.2 Joint Appointments

A joint faculty appointment is one in which a faculty member has responsibility to, and review by, more than one department. Joint appointments may be made in connection with interdisciplinary teaching and research programs involving two departments. The salary of a person who is jointly appointed may be apportioned between the departments commensurate with assigned duties. Departments involved in making joint appointments shall prepare a written agreement defining the division of responsibilities; the criteria and process for salary, performance review, reappointment, promotion and tenure decisions; teaching and research assignments; voting rights of the faculty in each department; and process for resolving conflicts. One department shall be designated the administrative home department and is responsible for the initiation of personnel transactions of the appointment. The home department shall seek input from the other department regarding assignments and evaluation of the faculty member. Joint appointments shall be made only upon the recommendation of the administrative heads of the academic departments concerned, and with the approval of the College Dean(s), Provost, President and Board of Governors.

3.7.3 Associate Appointments

An Associate faculty appointment is one in which a faculty member is affiliated with a center or institute for research or service projects, which typically are supported by awards, grants or contracts. An Associate faculty appointment may be offered by a center or institute to a qualified tenure track or non-tenure track faculty member to recognize the faculty member's involvement with that unit. Associate faculty appointments shall be made only when it is mutually beneficial to the faculty member, to the home department of the faculty member and to the granting unit. Associate faculty appointments may be initiated by the granting unit for a specified period but require approval of the faculty member's Department Head, the appropriate College Dean(s), and the Provost. A memorandum of understanding (MOU) defining the objectives, time commitment of the Associate faculty and compensation terms must accompany the appointment. Ideally, the agreement would be in place at least three months in advance of the effective date of the appointment. Associate faculty appointments are by invitation only and are completely voluntary.

For probationary tenure-track faculty, time spent at centers or institutes counts toward tenure eligibility. Time spent at centers or institutes also counts towards eligibility for sabbatical leave.

3.8 Tenure

3.8.1 General Philosophy

Universities exist to serve the common good. The primary responsibilities of the faculty at Missouri State University are teaching, research, and service. By accepting an appointment at this University, an individual assumes a responsibility to pursue scholarly activities in each of these areas. Such pursuits necessitate free inquiry, free expression, intellectual honesty, respect for the dignity and rights of others, and openness to change. The rights and responsibilities exercised within the academic community must be compatible with these characteristics.

Academic freedom is essential to the functioning of a university. It applies to teaching, research, and service and involves both faculty and students. The principle of academic freedom is designed to protect the faculty member's freedom to teach and to engage in research and service. It also protects the student's freedom to learn. Faculty members are responsible for providing students with the same kind of freedom which they claim for themselves; namely, the freedom to consider conflicting views and to make their own evaluation of data, evidence, and doctrines. Furthermore, faculty members have a responsibility to maintain an atmosphere conducive to intellectual inquiry and rational discussion. (Refer to Section 3.1.2.)

Tenure is a means to certain ends, specifically: (1) freedom of teaching and research, and service including extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Academic freedom and economic security, hence tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

These statements shall be applied in a manner which is consistent with the provisions of Sections 1 - 14 of this Faculty Handbook.

3.8.2 Tenure

Only members of the tenure track faculty are eligible for tenure. The choices that the University makes in granting tenure are crucial to its endeavors toward academic excellence. A decision to grant tenure must reflect an assessment of high professional competence and performance measured against University standards. Recommendations for tenure are made in accordance with department, college, and University policies and procedures. The expectations for each individual are dependent upon the particular assignment. It is the responsibility of applicants for tenure to provide sufficient relevant documentation as evidence in support of their teaching, research, and service activities.

Tenure is based on a thorough evaluation of the candidate's total contribution to the University. While specific responsibilities of faculty members may vary because of special assignments or because of the particular mission of an academic unit, all evaluations for tenure shall address the manner in which each candidate has performed in teaching, research, and service. Basic competence in itself is not sufficient to justify granting tenure, for such competence is a prerequisite for the initial appointment. The decision to grant tenure is inherently and inescapably judgmental and is a deliberate action indicating the person has been selected as a member of the permanent faculty because of demonstrated high-quality performance and relative merit.

Tenure will be granted only to faculty members who apply for tenure and are approved through normal procedures (Refer to Section 4). All initial appointment letters for individuals hired in tenure-track faculty positions will specify the last semester during which this tenure application can be made. If a tenure application is not made by a faculty member by this specified time, the individual forfeits all expectations to tenure as specified in this Faculty Handbook. De facto tenure will not occur. Tenure-track faculty who have not been granted tenure by the end of their seventh year of employment at Missouri State University shall not be further employed by Missouri State University in a tenure-track position.

3.9 Prior Service and the Probationary Period

Beginning with appointment to a tenure-track position, the probationary period at Missouri State University shall not exceed seven academic years. Credit toward the probationary period may be granted for prior full-time service to Missouri State University or to other regionally accredited baccalaureate-degree-granting institutions of higher education (or the equivalent as determined by the Provost) equivalent to service to Missouri State University. Credit for previous service is specified in the initial appointment letter. If no credit is specified, none is given.

Time spent in scholarly leave will count as part of the probationary period. In all cases, tenure decisions are made in the year preceding the final probationary year.

3.9.1 Stopping the Tenure Clock

Notwithstanding the above, the probationary period may be extended at the request of the faculty member for reason of medical condition or to accommodate important family care issues for a period not to exceed two additional years. Such extension requires the recommendation of the Department Head/School Director, Dean, and Provost.

3.9.2 Tenure upon Hire

An applicant for a position as associate or full Professor may be offered tenure as a condition of initial employment only under the following circumstances: (1) the possession of academic credentials reflecting exemplary teaching and service experience, as well as excellence in research, including nationally recognized peer-reviewed publications in the applicant's academic discipline, and (2) an affirmative vote of a majority of the tenured faculty in the affected department.

3.10 Locus of Tenure

Tenure is awarded only by a formal vote of the Board of Governors. The locus of tenure is in the University. Assignment of tenured faculty will normally be to academic departments but tenured faculty may by consent be assigned to other professional duties. Tenure, once granted, remains in the University.

3.11 Notice of Non-Reappointment of Tenure-Track Faculty During the Probationary Period

Non-reappointment decisions will be reached according to procedures described in Section 4 Faculty Evaluations.

Notice of non-reappointment, or of intention not to recommend reappointment to the President, shall be given in writing by the Provost in accordance with the following standards:

1. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or if a one-year appointment terminates during an academic year, at least 90 calendar days in advance of its termination.
2. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or if an initial two-year appointment terminates during an academic year, at least 180 calendar days in advance of its termination.
3. At least 365 calendar days before the expiration of an appointment after two or more academic years in the institution.
4. A probationary appointment will generally be renewed unless timely notice as described above is given. A lapse of the timely process will not be construed to the disadvantage of a faculty member (e.g., the probationary period could be extended for one year), except that in no such case will the probationary period be extended beyond nine years. Tenure does not occur de facto. Note also Section 3.8.2 and 3.9.1.

3.12 Graduate Faculty

Faculty members holding an earned terminal degree appropriate to the graduate program mission, and with recognized competence in an area of specialization appropriate to graduate study at the University, may be accepted as a member of the graduate faculty upon a three-fourths majority favorable vote of the Graduate Council. Potential members of the graduate faculty are to be supported by a majority of graduate faculty in their department and approved by their Department Head and appropriate college Dean before being presented to the Graduate Council for approval. Members of the graduate faculty shall be competent in graduate instruction and the direction of scholarship, research, and creative activity, clinical or applied practice appropriate to the educational goals of a particular graduate program, and they shall be engaged in scholarship, research, or creative activity, clinical or applied practice appropriate to the faculty member's academic discipline.

Normally, the graduate faculty is composed of individuals who hold academic rank of Assistant Professor or higher in departments or programs that offer graduate degree programs or supporting graduate courses through the Graduate College. Faculty members without earned terminal degrees, but who are widely recognized as leaders in their academic disciplines, may be elected to be graduate faculty upon receiving a three-fourths majority favorable vote of the Graduate Council. The number of graduate faculty in this category is limited; at no time shall it be greater than a number equal to 15 percent of the total graduate faculty.

Each graduate faculty member must meet specified criteria to receive graduate faculty status as set forth by the Graduate Council. Specifically, research faculty designated to direct graduate student research projects must have a terminal degree in the discipline, a minimum of three scholarly publications (or equivalent) in hand, and gain an affirmative vote of approval by a majority of graduate faculty within the nominating department. Clinical faculty needed to direct the clinical training of graduate students must possess a graduate/professional degree in the discipline, have available professional certification, at least two years of clinical experience, and have an affirmative vote of approval by a majority of graduate faculty within the nominating department. Performance faculty designated to direct graduate/artistic/performance projects must have a terminal degree within the discipline, demonstrate an established record of performance (art shows, concerts, theatre productions, etc.), and gain an affirmative vote of approval by a majority of graduate faculty within the nominating department. All research, clinical, and performance faculty recommendations must gain the majority vote of approval by the Graduate Council Membership Committee and be accepted by the Graduate Council. Faculty not meeting the full requirements for graduate faculty status can be given probationary

status for two years that can be renewed for an additional two years. Academic departments may require faculty within their department to meet criteria for graduate faculty status that are in addition to the criteria set by the Graduate Council. All departments must have current criteria for graduate faculty status approved by the Graduate Council. All current departmental criteria must be on file with the Graduate College.

Upon receiving graduate faculty status, faculty members are entitled to teach 600-level and above courses, to serve as graduate program and research advisers, to serve as general graduate advisers, to serve on graduate faculty committees and graduate program advisory committees, to elect members to the Graduate Council, to serve on the Graduate Council, and to vote to approve or challenge actions of the Graduate Council. Under certain circumstances, an individual who has not been elected to the graduate faculty may be authorized by the Graduate Council to teach a specific 600-level or higher course if that individual's training and/or experience warrant. Graduate faculty members shall receive reassigned teaching loads for graduate program advisement, research advisement, or thesis supervision.

The term of appointment to the graduate faculty is normally for an indefinite period. However, a member of the graduate faculty may be removed by a three-fourths majority vote of the Graduate Council following such recommendation by the Department Head and appropriate college Dean.



4. Faculty Evaluation

4.1 Faculty Performance Criteria and Evaluation Model

Faculty performance criteria at Missouri State University are based on the purpose and mission of the institution. The general mission of the University, in relation to its faculty, is the advancement of learning, scholarly inquiry, and service, but this translates, in terms of its students, to the single purpose of developing educated persons. To accomplish this, the university's mission includes cultivating advanced knowledge and practices and serving its constituents. The specific public affairs mission of the university further enhances its purpose to include fostering the ideals of democratic responsibility among scholars at every level. The University honors the principles of academic freedom, academic excellence, diversity in scholarly and cultural perspectives, and equal opportunity.

Faculty members with standard appointments (not clinical or research faculty; refer to Sections 4.3 and 4.4) are evaluated in three categories of performance: teaching, research, and service. Clinical faculty members are evaluated in clinical education and service. Research faculty members are evaluated in research and service. This Section outlines the evaluation models and criteria for tenure, promotion, and performance reviews. These processes result in different outcomes, and the criteria for tenure and promotion are differentiated for all types of faculty appointments. The evaluation processes are specified in Section 4.6. Performance reviews are mission-related and should be consistent with tenure and/or promotion decisions. The criteria used for evaluation in each category are based on specific elements in the university's mission as specified below. All policies and procedures described herein for departments apply to any academic unit that has primary faculty evaluation responsibilities, for example, a school.

4.2 Evaluation of Faculty with Standard Appointments

Faculty members are expected to be actively engaged in teaching, research, and service throughout their careers, but the University recognizes that, at different times, faculty members may shift emphasis from one category to another. It is generally expected that during the probationary period the emphasis should be on teaching and research and that at any time during one's career at Missouri State University, each faculty member must negotiate his or her workload with the Department Head (within broad University parameters approved by the Provost) , with the conditions of employment laid out clearly at the time of employment, and adjusted thereafter through negotiation with the Department Head and Dean as approved by the Provost (refer to Section 4.6.5). The obligations of the academic unit should not fall disproportionately on one segment of the faculty. The faculty are also expected to adhere to standards of ethical conduct in all areas of performance (refer to Section 3.1).

4.2.1 Teaching

4.2.1.1 Teaching Mission

The teaching mission at Missouri State University is to develop educated persons. In doing so, the University is committed to standards of excellence and academic integrity. An educated person:

- is someone who is literate in the broadest sense,
- has an appreciation of the responsibility of lifelong citizenship and an awareness of global issues,
- seeks solutions to problems by means of a broad base of knowledge, as well as in-depth mastery of at least one specific academic discipline,
- Has the skills and motivation to continue to learn after leaving the university, thus being prepared for both lifelong learning and lifelong productivity.

In support of developing educated persons, the University seeks to provide high-quality education that is accessible to a broad spectrum of individuals, including those facing challenges involving distance, income, or disability. Furthermore, in recognizing the value of an open and free exchange of ideas, Missouri State University promotes diversity in all of its forms as a means to provide a wide variety of sources of knowledge and perspectives.

4.2.1.2 Goals and Criteria for Evaluating Teaching

The following goals and criteria are the basis of evaluating faculty members' teaching effectiveness for tenure and promotion and for required performance reviews (refer to Section 4.2.1.3 for recommended methods of documenting teaching effectiveness). Please note that item 1 below is of paramount importance on this list, and that any faculty member, in order to succeed as a teacher at Missouri State University, must succeed in the areas of item 1 relevant to his or her teaching. Although items 2 a, b, c, and d are not individually prescriptive, they are inclusive of teaching and may be considered. Success in one or more of these areas, or related areas of equal weight, is required to attain tenure and promotion to Associate Professor. Sustained success in one or more of these areas is required for promotion to full Professor.

1. Developing Educated Persons

Success in this area both describes successful teaching at this university and is a prerequisite for tenure and promotion

- a. Faculty members meet this goal when they demonstrate their effectiveness in cultivating students' knowledge base and skills both basic and specialized within a specific discipline.
- b. Faculty should strive to make explicit the relationship between the general education curriculum and various disciplinary curricula so students can integrate their acquired knowledge and skills for lifelong application.
- c. Evidence of continuing professional development also contributes to this goal.

2. Exceptional Modes or Qualities of Teaching

The specifics in this area need to be described in writing by the department from the beginning of employment, with any exceptions dependent on negotiation between the faculty member and the Department Head and the Dean, as approved by the Provost.

a. Outstanding Performance as a Classroom Teacher

Beyond basic effectiveness as a teacher, outstanding performance may be evidenced by judgments made by students, peers, administrators, and colleagues with appropriate academic expertise. Further evidence may include

external recognition for outstanding preparation of students for professional fields, and students receiving external recognition for outstanding work produced in the course. Such evidence may also include noteworthy research work done with undergraduate and/or graduate students, noteworthy work in student advisement, and internal or external grants to support innovative teaching.

b. Experiential Learning

While it is expected that all of our teaching efforts contribute to developing citizen scholars, special efforts in this regard may be used to meet this goal. Faculty should provide evidence of service learning components in their courses or provide evidence for other structured activities that apply the course material to social issues, problems, tasks or enhancement.

c. Accessibility

The criterion for this goal refers to efforts to increase accessibility to education beyond one's typical assignments. These may include, but are not limited to, offering distance learning, online and continuing education courses, public lectures or workshops, working with the community and public schools in providing access to education, developing educational materials that address accessibility issues.

d. Diversity

Special efforts to bring diversity to students' educational experience might include inviting guest speakers who offer diverse viewpoints, taking students to locations where they will be exposed to an unfamiliar environment, and requiring students to seek out diversity as part of their course requirements.

4.2.1.3 Documenting Teaching Effectiveness

There are two primary components to documenting teaching effectiveness: Instructor inputs and student outcomes. Everything that contributes to or derives from a teaching/learning experience should address one or more of the criteria above. The following table identifies input/output elements and possible sources for documentation. The table below is not prescriptive, but offers faculty examples of ways to document teaching effectiveness. Student teaching evaluations can only be used for a maximum of 50% of the weight of evaluation in this area. Departments can refine these suggestions as appropriate for specific disciplines and a faculty member's specific job assignment. Only department and college administered hardcopy or online student evaluations may be used in the evaluation of reappointment, tenure, promotion, and performance.

INPUTS AND OUTCOMES	DOCUMENTATION
Instructor Inputs (developing educated persons)	
Clear identification of outcome goals in terms of knowledge and skills	Syllabi and assignment statements
Clear identification of relevance of courses to both major study and general education	Syllabi and assignment statements
Practiced and pedagogically informed delivery of course content	Teaching portfolio, evidence of professional development, peer evaluations
Up-to-date content and materials	Syllabi, sample materials (with explanatory narrative in dossier), curricular grants, development of new courses
Quality organization of course and diligence in application	Syllabi, sample assignments, peer evaluations, student evaluations
Appropriately rigorous expectations	Syllabi statements, quantity and quality of reading, writing, and performance assignments
Time, energy, and effectiveness	Teaching portfolio, peer evaluations, student evaluations
Instructor Inputs (exceptional modes or qualities of teaching)	
Opportunities for out-of-class application	Description of out-of-class activities, including service learning, field work, etc.
Special access opportunities such as distance-learning delivery	Syllabi and/or descriptions of alternative delivery methods/courses
Special efforts to diversify student experiences	Description of diversification objectives and efforts
Student Outcomes (all goals)	
Majority of students make progress on knowledge and skill objectives from baseline starting point	Aggregate information on pre/post knowledge and/or skill performance by students in each class (example: 10% of students were able to identify Renaissance art at beginning of semester, 75% by end)
Majority of students understand goals and relevance of courses, regardless of performance level	Student evaluations
Students receive external recognition for work produced in course	External letters, awards, commendations, reviews, news stories, etc.
Faculty member receives direct external recognition for preparation of students	Same as above

4.2.2 Research

The University recognizes the need to consider a broad spectrum of activities in the area of research due to the diversity and uniqueness of academic fields. Herein, research will be defined as the production and formal communication of creative scholarly works. The nature of research varies widely among different academic disciplines, but generally refers to the discovery, refinement, evaluation, and synthesis of information, the application of specialized knowledge to the solution of problems, and artistic activity. In the context of each academic discipline, research produces creative outcomes that are formally communicated to, and vetted by, peers. Specific modes of research include

Discovery: gaining knowledge of or ascertaining the existence of something previously unknown or unrecognized

Application: using established knowledge to solve significant problems

Synthesis: bringing knowledge together from disparate sources to produce a whole work that is greater than the sum of its parts

Criticism: using established values (aesthetic, logical, ethical) to evaluate quality of artifacts (e.g., art, legal decisions, news media)

Creation: production of unique forms of expression, generation of new interpretations, theory-building, and model-building

To qualify as research, activity in each of these areas must be disseminated and subjected to critical peer review or evaluation by the scholarly community so as to serve knowledge growth in a field or be of significant practical use.

These modes of research should be considered of equal weight and importance in the faculty evaluation process.

4.2.2.1 Research Mission

The process of research is understood as the production and formal communication of original creative, scholarly work, and, while the definitions of “scholarly” and “creative” may differ across academic disciplines, the process is understood to support the University’s general mission in all three fundamental areas of faculty responsibility: teaching, research, and service. Research both advances knowledge in a particular specialized academic field and encourages individual faculty development; it enhances the quality of education students receive. It also helps fulfill the University’s service obligation by contributing to the public welfare. Society benefits from the results of both basic and applied research (refer to Section 1.3.6).

4.2.2.2 Goals and Criteria for Evaluating Research

The following goals and criteria are the basis of evaluating faculty members’ research for tenure and promotion and for required performance reviews. Item 1 below is of paramount importance on this list, and any faculty member, in order to succeed in the area of research at Missouri State University, must succeed in item 1. Although Items 2, 3, and 4, are not individually prescriptive, they are inclusive of research and may be considered. Success in one or more of these areas is required to attain tenure and promotion from assistant to Associate Professor. Sustained success in one or more of these areas is required for promotion to full Professor.

1. Expand Knowledge and/or Demonstrate Growth in Area of Expertise

Includes all five categories of research at equal weight.

Faculty members meet this goal if they have engaged in sufficient quantity and quality of peer-reviewed research in any of the five modes of scholarship appropriate to their field (as defined by department). The scholarship of teaching and learning is included here because any department may have faculty members who either specialize in education within their discipline, or who do research in this area because it is important to their academic field or part of their assignment by the department. This research content area should be fully recognized and evaluated according to the standards of one of the five modes of research.

2. Application of Research to Benefit University Constituents

The criterion for this goal refers to the application of research to solving problems or addressing situations significant to the public that require professional expertise.

3. Transmission

The criterion for this goal refers to transmission of scholarly product beyond that required for peer review in one's field. Faculty members meet this goal if they make a special effort to share knowledge and creative work with a broader audience.

4. Involvement of Students

Research is of added value in the University mission if the work involves students, either undergraduate or graduate, as active participants in the research process.

4.2.3 Service

4.2.3.1 Service Mission

Faculty service at Missouri State University serves three purposes: to support the academic tradition of shared governance, to support the professional and organizational needs of the disciplines, and to bring the products of University work to the public for its benefit.

4.2.3.2 Goals and Criteria for Evaluating Service

The following goals and criteria are the basis of evaluating faculty members' service for tenure and promotion and for required performance reviews. Item 1 below is of paramount importance on this list, and any faculty member, in order to succeed in the area of service at Missouri State University, must succeed in item 1. Although items 2, 3, and 4 are not individually prescriptive, they are inclusive of service and may be considered. Success in one or more of these areas is required to attain tenure and promotion from Assistant Professor to Associate Professor. Sustained success in one or more of these areas is required for promotion to full Professor.

1. University Citizenship

In the interest of maintaining broad participation in the decision-making process at the University, faculty should recognize their responsibilities to the organization and contribute fairly to the task of shared-governance. This includes, but is not limited to, service on program, departmental, college and university committees and task forces. In so doing, faculty members increase the level of self-determination in their ranks.

Service activities supporting University citizenship may also include collaborations and contributions for the collegiate well-being such as providing professional development, participating in campus discussions, and expanding opportunities for shaping the learning environment.

2. Professional Service

The criterion for this goal refers to contributions to professional organizations within the faculty member's field. Professional association participation may include serving as a board member, division chair, officer, editor, reviewer, committee member, etc. Additionally, this may include sponsoring an active student organization, mentoring or advising, or providing opportunities for student experiences outside the expectations of teaching.

3. Public Service

Faculty members meet this goal when they provide evidence of using their professional skills and expertise to serve community, state, national or international public constituents. This may take the form of op eds or other articles in newspapers or other print media or on television or radio, etc. In this way, Faculty Members not only further the mission of public outreach, but also serve as models for their students who are encouraged to engage in similar activities.

4. Professional Consultation

Faculty members may meet this goal by providing evidence of providing professional expertise to business, industry, schools, community organizations, and colleagues in other university programs. Consultation services to external constituents within the faculty member's professional expertise may be included in this area.

4.3 Evaluation of Faculty with Clinical Appointments

The University recognizes the need to evaluate faculty members with specialized assignments according to the requirements of their appointment letters. Clinical faculty should be so designated in appointment letters. The following addresses the evaluation of clinical faculty. (Refer to Section 3.6.11 for a definition of this category.)

Clinical faculty are vital to the success of certain programs in professional fields such as communication sciences and disorders, nursing, physical therapy and physician assistant studies. Their primary purpose is to provide an authentic applied learning environment for students in these disciplines while maintaining their own applied expertise. Clinical faculty translate new knowledge in their discipline into clinical practice and clinical practice into new knowledge. Clinical faculty members have the same service requirements as those with standard appointments (Refer to Section 4.2.3.2). Areas of performance evaluation and evaluation for promotion specific to clinical faculty are clinical education and service.

4.3.1 Clinical Education Mission

The Clinical Education Mission for Clinical Faculty encompasses the teaching mission to develop educated persons as defined in Section 4.2.1.1, and the specific mission to evaluate clinical competencies. Therefore, the goals and criteria for evaluating Clinical Education are specific to this faculty role.

4.3.2 Goals and Criteria for Evaluating Clinical Education

Clinical faculty members have responsibilities for didactic and clinical instruction and/or supervision in clinical or field settings. These roles require communicating information and knowledge to students, promoting the acquisition of skills, fostering the development of critical thinking, modeling ethical behavior, and evaluating clinical competencies. Specific responsibilities may include the development of clinical settings, coordination of student field or clinical experiences, instruction, supervision and evaluation of students. Clinical faculty

members must maintain appropriate professional credentials and currency in their practice through continuing education and training. There are two primary goals, with respective evaluative criteria. The first goal must be achieved for promotion.

1. Developing educated persons who are competent clinical professionals

Success in this area both describes successful clinical education at this University and is a prerequisite for successful performance review and for promotion.

- a. Clinical faculty members meet this goal when they demonstrate their effectiveness in cultivating students' knowledge base and skills within a specific discipline including competencies for professional practice.
- b. Faculty should strive to make explicit the relationship between the general education curriculum and various disciplinary curricula so students can integrate their acquired knowledge and skills for lifelong application.
- c. Maintenance of appropriate professional credentials and evidence of continuing professional development are required to meet this goal.

2. Exceptional Modes or Qualities of Clinical Education

The specifics in this area need to be described in writing by the department from the beginning of employment, with any exceptions dependent on negotiation between the clinical faculty member and the Department Head and the Dean, as approved by the Provost.

a. Outstanding Performance as a Clinical Educator

Beyond basic effectiveness as a clinical educator, outstanding performance may be evidenced by judgments made by students, peers, administrators, and colleagues with appropriate academic and clinical expertise. Further evidence may include external recognition for outstanding preparation of students for professional clinical fields, and students receiving external recognition for outstanding clinical outcomes. Such evidence may also include noteworthy clinical outcomes or research done with undergraduate and/or graduate students, noteworthy work in student advisement, and grants to support innovative clinical education.

b. Experiential Learning

While it is expected that all of our teaching and clinical education efforts contribute to developing citizen scholars, special efforts in this regard may be used to meet this goal. Faculty should provide evidence of service learning components in their courses, internships or other structured outreach activities that apply the course material to social issues, tasks or enhancement, especially within multidisciplinary clinical or practice contexts.

c. Accessibility

The criterion for this goal refers to efforts to increase accessibility to clinical education beyond one's typical assignments. These may include, but are not limited to, offering distance learning, online and continuing professional education for practitioners, public lectures or workshops, working with community agencies and health care institutions in providing access to education, clinical service/interventions and developing clinical educational materials that address accessibility issues.

d. Diversity

Special efforts to use diversity in broadening students' perspectives and to develop cultural sensitivity may include inviting guest speakers who offer diverse viewpoints, establishing clinical experiences/externships in diverse settings, or providing exposure to clinical populations with special needs.

4.3.3 Service

Goals and criteria for evaluation of service for faculty with clinical appointments are identical to those for faculty with standard appointments (Refer to Section 4.2.3.2).

4.3.4 Professional Productivity/ Research

Clinical faculty may be evaluated on professional productivity and research for promotion.

4.3.4.1 Professional Productivity Mission for Clinical Faculty

Professional productivity includes translation of new knowledge into measurable improvements in clinical outcomes through practice and communications with peers, as well as original research in any of the five modes identified in Section 4.2.2. Professional productivity/research advances knowledge and practices in clinical professions, promotes development of clinical faculty and enhances the quality of clinical education for students. Although there is inevitable overlap with the clinical education and service criteria, professional productivity/research criteria focus on professional outcomes, recognition, and development.

4.3.4.2 Goals and Criteria for Evaluating Professional Productivity/Research

Below are the four goals with respective criteria for evaluating professional productivity/research. The first goal should be achieved for promotion.

1. Contributes knowledge to discipline
Translates new knowledge in their discipline into measurable improvements in clinical practice and outcomes and/or translates clinical practice into new knowledge. The criterion for this goal requires communication of outcomes to peers through conference presentations, workshops, peer-reviewed and non-peer reviewed publications or sponsored research/contracts. Participation on masters committees, selection as a reviewer for a major funding agency, collaboration on research in clinical settings, or the development of nationally recognized clinical service or practice standards also may be considered as evidence.
2. Application of clinical expertise to provide expert service to the local and professional community
Evidence of positive outcomes within the practice setting may be documented through field assessments, employer surveys, or client/patient surveys. Evidence of recognition by professional peers in the form of awards, requests for service, commendations, citations, etc. may be considered as evidence.
3. Transmission
Clinical faculty members fulfill the criterion for this goal by documenting special efforts in transmission of clinical expertise or research to a broad audience.
4. Involvement of students
Professional practice and scholarly activities are of added value to the University mission if the work involves students, either undergraduate or graduate, as active participants in the process.

4.4 Evaluation of Faculty with Research Appointments

The University recognizes the need to evaluate faculty members with specialized assignments according to the requirements of their appointment letters. Research faculty should be so designated in appointment letters. (Refer to Section 3.6.10 for a definition of this category).

Research faculty members have the similar research and service requirements as those with standard appointments for performance review and promotion; however, research output expectations are naturally higher since teaching is not required. Refer to the research and service criteria for standard appointments in Sections 4.2.2 and 4.2.3.2. Evaluations of State Fruit Experiment Station Research Faculty shall be based on research, teaching, outreach and service, commensurate with assigned duties.

4.5 Faculty Policies and Responsibilities

4.5.1 Teaching

Beyond teaching, expected faculty workloads for faculty with standard appointments involve significant responsibilities for research and service. Accordingly, average departmental teaching loads for full-time faculty should approximate 18 equated hours per academic year, and no faculty should be expected to teach more than 24 equated hours per academic year. Teaching assignments for clinical and research faculty will vary.

4.5.1.1 Meeting Classes

Faculty members are expected to meet their assigned classes or to see that suitable arrangements have been made for learning experiences for their students in the case of a required absence of the Instructor because of unusual circumstances or because of attendance at a professional meeting. When Instructors are unable to meet a class because of illness, they must call the departmental office and make arrangements to notify their classes concerning the cancellation of classes and new assignments or to make other arrangements for the classes that will be missed.

4.5.1.2 Course Policy Statements

Within the first week of classes the faculty member shall issue a written policy statement, in print or in electronic form, to each student summarizing the following:

1. Purpose: A statement of the general content of the course.
2. Course Objectives: A list of measurable and desirable outcomes to be achieved upon successful completion of the course.
3. Attendance Policy: A statement of attendance policy consistent with that of the University, and the policies regarding late arrival and early departure. Refer to <http://www.missouristate.edu/recreg/attendan.html>.
4. Academic Integrity Policy: A statement concerning the policies concerning plagiarism and cheating, including consequences. Refer to the Student Academic Integrity Policies and Procedures, <http://www.missouristate.edu/registrar/acintegrity.html>.
5. Textbooks: A list of textbooks and other sources to be used for the course and whether they are recommended or required reading.
6. Test Dates: A statement concerning the announcement of test dates and the test dates if known. If the dates are unknown, approximations should be offered.
7. Examinations: A general idea of the material to be covered on each exam.
8. Grading Scale: A statement of the grading policy to be used in the course.
9. Term Papers: (if applicable) A statement of the dates that term papers are due, and general criteria used to determine how the papers will be graded.
10. Final Exam: A statement as to whether the final will be comprehensive or not, and a general idea of the subject matter to be covered.

11. Makeups: A statement of how or if makeups will be allowed for exams, papers, or other assignments.
12. Nondiscrimination Policy: A statement consistent with University policy. Refer to “Suggested Wording for Course Syllabi/Policy Statements” on the Provost web site.
13. Policy on Disability Accommodation: A statement consistent with University Policy. Refer to “Suggested Wording for Course Syllabi/Policy Statements” on the Provost web site.
14. Cell Phone Policy: A statement consistent with University Policy. Refer to “Suggested Wording for Course Syllabi/Policy Statements” on the Provost web site.

Course policy statements must be on file in the appropriate departmental/school office.

4.5.1.3 Review of Graded Work

After an examination prepared by a faculty member or any other assignment that has been graded, the work shall be made available to students so that the students can observe where they have succeeded or failed.

4.5.1.4 Class Records

All faculty members must keep accurate accounts of grades and attendance so that they will have factual information for a fair evaluation of each student. All faculty members must leave with their Department Heads/directors all grade books or a copy of all grade sheets at the time of leaving the employ of the University. In accordance with the Family Educational Rights and Privacy Act (FERPA) student grades are not to be publicly posted.

4.5.1.5 Student Advisement

Student advisement is the process of assisting students in negotiating the curriculum in order to achieve their educational goals. The process also involves aiding students in thinking through and arriving at educational goals based on an understanding of what higher education is and how it relates to all areas of life.

All faculty members are expected to assist in the advisement process through normal contacts with students both in the classroom and in the office. Most faculty members will be assigned individual student advisees for whom they share a particular responsibility for advisement throughout the student's experience at Missouri State University. Faculty members are expected to be knowledgeable of essential aspects of the curriculum and procedures of the University in order to provide accurate and timely advice to students.

In the advisement process, faculty members may not make representations or commitments which are inconsistent with authorized University policies.

4.5.1.6 Office Hours

All faculty members must be available in their offices a minimum of five hours each week at times convenient for student access for consultation with students who are in their classes and with their advisees. The office hours must be posted in a place where students can see the notice and make plans to confer with the teacher. Faculty members are encouraged to accommodate students who cannot appear during the regular office hours because of schedule conflicts. Exceptions to this policy must be approved by the appropriate Department Head.

4.5.1.7 Access to and Release of Student Academic Records

Students' grades are not to be posted publicly. The Family Educational Rights and Privacy Act of 1974 (FERPA) forbids release of educational records unless authorized by statute. Consult <http://www.missouristate.edu/registrar/FERPA.html> for current policy.

4.5.2 Research

4.5.2.1 Intellectual Integrity and Ethical Conduct

From 3.1.1, intellectual honesty is essential to the conduct of productive scholarship, research, and creative activity. Intellectual honesty demands avoidance of fabrication, falsification, and plagiarism.

Faculty members who do funded research are obligated to meet standards for integrity specified by their sponsoring agencies.

Some granting agencies impose standards on the conduct of scholarship, research, and creative activity by all faculty members as a condition on the receipt of grant funds by any faculty member. They include standards for ethical treatment of both human and animal subjects. Those faculty benefiting from such funds must, of course, follow such guidelines.

Ranked faculty and Instructors are full-time employees of the University during their contract periods. Faculty consulting engagements may benefit the University, but they must not interfere materially with faculty responsibility. Therefore, faculty members are obligated to report consulting activities to the University. (Refer to also Section 11.)

Finally, the scholarship, research, and creative activity of a faculty member may be constrained by codes of professional ethics particular to his or her discipline. Adherence to discipline-specific professional codes is an appropriate subject for peer review of research performance.

4.5.2.2 Intellectual Property

Some teaching, scholarship, research, and creative activity outcomes are consequences of faculty effort assisted by University support. They may be commercially valuable. Guidelines for equitably sharing the proceeds of intellectual property between faculty and the University are referenced in Appendix A.

4.5.3 Service

4.5.3.1 Service Responsibilities

Each full-time faculty member is expected to participate actively in the shared governance structure of the University by serving on departmental, college, and university committees and by assuming an appropriate share of the requisite duties. Service activities also expand opportunities for learning and shape the learning environment.

4.5.4 General Policies

4.5.4.1 Use of Copyrighted Materials

Faculty members should be aware of both laws and ethical responsibilities that govern the use of copyrighted materials. Legal responsibility for the use of such materials rests with the individual faculty member who, consequently, should remain informed about current copyright law.

To secure the benefits of ownership to creators of intellectual property, the United States and other nations severely restrict the right to make copies of another person's work. Violation of copyright law carries substantial penalties that may extend to the University and to businesses such as copy shops. However, copyright law compliance is often difficult because of the complexity of the rules governing infringement, "fair use," and permissions.

In general, copyrightable expression is original authorship, fixed in a tangible medium. Among the types of work protected by copyright are literary productions, musical notation and recorded music, pictures and graphics, motion pictures and video footage, databases, web pages, and computer programs.

Faculty members should assume that all material is copyrighted unless its source states clearly that it is not. Under Section 107 of the Copyright Act of 1976, the doctrine of "fair use" permits some reproduction of copyrighted works for educational purposes without the permission of the copyright owner. This doctrine of "fair use" is subject to limitations. The law permits use of a portion of a work without the copyright owner's permission for purposes such as teaching, research, criticism, and comment. Four criteria must be considered when determining whether a faculty member is making "fair use" of a copyrighted work: (1) purpose; (2) the nature of the work; (3) the percentage of the work used; and (4) the effect of the use on the work's market value.

New technologies, especially those related to computers and computer networks, raise novel copyright issues. Under most circumstances, faculty members cannot transfer works from one medium to another without securing permission from the copyright holder. Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the faculty (refer to Section 3.1.1).

Faculty members are required to secure permission for use that falls outside of the standards of "fair use" and "educational use exemptions." Such permission must be in writing. Because computer software falls under copyright law, faculty members should be aware of specific licensing agreements that control particular programs. A program user should consult the license agreement to determine whether copying a particular program or data set is permissible.

Each faculty member is responsible for determining whether permission must be obtained before reproducing a copyrighted work. Duplication of computer software by University personnel is limited to that which is explicitly permitted by the software vendor.

Faculty members should not be deterred from using copyrighted work simply because they are uncertain about the law which applies to a particular use of such works. To prevent conflict between legal restrictions and effective teaching, Missouri State University provides a variety of

information resources about copyright. Faculty members seeking general guidance for making decisions in this area may consult the documents *Reproduction of Copyrighted Works by Educators and Librarians*, (<http://www.copyright.gov/circs/circ21.pdf>); *Fair Use Guidelines for Educational Multimedia*, (http://www.copyright.gov/reports/de_rprt.pdf); or *Complete Copyright: An Everyday Guide for Librarians* (KF2995 .C57 2004) which are available in Meyer Library. Other sources for such information include:

1. Copyright information is also available on the Libraries' Copyright, Fair Use & Intellectual Property Rights resource page (<http://library.missouristate.edu/resources/copyrite.shtml>). Librarians in Meyer Library can direct faculty members to resources that might answer particular questions.
2. The Textbook Buyers in Baker Bookstore can provide useful advice and direction about using copyrighted material and can assist in securing permissions for printed materials.
3. Academic Outreach provides help in obtaining clearance for the use of copyrighted materials for Missouri State University online courses.

Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and right to determine the form, manner, and terms of publication and distribution.

4.5.4.2 Sale of Faculty or Departmental Materials

Instructional materials prepared by departments or faculty members for student use may be given to students but may not be sold, except through the University Bookstore or a commercial bookstore or printshop. No faculty member or department may profit financially from such sales though reasonable provisions for recovery of direct costs is allowed, and the faculty member or members involved must assume any liability resulting from copyright infringement associated with sales through commercial outlets. If members of the faculty prepare materials to be printed and sold in the University Bookstore, they must abide by the following principles:

1. Because copyrighted materials must not be included in such materials in any form without proper authorization and acknowledgment, the faculty member must certify either that no copyrighted materials have been included in the materials to be printed, or that appropriate arrangements with owner(s) of the copyright(s) have been made, and that an appropriate statement of credit has been included in the text for each portion of copyrighted material used therein. Finally, a copy of each arrangement for use of copyrighted material must be attached to the request for printing of said materials.
2. Because the Bookstore cannot recover the costs of printing such materials that remain unsold, the faculty member must provide certain information to the Bookstore in advance of the printing of such materials. He or she must specify the course for which the materials are to be printed, the number of students anticipated, whether the materials are required or recommended, and how the printing costs for unsold copies will be recovered by the Bookstore. The Department Head and the college Dean must approve the request for printing.

Requests for the printing of faculty-prepared materials to be sold by the Missouri State University Bookstore must be made on a form available in the Missouri State University Bookstore.

4.6 Faculty Performance Evaluation Process

All full-time faculty members participate in regularly scheduled performance reviews. For probationary faculty, annual reviews are completed for the purpose of annual appointment, performance review, pre-tenure review, tenure review, and promotion review. For tenured faculty, the biennial review is carried out independent of personnel-related applications. Ideally, each ranked faculty member should be evaluated no more than once annually. The Provost will publish in the annual Academic Work Calendar a university-wide timetable for all academic personnel decisions. All reviews occur according to this schedule. Faculty members shall submit application and/or review materials for reappointment, tenure, promotion, and performance review to the department by the department-specified deadline that is based on the Academic Work Calendar. (Faculty who begin in January will be formally evaluated for the first time in spring of their first full academic year of employment). Each department is expected to have a personnel committee and a published set of personnel guidelines as described in Section 4.7.4. (It is to be understood that all policies and procedures described herein for departments apply to any academic unit that has primary faculty evaluation responsibilities, for example, a school.) Each department is expected to create and use a “paper trail” of annual recommendations in the tenure/promotion, promotion, and annual appointment process.

Annual appointment, required performance evaluations, pre-tenure, tenure and promotion reviews proceed through a series of recommendations beginning with the departmental personnel committee (herein referred to as the personnel committee). The personnel committee forwards its recommendation to the Department Head. The Department Head forwards his or her recommendation along with the department committee recommendation to the Dean of the College. The Dean makes a recommendation for annual appointments, required performance evaluations, and pre-tenure/promotion reviews and sends a list of all reappointments and non-reappointments to the Provost. For tenure and promotion, the Dean forwards his or her recommendations along with all previous recommendations to the Provost. The Provost makes the final recommendation for tenure and promotion decisions to the President and the Board of Governors.

Discussions and/or negotiations will occur in those cases where the recommendations are not acceptable to the higher-level administrator. In instances of disagreement between the personnel committee and the Department Head, there shall be a good faith effort to resolve these differences. In all tenure and promotion cases where the recommendation of the Department Head, Dean, Provost, or the President differs from that of the departmental personnel committee, the administrator initiating the change shall state in writing to the affected faculty member, the departmental committee, and other involved administrators, compelling reasons why he or she cannot agree with the original recommendation.

Throughout the entire process, confidentiality of information must be maintained. Faculty members at every level of decision-making must assume personal responsibility to ensure confidentiality is not violated.

4.6.1 Annual Appointment Reviews for Probationary Faculty

Probationary faculty members initiate this process by submitting relevant materials to the chair of the departmental personnel committee by a date specified by the committee. The Department Head shall not be a participant in the voting or deliberations of the departmental committee. The personnel committee will make the initial recommendation and forward the recommendation for a one year reappointment, two year reappointment, or for non-reappointment with the dossier of materials to the Department Head, who will then add his or

her recommendation and forward both recommendations and the dossier to the Dean. The Dean will make his or her recommendation for annual appointment and notify the Provost of all reappointments and non-reappointments. The Provost may elect to review any annual appointment recommendation. Copies of all three recommendations shall be provided to the candidate. For the purpose of acknowledging that they have been received, the candidate must undersign the recommendations from the committee, the Head/Director, and the Dean before they are forwarded. Signing the recommendation does not imply that the candidate endorses all that is stated therein. The candidate may append a response before the recommendation is forwarded (this response will remain attached throughout the recommendation process). The schedule of annual appointments is in accordance with the AAUP “Standards for Notice of Nonreappointment.”

First-year faculty: appointed to a second year or notified of non-reappointment by March 1 of the first year

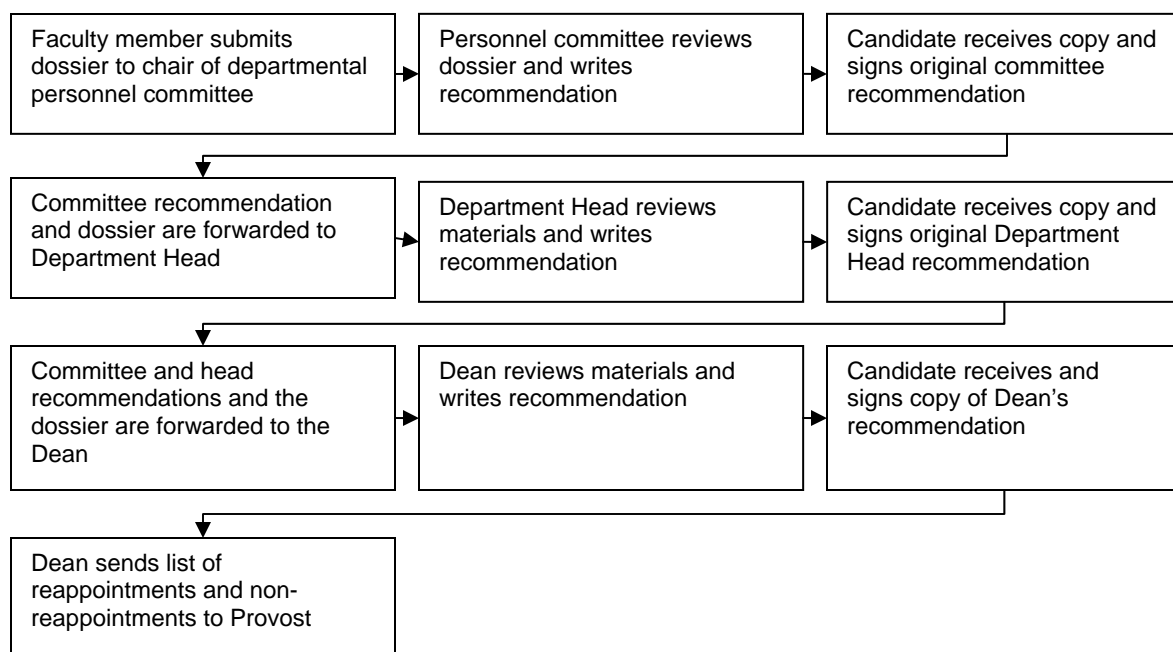
Second-year faculty: appointed to a third year or notified of non-reappointment by December 15 of the second year of service

Third-year faculty: appointed to a fourth year or notified of non-reappointment 12 months before expiration of the appointment

Fourth-year faculty: appointed to a fifth year or notified of non-reappointment 12 months before expiration of the appointment

Fifth-year faculty: appointed to a sixth year or notified of non-reappointment 12 months before expiration of the appointment

Sixth-year faculty: tenured or notified of non-reappointment 12 months before expiration of appointment



4.6.2 Tenure Review

4.6.2.1 Pre-Tenure/Promotion Review

Three years prior to the final date on which a faculty member is to be considered for tenure, the personnel committee and the Department Head will conduct a pre-tenure review, and each will specify in writing to the probationary faculty member one of the following three outcomes:

1. that progress toward tenure/promotion is satisfactory
2. that progress toward tenure/promotion is questionable, identifying areas for improvement and providing specific suggestions
3. that progress toward tenure/promotion is unsatisfactory, providing specific rationale

The faculty member prepares a complete tenure dossier which may include external review according to departmental guidelines. This review will constitute that year's annual reappointment performance review and proceeds as indicated in the reappointment flow chart above. Copies are maintained by the department, forwarded to the Dean and provided to the candidate, who must undersign to indicate receipt of the evaluation.

4.6.2.2 Tenure/Promotion Review (Promotion from Assistant Professor Rank to Associate Professor Rank)

In most cases, a probationary faculty member must apply for tenure/promotion no later than the sixth year of employment (except when the tenure clock has been temporarily stopped) to remain employed beyond the seventh year. In cases where the faculty member negotiates for a shorter probationary period, the final tenure application year is specified in the faculty member's initial letter of employment. Although faculty hired at mid-year may "count" all work accomplished since the date of hire, the tenure clock for them begins the following August, unless otherwise negotiated. Individuals whose initial appointment is to the Associate Professor rank must apply for tenure by the fourth year of their probationary status except in those circumstances where the Provost has granted a temporary stopping of the tenure clock.

The process for tenure/promotion review follows the steps of the annual appointment review until it gets to the Dean. When the Dean completes his or her recommendation, all recommendations and rationales and a current vita are forwarded to the Provost for review. Supporting materials are forwarded as far as the Dean's office; they are forwarded beyond the Dean's office at the request of the Provost. The Provost makes a final recommendation that is forwarded to the President and the Board of Governors for approval. At each stage of evaluation, the candidate will be given a copy of the recommendation and the written rationale for the recommendation. At each subsequent stage, a copy of the recommendation including probative rationale and any appended rebuttals from the candidate will also be furnished to the personnel committee for its information and records. The candidate may choose to withdraw the application from consideration at any stage of the process.

4.6.3 Promotion Review (Promotion from Associate Professor Rank to Full Professor Rank)

4.6.3.1 Pre-Promotion Review

Tenured faculty members may request a pre-promotion review one to two years prior to application for promotion. This review is optional, and the decision not to request a pre-promotion review does not preclude a favorable review at the time of application for promotion.

The personnel committee and the Department Head will specify in writing to the requesting faculty member one of the following three outcomes:

1. that progress toward promotion is satisfactory
2. that progress toward promotion is questionable, identifying areas for improvement and providing specific suggestions
3. that progress toward promotion is unsatisfactory, providing specific rationale

4.6.3.2 Application Process for Promotion

The faculty member prepares a complete promotion dossier that may include external review according to departmental guidelines. This review may replace a biennial performance review and proceeds as indicated in the reappointment flow chart above. Copies are maintained by the department, forwarded to the Dean and provided to the candidate, who must undersign to indicate receipt of the evaluation.

4.6.4 Performance Review of Probationary Faculty, and Instructors

Performance evaluations shall be conducted annually for all probationary faculty and Instructors. The Department Head shall seek the written input of the departmental personnel committee on each faculty member and recommend a composite rating to the Dean of the college in which the department is located. The Dean shall either endorse or modify the recommended rating. In instances where the Dean modifies the rating, the Dean must provide a compelling rationale for the change in writing to the Department Head, to the departmental personnel committee, and to the affected faculty member.

At least five numerical or categorical ratings are to be used. The ratings are to be designed to recognize both outstanding and unsatisfactory performances as well as those appraised as degrees of good or satisfactory. Each department shall develop a clear set of expectations for satisfactory performance in the categories of teaching, research, and service.

A faculty member may appeal the performance rating to the College Compensation Committee (refer to Section 5).

4.6.5 Work Assignment Negotiation

Work assignments are negotiated between the faculty member and the Department Head at the time of the annual or biennial review (if a work assignment change is needed before a review is done, the Department Head will negotiate that change with the faculty member). In making an appropriate assignment, the Department Head will take into consideration the needs of the department, and the professional objectives and recent productivity of the faculty member. The Department Head must make assignments within the parameters set by the University for expected workloads.

4.7 Evaluation-Related Policies

4.7.1 Applicant's Rights and Responsibilities

All faculty evaluations are based on university-level criteria and the guidelines and expectations specified in departmental and college documents and any specific contractual agreements that may exist.

Faculty applying for tenure will be evaluated according to their performance in accumulated assignments since employment at MSU unless otherwise negotiated at the time of initial employment. Faculty applying for promotion will be evaluated according to performance in present rank. If credit towards promotion is given for years in prior assignment, corresponding professional activities during those years of credit shall be considered in the promotion review process as long as they are contiguous to present assignment.

Each faculty member making application is responsible for assembling evidentiary documentation, for making the case in support of the application, and for submitting materials according to established format and deadlines. The faculty member shall have access to all materials submitted to the head. Recommendations at each level will be based upon data supplied by the candidate as well as that collected by the department, such as student evaluation results. It is expected that external reviews will be solicited from comparable institutions to aid each tenure/promotion decision.

External reviewers will be identified collaboratively by the faculty member and the Department Head working with the personnel committee. The Department Head is responsible for obtaining a sufficient number of reviews. The absence of review will not be allowed to prejudice the tenure or promotion candidacy of the faculty member.

4.7.2 Departmental Personnel Committees

Departmental personnel committees are made up of all tenured faculty members in the department and serve as the initial evaluating body for all departmental faculty evaluations. The term personnel committee is understood to mean the departmental committee responsible for these evaluations. The personnel committee may designate subcommittees for specific assignments as described in its departmental guidelines. (In the event that the department has fewer than five tenured faculty members, additional tenured faculty members from the college may be appointed by the Dean to a total number of five. In such cases, the Department Head and the faculty applicant will submit a list of possible committee members for the Dean's consideration and appointment). The committee selects a chair that is responsible for working with the head to establish and communicate internal application deadlines. The chair convenes the committee's meetings and generally is responsible for writing personnel recommendations based on the deliberations of the committee. The personnel committee operates as an autonomous faculty body, and therefore the Department Head shall not participate in personnel committee proceedings or make decisions regarding its composition or actions. Tenured faculty members who have administrative assignments that require them to participate in personnel review at a higher level shall not participate in personnel decisions within his or her home department. A faculty member with a potential conflict of interest (usually evaluating a spouse) should not participate in the evaluation process for annual appointment, tenure, or promotion. Inappropriate actions by individuals on the committee should be addressed by the committee chair and/or members of the personnel committee.

The candidate's credentials and/or application will be presented to the chair of the personnel committee, who will undertake the security of the application dossier. At the time of evaluation for annual appointment, required performance reviews, promotion or tenure, the personnel committee will have access to the candidate's current vita as well as all prior personnel reviews generated by the Department Head and personnel committee. Additional materials, supporting teaching, research, and service, may be requested by the personnel committee.

A personnel committee of tenured faculty members shall make the original recommendations in all cases involving annual appointment, promotion or tenure. If there is a personnel subcommittee, it will present its recommendations to the full tenured faculty, whose vote will establish the departmental faculty recommendation for a personnel action. When an applicant is being considered for promotion, only those tenured faculty members who hold a rank equal to or above the rank for which the candidate is applying shall participate in the decision-making process. If there is a split vote among tenured faculty, the minority may file a report, signed by each member of the minority, which will be forwarded with the majority decision.

In instances of disagreement between the personnel committee and the head, there shall be a good faith effort to resolve these differences. If resolution is not possible, the Department Head must offer in writing compelling reasons for disagreeing with the committee's recommendation before advancing his or her recommendation to the Dean.

4.7.3 College Personnel Committees

All colleges shall have a personnel committee. The College Personnel Committee (CPC) will be comprised of elected representatives from each department of the College. Each department will forward the names of two or three faculty members to the Dean. From these names the Dean will select one faculty member to serve as the representative of his/her department on the College Personnel Committee.

If a college committee has been granted the authority by the college Dean to make personnel recommendations, the departmental personnel committee and Department Head's recommendations will be forwarded to the college committee for its evaluation and recommendation.

If a college committee serves in an advisory capacity only, it generally should not be required to supply a written recommendation.

A subcommittee of the College Personnel Committee will serve as the College Compensation Committee. (Section 5.3)

4.7.4 Departmental Personnel and Governance Documents

All departments, schools and other academic divisions with faculty evaluation responsibilities must maintain current personnel and governance documents that are fully compliant with the University Faculty Handbook. All recommendations within the review process must adhere to the standards and requirements identified in the departmental documents. Departmental documents minimally must contain the following:

1. Specific guidelines or expectations for tenure, promotion and annual appointment; the policy must contain a progression of expectations, e.g., minimal expectations for annual appointment are not sufficient for tenure or promotion

2. Departmental personnel committee structure, rules and procedures
3. Required and recommended materials for application dossiers
4. Required format
5. Generic calendar specifying approximate dates of submission and review for all actions
6. A statement regarding policies for adding materials to the application dossier after the departmental deadline must be addressed in the departmental guidelines
7. Faculty mentoring policies
8. Policies and procedures for required performance evaluations for tenure track faculty
9. Policies and procedures for evaluating non-tenure track faculty
10. Descriptions of all other self-governance policies and procedures within the department, school or program, including procedures for amending the governance document itself.

The tenure and promotion document of each department shall be reviewed by a departmental committee at least every three years. This review is to ensure that the guidelines appropriately reflect the goals and mission of the department and remain in compliance with the criteria, goals and mission of the University community. The departmental review committee will first forward the reviewed document with or without changes to the departmental faculty for approval. Upon receipt of faculty approval, the document will 1) be forwarded to the Department Head for review; 2) after review of Department Head forwarded to the Dean for review; 3) and after review of Dean forwarded to the University Committee on Tenure and Promotion. The University Committee on Tenure and Promotion shall forward the document to the Provost for final approval. A department's tenure and promotion guidelines are under the purview of the departmental faculty. If compelling reason or explanation is provided (by the Department Head, Dean, or upper administration) to the faculty for modifications, it is the responsibility of the departmental faculty to consider suggested modifications, and for all parties to make a good faith effort to work collaboratively in achieving resolution. Administrators' recommendations should be based on issues of compliance and clarity.

Specifically, all departmental policies must meet the following requirements:

1. The department's personnel and governance document shall be presented in writing to the candidate at the time of employment. If it is expected that some of these criteria will be met at different points in a faculty member's career, the timetable must also be placed in writing with notification given to the Office of the Provost and Office of Human Resources.
2. The guidelines shall be appropriate to the discipline, achievable, and consistent with university criteria.
3. Promotion to a higher faculty rank requires documentation of sustained performance within rank at the level required by the University. Distinctions between performance expectations for the various ranks must be clearly and specifically stated in writing.
4. Only verifiable job performance indicators are valid considerations for personnel decisions.
5. Departmental guidelines will emphasize performance outcomes, meeting clearly stated goals and objectives and professional achievements. Guidelines shall be specific so that they can be applied consistently within a department.
6. Differential research guidelines may be applied to faculty members within a department whose professional specialties differ substantially in construction and delivery, as long as they do not disadvantage one group over another. For example, studio artists would generally be held to a different set of performance measures than art historians in the same department.

4.7.5 Documentation

Both the faculty member and the Department Head shall maintain complete documentation for all aspects of the review of that faculty member's promotion, tenure, and annual appointment. This requirement shall begin at the date of employment.

Documentation shall include, but not be limited to, letters of understanding at the time of hire; applicable departmental guidelines signed by faculty member and Department Head; participation in teaching improvement activities; any recommendations made by departmental personnel committees prior to the final review; previous annual reviews, required performance reviews, and annual letters from the Department Head; summaries of all teaching evaluations; committee assignments and results; proposals written or grants received; and other scholarly/creative activities.

At the time of evaluation for required performance reviews, promotion, tenure, or annual appointment, the candidate shall submit to the personnel committee a current vita as well as all the documentation that has been maintained up to that time. Additional materials supporting teaching, research, and service activities may also be submitted as required by the department/school/college. The personnel committee shall have access to all information to be used in the decision regarding teaching, research, or service.

4.7.6 Faculty and Department Head Procedural Agreement

Each department shall supply new faculty with a copy of the departmental tenure and promotion guidelines in effect on the date of hire. During the first month of full-time employment, the new faculty shall meet with the Department Head and review the tenure and promotion document to ensure understanding of expectations and governing procedures. Clarifications of expectations emanating from the meeting shall be noted on the guideline document. Both the faculty and Department Head shall sign off on the guidelines, and this will be placed in the faculty member's personnel file. The signed guidelines should be provided for the faculty member's records. In the event that a department's tenure guidelines change during the time period of a faculty member pursuing tenure and/or promotion, the faculty member has the right to remain within the domain of the guidelines under which he or she was hired or elect to be evaluated with the new guidelines. If it is the desire of the faculty member to be evaluated with the new guideline document, the signed guidelines shall be amended to reflect the change and a copy provided to the faculty member.

Should the negotiated faculty workload change subsequent to the original agreement, this amendment to the faculty member's and Department Head's procedural agreement shall be reflected in all future evaluations.



5. Salary Policies

5.1 Salary Policy and Goals

While Missouri State University does not have a formal salary schedule for faculty and other academic employees, it is the ideal of Missouri State University to attain throughout the University essential parity in salaries among faculty members with comparable backgrounds and responsibilities. It is the practice at Missouri State University, however, to offer higher salaries and/or other financial incentives to faculty members in some teaching areas where experience has shown that there is difficulty in recruiting and retaining qualified faculty because of higher competitive market salaries.

Improvement of faculty salaries shall receive high priority each year in budget construction. The University will attempt to budget as an annual priority a salary raise pool for faculty and staff of sufficient magnitude that the institution will be able eventually to achieve and sustain its salary goals. The size of this raise pool depends primarily on the amount of funds appropriated by the legislature and the amount of funds generated by required student fees. The University's salary goals for faculty include raising salaries such that average salaries by rank will equal or exceed averages published in the CUPA "C" National Faculty Salary Survey of public, masters-level universities.

5.2 Salary Procedures

Full-time faculty (including nonvisiting faculty) and staff will be eligible for annual salary increments derived from the above pool, allocated by the cost center head on the basis of individual performance and considerations of internal and external equity.

Procedures for required performance evaluations as one basis for the determination of salary increments shall be conducted at the department level by a departmental personnel committee. Each faculty member will be assigned performance ratings on a numerical scale from 1-5 for teaching, research, and service. A composite rating will then be established for each faculty member by the Department Head utilizing performance ratings and weights that have been determined by department procedures consistent with parameters established by colleges and universities for teaching, research, and service. Composite ratings will be reviewed and approved by the college Dean.

Each cost center shall use a compensation matrix approved by the Provost, Vice President or Chancellor to guide its allocation of individual raises. All compensation matrices shall be subject to the advice and monitoring of a Compensation Committee, appointed by the President, who shall seek recommendations from the Faculty Senate Executive Committee regarding its composition. After seeking formal input from the Faculty Senate, the Compensation Committee shall make periodic recommendations to the President for necessary adjustments to the compensation plan.

5.3 Performance Evaluation Appeals Process

The decision-making process for assigning annual salaries should foster an open and encouraging environment for faculty performance. Accordingly, faculty evaluations shall observe the highest standards of collegiality, be based on coherent, published policy and administered fairly. To ensure transparency, faculty shall be allowed to review the departmental evaluation process and his or her resulting performance ratings as well as provide a written

response to a performance evaluation. A faculty member who is dissatisfied with his/her performance rating(s) may appeal the rating(s). The faculty member's request for review, along with any supporting materials, shall be forwarded to the College Compensation Committee (CCC) which is a subcommittee of the College Personnel Committee. (Refer to Section 4.7.3)

The faculty member's request for review shall be allowed to continue to the Dean and Provost. If either the Dean or the Provost does not accept the recommendation of the College Compensation Committee he/she shall send to the faculty member who is appealing, a written explanation of the reasons for departing from the committee recommendation.

Any employee who believes that he or she has been discriminated against for any reason not related to job performance may consult the Office for Equity and Diversity. In the event a pattern of misapplication of departmental policies in evaluating faculty performance is detected, a faculty member may appeal his/her salary adjustments as a grievance through the Academic Personnel Grievance Process (APGP) process.

5.4 Role of the College Compensation Committee

The College Compensation Committee shall be comprised of no more than five members of the College Personnel Committee. It has three primary functions: (1) assisting the Dean in determining "cut points" for the compensation determinants, (2) drafting college guidelines for balancing the interests of performance assessment and salary inequity in annual salary adjustments, and (3) reviewing appeals of faculty performance ratings.

5.5 Rank Change

An individual promoted to a higher academic rank receives an increment appropriate to the new rank. The amount of this increase is determined by multiplying a base percentage (which is different for each rank) times the average salary for ranked faculty in the previous fiscal year. Any change in the base percentages will be reported to the Faculty Senate.

5.6 Equity Adjustments

A faculty member may file with his or her Department Head a request for a salary adjustment if that faculty member believes that his or her salary is inconsistent with the salaries of other individuals of similar training, experience, and job performance. An adjustment may also be requested by an individual who believes that his or her salary is significantly below the market in an area of high demand where experience has shown that there is difficulty in recruiting and retaining qualified faculty. Requests for equity adjustment must be filed according to the schedule issued by the Office of the Provost in the Academic Work Calendar.

5.7 Salary Report

In the fall of the year, the Provost will present a report to the Faculty Senate in which implementation of salary policies for that year is detailed. In particular, the progress of each college toward attaining University salary goals will be addressed.

5.8 Summer Session

The summer session plays a significant role in providing opportunities for students. Faculty members who teach during the summer sessions will receive pay in addition to their regular annual salaries as determined by the Board of Governors. Compensation will be based on a rate of at least two and one-half percent of base salary per teaching load equivalent.

Subject to a holdback of ten percent of the personnel services budget for the summer to cover unforeseen student demand for courses in specific areas, summer faculty appointments will be confirmed as soon as possible after the summer budget is final and allocation has been made by the colleges to the departments. While there is no specific date by which summer appointments will be confirmed, it will be at the earliest possible date. If a summer class has a reasonable enrollment, but one that is lower than the projected minimum enrollment for that class in the summer, the faculty member will be remunerated according to the pay schedule in use by Continuing Education, but never less than the cost of per course instruction.

Faculty members are placed on the summer session payroll and will receive their summer salary at the end of June and/or at the end of July depending on the session that is taught. If circumstances require that an appointment to teach during the summer is made after the last week in May, the entire compensation will be included in the July paycheck.

5.9 Intersessions

Missouri State University offers courses during three intersession periods (January, May, and August) and faculty members are encouraged to develop proposals for these courses. The course proposals are approved and reviewed by the Department Head and the Dean. Instructional salary for intersessions is based on a scale of at least two and one-half percent of base salary per teaching load equivalent.

5.10 Off-Campus Teaching

Faculty members may be asked to teach courses at off-campus locations as part of regular teaching loads. Expenses of meals and travel will be reimbursed to individuals assigned, and en route compensation will be paid at currently approved rates, which are based on distance and/or driving time from Missouri State University. Assignments may be made on an overload basis for supplemental compensation.

5.11 Compensation for Teaching through Continuing Education

The Office of Public Affairs and the Extended Campus frequently provides compensation for faculty who teach in programs administered through that office. In addition to intersession and off-campus instruction, these programs include the Evening College, telecourses, interactive television (BearNet), Internet-based instruction (the Missouri State Online Program), special credit programs, and a variety of professional development and noncredit courses offered through the Jim D. Morris Center for Continuing and Professional Education. Compensation policies vary from program to program. (Refer to the Continuing Education website at <http://ce.missouristate.edu/facultyresources>.)



6. Fringe Benefits

6.1 Statutory

6.1.1 Workers' Compensation

The University provides workers' compensation coverage for employees in accordance with the laws of the State of Missouri. For details concerning coverage and benefits, contact the Office of Human Resources.

Employees are required to report any job-related illnesses or injuries to their supervisor immediately and fill out an accident-injury report as soon as is feasible after an accident or injury occurs.

6.1.2 Unemployment Compensation

The University provides unemployment insurance coverage for employees in accordance with the laws of the State of Missouri. For detailed information concerning coverage and benefits, contact the Office of Human Resources.

6.1.3 Social Security

The University provides social security insurance in accordance with the laws of the United States. For details concerning coverage and benefits, contact the local office of the Social Security Administration or the Office of Human Resources of the University.

6.1.4 Legal Defense of Faculty Members

Pursuant to and in conjunction with the State Legal Expense Fund, Section 105.711, RSMo, et seq., it is the policy of the University to provide legal defense of any claim covered by Sections 105.711 to 105.726, regarding conduct of any officer or employee of the University arising out of and performed in connection with his or her official duties on behalf of the University. When questions arise as to whether or not the conduct in question would be covered by Sections 105.711 to 105.726, the University may consult and obtain the advice of the Attorney General of the State of Missouri. The University may also proceed with a defense under a reservation of rights, under which the officer or employee may subsequently become liable and responsible for the expense of such defense upon a finding that the conduct was not or would not have been covered by Sections 105.711 to 105.726.

6.2 University Sponsored (Fringe Benefits)

The following benefits are provided to full-time members of the ranked faculty. Unranked faculty members appointed for a full academic year are also covered by benefits described in this Section. Benefits are not available to unranked faculty members appointed for less than a full academic year (i.e., one-semester appointments). The descriptive statement provided for each benefit is a summary statement. Details of coverage and benefits may be obtained from the Office of Human Resources of the University. The University reserves the right in compliance with law to change carriers and benefit plan provisions during an academic year, provided all available coverage is maintained.

6.2.1 Employee Group Insurance Plan

The University provides for the faculty member medical, dental, and life insurance, and long-term disability coverage with the premiums paid by the University consistent with the board-approved healthcare plan. Optional supplemental life and dependent life insurance coverage is available at the covered faculty member's option and expense. Refer to the summary plan description or contact the University's Office of Human Resources for details.

6.2.2 Cafeteria Plan

The University participates in the Missouri State Employees' Cafeteria Plan which allows full-time regular employees to contribute to certain benefit plans on a before-tax basis. The plan allows employee contributions for optional insurance coverage and flexible spending accounts for reimbursable health care expenses and child/dependent care expenses to be taken from each paycheck before taxes are calculated. Information regarding the Cafeteria Plan is available in the Office of Human Resources. Refer also to <http://www.mocafe.com>.

6.2.3 Pension

The terms of retirement plans are established by Missouri statute. All faculty on full-time, regular appointment hired on or after July 1, 2002, who have not previously been or are currently enrolled in the Missouri State Employees' Retirement System (MOSERS) will be enrolled in the College and University Retirement Plan (CURP). CURP is a non-contributory 401A defined contribution retirement plan which uses TIAA-CREF as its third party administrator. CURP offers interstate portability, immediate vesting, and no minimum service requirement. Faculty select individual accounts into which the University's contributions to this plan are directed. After six years of participation in CURP, faculty may opt to move to the MOSERS. All faculty on full-time, regular appointment hired prior to July 1, 2002, are members of MOSERS.

6.2.4 Annuities

Faculty members may elect to participate in a tax-sheltered annuity program at their expense. The University's Office of Human Resources will, upon request, provide a list of approved companies from which the faculty member may seek additional information. Refer to www.missouristate.edu/human/. The details of each annuity program are subject to control by the offering company and not by the University. Coverage, benefits, and other details are subject to the agreement between the faculty member and the company, and the University is not responsible for such matters. Notwithstanding anything herein to the contrary, maintenance of this benefit is subject to the continuing availability of companies willing and able to provide qualified annuity products.

6.2.5 Educational Assistance

6.2.5.1 Credit Course Fees

Faculty members may enroll for up to 12 credit hours in an academic year (12-month period beginning with fall semester) and have their required student fees paid by the University. Faculty members must pay the required student fees for all courses over 12 credit hours per academic year. This benefit is not applicable to out-of-state fees, non-credit courses, book costs, or any special fee pertaining to a specific class or private instruction.

Eligible faculty members may assign part or all of the 12-credit-hour benefit to a spouse or dependent. An eligible dependent shall be defined as provided in Section 152 of the United States Internal Revenue Code. In addition, a child(ren) of divorced or separated parents is treated as a dependent of both parents where (1) the parents are divorced, legally separated, or separated under a written separation agreement; (2) the child(ren) receives over half of his/her support from his/her parents; and (3) the child(ren) is in the legal custody of one or both parents for more than half the calendar year. The assignee must file an application for admission or readmission with the Office of Admissions and Records and meet all admissions and academic requirements stipulated in the Missouri State University Undergraduate or Graduate Catalog.

The University will comply with Internal Revenue Code regulations in regard to reporting benefits that are taxable income. To determine tax liability with regard to this benefit, consult a tax advisor.

Faculty members applying for this benefit must submit to the Office of Human Resources, at least five working days prior to registering, a completed Personnel Form (PD-010), Request for University Course Enrollment Employee Benefit Voucher.

The Office of Human Resources will check the request for eligibility and the number of credit hours requested, then return the approved request to the employee. The Office of Human Resources will monitor by computer to see when the employee (or spouse or dependent) registers for class. When the student is registered, the Office of Human Resources will pay the educational benefit fees directly to the University. If the educational benefits are only partial payment, the student would need to apply the outstanding balances according to the fee payment deadlines published in the Class Schedule. The employee must request educational benefits prior to fee payment; cash refunds will not be made.

6.2.5.2 Noncredit Course Fees

Faculty members may receive assistance with course fees to enroll for noncredit courses offered by the University through the Office of Public Affairs and the Extended Campus, the Management Development Institute in the Center for Business and Economic Development, the Small Business Development Center in the Center for Business and Economic Development, Campus Recreation Fitness and Wellness Program, and Academic Development Center sponsored courses and seminars. The University will pay up to one-half of the course fees, but no more than \$150 per employee, per fiscal year (July 1 through June 30). The partial fee benefit will be for course fees only and will not be applicable to special book fees, lab fees, or other special fees in addition to the course fees. The fee assistance is for the faculty member only. It cannot be assigned to a dependent.

To receive the enrollment benefit, the eligible faculty member must register for the class through the offering department, (either the Office of Public Affairs and the Extended Campus or the Management Development Institute as listed above. Faculty members applying for this benefit must submit to the Office of Human Resources a completed Request for Educational Benefits form. Upon approval by the Director of Human Resources, the request will be returned to the employee with a fee voucher to be presented at fee payment time. The voucher must be obtained prior to paying fees; a cash refund will not be made.

6.2.6 University Facilities and Services

Faculty members have access to the following facilities and activities at no charge or at reduced rates in accordance with policies prescribing access to each service or facility:

- Athletic Events
- Hammons Student Center
- Baker Bookstore
- Performing Arts Series
- Campus Publications
- Plaster Student Union
- Taylor Health and Wellness Center

Further information regarding these services may be obtained from the Office of Human Resources.

6.2.7 Notary Public

Notary services are provided free of charge. A complete listing of notaries, their office numbers, and telephone numbers can be found at <http://www.missouristate.edu/dos/notaries.htm>.



7. Faculty Development

7.1 Faculty Development Policy and General Procedures

To increase the opportunities for the continued professional development of the faculty, and thereby ensure educational vitality and vigorous teaching, scholarship, research, creative activity, and service, the University designates money, time, and resources to assist the faculty member in meeting his or her professional responsibilities.

7.2 Developmental Leaves

7.2.1 Sabbatical Leave for Faculty

Only ranked faculty members (including ranked faculty members who are serving in administrative positions) are eligible for sabbatical leave. Eligibility is established by completing 12 semesters of service to Missouri State University (summer teaching excepted). A faculty member granted a sabbatical leave will be entitled to University support amounting to full pay for a half year's leave and no less than one-half pay for a full year's leave. The Provost may approve up to three-fourths pay for a full year's leave. Faculty are encouraged to apply for external grants to supplement their funding. Their sabbatical pay will not be decreased if they secure such funding, except, however, that faculty cannot receive more than one hundred per cent of their twelve-month equivalent salary while on sabbatical. Funds provided for travel, housing, and other living expenses are not considered to be "Salary".

A sabbatical leave is not an automatic right; applications must be submitted according to the deadline specified in the Academic Work Calendar prior to the academic year for which the leave is requested. Applications will be submitted to the Faculty Leave Committee for the recommendation to the Provost. All applicants must be notified of the final decision regarding their applications by the end of the first complete week in February. Only one proposal from a faculty member is to be considered during a single academic year.

The project for which leave is requested must be beneficial both to the faculty member and to the University. The sabbatical leave will provide an opportunity for the faculty member to pursue research/creative work, enhance teaching or professional practice skills in the discipline, or to retool for new teaching opportunities or research. The leave may include travel related to the research and study. Proposals to obtain an advanced degree will not be approved.

Faculty members are obligated to return to Missouri State University for at least one year following the sabbatical. Following the sabbatical leave, the faculty member will submit to the Provost, appropriate Department Head and college Dean, and to the chair of the Faculty Leave Committee a report of scholarship, research, or creative activity conducted while on leave. Any faculty member who has completed a sabbatical leave and who has failed to submit a report is ineligible to apply for a subsequent sabbatical leave until such report has been filed.

In computing years of service that will apply toward eligibility for promotion, time spent on sabbatical leave will be counted. A faculty member who has taken a sabbatical or professional leave is not eligible for another paid leave until the completion of 12 semesters of service to Missouri State University subsequent to the paid leave.

7.2.2 Professional Leave

Ranked faculty members (including ranked faculty members who are serving in administrative positions) are eligible to apply for leave to engage in professional development activities not covered by sabbatical or educational leaves. Eligibility is established by completing 12 semesters of service to Missouri State University (summer teaching excepted). The activity for which leave is requested must be beneficial to both the faculty member and the University. The professional leave will provide opportunities such as educational experiences for enhanced expertise within the faculty member's academic discipline or in another discipline, curriculum development projects, expanded use of instructional technologies, or similar activities not directly related to research or the acquisition of an advanced degree.

A faculty member granted a professional leave will be entitled to university support amounting to full pay for a half-year's leave and no less than one-half pay for a full year's leave. Faculty members on professional leave will receive salaries in 12 monthly payments. They will participate in the retirement program and will have their fringe benefits paid by the University.

A professional leave is not an automatic right; applications must be submitted according to the deadline specified in the Academic Work Calendar prior to the academic year for which the leave is requested. Applications will be submitted to the Faculty Leave Committee for its recommendation to the Provost. All applicants must be notified of the final decision regarding their applications by the end of the first complete week of February. Only one proposal from a faculty member is to be considered during a single academic year.

Following the professional leave, the faculty member is obligated to return to Missouri State University for at least one year. Within 30 days after the leave period, the faculty member will submit to the Provost, appropriate Department Head and college Dean, and to the chair of the Faculty Leave Committee a report of professional activities conducted while on leave.

In computing years of service that will apply toward eligibility for promotion, time spent on professional leave will be counted. A faculty member who has taken a sabbatical or professional leave is not eligible for another paid leave until the completion of 12 semesters of service to Missouri State University subsequent to the paid leave.

7.2.3 Educational Leaves

Leaves for ranked faculty members wishing to return to graduate school to complete an advanced degree are subject to recommendation by the President and approval by the Board of Governors. Educational leaves will be allowed under the following guidelines:

1. Educational leaves are a privilege and not an automatic right.
2. Salary funds must be available before educational leaves will be granted.
3. The faculty member must demonstrate clear intent to complete all coursework for the academic degree during the period of the leave.
4. The faculty member will return to Missouri State University for at least one year following the termination of the leave.
5. The time accrued for a sabbatical leave will be forfeited upon the acceptance of an educational leave, and the 12-semester period to be accrued for sabbatical leave will start with the beginning of the semester following the faculty member's return to Missouri State University, excluding summers.

Applications for educational leaves will be submitted according to the deadline specified in the Academic Work Calendar, prior to the academic year for which the leave is requested. Applications will be submitted to the Faculty Leave Committee for its recommendation to the Provost. Refer to <http://graduate.missouristate.edu/>.

Faculty members who are on educational leave will receive their salaries (full pay for a half-year's leave or half pay for a full-year's leave) at the same rate as would have been compensated if the faculty member were teaching. Salary will be paid in twelve monthly payments, and faculty members on educational leave will participate in the retirement program and have their fringe benefits paid by the University.

In computing years of service that will apply toward eligibility for promotion and tenure, time spent on educational leave will not be counted.

7.2.4 Special Leave for Faculty

Any full-time faculty member who in the opinion of the Provost deserves a leave for a specific purpose not listed in other portions of the Faculty Handbook may be granted such a leave with or without pay. Final approval must be granted by the Board of Governors.

Following the special leave, the faculty member is obligated to return to Missouri State University for at least one year. Within 30 days after the leave period, the faculty member will submit to the Provost a report of activities conducted while on leave.

In computing years of service that will apply toward eligibility for promotion, time spent on special leave will be counted.

7.3 Faculty Development Centers and Resources

Missouri State University supports effective teaching, research, and service through faculty development resources that are provided by the university, college and department. These resources are designed to give opportunities for continued professional development sufficient to become more effective teachers and scholars. The University recognizes the need to pursue initiatives that make the professional endeavors of faculty more exciting and rewarding. Refer to <http://www.missouristate.edu/Provost/22107.htm> for an annotated listing of University centers, grants, resources, and technical assistance.

7.3.1 Academic Development Center

The Academic Development Center (ADC) offers programs and resources for faculty, teaching assistants, and academic units. Centrally located in Meyer Library 204, the Center provides seminars and workshops throughout the year on a variety of topics for the improvement of learning, teaching, and leadership, as well as support for projects and learning communities.

The Center sponsors the Showcase on Teaching and Learning and the Teaching Fellowship Program, and is the organizational home of the Carnegie Academy for the Scholarship of Teaching and Learning (CASTL) Committee. The ADC also conducts research, collaborates with other offices to enhance the effective use for technologies for learning and teaching, and is a source for print and electronic resources on professional, instructional, and organizational development. Faculty are encouraged to contact the Center for individualized consultations and other networking opportunities.

More information about the Academic Development Center can be accessed at its website (<http://www.adc.missouristate.edu/>).

7.3.2 Carnegie Academy for the Scholarship of Teaching and Learning

The Carnegie Academy for the Scholarship of Teaching and Learning Committee (CASTL) is comprised primarily of faculty members representing each academic college whose mission is to effect cultural change with respect to the value and practice of the scholarship of teaching and learning. The committee is committed to improving the quality of research on education practice and outcomes through various activities it sponsors during the academic year. Many of these activities are accomplished by coordinating efforts with the Academic Development Center (ADC), the Office of the Provost, and the Carnegie Foundation for the Advancement of Teaching. The CASTL Committee assists in developing more effective teachers and improving student learning through scholarly investigations of educational processes.

7.3.3 Citizenship and Service-Learning

The Office of Citizenship and Service-Learning (CASL) provides a number of programs designed to help faculty develop strategies for making service-learning a useful pedagogical tool in the work of developing education persons. Two specific programs are the Service-Learning Faculty Fellowship and the CASL Research Stipend. The Service-Learning Faculty Fellowship is a professional development program that is designed to benefit those faculty who wish to explore service-learning as a pedagogical tool in an intensive, in-depth manner, with the intent of implementing it into a specific course. This program trains and supports faculty who wish to enhance citizenship skills and demeanors in their students through their instruction by designing or modifying courses that integrate service-learning into learning outcomes. The CASL Research Stipend supports faculty work that advances the knowledge of service-learning or is of direct service to the community. Applications for both programs are available at the CASL web site (<http://www.missouristate.edu/casl/>) and are due mid-October each year.

Other CASL services for faculty include curricular information, faculty resource/research sharing sessions, workshops featuring noted service-learning authorities, resources for grant funding of service-learning projects, and travel stipends. The CASL program is one vehicle by which Missouri State carries forward its mission in Public Affairs.

7.3.4 Community and Social Issues Institute

The Community and Social Issues Institute (CSII) serves as a liaison among for-profit and not-for-profit organizations with research or service needs related to addressing the social problems faced by the communities that Missouri State University serves, faculty with expertise that address these needs, and potential sources of funding. More information about the CSII can be found at <http://www.missouristate.edu/csii/>.

7.3.5 Missouri Campus Compact Grants

The Missouri Campus Compact is a statewide coalition of university and college Presidents that is designed to help students develop the values and skills of civic participation through involvement in public service. The Missouri Campus Compact regularly offers competitive grants for proposals to develop and enhance service-learning on the member campus. Detailed information on the Missouri Campus Compact and its associated grant programs can be found at: <http://missouricompact.missouristate.edu/>.

7.4 Extramural Support for Scholarship, Research, Creative Activity, and Development

The Office of Sponsored Research and Programs (OSRP) provides assistance to faculty seeking extramural support for their research endeavors. Refer to Section 10, Research, for a description of these services.

7.5 Faculty Exchange Program and International Teaching Opportunities

The coordinating official of the faculty exchange program is the Director of International Programs and Affairs. Eligibility for participation in such a program is essentially the same as that for leaves granted by Missouri State University. Participation is a privilege, not an automatic right. Additionally, the following guidelines will apply:

1. This policy includes a possible exchange of qualified personnel between educational institutions as well as between other institutions such as government agencies, businesses, and industrial firms.
2. The faculty member's participation in the exchange is partially contingent upon the availability of a satisfactory replacement to assume his or her duties for the duration of the absence.
3. The exchange replacement is subject to the same scrutiny as are prospective candidates for permanent positions at Missouri State University.
4. Salary, retirement contributions, and fringe benefits will be paid by Missouri State University to its faculty members who are on the exchange, and the exchange replacement will be paid by his or her institution.
5. Participation in the Faculty Exchange Program in no way affects the eligibility of the exchange faculty member under the sabbatical and/or educational leave policy now in effect, nor will it affect the faculty member's eligibility for promotion; i.e., the year on the exchange program should be equated to a year of service to Missouri State University.

7.5.1 China Programs

Ranked faculty may apply to participate in the academic year exchange with Qingdao University in the Shangdong Province of the People's Republic of China. Faculty chosen for this program will teach conversational English and, on occasion, a course in his or her discipline. Faculty members may also apply for teaching opportunities on the Missouri State University Branch campus located on the campus of Liaoning Normal University in Dalian, China, or they may participate in research collaborations with other Chinese university partners.

7.5.2 Missouri London Program

The University sends a ranked faculty member each semester to London to teach in the Missouri London Program. The faculty member teaches two courses from his or her discipline and participates fully in the British Life and Culture course.

7.5.3 International Travel Support

Faculty members making presentations at respected events in international venues are eligible to make application to the International Education Committee for financial support. Applicants are expected to demonstrate additional resources have been pledged in their support including departmental, college-level, and personal contributions. Additional information can be obtained from the Office of International Programs and Affairs.

7.5.4 Faculty-led Short Term Programs

The International Education Committee reviews proposals for foreign study short-term faculty-led programs during the academic year. Proposal guidelines may be obtained from the Office of International Programs and Affairs.

7.5.5 International Faculty Development Seminars Through Council on International Educational Exchange (CIEE)

CIEE is the leading U.S. non-governmental international education organization which creates and administers programs that allow educators to study abroad. Faculty seminars are located in international venues that incorporate intensive educational experiences designed to explore fascinations and challenge preconceptions shaping the world today. Each program features lectures, site visits, and discussions with overseas academics and colleagues. The International Education Committee reviews applications for funding of faculty participation in the seminars. Funding is limited and early application is suggested. Seminar topics and their international locations can be found at the CIEE web site: <http://www.ciee.org/>.

7.6 University Funds for Faculty Development

7.6.1 University Funds for Scholarship, Research, Creative Activity, and Curricular Development

The University recognizes the importance of scholarship, research, and creative activity, and is committed to providing significant support for such activities. The Provost appoints a Faculty Grants Committee, composed of faculty members with experience in scholarship, research, or creative activity, to recommend the allocation of University funds for research each fall and spring semester.

The Faculty Leave Committee, appointed by the Provost, recommends recipients of the Missouri State University Summer Fellowships. Funding is ordinarily not available for major or continuing scholarship, research, and creative activity.

University research funds are to be used for the following purposes: (1) to provide seed money for scholarship, research, and creative activity and (2) to provide financial support for scholarship, research, and creative activity not likely to receive funding elsewhere. Professors conducting major research projects should seek outside funding rather than apply to the committee(s) for continued funding year after year. The University may assert an interest in the commercial value of projects for which the University provides support (refer to Section 2.8.3).

7.6.2 Funds for Enrollment in Classes

Full-time members of the Missouri State University faculty may enroll free of required student fees for up to 12 credit hours of classes in an academic year (fall, spring, summer, intersessions).

7.6.3 Scholarship, Research, and Creative Activity Reassigned Time

Upon the recommendation of the Department Head, the college Dean may authorize reassigned time in order to provide time for scholarship, research, and creative activity. A faculty member taking advantage of this opportunity will be required to report to the Dean when requested concerning his or her scholarship, research, and creative activity.

In planning academic assignments, Department Heads (or supervisors of those faculty members whose primary functions may not be teaching) will provide blocks of time for scholarship, research, and creative activity by individual faculty members who request it.

7.6.4 Travel

The University recognizes the importance of original scholarship, research, and creative activity being conducted by faculty members and the participation of faculty members in learned and professional society activities. To the extent that funds are available, travel funds will be provided to support the participation of each full-time faculty member in order to attend professional conferences and to present papers. The faculty member will be reimbursed for the most reasonable and economical transportation costs available as well as reasonable lodging, food costs, and registration fees. The number of days for which food and lodging (per diem costs) will be allowed may be limited to less than the full period of the conference.

Travel assistance to state conventions or conferences will be provided, as funds allow, under the following policies:

1. If two or more persons travel to a state convention or conference, the University will provide Missouri State University cars for such travel if they are available. If campus vehicles are not available, reimbursement for mileage at the rate currently allowed by the state will be paid for using individual cars necessary to transport the group.
2. If only one person travels to a state convention or conference, reimbursement for mileage at the rate currently allowed by the State will be paid if this sum is not more than round-trip, coach airfare.

All requests for travel expenses must be made in advance to the appropriate head and must be approved by both the Department Head and college Dean. A report of professional activities at the meeting will be submitted to the college Dean upon request following the meeting, including a copy of the paper presented. Faculty and staff members traveling at Missouri State University expense must submit receipts for commercial transportation and lodging expenditures as well as registration fees in order to receive reimbursement.

If a faculty member travels on University business, all travel expenses will be paid by the University.



8. Leave Benefits

8.1 Leaves

The following leaves are available to faculty. Additional information on sabbatical leaves, professional leaves, educational leaves, and special leaves may be found in Section 7.)

8.2 Short-term and Extended Sick Leave

Normally, absences due to short-term illness are handled informally within the academic departments and are granted without loss of compensation. Requests for extended sick leave for full-time faculty members (leave extending for more than six consecutive weeks for one disability) may be authorized by the Provost after receiving recommendations from the Department Head and college Dean. For extended sick leaves, the faculty member must provide a physician's statement containing the approximate length of time that the employee, on medical advice, cannot or should not perform the typical duties of his or her job. Sick leave due to pregnancy or childbirth is treated as any other short-term or extended-sick leave. In these cases colleagues who perform required professional duties for a faculty member on extended sick leave may be compensated on an overload basis or per-course Instructors may be retained for the period of the leave.

8.3 Civil Duty Leave

Any full-time faculty member who is validly subpoenaed or summoned to involuntarily appear or serve as a juror in a judicial form or compelled to appear before a judicial, legislative or administrative body with civil power to compel attendance during regularly scheduled work hours shall be entitled to receive leave with pay for a period of time necessary for such appearance. Any compensation received for the appearance, other than travel and meal allowances, shall be reported to the University and deducted from any salary paid by the University for such civil leave. Civil leave shall not be granted for appearances as an expert witness for a party to litigation. The faculty member must provide advance written notification to the Department Head for civil duty leave.

8.4 Bereavement Leave

A full-time or part-time faculty member shall be given time off, not to exceed five successive working days, without loss of pay to make arrangements for or to attend the funeral of a family member or loved one.

8.5 Military Leave

Faculty members are entitled to military leave and return rights as provided by applicable federal and state law. A faculty member under contract to the University must provide to the Office of Human Resources a copy of official military orders containing certification of the faculty member's commanding officer of performance of duty in accordance with the terms of such order, prior to receiving University salary for the period of the military leave (refer to Section 105.270 RSMo). Reservists or members of the National Guard who are called to active duty have rehire and other benefits as prescribed by federal law in Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA).

Additional information on the military leave policy, especially where the leave in question exceeds a total of 15 calendar days in any federal fiscal year, may be obtained from the Office of Human Resources.

8.6 Voting Leave

Faculty members are ordinarily able to vote before or after work. However, if a full-time or part-time faculty member's work schedule is such that he or she does not have three consecutive hours of unscheduled time during an election day, he or she will be excused from duties at the University for a period of time for voting, not to exceed three successive hours, including off-duty time, between the opening and closing of the polls on the day of election.

8.7 Leave of Absence

A leave of absence might be taken for personal reasons or for purposes of accepting a visiting Professorship, for research, for study, or for other kinds of work performed with or without compensation. Normally, this type of leave shall not be granted to any employee who has accepted a tenured position elsewhere.

A full-time member of the faculty desiring a leave without pay should make application early to the Department Head, usually by April 1 preceding the beginning of the academic year in which the leave is to be taken. No leave applications will be considered without the recommendation of the Department Head. If the Department Head approves of the leave, he or she will prepare a written memorandum and forward it, along with the faculty member's request, to the appropriate college Dean. Before making a recommendation, a Department Head will consider:

1. Has the individual contributed to the department and the University in such a positive way that the department wishes to encourage his or her return as a faculty member?
2. Is it possible to obtain an effective teaching replacement for the period of the leave?

A faculty member on leave will retain all rights and privileges which are his/hers; however, prior to the leave it must be determined if time on leave without pay will or will not count as time in rank towards promotion or tenure.

Faculty members on leave without pay will not have fringe benefits paid for them by the University while they are on such leave. They may maintain their insurance coverage for a period up to a maximum of one year with personal contributions if they wish. If a faculty member desires to maintain coverage during a leave of absence without pay, arrangements must be made with the Director of Human Resources 60 days prior to the leave, and premiums must be paid one month in advance of the month of insurance coverage.

A faculty member who is on leave without pay for less than a full academic year will receive salary payments and fringe benefits only during the semester in which he or she is teaching.

Faculty members are not covered under retirement system benefits for the period of leave without pay and do not receive creditable service for that period.

8.8 Family and Medical Leave

In compliance with the Family and Medical Leave Act (FMLA) of 1993, full-time faculty members of the University shall be entitled to a total of 12 workweeks of unpaid leave during any 12-month period if requested by a faculty member for one or more of the following reasons:

1. Birth of a faculty member's child or to care for such child;
2. Placement of a child with the faculty member for adoption or foster care;
3. Care of a spouse, child, or parent who has a serious health condition;
4. The faculty member's own serious health condition.

The University has the legal authority to consider an employee's absence as family and medical leave when it has sufficient evidence that the absence is due to an FMLA qualifying reason even if the employee has not applied for family and medical leave.

The following provisions shall apply to "family and medical leave":

8.8.1 Leave for Birth or Adoption of a Child

Entitlement of family leave expires 12 months after the birth or adoption of a child. Leave for birth or adoption shall be limited to one consecutive leave period. Leave for birth or adoption may not be taken on an intermittent or reduced time basis.

8.8.2 Leave for Serious Health Condition

Serious health condition is defined as a health condition that involves in-patient care in a hospice, hospital, or residential care facility or continuing treatment by a health care provider. Leave for serious health conditions may be intermittent or on a reduced time basis if such schedule is needed for medical reasons.

8.8.3 Request for Family Leave

A faculty member requesting family leave under this leave provision should complete a standard Request for Leave form or letter and submit it to his/her Department Head. When leave is foreseeable, an employee must give the University 30 days' advance notice. In addition, when foreseeable leave is for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the University's operations. If it is not possible to provide 30 days' notice, as much notice as is practicable must be provided. The Department Head will forward the request to the Office of Human Resources. Upon receipt of the request, the Office of Human Resources will provide the faculty member with the Family and Medical Leave Provisions and a leave questionnaire for him or her to complete.

8.8.4 Medical Care Certification

The University may require certification from a health care provider concerning the serious health condition of the faculty member or family member. The Office of Human Resources will inform the faculty member of the procedure for any required certification from a health care provider.

8.8.5 Status During Family Leave

During leave, the faculty member is required to report periodically on his/her status and intent to return to work. The University shall continue to pay for the faculty member's individual insurance coverages, including medical, dental, life, long-term disability, and accidental death

and dismemberment during family leave on the same basis as if the individual had been actively at work. The University shall return the faculty member to the same or an equivalent position and employment benefits upon return from approved family leave.



9. Professional Issues

9.1 Prohibition of Discrimination and Harassment Policy

The University recognizes the human dignity of each member of the Missouri State University community and believes that each member has a responsibility to promote respect and dignity for others so that all employees and students are free to pursue their goals in an open environment, able to participate in the free exchange of ideas, and able to share equally in the benefits of the University's employment and educational opportunities. To achieve this end, the University believes it should foster a learning, working and living environment free from discrimination and harassment on any basis not related to the applicable educational requirements for students or the applicable job requirements for employees.

It is the policy of Missouri State University to maintain the campus as a place of work and study for faculty, staff and students free from discrimination and harassment in violation of the University's policies and in accordance with federal and state law and the Missouri State University Nondiscrimination Policy. Discrimination or harassment against any member of the University community will not be tolerated at Missouri State University.

The University will respond to instances of discrimination or harassment in accordance with the Office for Equity and Diversity Complaint Procedures and will respond appropriately to those who violate this policy, up to and including dismissal from the University or termination of employment.

9.2 Sexual Harassment

This institution reaffirms the principle that its students, faculty, and staff have a right to be free from sex discrimination in the form of sexual harassment by any member of the academic community as prescribed in this policy.

Sexual harassment in the general workplace is defined as verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decision affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment may occur where such circumstances occur between supervisor and subordinate, employees, students and employees, and non-University persons and employees. It may occur between members of the opposite sex or of the same sex.

The academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material. Sexual advances, requests for sexual favors, and other speech or conduct of a sexual nature constitute sexual harassment when: (1) such advances or requests are made under circumstances implying that one's response might affect academic or personnel decisions that are subject to the influence of the person making the proposal; or (2) such speech or conduct is directed against another and is either abusive or severely humiliating, or persists despite the objection of the person targeted by the speech or conduct; or (3) such speech or conduct is reasonably regarded as offensive and substantially impairs the academic or work opportunity of students, colleagues, or co-workers. If sexual harassment takes place in the teaching context, it must also be persistent, pervasive, and not germane to the subject matter.

Sexual harassment in any situation is reprehensible; it is particularly damaging when it exploits the educational dependence and trust between students and faculty. When the authority and power inherent in faculty relationships to students, whether overtly, implicitly, or through misinterpretation, is abused in this way, there is potentially great damage to individual students, to persons subject to complaint, and to the educational climate of the institution. While a particular interaction must be offensive and unconsented to be defined as harassment, authority should be sensitive to the questions about mutuality of consent that may be raised and to the conflicts of interest that are inherent in personal relationships where professional and educational relationships are also involved. (Refer also to the Section 9.4.)

Any faculty member who believes that he or she has been the subject of sexual harassment should report the alleged act immediately to the University's Office for Equity and Diversity. The Equal Opportunity Officer will direct the complainant to the Missouri State University Office for Equity and Diversity Complaint Procedures document and will explain the applicable sexual harassment complaint procedures. Reports of all such investigations will be kept by the Equal Opportunity Officer apart from personnel records. Confidentiality will be respected and anonymity preserved in grievances to the greatest extent possible.

Should the complainant choose to file a formal complaint with the Equal Opportunity Officer, results of the ensuing investigation may be reported to the Provost, who may take such actions as are consonant with the disciplinary procedures prescribed in Section 13. If the complaint is not resolved to the satisfaction of the complainant and the respondent after a formal investigation, either may appeal to the President of the University. Should the complaint involve a contested personnel action, the complainant may also pursue his or her grievance through the procedures of Section 13.

9.3 Faculty Absences

Each department has procedures for handling and recording faculty absences. Faculty members must consult with their Department Heads regarding these procedures.

9.4 Consensual Sexual or Romantic Relationships Policy

The University's mission is promoted by professionalism, which is fostered by an atmosphere of mutual trust and respect. These are diminished when persons in positions of authority abuse their power, as in the case of consensual sexual or romantic relationships between faculty and students.

A consensual sexual or romantic relationship between a faculty member and a student is generally wrong when the faculty member has professional responsibility, such as grading or advising, for the student. Such a situation increases the chance for abuse of power. The University will view it as unethical if faculty members engage in consensual sexual or romantic relationships with students enrolled in their classes or subject to their supervision. The behavior is, in most cases, unethical even when the relationship is consensual (i.e., both parties have consented), because the voluntary consent of the student is in doubt, given the power imbalance in the student-faculty relationship. Even if consent were to be shown, a clear conflict of interest would still exist which might create the appearance of discrimination or favoritism in grading or access to educational opportunities.

Relationships between a graduate student and an undergraduate student, when the graduate student has some supervisory responsibility for the undergraduate, are covered by this policy.

Relationships between a student and an administrator, coach, advisor, program director, counselor, or resident life and services staff member who has supervisory responsibility for that student also are covered.

A request for a specific exception to this policy may be made by an employee to his or her supervisor, who may approve or deny the request. The supervisor should maintain written documentation of the employee request and the decision to approve or deny the request. Faculty engaged in unethical conduct of the type described in this policy are subject to the normal disciplinary procedures of the University. Such unethical conduct may or may not involve sexual harassment as prescribed by the Prohibition of Discrimination and Harassment Policy. [http://www.missouristate.edu/assets/equity/BOG_Resolution -
_Discrimination and Harassment Policy updated 91506.doc](http://www.missouristate.edu/assets/equity/BOG_Resolution_-_Discrimination_and_Harassment_Policy_updated_91506.doc).

9.5 Drug-Free Workplace

Faculty members are expected to perform their professional responsibilities in an environment which is conducive to the educational process and which is drug-free, healthful, safe, and secure. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on University premises or while conducting University business off its premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences. Faculty members must, as a condition of employment, abide by the terms of this policy and report to the University any conviction under a criminal drug statute for violations occurring on or off University premises while conducting University business. A report of conviction must be made within five (5) days after the conviction. This report requirement is mandated by the Drug-Free Workplace Act of 1988.

9.6 Use of Tobacco

The University recognizes that tobacco smoke is a hazard to the health of the University community. To protect the health of the University community, the University designates all buildings as smoke-free and smoking at outdoor events on campus is restricted to designated areas. Smoking in vehicles owned or leased by the University is prohibited. To the extent possible, the University will provide access to cessation programs to help those who presently use tobacco products and desire to quit.

1. Smoking is prohibited in University buildings, including offices and hallways, and in the outside areas surrounding fresh air intakes. This policy applies to all University buildings on and off campus.
2. Smoking is prohibited in vehicles leased or owned by the University.
3. Smoking at outdoor events (specifically including those in the stadium) is restricted to designated areas.
4. The use of smokeless tobacco is prohibited in all locations on campus.
5. Visitors at Missouri State University are covered by this policy as temporary members of the University community.



10. Research

Research is an essential component of the university environment. Missouri State University encourages and facilitates faculty in the establishing and the maintaining of programs of basic and applied research and of creativity.

10.1 Research Faculty in University Centers

The University has established units within and separate from academic units that are focused on specific areas of research, education and service activities. Generally, the work of these centers is conducted by faculty whose primary appointments are in academic units, as well as by dedicated professional and technical staff and students. There are centers, however, which may have faculty whose primary appointment is in the center and are designated as research faculty.

10.2 The Jordan Valley Innovation Center

The Jordan Valley Innovation Center (JVIC) has a statewide designation as a Missouri Innovation Center in addition to being part of Missouri State University. JVIC houses two sub-divisions; the Center for Applied Science and Engineering (CASE) and the Center for Biomedical and Life Sciences (CBLS). These Centers report to the Vice President for Research and Economic Development through the JVIC Executive Director. JVIC and its sub-divisions, CASE and CBLS, provide product related research and development services in support of corporate affiliate projects. These business-oriented projects can provide new or enhanced research opportunities for faculty and supplement student educational backgrounds. The use of this technical expertise and infrastructure on corporate collaborative projects increases the competitiveness of Missouri-based corporations in the world marketplace.

Faculty members participate on JVIC sponsored research projects through a CASE or CBLS Associate Faculty appointment. The appointments must be approved by the appropriate Center Directors and the appropriate Department Head and Dean. Faculty members may also have access to the JVIC research facilities for their own purposes by writing a proposal to the appropriate Center director and receiving approval for the proposed work from the appropriate Center Director and the JVIC Executive Director. A third way to access the JVIC research support facilities would be through a grant approved by the appropriate Center Director that reimburses JVIC for equipment and facilities costs.

10.3 Extramural Support for Research and other Sponsored Programs

Fulfillment of the University's mission requires the acquisition of financial support for research, education and service projects that can not be fully supported with internal funds. While faculty and staff may be named as Principal Investigators (PI) or Project Directors (PD), the University is the actual recipient of the grant or contract and is legally responsible for assuring that a project is conducted in accordance with governmental regulations and sponsor's guidelines.

Faculty are to coordinate through the Office of Sponsored Research and Programs (OSRP) all requests for external financial assistance for University scholarship, research, other creative activities, as well as educational and service activities. This requirement includes proposals to be submitted in hard copy or electronic format. Fellowship applications which involve funding that will be administered through the University also require coordination with OSRP prior to submission.

Prior to submission, the Principal Investigator (PI) or Project Director (PD) is to obtain approval from all personnel named in the proposal, as well as their Department Heads, Deans or others whose resources are to be committed to the project. Where applicable, prior approval may be required from institutional committees responsible for assuring that projects are designed and conducted in accordance with federal government regulations. All proposals submitted for external financial assistance must be signed by an authorized representative of the University prior to submission.

Once a grant or contract is awarded, the PI/PD is primarily responsible for assuring that the administrative, financial and technical matters associated with a project are managed in accordance with the terms of the grant, as well as relevant governmental regulations, and University policies. The PI/PD is to work with the Office of Grants and Contracts to assure proper management of financial matters, and with the Office of Sponsored Research and Programs on post-award administration including issuing of subawards, as well as seeking approval to changes in key aspects of grants/contracts.

The OSRP (1) disseminates information about current funding opportunities for federal agencies, foundations, and other sources of support; (2) assists faculty in developing proposals and budgets; (3) assures that proposals are in compliance with government regulations and University policies, and are processed through the institutional review system prior to submission; and (4) assists faculty in implementing grants and contracts. The OSRP also offers training programs to prepare faculty to be competitive in pursuing external financial support.

Faculty must comply with federal and other governmental regulations and University policies whenever externally or internally supported projects involve human subjects, vertebrate animals, bio-hazardous substances (including the use of recombinant DNA methods), and export controlled information and materials. Compliance includes completion of required training programs, obtaining pre-approval from institutional committees, and performance of the research, educational or service projects in accordance with an approved protocol. On occasion, this approval may be required prior to proposal submission. The OSRP assists these committees in implementing the relevant University policies. Information about the application and approval process for each of these areas can be found on the OSRP web site - www.srp.missouristate.edu.

10.4 Regulatory Guidelines for Research

Protection of a research environment for free and unfettered pursuit of knowledge is an important University responsibility. Infringement on this freedom must be restricted to those factors which are clearly essential to the protection of research subjects and the public at large.

There exist federal and state laws, regulations and guidelines in several areas which are designed for this purpose. In addition, the University community itself acts through its advisory committees and academic governance bodies to insure that individual research and scholarly projects incorporate appropriate safeguards.

The University has policies and procedures that assure research, as well as education and service projects where applicable, are conducted in compliance with governmental regulations with regards to animal care and use, bio-hazardous substances, export controlled materials and information, and human subjects. Applicable policies and procedures can be found on the Office of Sponsored Research and Programs (OSRP) web site www.srp.missouristate.edu

under University Policies. Faculty members are to understand that the policies related to animal care and use, biosafety, and export control also apply to educational projects, degree or course requirements, and service projects.

Faculty members planning to use live vertebrate animals, bio-hazardous substances, and human subjects in research projects regardless of the source of support must submit an application to the appropriate University compliance committee for review and approval prior to the start of the project, regardless of the source of funding. In some cases, external funding agencies require that certification of approval by these committees must accompany a proposal. Externally or internally supported projects will not be approved for expenditure of funds, unless the protocol has been approved by the applicable committee(s).

All personnel must be certified as having completed training on the federal regulations and University policy and procedures, as well as in topics related to the specific project and work environment before they can participate in these projects. Online training is generally available in all of these compliance areas through the OSRP web site, but project and work environment specific training is to be provided by the PI.

The University also has established a mechanism for persons to report actual or suspected violations of governmental regulations and University policies and procedures related to the aforementioned compliance areas. The University views these “whistleblower” actions as an essential component of its role in monitoring activities to assure compliance with governmental regulations and the ethical standards to which all University personnel should strive.

10.4.1 Animal Care and Use

The use of animals in research, teaching, and outreach activities is subject to federal and state laws and regulations. The University has policies and procedures that assure activities will be conducted in an ethical manner in compliance with these governmental regulations. The Institutional Animal Care and Use Committee (IACUC) is responsible for implementing the applicable policy and procedures. Principal Investigators’ (PIs) responsibilities include:

- Understanding and adhering with applicable governmental regulations and University policy and procedures related to the use of animals;
- Assuring the humane treatment of animals under their supervision; and
- Assuring that all personnel involved in a project understand and comply with applicable governmental regulations and University policies; and
- Assuring that all personnel potentially exposed to animals and their tissues, fluids, and waste have completed required training and are enrolled in the University’s Occupational Health and Safety Program before accessing the work environment.

Persons covered by this policy include faculty, staff and students working with live vertebrate animals, as well as visiting researchers, educators, and other bona fide volunteers involved in these activities. Students whose exposure to vertebrate animals is restricted to participation in academic courses and other educational activities are exempt from the policy. These students are to receive training in the care and use of animals from the activity supervisor.

10.4.2 Bio-Hazardous Substances

The University has policies and procedures to assure that activities related to the use of bio-hazardous substances are conducted in a manner that complies with federal and other governmental regulations. Bio-hazardous substances include chemicals, infectious agents, pharmaceuticals, recombinant DNA, genetically engineered organisms, and radioactive

materials. In addition, there are specific regulations that address agents and toxins defined by federal regulations as being targets of potential terrorist activities. All individuals who work with hazardous substances must accept shared responsibility for operating in a safe manner once they have been informed (a) about the extent of risk and (b) about safe procedures that should be followed. The Institutional Biosafety Committee (IBC) is responsible for implementing the applicable policy and procedures. Principal Investigators' responsibilities include:

- Understanding and complying with governmental regulations, University policies and procedures that apply to the acquisition, labeling, use, storage, transport, spill response, and disposal of hazardous materials;
- Assuring that other personnel accessing the work environment understand and comply with these regulations, policies and procedures, and general safety requirements applicable to a specific project and laboratory;
- Posting warnings and restricting entry to work areas containing potentially hazardous materials; and
- Assuring that laboratory personnel have completed required training.

Assistance in ascertaining obligations under these laws and regulations may be obtained from the Director of Environmental Management.

10.4.3 Export Control

U.S. export control laws apply to the University and its employees and students. In most cases, University based projects are exempt because the work is considered as fundamental research, i.e., the work and its results will be made freely accessible through presentations at professional conferences or published in professional journals. Export control laws are applicable if dissemination of information about the project is controlled by a sponsoring agency or due to the use of a partner organization's confidential information. The following actions by a University employee fall within the export control laws:

- Sending or transporting materials, hardware, software (or related information) listed on the Department of Commerce's Commodity Control List outside of the U.S.
- Conveying materials, hardware, software (or related information) listed on the Department of Commerce's Commodity Control List to foreign nationals in this country.
- Providing "defense services" such as technical assistance or training to foreign persons in the design or use of defense articles then the exemption may not apply.

Faculty also should be sensitive to export control requirements when hosting visiting scientists from other nations. Before embarking on a project that may fall within the export control laws, faculty must review and comply with all Federal Export Control Regulations and the University policy. The Office of Sponsored Research and Programs is responsible for implementing the policy and procedures that will assure University activities are conducted in accordance with export control laws.

10.4.4 Human Subject Protection

Research involving human subjects may lead to physical, psychological and/or social damage, and so the University has a responsibility to safeguard subjects' welfare. All research involving human subjects in any way, regardless of the source of support funds, must be reviewed and approved by the Protection of Human Subjects Institutional Review Board (IRB) before it is undertaken. Research undertaken by students with faculty supervision is included in this policy.

The University is committed to the ethical standards for the use of human subjects in research as described in the Belmont Report - respect for persons, beneficence, and justice - and as required under federal regulations. The Institutional Review Board for the Protection of Human Subjects (IRB) is responsible for implementing the University policy and procedures. In accordance with federal regulations, research is defined as systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. Principal Investigators' responsibilities include

- Understanding and complying with federal regulations and University policies and procedures regarding the ethical treatment of human subjects;
- Assuring that other personnel involved in a project understand and comply with these regulations and policies; and
- Assuring that all individuals involved in the design of a research project, as well as the collection and analysis of data have completed training on human subject protection. This training may include federal regulations and University policies and procedures related to the Health Insurance Portability and Accountability Act (HIPAA) when the research involves individually identifiable health information.

10.5 Whistleblower Protection Policy

The University expects faculty, staff and students to conduct activities related to the aforementioned compliance areas in a manner that is consistent with applicable governmental regulations and University policies. The University provides various mechanisms to assist and encourage persons to come forward in good faith with reports or concerns about suspected compliance issues. Diligent efforts will be made to protect the complainant from retaliation for his/her activities in cooperation with, or initiation of, an inquiry or investigation, provided the complaint is not undertaken in bad faith. Procedures for reporting concerns can be found on the OSRP web site under University Policies.

10.6 Copyright/Patent Policy

In the course of conducting research and other creative activities, faculty may invent or develop products that warrant patent or copyright protection because of their commercial potential. The ownership of intellectual property created by faculty members is determined by the University's Intellectual Property Policy. Faculty members should consult this policy to determine under particular circumstances ownership of intellectual property which they have created. The Intellectual Property Policy is included in the Faculty Handbook as Appendix A. The policy will not be changed by the University except through the procedures specified for the amendment of the Faculty Handbook, Section 15.2.



11. Outside Activities and Conflict of Interest

11.1 Outside Activities

11.1.1 Introduction

This policy on outside activities applies to all faculty members including all academic administrators who hold faculty rank. The professional capabilities of University faculty members allow them to make significant contributions to the larger society of which Missouri State University is a part. The University encourages faculty members to participate in activities beyond the campus community. Such involvement in the community may not only benefit society, but may also enhance the prestige and visible contribution of the University. However, employees may not compete with the University or convert business opportunities of the University to their personal gain or advantage or the gain or advantage of another. Consulting may, in some instances, also constitute a business interest requiring disclosure and approval when the entity for which the employee consults also transacts business with the University or is in competition with the University, or where the consultation itself competes with the work of the University.

When hiring a person to a full-time position, the University presumes that it has engaged the individual for his or her teaching, and for professional and other University-related activities. Outside activities must therefore be clearly subordinate to and must not interfere with the individual's obligations to the University.

A faculty member must reimburse the University for the full value of any material University resource used in any outside activity.

A Department Head or other administrator may request that a faculty member participate in a specific outside activity not normally associated with the position of the faculty member. However, no faculty member shall be coerced (overtly or covertly) into using his or her professional competence beyond the normal responsibilities as a teacher or scholar. No faculty member shall be penalized in any way for refusal to participate in a specific outside activity.

11.1.2 Remunerated Outside Activities

University policy permits faculty members to engage in remunerated outside activities that are related to their professional interests and development, provided those activities 1) do not interfere with regular University duties and do not involve, on average, more than one work day per week during periods when the University is employing the individual on a full-time basis; 2) do not utilize University materials, facilities or resources except as specifically authorized by the appropriate Department Head and Dean; 3) do not compete with the work of the University, and are not otherwise contrary to the best interest of the University; 4) do not violate federal or state law; 5) do not represent a conflict of interest (Section 11.2) or violate other policies of the University; 6) do not convert confidential information or trade secrets of the University to their personal gain or advantage or to the gain or advantage of others; and 7) do not entail a reduction in work load.

Because Missouri State University faculty members are hired primarily to teach, outside teaching by full-time faculty members at other institutions of higher education during periods when the University is employing the individual on a full-time basis is discouraged but may be

permitted in exceptional circumstances with the knowledge of and written consent of the Provost.

During periods when the University is not employing the individual on a full-time basis (for example, during the summer session and the intersession periods for a faculty member on a standard academic-year contract), a faculty member may engage in any lawful outside activity, including teaching for another institution, provided that activity 1) does not utilize University materials, facilities or resources except as specifically authorized by the appropriate Department Head and Dean; 2) does not represent a conflict of interest (Section 11.2) or violate other policies of the University; and 3) does not convert confidential information or trade secrets of the University to his/her personal gain or advantage or to the gain or advantage of others.

If a faculty member accepts supplemental compensation from Missouri State University for teaching or for performing another compensated University-related activity during a period when the University is not otherwise employing the individual on a full-time basis, remunerated outside activities combined with Missouri State University responsibilities must not exceed the equivalent of a full-time work load.

11.1.3 Procedures for Reporting Remunerated Outside Activities

Except during the summer when he or she is not under contract to the University (unless he/she has agreed to accept supplemental compensation for summer teaching at Missouri State University or for another compensated University-related summer activity), a full-time faculty member who engages in remunerated outside activities must report such activity and obtain approval from the Department Head prior to the commencement of the activity. The Department Head will determine if the activity will interfere with the faculty member's performance of duties at the University or constitute a conflict of interest (Section 11.2). The Department Head must identify the specific nature and extent of the faculty member's diminished effectiveness or the conflict of interest. If an agreement cannot be reached, the matter will be taken to the college Dean who will attempt to reach a resolution satisfactory to both the individual and the administration. If resolution is not possible at the college level, the Provost will make a determination.

Each faculty member shall complete an annual report indicating the nature of all remunerated outside activities performed during the contract period and the amount of time engaged in each of these activities, and shall submit that report to his or her Department Head. Each Department Head will prepare a summary report and submit that summary along with all individual faculty reports to the college Dean. Each Dean will forward the departmental summary reports and all individual reports from faculty that indicate remunerated outside activities to the Office of the Provost. The Office of the Provost will prepare an annual report for the President.

11.1.4 Non-Remunerated Professional Activities

Faculty members are encouraged to contribute their professional expertise for the advancement of their academic discipline and/or for the benefit of society in general. Such non-remunerated professional activities may be considered favorably in tenure and promotion decisions. Therefore, faculty members should report all such non-remunerated professional activities, regardless of when they occur during the calendar year.

11.1.5 Other Non-Remunerated Outside Activities (Volunteerism)

Consistent with its mission in public affairs, Missouri State University encourages its employees to participate in voluntary activities that benefit our community and society at large. However, the choice whether or not to participate in any particular volunteer activity, or none at all, rests solely with the individual employee.

In an attempt to document its positive impact on the community, the University may request that faculty members report the extent of their involvement in volunteer activities. However, such reporting is entirely voluntary, and no faculty member shall be required to report any such activity, nor shall any faculty member suffer any negative repercussions for declining to report such activities.

Faculty members are expected to limit the total extent of their volunteer activities so that they do not interfere with regular University duties. However, such potential interference shall be monitored through job performance rather than through any type of requirement to disclose the nature or extent of volunteer activities.

11.2 Conflict of Interest

A Conflict of Interest policy was adopted by the University's Board of Governors in December, 1991. The purpose of this policy is to set forth the applicable provisions of law and assist a faculty member in avoiding improper outside influences in institutionally related decisions and activities, or use his or her position or the property of the University for personal, financial, or political gain. (Rules and Regulations of the Board of Governors Section 2.06)

A conflict of interest occurs when any faculty member engages in those economic activities which are prohibited in Section 11 or when a faculty member maintains an interest or relationship which prevents him or her from exercising independent judgment in the best interests of the University.

A faculty member must disclose to his or her Department Head all relevant facts related to activities which might involve a conflict of interest. Likewise, when seeking external support for a project, faculty must disclose actual or potential conflict of interest.

11.2.1 Economic Involvement

The following policy statements have been derived from Missouri Statutes and govern the conduct of all University employees:

1. No employee shall keep for sale or be interested in, directly or indirectly, the sale of any furniture or apparatus, books, maps, charts, or stationery used by the University.
2. No employee shall be interested in, directly or indirectly, any contract or purchase for building or repairing any structure, or for fencing or ornamenting the grounds, or furnishing any supplies or materials for the use of the University.
3. No employee of the University, acting on his or her own behalf or as a representative for an external agency, shall use University facilities to display or promote for sale to third parties any personal or represented material.

Faculty members are not permitted to receive royalties for the sale of their materials to Missouri State University students. In those cases where it is desired to utilize books, plays, compositions, and other works of faculty members, the faculty member will be required to

renounce his or her royalty rights on all sales to Missouri State University students. The faculty member is responsible for making the appropriate arrangements with the Missouri State University Bookstore so that he or she is not in violation of the state statute.

11.3 External Utterances and Political Activities

A faculty member at Missouri State University possesses the same constitutional right to free expression as any private American citizen. However, a faculty member should not purport to be a spokesperson for the University unless designated as such by the Provost. (refer to Section 3.1).

Missouri State University faculty members may engage in political activities/affiliations as long as those activities do not interfere with fulfillment of their professional responsibilities to the University. A faculty member may request a leave without pay for such activities as an election campaign or term of elective office. Application for such a leave must be received by the Department Head on or before April 1 preceding the beginning of the academic year in which the leave is to be taken. The Department Head's written recommendation must accompany the faculty member's application prior to a decision by the college Dean. The leave of absence may last no longer than one academic year.

A leave of absence incident to political activity will be subject in all other determinations to the regulations affecting any leave without pay. The conditions for each individual leave will be specified in writing by the college Dean, and a copy of those conditions will be given to the faculty member. These conditions will not be used to adversely affect the tenure status of a tenured faculty member. However, the time encumbered by a leave without pay will not be counted toward the attainment of tenure.



12. Academic Administration Policies

12.1 Evaluation of Academic Administrators

All academic administrators shall be evaluated annually. For this policy, academic administrators are the Provost, the Associate and Assistant Provosts, Associate Provost for Graduate Studies and Research, Associate Dean for Graduate Studies and Research, the Associate Provost for Public Affairs and the Extended Campus, the Dean of the West Plains Campus, the College Deans, the College Associate Deans, the Dean of Library Services, the Associate Dean of Library Services, and the academic Department Heads. Each evaluation will be conducted by the individual's immediate supervisor and will be based upon the particular responsibilities of the administrative assignment.

In all cases, reports from individuals who are supervised by the administrator being evaluated will be included in the review.

12.2 Recall of Academic Administrators

Many academic administrators hold faculty rank and, in most instances, tenure. It is understood that no academic administrator holds tenure as an administrator; only as a faculty member does an administrator hold tenure.

Any administrator has the prerogative of initiating the replacement or recall of any subordinate administrator.

Any administrator or faculty member may petition an appropriate superior administrator for the replacement or recall of any other superior administrator.

A Department Head is in a unique administrative position in that he or she is selected by and is responsible to both a departmental faculty and other University administrators--College Dean, Provost, and President. Therefore, it is appropriate that the faculty should have access to a process for the recall of that head.

Faculty members may petition their college Dean for the replacement or recall of their Department Head. The college Dean has the option of trying to resolve the problems stated in the petition by meeting with the Department Head, the petitioners, and other tenured faculty members from the department who wish to be involved. If the problems cannot be resolved and if, in the judgment of the college Dean, the concerns expressed in the petition are serious enough to warrant investigation, the Dean will initiate an inquiry. The Department Head and all departmental faculty shall be informed of the petition and of the inquiry. After completion of the inquiry, the college Dean shall inform the Department Head, the departmental faculty, and the Provost of his or her findings and recommendations. The Provost, in turn, will present her own findings and recommendations to the President.

Final determination regarding the recall of any administrator rests with the President. A recalled administrator may be reassigned duties for the remainder of his or her appointment term.

12.3 Retreat Rights of Administrators

Any tenured faculty member who assumes an administrative position or a professional staff position has the right to return to the department of his academic discipline whether or not a

position is open. However, the services of that individual may be utilized outside the department through other assignments. In such a case that individual may be assigned other duties such as teaching, research, service, and/or administrative responsibilities depending upon the needs of the University and the expertise of the faculty member, but his or her tenured status shall not be affected despite such assignments.

An administrator who has the academic credentials for faculty rank but who has not been awarded tenure or who has not gone through the selection process for departmental faculty does not have the right to assume a faculty position in a department unless the individual is endorsed by the departmental faculty and by the appropriate academic administrators.

12.4 Absences of Department Heads and Deans

When it is necessary for a Department Head to be absent, he or she should notify the appropriate college Dean of the circumstances concerning the absence and the arrangements that have been made for the operations of the department.

Academic Deans are expected to notify the Provost when they find it necessary to be absent.

A Leave Accounting Form for Academic Administrators must be completed by the administrator when requesting paid vacation and sick leave benefits. The form must contain the appropriate supervisory approval and be submitted to the Office of the Provost.

12.5 Administrative Leave

All heads of academic departments within the Colleges of the University, all student and academic Deans, and the members of the Administrative Council are eligible to apply for administrative leaves. Applications must be made to the President of the University prior to November 1 of the year preceding the beginning of the period for which the leave is requested. Application forms for administrative leave are available in the Office of the President.

Administrative leave may be requested for any time in the year but ordinarily would be requested during the summer months, from mid-May to mid-August.

Initial eligibility for requesting an administrative leave is established upon completion of not less than three full calendar years of service with the University in an eligible administrative position, beginning with the effective date of appointment to the eligible administrative position and extending to the opening day of the proposed leave period.

The initial leave consists of not more than 60 consecutive days, and is inclusive of regularly scheduled holidays.

Eligible administrators may elect to request subsequent administrative leaves according to these options:

1. For the third summer following the last leave taken, an administrative leave consisting of not more than 60 consecutive days inclusive of regularly scheduled holidays.
2. For the fourth summer following the last leave taken, an administrative leave consisting of not more than 90 consecutive days inclusive of regularly scheduled holidays.

The administrative leave is not an automatic right; it must be applied for by the administrator. If the project the administrator wishes to pursue is approved, then he or she would be granted the

administrative leave in accordance with the terms of the request. It is understood that the project must be something beneficial both to the person and to the University. Primarily the project would be for research or study in one's own academic or administrative field and may include travel if related to the research or study. Proposals to obtain an advanced degree would not be approved. A board of review will study the proposed projects and advise the President. The President has sole discretion in approving or disapproving all applications for administrative leave.

The President's decision to approve or disapprove the application will be guided by the recommendation of the board of review and by the President's assessment of the ability of the University to maintain its level of efficiency in the operation of functions for which the administrator is responsible.

When a change in salary status occurs for the administrator during the period of approved leave, the administrator will receive the benefit of leave pay commencing at the new rate on the day of the increase the same as if the leave had not been granted. Changes in salary will not be affected by administrative leave.

A requirement of the administrative leave is that the applicant commits to returning to employment with the University for a period of not less than one calendar year from the last day of the leave period. Following the administrative leave, the administrator will submit to the President within thirty days a report of the activities of his or her leave.

12.6 Sabbatical Leave for Administrators

An administrator covered by this leave policy and who is a member of the ranked faculty may choose not to apply for an administrative leave in favor of applying for a sabbatical leave. If he or she chooses to apply for a sabbatical leave, all policies and procedures established for sabbatical leaves shall apply, as described in Section 7.2.1. A nine-month equivalent salary will be used for calculating salary during the leave period.

12.7 Special Leave for Administrators

An administrator who is a member of the ranked faculty and who in the opinion of the University President deserves a special leave for a specific purpose not contained in this Section or other portions of the Faculty Handbook may be granted a special leave with or without pay. Final approval must be granted by the Board of Governors.

The administrator is obligated to return to employment with the University for a period of not less than one calendar year from the last day of a paid leave. Within 30 days after the leave, the administrator will submit to the President a report of activities conducted while on leave.



13. Grievance

Academic Personnel Grievance Process (APGP) & Professional Practices Review Process (PPRP)

- 13.1 Introduction – Guiding Policies
- 13.2 Definitions
- 13.3 Basic Faculty Rights
- 13.4 Remedies & Sanctions
- 13.5 APGP Academic Personnel Grievance Procedures & Time Charts
- 13.6 PPRP Professional Practices Review Process & Time Charts
- 13.7 Formal Review Processes Applicable to Both APGP and PPRP

13.1 Introduction

13.1.1 Overview

In balancing the rights of faculty members and the interest of the University community, the document describes in detail the process for resolving professional disputes involving a faculty member. Flow charts and time charts accompany the description. Two processes exist: the first applies to University-based grievances initiated by a faculty member (Section 13.5); the second parallel process applies if a complaint is filed against a faculty member (Section 13.6) asserting professional practices violations, including, but not limited to, revocation of tenure and dismissal from University employment.

Grounds for dismissal (termination of employment) from the University are set forth in Missouri statutes (RSMo Sections 174.140 and 174.150) and they include incompetency, neglect or refusal to perform duties, dishonesty, drunkenness or immoral conduct. Each of these grounds has been described in more detail in this document as it applies to the academic environment. The President's letter asserting charges and grounds upon which dismissal is based shall trigger the Formal PPRP process. Only the Board of Governors has the legal authority to grant or deny tenure and to impose major sanctions such as dismissal from University employment. Minor sanctions can be imposed without appeal to the Board of Governors once the necessary internal review process is completed.

Faculty members and administrators should make reasonable attempts to resolve the dispute among themselves or with the assistance of a mediator. If a dispute is unable to be resolved before a University claim is filed, the applicable Informal Review Process (described in this document and illustrated in the accompanying flow charts) is followed. Grievances filed by faculty members are first considered by the Academic Personnel Review Commission (APRC), while professional practices violations are initially reviewed by the appropriate Department Head and Dean.

If the Informal Review Process has not achieved a resolution of the claim, both types of disputes shall be provided a Formal Hearing Process. Most cases proceed to a hearing before a faculty peer panel called the University Hearing Panel (UHP). After the hearing, the UHP shall issue a written report including (1) Findings of Fact describing the factual basis for allegations and supporting documentation and (2) Recommendation of remedies or sanctions. In reviewing this report, the Provost, President (and Board of Governors where applicable) shall accept the Findings of Fact, but may recommend different remedies or sanctions if supported by those

findings. With any of these cases, the University internal processes should be completed before any party seeks external review or litigation unless a statute of limitation, or other legal or constitutional requirements, preclude it.

The following three types of grievances must follow alternate paths of review as set forth in the Faculty Handbook and other relevant University documents: (1) grievances based on discrimination or harassment based on protected status, (2) merit rating disputes and (3) appeal of the granting or denying of reappointment, tenure and promotion. Where there has been a sustained pattern of failing to follow the procedures outlined for each of those processes or failing to consider the substantive merits of cases, however, the faculty member should have the option of filing an APGP grievance to compel the relevant administrators or committees to follow the applicable process or to compel reconsideration of decisions.

13.1.2 Policies Guiding Processes

The following key criteria guided the development of these processes for resolving grievances and complaints:

1. Faculty members should be treated fairly and consistently;
2. Complaints against faculty and grievances initiated by the faculty member should be handled at the lowest administrative level possible (no matter at what administrative level the complaint is originally received) and should proceed up through higher levels only if they are not resolvable at lower levels;
3. Disputes should be resolved as quickly as possible, but with adequate time for thoughtful and thorough responses;
4. The Academic Personnel Grievance Process (APGP) and the steps of the Professional Practices Review Process (PPRP) should be clear and should be followed to assure the faculty member and the Missouri State University Community of fair resolution of disputes. Grievances filed by a faculty member go first to the Academic Personnel Review Commission (APRC) for the APGP Informal Review Process. In contrast, complaints filed against a faculty member go first to that faculty member's Department Head and proceed through the PPRP Informal Review Process. If either informal review process is unsuccessful in resolving the dispute, a Formal Review Process (with a formal hearing) can be requested. A parallel Formal Review Process is used for both types of disputes for the sake of clarity and consistency. [Refer to accompanying flow charts and time charts.]
5. In no way shall an employee's status with the University be adversely affected because he or she utilizes these procedures.
6. Faculty members are expected to fulfill their academic duties and responsibilities and, therefore, are held accountable for their professional performance. If the need to improve a faculty member's performance arises, administrators have an initial responsibility to work with the faculty member and encourage non-punitive good faith measures to foster that improvement prior to initiating a formal Professional Practices Review Process (PPRP) complaint when practicable.
7. The University's internal Academic Personnel Grievance Process (APGP) and Professional Practices Review Process (PPRP) shall not limit or abridge a faculty member's right to exercise constitutional or statutory rights. Faculty members can exercise timely notice and filing requirements required elsewhere in statutes or regulations. External procedures should be stayed until completion of the internal University procedures unless legal or constitutional requirements prohibit it.

13.1.3 Time Frames and Time Extensions

Time frames are established throughout the processes and the parties are encouraged to resolve the controversies as quickly as practicable.

13.1.3.1 Work Day

A work day is considered to be a day that University offices are open for business.

13.1.3.2 Time Extension - Short

Small time extensions are permissible with the mutual consent of the faculty member, all involved administrators (and committee chairpersons or University Hearing Panel (UHP) where applicable) without involvement of the APRC. Any party can have a one week extension - one time - without requesting it through the APRC.

13.1.3.3 Time Extension - Long

Requests for time extensions associated with the APGP Informal Review Process, PPRP Informal Review Process and the Formal Review Processes may be made to the APRC by the faculty member, any party, administrator or panel chairperson where emergencies, serious illness, unusual extenuating circumstances or significant conflict with other University duties prevent or significantly hinder compliance with the deadlines.

13.1.3.4 Ruling on Time Extension

Two of the three members of the APRC must concur with any granting of time extensions and can fashion remedies for violation of them upon request of a party to the dispute. This time extension decision of the APRC shall be final, shall not be appealable and shall not be a grievable decision.

13.1.4 Procedural Process Determination

13.1.4.1 APRC Authority

The APRC has authority to determine whether procedures set forth in the Missouri State University Faculty Handbook are not being followed and whether other University documents or procedures related to this case have been violated while a case is proceeding through the APGP or PPRP review process. The APRC can order a new hearing as a remedy if due process and fairness warrant it. If the APRC determines that documents or procedures have not been followed by a given body, it may remand the case to that body without prejudice to reconsider the case. A faculty member who is not satisfied with the outcome of any investigation by the Office for Equity and Diversity should follow the appeal process described in the OED—Complaint Procedures.

13.1.4.2 Procedural Matter - PPRP

If the faculty member alleges that the PPRP process steps are not being followed, s/he can bring this procedural issue to the attention of the APRC. APRC decision on this PPRP procedural matter shall be expedient and final. The faculty member is not entitled to a separate APGP grievance to challenge the decision of the APRC.

13.1.5 Confidentiality

13.1.5.1 Review Process and Proceedings

The APGP Informal Review Process, PPRP Informal Review Process, the PCTP process and the Formal Review processes described in the Faculty Handbook shall be maintained as confidential with access to documents on a need to know basis, during the course of the proceedings. All proceedings shall be conducted in private, and all records shall be open only to the Board of Governors, parties, UHP, APRC, PCTP, EOO, Faculty Senate Executive Committee (FSEC), administrators and committee chairpersons involved in the process, except as otherwise provided herein or by law.

13.1.5.2 Acknowledgment of Review Process

Notwithstanding these confidentiality requirements, the parties, administrators, and faculty members involved in the process or serving on a panel reviewing the process are permitted to acknowledge or deny that a review process is pending concerning a faculty member. Once the University Internal Review Process has been completed, these individuals may respond to reasonable professional inquires verifying or denying that the faculty member was dismissed or sanctioned by the University and in whose favor the dispute has been resolved, but should not divulge further details concerning any nonpublic information without the written consent of the parties directly affected.

13.2 Definitions

13.2.1 Acronyms

AAUP: American Association of University Professors

APGP: Academic Personnel Grievance Process to resolve a grievance filed by a faculty member

APRC: Academic Personnel Review Commission

BOG: Board of Governors

Dean: Dean of the college of the faculty member who has filed the grievance or against whom a complaint has been filed

DH: Department Head (of the faculty member's department)

EOO: Office for Equity and Diversity of the University or Employment Opportunity Officer

FM: Faculty member who is the subject of the complaint or faculty member who initiates a grievance proceeding

FSEC: Faculty Senate Executive Committee

PCTP: Provost's Committee on Tenure and Promotion

PPRP: Professional Practices Review Process to resolve a complaint filed against a faculty member

Provost: Provost or equivalent academic administrative position or designee

UHP: University Hearing Panel constituted for Formal Review of the case

13.2.2 Terms

Adverse employment action: denial of basic faculty rights, or actions such as (but not limited to) termination of employment, revocation of tenure, demotion, denial of “basic benefits,” denial of promotion or tenure or reappointment, restriction of academic freedom of speech

Amend complaint or grievance: change, add to or modify the basic description of the factual basis supporting the request and/or recommendation for remedy or sanction

Arbitrary and capricious: decisions not based on the record or not rendered in accordance with established University policies, procedures or job requirements

Arbitration: submission of a dispute, by agreement of the parties, to neutral third part(ies) chosen by the parties to render a decision on the issues in controversy

Basic Benefits: benefits stated in the annual “Employee Group Insurance and Benefits Plan Update” or equivalent which are provided all tenured, probationary tenure track or full-time University faculty members, such as (but not limited to) participation in state and private retirement programs, including tax sheltered investment programs, deferred compensation plan; group benefit plans; health, dental, life, disability and long-term care insurance and drug prescription plan; CAFE plans; workers’ compensation benefits; tuition and fee waiver plans, and MOST program

Charges: formal specific grounds for dismissal/termination of employment or revocation of tenure as stated in writing by the President to initiate the PPRP Formal Review Process after the PPRP Informal Review Process has failed to resolve the case

Complainant: a current or former member of the Missouri State University Community aggrieved by the faculty member’s actions in conjunction with professional practices affecting teaching, scholarly/professional creative activity, service, or intellectual property rights; or protected status harassment/discrimination; or Missouri State University administrator initiating a complaint against a faculty member based on a significant violation or sustained pattern of failure to adhere to professional practices standards or published University policies associated with teaching, scholarly or professional creative activities, service, or intellectual property rights

Complaint: written statement of allegations against a faculty member concerning his/her professional practices, requesting review and action on the part of the University that could result in minor or major sanctions against the faculty member; it may be based on a significant violation or a sustained pattern of failure to adhere to professional practices, standards, or published University policies associated with teaching, research/ scholarly/professional creative activities, or service, or a violation of intellectual property rights

Faculty Senate Judicial Review Committee (FSJRC): the past three chairpersons of the Faculty Senate who are not holding administrative positions and who are still employed at the University

Findings of Fact: assessment and written summary of the factual basis supporting the grievance, complaint or charges

Formal Review Process: APGP or PPRP process (after the Informal Review Process) that begins with the empanelling of the University Hearing Panel (UHP) and includes all University meetings, hearings and procedures following that step, concluding with the formal notification of the decision of the Board of Governors (where relevant)

Grievance: claim initiated by the faculty member, setting forth relevant facts and asserting what rights of the faculty member have been unfairly denied, revoked or jeopardized by practices or decisions, as described with the APGP Informal Review portion of the Faculty Handbook

Internal Review Process: the Informal and Formal Review processes used for the Academic Personnel Grievance Process or Professional Practices Review Process within the University

Informal Review:

APGP Informal Review: evaluation and consideration of the grievance dispute by the APRC and mediation option prior to the empanelling of a University Hearing Panel

PPRP Informal Review: initial investigation of complaint by Department Head and/or Dean, and their discussions with the faculty member prior to and during the Informal Review consultation and mediation option and prior to the drafting of formal charges or the empanelling of a University Hearing Panel

Mediation: the process of seeking a mutual solution to a problem in which a mediator works with the participants as a facilitator to assist them in reaching a mutually agreeable solution

Mediator: employee of the University or professional not affiliated with the University who has been agreed to by all parties to assist parties in reaching a mutually satisfactory resolution of a grievance or complaint

Nonrenewal of contracts: decision (a) not to offer Instructors and other non-tenured faculty or part-time faculty members a contract for a subsequent term, semester or year, or the denial of reappointment of probationary tenure track faculty or (b) the denial of tenure for such faculty members. The nonrenewal of such contracts is not the equivalent of "termination of employment," which is defined separately.

Notification:

Written notification: process through which a party is informed in writing (on paper) transmitted to the faculty member, administrator or relevant party either in person, sent through campus mail or mailed through U.S. mail to the last mailing address on file at the University Human Resources Office. [Campus mail should be used only when there is a reasonable expectation that it will actually be received by the intended party in a timely manner. U.S. mail should be used during semester breaks or summer or at other times the faculty member has no official duties on campus. E-mail or other electronic transmission of information is insufficient for purposes of this type of notification unless the communication is both received and opened by the faculty member and it provides the faculty member with actual knowledge of the information.]

Formal notification: process through which the faculty member is informed in writing by certified mail, return receipt requested, to be sent to the last mailing address given by the party to the University Human Resources Office.

Receipt: the point at which a party actually receives or can reasonably be expected to have received the type of notification specified in this document

Parties in:

APGP/APRC Grievance: faculty member with a grievance, Missouri State University representative, committee chairperson (if a committee is named) and any other University administrators and other named member(s) of the University Community against whom the grievance is filed with the APRC.

PPRP Complaint: faculty member against whom a professional practices violation complaint has been filed and the person filing the written complaint or charges

Prima Facie Case: complainant states facts sufficient to initially establish a case, such that the claim would prevail if supported by evidence and not contradicted by sufficient evidence

Peer Review: review of grievance by a body of faculty peers such as in the University Hearing Panel (UHP) and the Provost's Committee on Tenure and Promotion (PCTP).

Permanent record: retention of essential documents by Provost (or designee) for at least 10 years from the filing of the grievance or complaint, including the grievance or complaint document, charges, response(s) and accompanying documentation, the record (tape, electronic or written) of the UHP Formal Review Hearing and the written Findings of Fact and Recommendations of administrator(s) and panel(s)

Preponderance of Evidence: proponent's evidence is more convincing to the hearing panel than the opposing evidence (a more likely than not standard)

Professional practices: faculty member's activities, documents and actions associated with teaching, research, scholarly/professional creative activity, service and intellectual property rights

Protected status (related to discrimination or harassment): harassment or discrimination because of gender, race, national origin, religion, family status, sexual orientation, age, disability, political affiliation or other protected category as set forth in University EOO published guidelines, state or federal law or regulation

Provost's Committee on Tenure and Promotion (PCTP): committee of faculty members (elected by Faculty Senate) who reviews promotion, tenure and reappointment decisions, after the APRC finds a prima facie case.

Receipt: the point at which a party actually receives or can reasonably be expected to have received the type of notification specified in this document

Recommendations of Remedies: proposed sanctions, remedies or solutions that have been supported by the Findings of Fact

Remedy: granting, denying or rescinding major or minor sanction(s) or crafting an alternative resolution of the dispute consistent with University policies and established practices

Sanction: a remedy imposing punishment or discipline against a faculty member or termination of employment of the faculty member

Termination of Employment: includes (a) dismissal/firing of a tenured faculty member from the University or (b) dismissal of a probationary faculty member during a year in which he or she already has been reappointed or dismissal without compliance with AAUP notice requirements or (c) dismissal or suspension of full-time faculty member during his or her contractual term. [Nonrenewal of contracts of lecturers and part-time faculty members, denial of reappointment of probationary tenure track faculty and denial of tenure for such faculty members are not included within the concept of “termination of employment.”]

Term-limited Faculty Members: persons employed full-time or part-time under a contract specifying a definitive length of employment to teach class(es) or perform other faculty roles (but excluding tenured and probationary tenure track faculty members)

University Documents and Established Practices: procedures, practices and criteria set forth in the University Faculty Handbook, a faculty member’s employment letter, college and departmental tenure, promotion and merit guidelines, and other relevant published internal University guidelines and administrative memos that interpret University policies or procedures

University Community: people who were members of the University Board of Governors, administrators, faculty members, committee chairpersons, staff members, and students at Missouri State University at the time the dispute arose or at the time the grievance or complaint was filed

University Hearing Committee (UHC): the body of faculty members (nominated by College Councils and elected by Faculty Senate) from whom individual University Hearing Panel members are selected

University Hearing Panel (UHP): the faculty panel selected to review a particular grievance or complaint against a faculty member during the Formal Review Process

University Hearing Panel “empanelled”: selection of all UHP members and holding of first UHP meeting.

Work Day: a day that University offices are officially open for business.

13.3 Basic Faculty Rights

13.3.1 Constitutional or Statutory Rights

The University’s internal Academic Personnel Grievance Process (APGP) and Professional Practices Review Process (PPRP) shall not limit or abridge a faculty member’s right to exercise constitutional or statutory rights. Faculty members can exercise timely notice and filing requirements required elsewhere in statutes or regulations. External procedures should be stayed until completion of the internal University procedures unless a statute of limitations, or other legal or constitutional requirements preclude it.

13.3.2 Academic Freedom of Speech

Faculty members shall not be discriminated against, reprimanded or dismissed from the University because of their exercise of academic freedom of speech or because of their political, ideological or religious beliefs or affiliations. As members of a University community with a public affairs mission, faculty members should be free to discuss public affairs without being subject to sanctions for doing so. All faculty members (full-time, term-limited and part-time, regardless of rank or classification) have the right of academic freedom of speech which shall not be abridged by the University. All full-time faculty members have a right to file a grievance for violation of these rights and with regard to any “adverse employment action” based on these protected categories.

13.3.3 Non-Discrimination

Faculty members shall not be discriminated against or harassed based on race, national origin, gender, religion, age, disability, familial status or sexual orientation or any other protected class established by state or federal law or regulations or University EO published guidelines. All faculty members have the right to initiate claims of discrimination or harassment based on the person’s protective status and to challenge any “adverse employment action” based on these protected categories. Claims of such discrimination should be initiated through the Office for Equity and Diversity, but also may be raised as an integral part of reappointment, tenure or promotion, termination of employment, revocation of tenure, or demotion disputes.

13.3.4 Grievance

Where there is a failure to follow procedures or guarantees set forth in the Faculty Handbook or other University documents, the faculty member has the right to file a grievance with the exception that the following three types of grievances have their own internal review process as set forth in the Faculty Handbook and other relevant University documents: (1) grievances based on discrimination or harassment based on protected status, (2) merit rating disputes and (3) appeal of the granting or denying of reappointment, tenure and promotion.

13.3.5 Fair Treatment

Faculty members have a right to be treated fairly relative to similarly situated colleagues and to not be subjected to arbitrary and capricious decision-making with regard to any type of performance reviews and with respect to access to university equipment, lab space, resources, secretarial and graduate assistant support.

Faculty members have the right to be fairly evaluated on the substantive quality of their performance in relation to merit, periodic performance reviews, reappointment, tenure and promotion decisions and to be judged by the appropriate criteria. Faculty members have a right to expect criteria and procedures among University documents to be clear and consistent. Inconsistencies in performance expectations shall be reconciled in favor of the aggrieved faculty member.

13.3.6 Sustained Pattern of Treatment

Faculty members have a right to not be subjected to a sustained pattern of unfair treatment in evaluation of their performance of professional duties. A “sustained pattern” involves either multiple years of inappropriate evaluation/treatment or inappropriate evaluation/treatment of a group of similarly situated faculty members who are subject to “arbitrary and capricious decision-making.”

13.3.7 Internal Appeal of Performance Evaluation

A faculty member shall be hired, reviewed for reappointment, and evaluated for tenure and promotion based on competence, professional practices in his/her field, and fulfillment of University professional expectations in teaching, research and service, as set forth in the Faculty Handbook and relevant College and Departmental Guidelines.

The University's processes for tenure, reappointment and promotion, pre-tenure review and pre-promotion review shall be followed (in accord with the Faculty Handbook Section 4 on Faculty Evaluation, these APGP / PPRP Guidelines and Departmental Guidelines). Refer to Section 4 of the Faculty Handbook for the determination of which year's criteria apply for reappointment, tenure and promotion decisions. For evaluation of reappointment and tenure, the faculty member's employment letter contract (as modified by any subsequent negotiation and agreement between the faculty member and administration) shall also be relevant in establishing criteria through which that faculty member's performance is evaluated.

Non-tenured probationary tenure track full-time faculty members also have the right to a meaningful internal appeal process in accordance with AAUP Guidelines and the Faculty Handbook. For disputes arising in the granting or denying of reappointment, tenure or promotion, faculty members have a right to file grievances with the APRC which (upon finding a prima facie case exists) will refer those grievances to the Provost's Committee on Tenure and Promotion (PCTP).

13.3.8 Suspension During Contractual Period

Suspension or termination during a contractual period involves potential breach of contractual rights, which is the basis for a grievance. With part-time or "term-limited faculty members," however, the University has the option of paying in full the contract of that faculty member, in which case the PPRP process does not have to be followed to dismiss that faculty member prior to conclusion of the contract term and an APGP grievance is precluded unless it is based on discrimination based on protected status or violation of academic freedom of speech.

13.3.9 Process Prior to Sanctions

Before sanctions may be implemented by the University, the University must provide the tenured or probationary tenure-track faculty member with access to the APGP or PPRP process. In conjunction with those processes the faculty member shall be provided with the following:

1. A copy of the complaint, and the Findings of Fact and Recommendations of the college Dean with sufficient specificity to permit a response;
2. Access to documents and evidence supporting the complaint against a faculty member;
3. Ability to consult an attorney or faculty representative and to have that person present throughout the Informal and Formal Review Processes;
4. Opportunity for a formal hearing with a peer review panel (UHP) that offers due process and includes the following:
 - a. Access to and the right to question or challenge evidence
 - b. Ability to question witnesses
 - c. Record of hearings in tape, electronic or written format that is retained for at least 10 years;
5. Formal notification (in writing) of Findings of Fact and Recommendations of the University Hearing Panel, recommendations of the Provost and President and written

notification of recommendations of the APRC and each other administrator's formal recommendations;

6. Right to appeal to the Board of Governors issues involving termination of employment, revocation of existing tenure, and demotion of rank of a tenured faculty member because such sanctions represent the loss of legal property rights. Faculty members have the right to appeal these disputes to the Board of Governors, which has ultimate University authority in these areas, regardless of which internal route of review was followed.
7. Right to pursue an APGP grievance process if the University fails to follow PPRP process to revoke tenure, demote rank, suspend or dismiss (terminate employment) of a tenured ranked faculty member or to suspend payment of the salary of any tenured faculty member or probationary tenure track faculty member (during a year s/he has been reappointed);
8. Right of a full-time faculty member to appeal other "major sanctions" under circumstances described in Section 13.7.6 of this Grievance document;
9. Right of the faculty member to receive his/her salary during the APGP and PPRP Informal Review and Formal Review Processes whether or not the faculty member is relieved of duties or reassigned. [This salary guarantee is in accordance with AAUP Redbook guidelines which provide that any suspension of a faculty member during the proceedings shall be with pay and such suspension is generally justified only if immediate harm to the faculty member or others is threatened.]

13.3.10 Professional Reputation

To rehabilitate one's professional reputation, a faculty member has the right to file APGP grievances if the faculty member is maliciously accused of immoral, unprofessional, or unethical behavior.

13.3.11 Burden of Proof

In a grievance dispute, the faculty member initiating the case shall have the burden of proving his/her grievance by the preponderance of the evidence. The burden of proof in the PPRP process is on the University to demonstrate the case against the faculty member by the preponderance of evidence.

13.3.12 Status with University

In no way shall an employee's status with the university be adversely affected because he or she utilizes these procedures.

13.4 Remedies (including Sanctions)

13.4.1 Overview of Remedies (including Sanctions)

The APRC, UHP, PCTP process and appropriate administrators can recommend appropriate remedies or sanctions. For major sanctions (such as termination of employment or violation of property rights or other Constitutional rights), the Board of Governors shall have the final determination of the remedy/sanction. Remedies involving imposition of minor sanctions or reversal of minor sanctions can be imposed at lower levels of the process outlined in this document and illustrated in the flow charts in the Faculty Handbook. Remedies (other than those specifically listed in this document) also may be fashioned by mutual consent of the parties or by determination of the APRC or UHP or PCTP or EOO in accord with University policies and APGP/PPRP processes.

13.4.2 Sanctions

The sanctions listed below may be imposed on a faculty member or other appropriate remedies (consistent with University policies) may be crafted to resolve the case if the faculty member has been (1) found to have violated appropriate standards for professional practices or to have committed other prohibited acts described in the Faculty Handbook and (2) afforded the appropriate Informal Review Process and Formal Review Process (including a Formal Hearing (unless waived) with the UHP or PCTP process, or the faculty member has consented to minor or major sanction(s).

13.4.2.1 Minor Sanctions

(Minor sanctions are “adverse employment actions” that do not deprive the faculty member of Constitutional or statutory property rights.) Examples include:

- Formal Warning to adjust conduct to conform with professional standards;
- Including a “Letter of Reprimand” as a part of the permanent University record of the faculty member, administrator or other party;
- Requiring the faculty member, administrator or other party to make a formal or written apology to the wronged individual(s);
- Prohibiting or restricting the faculty member’s ability to apply for recognition awards;
- Denying or restricting travel or travel reimbursement;
- Restricting or rescinding the faculty member’s committee assignment(s);
- Limiting access to equipment, labs, office space, secretarial or graduate assistants

13.4.2.2 Major Sanctions

A major sanction is an “adverse employment action” or sanction which deprives a faculty member of his/her Constitutional or statutory property rights or which involves one of the following:

1. “Termination of employment” from the University (dismissal) of a tenured faculty member;
2. Revocation of tenure or demotion of rank;
3. Suspension from employment of a tenured faculty member or suspension of other full-time faculty member during an appointed term;
4. Suspension or denial of salary (in whole or part) or denial of “basic benefits” afforded full-time faculty members;
5. “Adverse employment action” for exercising academic freedom of speech or political speech/affiliation or because of discrimination based on other “protected status” of any faculty member.

Decisions involving termination of employment of a tenured faculty member, revocation of tenure and demotion of rank are automatically appealable to the Board of Governors. Other major sanctions are appealable to the Board of Governors under conditions described in Section 13.7.6 of this Grievance document.

13.4.2.3 Imminent Threat

No major sanction can be imposed before the internal University Informal and Formal Review processes have been completed, subject to the following exceptions:

Imminent threat: If there is probable cause to believe that the actions of a faculty member pose an imminent threat to the health or safety of a member of the University Community, including the faculty member him/herself or if the faculty member has threatened destruction of University property and there is probable cause to believe the threat will be carried out.

1. In that case, 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 after consultation with the Department Head or Dean.
2. If a major sanction is imposed based on an imminent threat, the faculty member may
 - a. file a grievance with the APRC;
 - b. pursue Formal Review (described in this document); and
 - c. appeal to the Board of Governors if a full-time faculty member.

13.4.2.4 Reassignment

A faculty member can be removed from classroom teaching or reassigned to other University duties while the PPRP or APGP or PCTP 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 PPRP or AGGP or PCTP process and it shall not be reduced because of the reassignment (unless such reassignment is from an administrative role to a faculty role and is subject to related salary formulas).

13.4.2.5 Termination of Employment (Dismissal)

RSMo Section 174.150 establishes the prerequisite causes for which a tenured faculty member's employment with the University can be terminated, and causes for which a faculty member's employment may be terminated prior to expiration of contractual or reappointment term. Those reasons are: incompetence, neglect or refusal to perform his duties, dishonesty, drunkenness or immoral conduct.

1. Incompetency shall be judged by evidence of (1) suspension or revocation or de-certification for cause of a professional license (in one's teaching or research field) for substantive or ethical reasons or (2) sustained record of failure to keep current in one's academic field, as reflected in research or teaching or (3) sustained pattern of poor performance reviews or
2. Neglect or refusal to perform university duties shall be evidenced by a sustained pattern of refusing to perform basic expected duties or a significant and sustained failure to meet professional norms within one's discipline within the context of University expectations related to teaching, scholarship or service or
3. Flagrant dishonesty shall be evidenced by (but not limited to) the following: (1) falsification or fabrication of academic records, (2) identity theft, (3) suspension or revocation of professional license for perjury, dishonesty, or violation of professional ethics code, (4) a significant act of plagiarism, fabrication, falsification of research results or authorship, intentional violation of intellectual property rights, or fabrication concerning one's work on a paper or article or concerning one's participation in a conference or
4. Immoral conduct or drunkenness shall include (but not be limited to) any of the following: (1) intentional and unauthorized destruction of a Missouri State University building or

equipment (by fire, bombing or terrorist activity or other means) or (2) conviction of a crime involving intentional killing or attempting to kill or kidnapping or intentional infliction of serious bodily harm or trafficking in drugs or sexual assault or (3) conviction of a felony directly related to professional duties or (4) civil verdict of more than 50% fault in a tort suit related to any areas of conduct listed in Sections 13.4.2.5, or (5) significant act or pattern of either sexual harassment or harassment/discrimination based on protective status against a member of the University Community (as defined in this document) or immoral conduct with a student contemporaneously enrolled at this University or (6) pattern of drunkenness, but only if it occurs in conjunction with the performance of this University's duties or at a Missouri State University sponsored activity or on the grounds of this University.

13.4.3 Appeals

Refer to Sections 13.7.6 of this Grievance Section for description of the right of appeal to the Board of Governors.

13.5 Academic Personnel Grievance Process (APGP)

(Refer to accompanying flow chart and time charts, Exhibits APGP 1, 2, and 3)

This process covers formal complaints made by a faculty member concerning grievances relating to adverse employment action or asserting that rights of the faculty member have been unfairly denied, revoked or jeopardized. This process shall adhere to time frames set forth in the APGP Informal and Formal Review Process time charts and shall follow the process as described herein and illustrated in the accompanying APGP flow chart.

13.5.1 Attempt Resolution before Filing

The faculty member shall first try to resolve the grievance with the administrator(s), faculty member(s) or committee with whom s/he has a dispute. If the faculty member cannot resolve the grievance within 30 work days, the faculty member has the right to file a written grievance with the APRC within 6 months thereafter. For grievances based on a sustained pattern of improper decision making, the grievance may be filed within 6 months of the last event.

The grievance may be brought against (a) the University itself and/or (b) a member of the University Community (as defined in the Definition Section). The University counsel (or designee appointed by the President) shall be the de facto representative of the University. The committee chairperson shall serve as the representative if a committee is named as a party.

13.5.2 Grievances to which the APGP Informal Review Process Applies

If unable to resolve the grievance, the faculty member shall file a written grievance with the APRC at the Faculty Senate Office, setting forth the relevant facts and asserting that rights of the faculty member have been unfairly denied, revoked or jeopardized or that adverse employment action has been taken in violation of the faculty member's Basic Faculty Rights (described in Section 13.3).

13.5.2.1 Adverse Employment Action

All faculty members (tenured, probationary tenure track, lecturers, special appointments and term-limited faculty members) shall have the right to use the APGP Process to challenge:

1. Discrimination, harassment or adverse employment action including (but not limited to) termination of employment for exercising academic freedom of speech or political speech/affiliation or “protected status” or
2. Premature termination of appointment or suspension during a contractual term (however, if the University pays in full the amount of a part-time, term-limited or lecturer contract, that faculty member has no grievance recourse based on the pre-mature suspension).

13.5.2.2 Violation of Basic Faculty Rights

Tenured faculty members, probationary tenure track faculty members and other full-time faculty members shall have a right to assert an APGP grievance based on a violation of Basic Faculty Rights as set forth in Section 13.3 of the Grievance Section, except:

Where the grievance involves appeal of a reappointment, tenure or promotion decision in a given year, in which case the PCTP process is exclusive. Harrassment and discrimination claims should be initiated with the EOO. Annual merit disputes follow special procedures outlined elsewhere. (Section 5 - Salary Policies)

13.5.3 Academic Personnel Review Commission (APRC) for APGP Informal Review

13.5.3.1 Purpose of the APRC

The Academic Personnel Review Commission (APRC) shall serve as a neutral body to determine whether an APGP prima facie case exists and to facilitate informal resolution of University-related grievances filed by or against the faculty member. The APRC also has authority to grant time extensions and to decide whether procedures guaranteed by the Faculty Handbook or other University documents have been violated. These roles are discussed in the Introduction Section 13.1.1 of this Section.

13.5.3.1.1 Composition of the APRC

The APRC shall be composed of three commissioners (two faculty members and one administrator), a minimum of two of whom must agree on any decisions. Commissioners serve 3-year staggered terms. One commissioner shall be appointed by the Provost and shall be a tenured faculty member currently serving as an academic administrator. One commissioner shall be selected by the Faculty Senate Judicial Review Committee and shall be a tenured, ranked faculty member. The third commissioner shall be a tenured faculty member appointed by joint agreement of the Provost and the Faculty Senate Judicial Review Committee.

The three APRC members shall elect their own chairperson. Commissioners may be reappointed. They shall be afforded such relief from their other responsibilities as will enable them to discharge their duties under the Section 13 of the Faculty Handbook.

13.5.3.1.2 Recusal of Commissioner

A commissioner shall recuse himself/herself if the commissioner had a decision-making role in the actions complained of or if the commissioner is a party against whom a grievance is brought

and in other situations that could involve bias. A commissioner may recuse himself/herself for reasons of illness or other good causes.

If an APRC commissioner recuses himself/herself on a single case, a commissioner pro tem may be appointed to serve on this case; a faculty member commissioner shall be replaced with a faculty member chosen by the Faculty Senate Judicial Review Committee and an administrator is replaced with an administrator selected by the Provost.

13.5.3.1.3 Retirement of Commissioner

In the case of the retirement of a commissioner during a pending case, the retiree may continue to serve on that case as a commissioner pro tem if s/he elects to do so. A new commissioner, however, will be appointed to replace the retiree on the APRC for future cases in accordance with the UHP selection process described in Section 13.7.1.3 (to maintain the 2 to 1 ratio of faculty members to administrator on the APRC).

13.5.3.1.4 APRC Annual Report to Faculty Senate

The APRC shall make an annual report to Faculty Senate during the first Fall meeting, specifying the total number of cases filed in the previous 12 months, the types of cases (e.g. termination of employment, denial of academic freedom of speech, etc.), whether or not there was a prima facie case and whether the grievance was resolved.

13.5.3.1.5 Confidentiality

All commissioners shall maintain confidentiality throughout the APGP process. Commissioners may state whether there was a prima facie case and whether or not the grievance has been resolved and in whose favor, but should not discuss the details of the case with individuals who are not directly involved in the grievance or its resolution, except as permitted in the Introduction Section 13.1.1 of this process in the Faculty Handbook.

13.5.3.1.6 Documentation

Once a prima facie case is established, the APRC (through the Faculty Senate Office) shall provide copies of the grievance, amended grievance, responses and other relevant documents to all parties (and EOO and University counsel where appropriate) throughout the process. After the APGP Informal Review Process is completed and if the UHP or PCTP is empanelled, the APRC shall provide the chairperson of the UHP or PCTP with copies of the grievance (as amended), response(s), the APRC's Comments & Recommendations and any other relevant documents that are then available.

13.5.3.2 Determination of Prima Facie Case

The APRC shall first decide whether the grievance establishes a prima facie case after receipt of the written grievance in the Faculty Senate Office. Every effort should be made to determine whether a prima facie case exists within 15 work days of such filing. If the APRC decides that there is no prima facie case and therefore there is an insufficient basis for the grievance, the APRC shall provide written notification to the faculty member. The faculty member may appeal to the Associate Provost for Faculty Relations, who will review the case. If the Associate Provost upholds the determination of no prima facie case, the grievance process is exhausted and the case is resolved.

13.5.3.3 Notification to Parties Involved

If the APRC decides that the grievance establishes a prima facie case, the APRC shall provide written notification to the faculty member and the parties against whom the grievance was filed and provide them with a written copy of the grievance. If the University is the party against whom the grievance is filed, the University representative (University counsel or Presidential designee) shall be notified and be provided with a copy of the grievance. The University representative and other named parties against whom the grievance is brought shall file written responses with supporting documentation at the Faculty Senate Office within 15 work days.

13.5.3.4 Attempt to Resolve Case

If the grievance is deemed to establish a prima facie case, the APRC shall meet one or more times with the faculty member and parties charged, separately or together, at the discretion of the APRC chairperson. The APRC shall attempt to resolve the dispute within 20 work days, but may extend the time at its discretion if expedient to resolution. An internal or external mediator may be used if all parties agree as to the usefulness of that process. The University pays any costs associated with such mediation. If the parties agree with the recommendations of the APRC or reach a resolution through mediation, the case is resolved.

13.5.3.5 Right to Initiate Formal Review Process

If the parties do not agree with the recommendations of the APRC or fail to reach a solution through mediation, the faculty member (or relevant administrator or committee chairperson) may initiate Formal Review Process for APGP or PCTP or PPRP by filing written notification with the APRC in the Faculty Senate Office within 10 work days of the receipt of the Comments and Recommendations of the APRC (or conclusion of mediation), with a copy of the grievance or complaint being sent to the Provost's office.

[For cases involving review of tenure, reappointment and promotion decisions, the determination of prima facie case is initially made by the APRC, after which the PCTP formal process described in Section 13.5.6.3. is followed for the formal review stage (rather than the Formal Review Process for APGP described in Section 13.5.6.2).]

13.5.3.6 Commissioner Assistance in Reaching Resolution

When an issue falls short of a prima facie case, a faculty member may request an APRC commissioner's assistance in seeking a resolution, but the decision of whether or not to provide such intervention is at the discretion of the commissioner, and is not part of the grievance process.

13.5.4 Formal Review Process for APGP Grievance

13.5.4.1 Initiation of APGP Formal Review Process

Where resolution of the dispute does not occur in the APGP Informal Review Process, the Formal Review Process may be requested in writing by the faculty member by filing written notification with the APRC within 10 work days of receipt of the APRC's Comments & Recommendations (or conclusion of unsuccessful mediation), as described in the APGP Informal Review Process 13.5.3.5. Refer to accompanying time frames for Formal Review Process. The Formal Review Process involves review by the University Hearing Panel.

13.5.4.1.1 Distribution of Filings

All filings shall be sent to the APRC and UHP at the Faculty Senate Office, from where they shall be distributed.

13.5.4.1.2 Provision of Written Notification

If an election to initiate the Formal Review Process has been filed with the APRC by the faculty member, the APRC shall provide written notification to the faculty member, University representative, all other named parties, the Department Head, the Dean, the Provost and the FSEC (and Equal Employment Opportunity Officer where appropriate) that

1. the Formal Review Process has commenced;
2. time frames begin to run as of the date on this APRC Formal Review Process notice letter, to which the APRC shall attach a copy of the accompanying time chart for the APGP Formal Review Process as it relates to:
 - a. amending the grievance claim (within 10 work days after the date on the APRC notice letter) and
 - b. filing responses to faculty member's grievance claim by the University representative and other parties (within 15 work days) after either
 - i. receipt of the faculty member's amended complaint or
 - ii. the end of the grievance amending time frame where no amendments are filed.
 - c. selecting UHP panel members (within 15 work days).

13.5.4.1.3 Selection of University Hearing Panel

The APRC shall oversee the selection process for empanelling the UHP and may be consulted by the UHP with regard to implementation of the processes described in this document. The UHP panel and APRC shall have no power to alter or amend the provisions of the Faculty Handbook.

The time frames for selection of UHP panel and amending the grievance and responding to the grievance shall run concurrently.

13.5.4.2 Initial Review by University Hearing Panel (UHP)

13.5.4.2.1 Organizational Meeting

The UHP is empanelled in accordance with the process outlined in Section 13.7.1 of this Grievance document, receives its instructions, receives available documentation and conducts an organizational meeting. [Refer to "Empanelling the University Hearing Panel" under the "Formal Review Processes applicable to both the APGP and PPRP."]

13.5.4.2.2 Consideration of Documentation from Informal Review

The APRC's Comments & Recommendations, Dean's Findings and Recommendations and any documentation considered or produced during the Informal Review Process must come forward and is considered by the UHP at this time and during any subsequent review.

13.5.4.2.3 Review of Grievance

The UHP reviews the grievance, response(s), complaint and documentation. The Hearing Panel may take as many meetings as necessary to review those materials and to determine its

specific procedures before anyone is called to appear. These meetings are confidential, and permanent records are not required to be kept.

13.5.4.2.4 Interview with Faculty Member

The UHP will conduct a Formal Fact-finding Interview with the faculty member and other named parties (without additional witnesses).

The faculty member and other named parties may have present an advisor (who may be an attorney). The attorney may advise the client, but shall not otherwise participate directly in the interview, except to the extent permitted by the UHP chairperson.

13.5.4.2.5 Provision of Written Documentation

Any additional written documentation the faculty member, administrators or other named parties wish to have considered by the UHP shall be provided in advance of the Formal Hearing in accordance with the accompanying time frames.

13.5.4.2.6 Waiving Formal Hearing

A Formal Hearing (with witnesses) can be waived only by mutual consent of the faculty member, Provost (or designee) and the chairperson of the UHP. If the Formal Hearing stage is waived (by the faculty member, Provost and UHP), the UHP shall then proceed to Section 13.7.4 of this document and draft its written report that shall be divided into two Sections: Findings of Fact and Recommendations.

13.5.4.3 Due Process for APGP

13.5.4.3.1 Due Process Opportunity

The Formal Hearing conducted by the UHP affords the faculty member and parties against whom the grievance is brought a due process opportunity:

1. to be notified of Comments and Recommendations of the APRC;
2. to support or refute allegations contained in the grievance;
3. to present information on his/her behalf, and to question witnesses;
4. to hear an explanation from parties against whom a grievance was filed.

13.5.4.3.2 UHP Procedures

The UHP may adopt its own procedures and the UHP may admit any evidence the UHP chairperson deems appropriate to assessing relevant issues. This hearing is not required to follow the Missouri Court Rules.

13.5.4.3.3 Following Procedures

All individuals attending must adhere to the procedures established by the UHP.

13.5.4.3.4 Burden of Proof

In a grievance dispute, the faculty member initiating the case shall have the burden of proving his/her grievance by the preponderance of the evidence.

13.5.4.3.5 Permanent Record

A permanent record of the Formal Hearing session(s) shall be kept.

13.5.4.4 APGP Formal Hearing

13.5.4.4.1 Formal Hearing Meetings

The Formal Hearing may involve one or a series of meetings at which witnesses may be called and documents may be examined.

13.5.4.4.2 Witnesses

The UHP, the faculty member filing the grievance, the University representative and other named parties will be permitted to request participation of other individuals as witnesses relevant to the case.

13.5.4.4.3 Presentation of Facts

The faculty member, University representative and each named party will initially be permitted to present his/her view of the facts with supporting rationale without interruption.

13.5.4.4.4 Questions Following Presentation

Each presentation will be followed by questions from UHP panel members, after which the other parties may submit additional written questions which shall be read by the UHP chairperson (if the UHP chairperson rules they are relevant to the case) or the chairperson may permit the party to orally pose the question directly. The faculty member shall be allowed to orally question witnesses if s/he wants to do so. (Allowing or disallowing direct oral questioning by other parties is solely at the discretion of the UHP chairperson.)

13.5.4.4.5 Legal Counsel

The faculty member and named parties may be represented by legal counsel, but formal legal procedures will not apply and the hearing will be subject to the rulings of the UHP chairperson.

13.5.4.5 UHP Report

For the next step in the APGP Formal Review, refer to requirements for the Findings of Fact and Recommendations report by the UHP (described in Section 13.7.4 of this document -- a Section applicable to both APGP and PPRP).

13.5.4.6 Preserving Legal Remedies and Statutes of Limitations

The faculty member is permitted to make timely filings and meet notice requirements necessary to preserve legal remedies and satisfy statutes of limitations. Outside proceedings should be stayed, if legally permissible, until after the completion of this internal University review process.

13.5.5 Claims to which the APGP Grievance Process does NOT apply:

13.5.5.1 Complaints Filed Against Faculty Member

The APGP Informal Review Process with the APRC shall not apply to complaints filed against the faculty member by someone else.

[Complaints against the faculty member involving alleged professional practices violations trigger the PPRP (Professional Practices Review Process). APGP applies only to grievances brought by the faculty member.]

13.5.5.2 Grade Disputes and Fines

The APGP process does not apply to resolution of grade disputes, parking fines or library fines.

13.5.5.3 Claims by Graduate Assistants

The APGP grievance process is not available for claims by graduate assistants.

13.5.5.4 Employment Issues of Term-Limited or Part-Time Faculty

The APGP Grievance Process is not available to term-limited or part-time faculty members with regard to issues related to their employment at this University except as described in Section 13.5.2.1. The PPRP process shall not be required to effectuate nonrenewal of contracts of lecturers, part-time or term-limited faculty, other nontenure track full-time faculty appointments or graduate assistants. Administrative decisions concerning the renewal or nonrenewal of such appointments shall not be grievable through the APGP process.

13.5.5.5 Disputes Covered by Other Internal Procedures

Where other alternate formal published internal procedures are established to deal with the primary initial review of particular types of disputes, those procedures shall be followed.

13.5.5.5.1 Procedures Established by the Office for Equity and Diversity

Disputes related primarily to harassment or discrimination because of a person's protected status including (but not limited to) gender, race, national origin, familial status, sexual orientation, religion, disability or other protected status under state or federal law or University policy shall exhaust internal procedures established for those disputes (currently administered through the Office for Equity and Diversity).

Where discrimination based on protected status relates to tenure, promotion, or reappointment decision or dismissal, a grievance claim may be filed with the APRC and considered by the PCTP or UHP.

13.5.5.5.2 Reappointment, Tenure, and Promotion Disputes

Disputes related to reappointment or tenure or promotion decisions shall exhaust the Faculty Evaluation procedure outlined in Section 4 of the Faculty Handbook and review by the PCTP described in Sections 13.5.6 and 13.5.6.3 of this Grievance document.

For cases involving review of tenure, reappointment and promotion decisions, the determination of a prima facie case is initially made by the APRC, after which the case proceeds to the PCTP (Provost's Committee on Tenure and Promotion) and the formal process described in Section 13.5.6.3 is followed for the Formal Review stage.

13.5.5.5.3 Appeal of Merit or Equity Evaluation

Disputes related to appeal of merit or equity evaluation of a particular year shall be reviewed by the College Personnel Committee (or Compensation Subcommittee). Most annual merit disputes are not reviewable through the APGP process. An APGP grievance may be filed only if Section 13.5.2.1, 13.3.5 or 13.3.6 of Faculty Basic Rights of this Grievance document applies.

13.5.5.5.4 Exception for Sustained Pattern of Violation

After internal procedures for disputes listed above in this Section 13.5.5 have been completed, the APGP process may be initiated only to allege a sustained pattern violation (Section 13.3.6) or to base a claim on Basic Faculty Rights (outlined in Section 13.3) that were not already evaluated by the PCTP, EOO or merit review process.

13.5.5.5.5 Fallback Provision

Fallback Provision: APGP grievances can be initiated, however, if (i.) alternate internal procedures have not been established (at the time the claim arises) to review promotion, tenure, reappointment of probationary ranked faculty members, merit, or equity claims or (ii) if such alternate procedures have been disbanded.

13.5.6 Promotion, Tenure and Reappointment Review

13.5.6.1 Evaluation Criteria

Where the decision in question relates to denial of promotion or tenure or reappointment, the faculty member must be evaluated under the proper set of criteria from the appropriate academic year described in Sections 3 and 4 of the Faculty Handbook; failure to use these criteria creates a grievable procedural issue.

13.5.6.2 Grounds for a PCTP Grievance

Grievances based on denial or granting of promotion, tenure or reappointment shall be filed with the APRC, but shall proceed to the PCTP upon a finding of a prima facie case by the APRC or Associate Provost for Faculty Relations. A PCTP grievance may be filed to challenge the denial of reappointment, tenure or promotion substantially affected by:

1. failure to use for evaluation of tenure and promotion the appropriate criteria in effect for that faculty member or
2. failure to consider the substantive merits of applicant's performance, and fulfillment of appropriate University expectations or
3. substantial failure to follow Faculty Handbook procedures or
4. failure to provide timely AAUP notice for nonreappointment of probationary faculty or
5. arbitrary and capricious failure to evaluate the faculty member in a fair manner and by comparable standard used to evaluate other faculty members being considered for reappointment, tenure or the same rank promotion or
6. denial of reappointment, tenure or promotion based on gender or other protected status or
7. retaliation for exercising academic freedom of speech or political speech/affiliation.

13.5.6.3 Provost's Committee on Tenure and Promotion (PCTP) Review

13.5.6.3.1 Grievance Related to Reappointment, Tenure, or Promotion

A grievance or claim related to reappointment, granting of tenure or promotion decisions shall be initiated with the APRC and filed in the Faculty Senate Office, with a copy forwarded to the Associate Provost for Faculty Relations.

1. Such grievance may be initiated by a tenured or tenure-track faculty member to challenge denial of reappointment, tenure or promotion or

2. Such complaint may be initiated by a Department Head or Chairperson of Department Personnel Committee (evaluating promotion, tenure, and reappointment) if the Department wishes to challenge the granting of reappointment, tenure or promotion over the department's objections.

13.5.6.3.2 Prima Facie Case Referred to PCTP

Upon a finding of a prima facie case by the APRC or Associate Provost for Faculty Relations, the grievance related to a reappointment, tenure or promotion decision shall be referred to the PCTP (rather than to the APGP Formal Review Process and UHP) to consider allegations related to grounds set forth in Section 13.5.6.2 of this Grievance Section related to procedural or criteria violations, failure to consider the substantive merits or discrimination based on academic freedom of speech, political affiliation or other protected status. At least one member of the PCTP must be from the same college as the faculty member who is filing a grievance.

13.5.6.3.3 Burden of Proof

The burden of proof shall be on the party initiating the grievance to demonstrate its case by the preponderance of the evidence.

13.5.6.3.4 PCTP Review

The PCTP will conduct its review in accord with AAUP Recommended Regulation 15, AAUP Procedural Standard 6 , the AAUP Statement on Procedural Standards in the Renewal and Nonrenewal of Faculty Appointments, and in accord with due process guarantees set forth in the University Hearing Panel process described in Sections 13.6.5.3 and 13.6.5.4.

13.5.6.3.5 PCTP Findings of Fact and Recommendations

Upon completion of its review, the PCTP shall set forth in writing (a) Findings of Fact and (b) Recommendations regarding reappointment, tenure or promotion or correction of procedural errors. Such written Findings and Recommendations shall be sent by registered mail to the faculty member under review and shall be forwarded promptly to the relevant Department review committee chairperson, Department Head, Dean and Provost.

13.5.6.3.6 Department Head or Committee Complaint

Where the decision relates to the granting of tenure or reappointment of a faculty member over the objection of a Department Head or Departmental review committee, that Department Head or Committee chairperson may initiate a PCTP complaint with the APRC for a claim based on:

1. failure to use for evaluation the appropriate year's criteria for promotion, tenure or reappointment decisions or
2. failure to consider the substantive merits of applicant's performance and fulfillment of appropriate University or Departmental expectations.

13.5.6.3.7 Implementation or Appeal of Recommendation

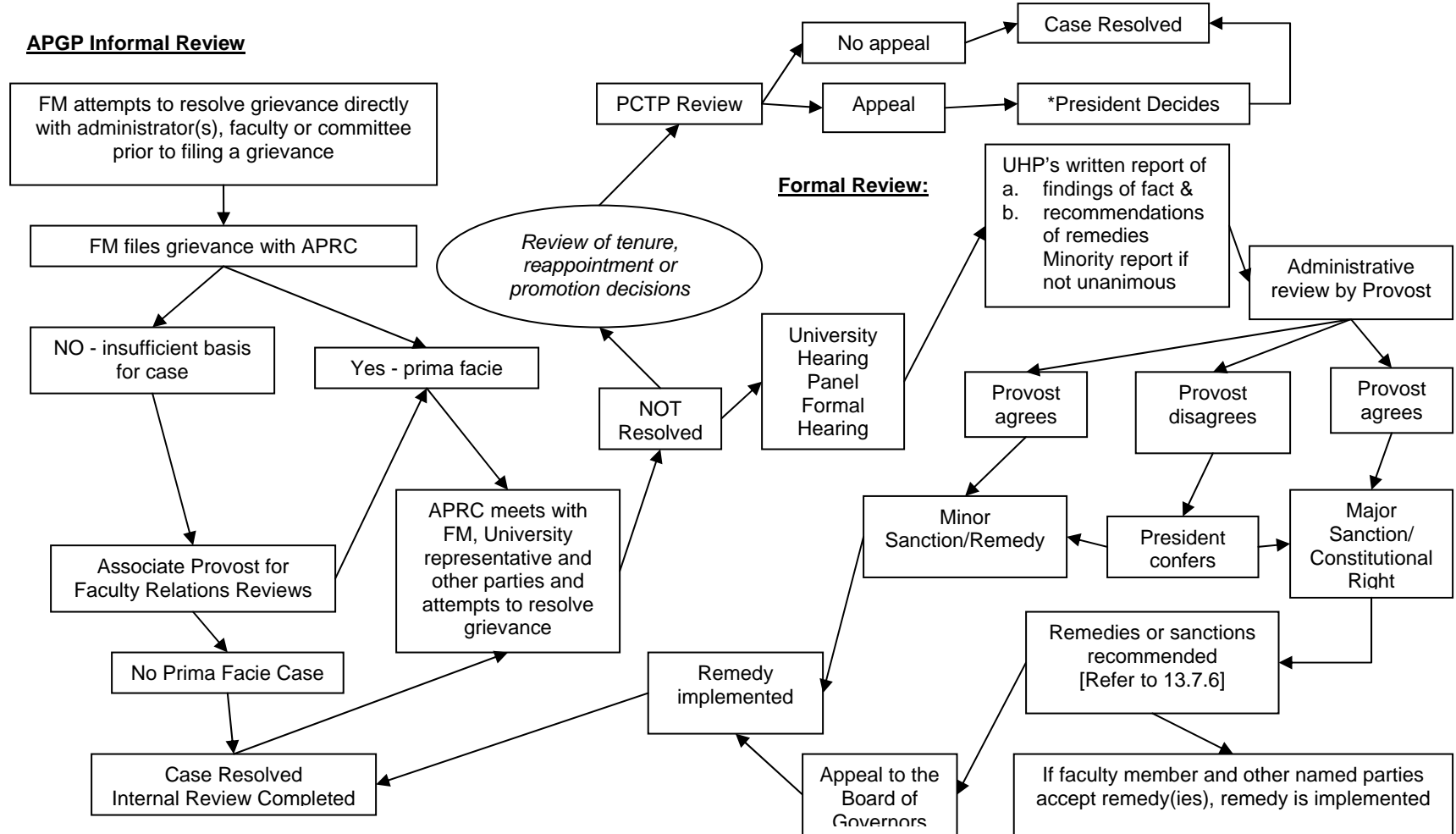
The Provost will promptly implement the recommendation of the PCTP unless either the faculty member or Department Head or the Dean or Provost appeals the results of that recommendation in writing, stating the reasons therefore within ten (10) work days of the receipt of the PCTP Findings and Recommendations. Such appeal shall be filed at the Provost's office. The Provost will include whatever additional information and investigation the Provost determines necessary and promptly forward that information and PCTP Findings and Recommendations to the President for Final Determination.

13.5.6.3.8 Unavailability of APGP Grievance Process

If a faculty member reviewed under the PCTP process is denied promotion, tenure or reappointment any given year, that faculty member cannot file a separate APGP grievance. However, refer to Basic Faculty Rights Sections 13.3.2, 13.3.3, 13.3.5, and 13.3.6 and Section 13.7.6 in this Grievance document.

13.5.7 Academic Personnel Grievance Process (APGP) Flow Chart

Exhibit APGP - 1



*Issues related to non-reappointment, denial of tenure and promotion or denial of Constitutional right can be appealed to the Board of Governors only if Section 13.7.6 applies.

**Completion of the Internal Review Process (as described in this document) is a prerequisite to litigation, arbitration or other external review. Filings to comply with statute of limitations are permitted, but external proceedings should be stayed until completion of University internal processes unless prohibited by law.

13.5.8 APGP Informal Review for Grievance Process Exhibit APGP – 2

Initiation of APGP Informal Review Process	Time frame
<ul style="list-style-type: none"> • Faculty member (FM) attempts to resolve grievance directly with administrator(s), faculty, or committee with whom s/he has a dispute prior to filing with APRC. • If FM unable to resolve grievance, FM files written grievance with APRC. • APRC provides written notification to parties of findings of a prima facie case or no prima facie case. • If the case relates to reappointment, tenure or promotion, the case is referred to the PCTP upon a finding of a prima facie case. 	<p>If not resolved within 10 work days, FM may file grievance with APRC at the Faculty Senate Office within 6 months after last related incident.</p> <p>Within 15 work days of receipt of grievance (or as soon thereafter as practicable), the APRC determines whether there is a prima facie case; if APRC finds no prima facie case, the case is resolved or Associate Provost for Faculty Relations reviews an appeal</p>

If APRC finds there is a prima facie case for an APGP Grievance	Time Frame
<ul style="list-style-type: none"> • Parties file written responses at Faculty Senate Office if APRC or Associate Provost finds prima facie APGP grievance case • APRC meets one or more times with FM and parties charged, separately or together, at discretion of chair • APRC provides written notification of Comments and Recommendations to FM and parties. <ul style="list-style-type: none"> a. If parties agree with recommendations, case is resolved. b. If parties do not agree, case may proceed to mediation or to APGP Formal Review Process. • If mediation is requested and succeeds, case is resolved. • If mediation is unsuccessful, FM or other party may request Formal Review by written request 	<p>Within 15 working days after receipt of notification of prima facie case</p> <p>APRC shall attempt to resolve the dispute within 20 work days, but may extend the time frame if expedient to resolution</p> <p>Within 10 work days of final meeting with parties</p> <p>Case is resolved; Informal Process ends</p> <p>Case continues.</p> <p>Case is resolved; Informal Process ends.</p> <p>Refer to APGP Formal Review and PCTP for descriptions and time frames concerning Formal Review</p>

13.5.9 APGP Formal Review for Academic Personnel Grievance Process Exhibit APGP - 3

If Informal Review finds a prima facie case and no resolution through APRC Informal Review has occurred	Time frame
<ul style="list-style-type: none"> • Formal Review is requested by FM in writing to APRC at Faculty Senate Office; APRC provides written notification of Formal Review election to parties, Provost, FM, Dean, EOO and FSEC - If non-reappointment or denial of tenure or promotion, referral is to Provost for PCTP procedures. • Faculty member may amend grievance and provide additional documentation to Faculty Senate Office • Other parties may file responses at Faculty Senate Office • Formal Review begins; University Hearing Panel empanelled by APRC, receives formal grievance and documentation, conducts organizational meeting • UHP meets alone to review written record and organize its work • UHP Formal hearing with due process opportunity for parties is held (unless the FM, Provost and UHP chairperson all agree to waive the Formal Hearing) <ul style="list-style-type: none"> • Faculty member, Provost, FSEC, EOO receive written notification and other parties receive formal notification of UHP's Findings and Recommendation • Provost reviews UHP Findings and Recommendations; Provost may meet with UHP chair or full committee and to attempt to reach the same recommendation; If the Provost disagrees with UHP Recommendations (or the grievance is against the Provost), the President (or designee) confers with UHP and Provost (or designee) and makes a recommendation. • Provost provides formal notification to FM and written notification to UHP, APRC, DH, and Dean, University representative, other named parties, EOO and FSEC of Provost's recommendation and recommendation of President if applicable <p>Refer to Implementation of Remedies and Imposition of Sanctions – Section 13.6.9.</p>	<p>Within 10 work days of decision not to elect mediation or 10 work days after mediation is unsuccessful or 10 work days after receipt of the APRC or Provost's Comments and Recommendations - whichever is later</p> <p>Time frames for selection of UHP panel members run concurrently with the time frames for amending the grievance claim and responses Within 10 work days after APRC sends notice of the Formal Review Process to the other parties</p> <p>Within 15 work days of receipt of FM's amended grievance or within 15 work days after the end of the period the FM could have filed such amendments FM, Dean, other parties (jointly) and FSEC shall each select their respective representatives for UHP as expediently as possible (with good faith effort to select within 15 days receipt of the APRC notice that the Formal Review Process has been elected).</p> <p>Formal hearing (with parties and witnesses) shall occur on a date agreed to by UHP chairperson and FM, no sooner than 20 work days from initial UHP organizational meeting, but within 60 days after the UHP's initial organizational meeting - unless all parties and UHP chairperson agree to another date.</p> <p>Any additional documentation submitted by FM or parties shall be received by the UHP chairperson at least 7 work days before Formal Hearing Within 10 work days from UHP vote on Findings and Recommendation</p> <p>Within 10 work days from Provost receipt of written notification of UHP Finding and Recommendation, Provost makes his/her recommendation</p> <p>For minor sanctions/remedies: -if UHP and Provost agree, remedies are implemented and case is resolved or -if UHP and Provost disagree, President's decision is implemented and case is resolved.</p> <p>For some major sanctions/remedies, the FM may appeal to BOG at the University President's office within 10 work days of receipt of Provost's or President's recommendation (whichever is later) Refer to Section 13.7.6.</p>

13.6 The Professional Practices Review Process (PPRP)

(Refer to PPRP flow chart and time charts. Exhibits PPRP 1, 2, and 3.)

This process covers formal complaints made against a faculty member concerning professional practices. This process shall adhere to time frames set forth in the PPRP time charts and shall follow the process described herein and illustrated in the accompanying PPRP flow chart.

13.6.1 Claims to Which the PPRP Process Does Not Apply

1. grievances initiated by a faculty member involving the personnel actions related to the denial of reappointment, initial tenure or promotion; [Refer to APGP review process and PTCP process related to these matters.]
2. grievance initiated by a faculty member who alleges either that a review process has not been followed or that s/he has been treated unfairly during the process; instead refer to separate APGP grievance process;
3. renewal or nonrenewal of nontenure track faculty positions. The PPRP process shall not be required to effectuate nonrenewal of contracts of Instructors, term-limited or part-time faculty, other nontenure track full-time faculty appointments or graduate assistants and administrative decisions concerning the renewal or nonrenewal of such appointments shall not be grievable through the APGP process.
4. complaints related to removal of administrators where the situation is governed by the University Administrators' Handbook.

13.6.2 PPRP: Background and Parameters

13.6.2.1 Complaints Against a Faculty Member

The process utilizing the PPRP pertains to complaints made against a Missouri State University faculty member concerning professional practices.

13.6.2.1.1 Nature of Complaint

The complaint may be brought by an administrator or other member of the University Community (as defined in this document) aggrieved by the faculty member's actions in conjunction with professional practices - and must be based on either a significant violation or a sustained pattern of failure to adhere to professional practices standards or published University policies associated with teaching, professional scholarly/ creative activity or service; or significant improper use of University property; or a violation of intellectual property rights.

Potential remedies associated with the PPRP include revocation of a faculty member's tenure, lowering of rank (demotion), termination of employment (dismissal) from the University, and other major or minor sanctions. [Disputes related primarily to harassment or to discrimination because of a person's protective status shall file a claim with the Office for Equity and Diversity, but such allegations can be considered as a portion of the evidence in PPRP cases calling for sanctions against a faculty member.]

13.6.2.1.2 Academic Freedom of Speech

Exercising academic freedom of speech or political speech/affiliation shall not be grounds for dismissal or imposition of major sanctions.

13.6.2.2 Adherence to Process

The PPRP process is to be adhered to by all parties to assure fair resolution of professional practices disputes and adequate due process.

13.6.2.3 Initial Informal Review

Regardless of who initially receives the complaint (e.g., Provost, Dean, President, Board Member), the complaint should be referred to the faculty member's Department Head for initial Informal Review and should not be acted upon at a higher level (unless the emergency exception applies).

In cases contemplating termination of employment/dismissal or revocation of tenure, discussions need to be conducted during the Informal Review Process which consider lesser sanctions or offer the faculty member the opportunity to resign or retire without having the formal "charges" on his/her record. In such cases, the Informal Review process will consist of consultation by the President or Provost with the Faculty Senate Executive Committee regarding the matters set forth in Section 13.6.5.1. If the Informal Review process has not resolved the dispute or the gravity of the charges is compelling, the President can draft formal charges for termination of employment/dismissal or revocation of tenure or demotion of rank. It is the drafting of charges by the President that triggers the Formal Review Process as set forth in Section 13.6.5.1 in cases involving termination of employment or revocation of tenure.

13.6.2.4 Time Frames and Time Extensions

Maximum time frames for each step of this process are provided to ensure both timely response and adequate time to respond, both by the faculty member and by those representing the University.

13.6.2.4.1 Adherence to Time Frames

Time frames are expected to be followed under normal circumstances and parties are encouraged to complete the steps in less time where feasible.

13.6.2.4.2 Time Extensions - Short

The faculty member and administrator or panel to whom the time frame applies may agree to short time extensions.

13.6.2.4.3 Time Extensions - Long

Requests for time extensions may be made to the APRC (as described in the Overview) where emergencies, serious illness, unusual extenuating circumstances or significant conflict with other University duties prevent or significantly hinder compliance with the deadlines.

13.6.2.5 Preserving Legal Remedies and Statutes of Limitations

The faculty member is permitted to make timely filings and meet notice requirements necessary to preserve legal remedies and satisfy statutes of limitations. Proceedings should be stayed, if legally permissible, until after the completion of this internal University process.

13.6.3 Initiation of the PPRP Informal Review Process

13.6.3.1 Attempt to Resolve Issue

There may be one or more meetings between the Department Head, complainant, and/or faculty member in an attempt to resolve an issue before this process is triggered.

13.6.3.2 Written Complaint

This professional practices violation procedure is initiated when the Department Head receives a complaint in writing from the complainant. The complainant shall provide any other written documentation s/he wishes the Department Head or Dean to consider, in accordance with the accompanying time chart.

13.6.3.2.1 Complaint Referred to Department Head

The complaint may originally be received by the Department Head or another higher-level administrator. Regardless of who receives the initial complaint, the issue is referred to the Department Head, in writing.

13.6.3.2.2 Alternate Referrals of Complaints

If the Department Head is the complainant, the complaint shall be made to the Dean of that college. Where the complaint is against the Dean of that college, the complaint shall be filed with the Department Head, with a copy to the Provost.

13.6.3.2.3 Written Notification

The Department Head shall provide the faculty member with a copy of the complaint; written notification is thereby given to the faculty member.

13.6.3.3 Mediation

Mediation may be used at any point through the Informal Review.

13.6.3.3.1 Written Request for Mediation

Mediation (internal or external) must be requested in writing by the faculty member, Department Head, Dean or complainant and filed in the Dean's office.

13.6.3.3.2 Agreement to Seek Mediation

For mediation to be appropriate, all parties must agree to mediation and must agree on the specific mediator selected.

13.6.3.3.3 Limit to Use of Mediation

Mediation may be used only once as an option.

13.6.3.3.4 Costs of Mediation

The University pays any costs associated with mediation.

13.6.3.3.5 Process Beyond Mediation

If mediation is unsuccessful, the process continues at whatever point mediation was requested.

13.6.4 Informal Review for PPRP

Refer to the PPRP Informal Review for Professional Practices Review Process (Section 13.6.7, Exhibit PPRP-2).

13.6.4.1 Department Head's Review

13.6.4.1.1 Review of Complaint and Documentation

Department Head reviews the written complaint and supporting documentation.

13.6.4.1.2 Consultation with EOO

The Department Head shall consult with the Equal Opportunity Officer where appropriate to the nature of the complaint (e.g. where allegations of harassment or discrimination based on protective status are part of the complaint).

13.6.4.1.3 Determination of Prima Facie Case

The Department Head shall determine whether there is established a prima facie case for the complaint to proceed. S/he provides written notification of his/her determination to the faculty member and the complainant.

1. If complainant and faculty member accept the finding, case is resolved.
2. If complainant is dissatisfied, s/he may request in writing for the Dean of that college to review the case; the Dean's office provides the Department Head and faculty member with written notification of the complainant's request for the Dean's review.

13.6.4.2 Dean's Review and Informal Review Consultation for PPRP

13.6.4.2.1 Determination of Prima Facie Case

Dean reviews complaint, Department Head's determination of whether there is a prima facie case and accompanying documentation, and Dean confers with the Department Head to determine whether there is a sufficient basis for a prima facie case.

13.6.4.2.2 Consultation with the EOO

The Dean shall consult with the EOO where appropriate to the nature of the complaint (e.g. where allegations of harassment or discrimination based on protective status are part of the complaint).

13.6.4.2.3 Written Notification

If the Dean and Department Head find no prima facie case for the complaint, the case is resolved and there is no further appeal. The Dean shall provide the complainant and faculty member with written notification that there was insufficient basis for further consideration of the claim.

13.6.4.2.4 Finding of Prima Facie Case

If the Dean or Department Head find that there is a prima facie case, the process continues with the Informal Review's Informal Consultation with the Dean, Department Head, and Faculty Member.

13.6.4.2.5 Informal Review Consultation

1. The Dean, Department Head, and faculty member meet and confer regarding the merits of the complaint.
2. The complainant may be invited to attend a subsequent meeting or mediation may be sought, but only if all three (particularly the faculty member) agree that it would facilitate resolution of the issue. There is no automatic right for the complainant to appear.
3. If the need to improve a faculty member's performance arises, administrators have an initial responsibility to work with the faculty member and encourage non-punitive good faith measures to foster that improvement before seeking harsher sanctions. Such measures may include (but are not limited to) career development activities, counseling, workshops or conferences, with periodic review. The nature of some claims may preclude measures or such measures may not be suitable, especially when a faculty member is accused of violating a law or the gravity of the allegations does not warrant it.
4. If the faculty member, Department Head and Dean reach a mutually agreeable resolution of the dispute, the case is resolved and shall not be appealed. The Dean shall provide a written notification of the resolution and accompanying explanation to the complainant, faculty member and Department Head.

13.6.5 Formal Review Process for PPRP Complaint

Refer to the Professional Practices Formal Review Process (Section 13.6.8, Exhibit PPRP-3).

13.6.5.1 Initiation of Professional Practices (PPRP) Formal Review Process

13.6.5.1.1 No Informal Resolution of Case

No Resolution of case: If a mutually agreeable resolution of the dispute has not occurred during or prior to Informal Consultation, the Dean provides written notification of his/her formal Findings of Fact and Recommendations of remedies to the faculty member, Department Head and complainant. The faculty member may request intervention of the APRC to ascertain whether measures were sought to improve the faculty members' professional performance or whether seeking such measures was appropriate.

13.6.5.1.2 Request for PPRP Formal Review Process

When resolution of the claim does not occur during the PPRP Informal Review Process, the Formal Review Process may be requested by the faculty member, Dean or Department Head, by sending written notification to the Provost (or designee) within 25 work days of the faculty member's receipt of the Dean's Findings of Fact and Recommendations, which can be used as the formal charges if an administrator initiates the Formal Review Process (except where termination of employment, revocation of tenure or demotion are sought, in which case only the President can initiate formal charges).

13.6.5.1.3 Written Notification

The Provost (or designee) shall send written notification that the Formal Review Process has been requested to the faculty member, President, Dean, Department Head, complainant, FSEC and EOO and University Counsel, along with a copy of the Dean's Findings of Fact and Recommendations.

13.6.5.1.4 Formal Charges Filed by President

Where termination of employment/dismissal of a tenured faculty member, revocation of tenure or demotion of rank is the recommended remedy, it is the President who must evaluate the seriousness of the claims and file formal charges (if warranted) to initiate the PPRP Formal Review Process. A copy of such formal charges shall be sent to the Provost, who shall provide a written copy for the Chairperson of the Board of Governors, Dean, Department Head, EOO and faculty member. The faculty member shall be sent an original copy of these formal charges through the “formal notification” process.

[Before the President issues these formal charges, discussions need to be conducted during the Informal Review Process to consider lesser sanctions or to offer the faculty member the opportunity to resign or retire without having the “charges” on his/her record.]

13.6.5.1.5 Formal Review Process Time Frames

The time frames for the Formal Review Process shall commence upon the date the written notification is sent by the Provost to the other parties informing them that the Formal Review Process has been requested.

13.6.5.2 Preliminary Requirements for PPRP Formal Review Process

13.6.5.2.1 Empanelling the University Hearing Panel

The UHP is empanelled in accordance with the process outlined in this document in Section 13.7, receives available documentation and conducts an organizational meeting. [Refer to “Empanelling the University Hearing Panel” under the Formal Review Processes applicable to both the APGP and PPRP in Section 13.7.1 of this document.]

13.6.5.2.2 Documentation to UHP

The Dean’s Findings of Fact and Recommendations (and President’s formal charges if required), along with any documentation considered or produced during the Informal Review Process must come forward to be considered by the UHP.

13.6.5.2.3 UHP Review

The UHP reviews the grievance, response(s), complaint and documentation. The Hearing Panel may take as many meetings as necessary to review those materials and to determine its specific procedures before anyone is called to appear. These meetings are confidential, and permanent records are not required to be kept.

13.6.5.2.4 Interview with Faculty Member

The UHP will conduct a Formal Fact-finding Interview with the faculty member (without other witnesses).

1. The faculty member and other named parties may have present an advisor (who may be an attorney). The attorney may advise the client, but shall not otherwise participate directly in the interview, except to the extent permitted by the UHP chairperson.
2. A permanent record of this meeting is kept.

13.6.5.2.5 Reasonable Discovery

The UHP shall have the right to compel reasonable discovery.

13.6.5.2.6 Request for Formal Hearing

After the Formal Fact-finding Interview by the UHP, either the faculty member or the Provost or the UHP chairperson may request a Formal Hearing (with witnesses and document presentation) in accordance with the accompanying time frames. If the Formal Hearing stage is waived by all three individuals, the UPH shall then proceed to Section 13.7.4 of this document and draft its written report that shall be divided into two Sections: Findings of Fact and Recommendations.

13.6.5.2.7 Provision of Written Documentation

Any additional written documentation the faculty member, complainant and administrators wish to have considered by the UHP shall be provided to the UHP and to the opposing parties in advance of the Formal Hearing, in accordance with the accompanying time frames charts.

13.6.5.2.8 Legal Advice

The UHP may seek advice from the University attorney, but may choose to consult with an attorney outside the University if the UHP chairperson deems it necessary, at the University's expense.

13.6.5.3 Due Process for PPRP

13.6.5.3.1 Due Process for Faculty Member

The Formal Hearing conducted by the UHP affords the faculty member a due process opportunity:

1. to be notified of the basis of the claim, as set forth in the complaint or formal charges and Findings of Fact and Recommendations of the Dean;
2. to hear an explanation of those allegations against him/her;
3. to present information on his/her behalf, and to question witnesses.

13.6.5.3.2 UHP Procedures

This hearing is not required to follow the Missouri Court Rules. The UHP may adopt its own procedures and the UHP may admit any evidence the UHP chairperson deems appropriate to assess relevant issues.

13.6.5.3.3 Adherence to Procedures

All individuals attending must adhere to procedures established by the UHP.

13.6.5.3.4 Burden of Proof

The burden of proof in the PPRP process is on the University to demonstrate the case against the faculty member by the preponderance of evidence.

13.6.5.3.5 Permanent Record

A permanent record of the Formal Hearing session(s) shall be kept.

13.6.5.4 Formal Hearing Process for PPRP

13.6.5.4.1 Formal Hearing Meetings

The Formal Hearing may involve one or a series of meetings at which witnesses may be called and documents may be examined

13.6.5.4.2 Witnesses

The UHP, administrator (who found sufficient basis for the claim) and the faculty member will be permitted to request participation of other individuals as witnesses relevant to the case

13.6.5.4.3 Presentation of Facts

The faculty member, and the administrator bringing charges (or their designee) will each initially be permitted to present his/her view of the facts and case with supporting rationale without interruption

13.6.5.4.4 Questions Following Presentations

Each presentation will be followed by questions from UHP panel members, after which the other parties may submit additional written questions which shall be read by the UHP chairperson (if the UHP chairperson rules they are relevant to the case). The faculty member shall be allowed to orally question parties and other witnesses if s/he wants to do so. (Allowing or disallowing direct oral questioning by other parties is solely at the discretion of the UHP chairperson.)

13.6.5.4.5 Legal Counsel

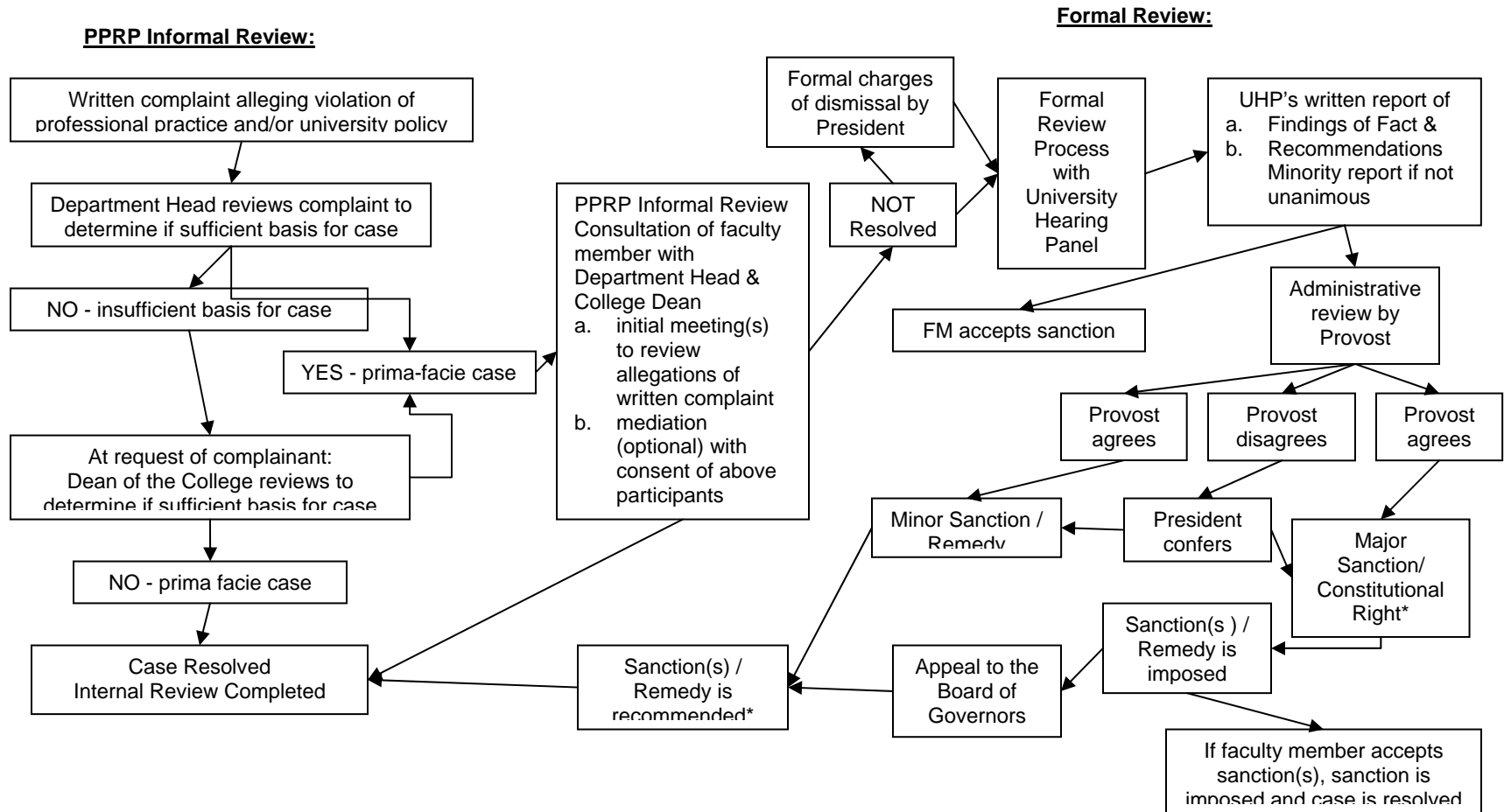
The faculty member, administrators and the University are all entitled to be represented by legal counsel, but formal legal procedures will not apply and the hearing will be subject to the rulings of the UHP chairperson.

13.6.5.5 UHP Report

For the next step in the PPRP Formal Review, refer to requirements for the Findings of Fact and Recommendations report by the UHP (described in the Formal Review Processes Section 13.7.4, applicable to both APGP and PPRP Section of this document).

13.6.6 Professional Practices Review Process (PPRP) Flow Chart

Exhibit PPRP - 1



*Termination of employment, revocation of tenure and demotion of rank are automatically appealable to the Board of Governors. For circumstances when other sanctions can be appealed to the Board of Governors, refer to Section 13.7.6.

**Completion of the Internal Review Process (as described in this document) is a prerequisite to litigation, arbitration or other external review. Where statutes of limitation necessitate it, the faculty member can file with agencies or courts, but external proceedings should be stayed until completion of University internal processes unless prohibited by law or a court with jurisdiction.

13.6.7 PPRP Informal Review for Professional Practices Review Process Exhibit PPRP - 2

<p>Initiation of PPRP Informal Review Process</p> <ul style="list-style-type: none"> • Complainant files written complaint with Department Head • Complainant supplies any additional documentation he/she wishes the Department Head (DH) to consider • Faculty member (FM) receives written notification of complaint from DH (or designee) • DH (or designee) reviews complaint • Faculty member and complainant receive written notification of DH's determination of whether a prima facie case is established. <p>If DH finds sufficient prima facie basis for complaint, DH forwards complaint, determination of sufficient basis for claim and accompanying documents to Dean to initiate Informal Consultation process</p>	<p>Time frame</p> <p>Within 10 work days of filing the complaint</p> <p>Within 10 work days from DH receipt of complaint</p> <p>Within 15 work days of FM actual receipt of written notification of complaint</p>
<p>If DH finds NO PRIMA FACIE CASE, complainant may pursue the case to the Dean</p> <ul style="list-style-type: none"> • Complainant may request review by Dean in writing if not satisfied with DH's determination of claim's sufficiency • Faculty member and DH receive written notification of complainant's request for Dean's review by Dean (or designee) and DH forwards complaint, documentation and DH's determination of sufficiency of claim to Dean 	<p>Time Frame</p> <p>Within 10 work days from complainant's receipt of written notification of DH's determination</p> <p>Within 5 work days from Dean's receipt of request for review</p> <p>If no timely written request by complainant for review, case is resolved</p>
<p>If DH finds SUFFICIENT BASIS or Complainant makes timely Request for Review to Dean</p> <ul style="list-style-type: none"> • Dean (or designee) reviews complaint and documentation; DH and Dean meet without faculty member to discuss the case • FM, DH, Dean meet for Informal Consultation (Refer to narrative for mediation option.) • FM, complainant, and Provost receive formal notification of Dean's Findings and Recommendations <ol style="list-style-type: none"> a. If Dean and DH both find "no prima facie case, case is resolved b. If Dean finds sufficient basis for complaint and FM accepts Dean's Findings and Recommendation, case is resolved c. If Dean finds sufficient basis for complaint, but FM challenges Findings and/or Recommendation, Dean, DH, FM or President can request the Formal Review Process in writing to Provost. 	<p>Time Frame</p> <p>Within 10 work days of Dean's receipt of request for review or within 20 days of DH's determination of sufficiency of claim, whichever is sooner</p> <p>Within 10 work days from conclusion of FM, DH and Dean Informal Consultation, Dean shall decide and forward Findings and Recommendations</p> <p>Request for Formal Review shall be made to Provost within 25 work days from FM's receipt of formal notification of Dean's Finding and Recommendation and notice of Formal Review request shall be sent by Provost to FM, DH, Dean, complainant, FSEC and EOO</p>

13.6.8 Professional Practices Formal Review Process Exhibit - 3

If Informal Review finds SUFFICIENT BASIS and no resolution has occurred	Time Frame
<ul style="list-style-type: none"> • Formal Review is requested by President, Dean or DH or FM in writing to Provost Where the University is seeking to terminate employment or revoke tenure or demote rank of a tenured faculty member, the President shall be the person to file formal charges to initiate the PPRP Formal Review Process • Formal Review begins; University Hearing Panel empanelled by APRC, receives formal complaint, charges and documentation, conducts organizational meeting • UHP meets alone to review written record and organize its work • UHP meets with faculty member and administrator bringing charges (or designee) and complainant if available • FM or UHP chairperson or Provost may request formal hearing in writing following UHP/FM meeting; written notification of the request is provided by the requesting individual to the FM, UHP and Provost • UHP Formal Hearing with due process opportunity for FM held (if requested) • FM receives formal notification of UHP report of Findings and Recommendation and Provost receives written notification <ol style="list-style-type: none"> a. If FM accepts Findings and Recommendation, case is resolved b. If FM challenges UHP Findings and Recommendation, case proceeds to Provost review • Provost reviews UHP Findings and Recommendations; Provost may meet with UHP chair or full committee for clarification; Provost makes recommendation; If Provost disagrees with UHP Recommendations, President (or designee) reviews recommendations of UHP and Provost and recommends appropriateness resolution • Provost provides formal notification to FM and written notification to UHP, DH, and Dean, complainant, EOO and FSEC of Provost's recommendation and recommendation of the President (or designee) if applicable 	<p>After FM receives Dean's Findings & Recommendations:</p> <ul style="list-style-type: none"> • 20 work days for FM, Dean, or DH to request Formal Review • If FM improvement measures were unsuccessfully attempted, Formal Review can be initiated later • President can draft formal charges for termination of employment, revocation of tenure, which triggers the PPRP Formal Review Process. <p>FM, Dean and FSEC shall each select their respective representatives for UHP as expediently as possible (with good faith effort to select within 15 work days of receipt of Provost's written notification that Formal Review Process has been initiated).</p> <p>Within 10 work days from initial UHP organizational meeting, UHP/FM meet</p> <p>Request for formal hearing must be made to Provost's office within 15 work days from conclusion of UHP meeting with FM</p> <p>Formal hearing (with witnesses) shall occur no sooner than 21 work days after request for formal hearing, but within 60 calendar days of request for formal hearing (unless otherwise agreed by all parties) - on date agreed to by UHP chair and FM</p> <p>Any additional documentation shall be received by the UHP chairperson and opposing parties at least 10 work days before Formal Hearing</p> <p>Within 10 work days from UHP vote on recommendation(s), UHP shall issue report</p> <p>Within 10 work days from Provost receipt of written notification of UHP Finding and Recommendation, Provost makes his/her recommendation</p> <p>With minor sanctions where UHP and Provost agree (or President has determined minor sanction(s) are appropriate), sanctions are imposed and case is resolved</p> <p>Refer to subsequent chart regarding major sanctions and for when case can be appealed to BOG. (10 day timeline from formal notification)</p>

13.6.9 Implementation of Remedies and Imposition of Sanctions for PPRP and APGP
Exhibit PPRP – APGP – 4

	Time Frame
<ul style="list-style-type: none"> • For PPRP, if sanction is minor, sanction is imposed, case is resolved • Major sanctions of termination of employment, revocation of tenure, demotion can be appealed to the Board of Governors by the faculty member even if the UHP, Provost and President agree as to the sanction. Issues involving Constitutional rights related to protected status or issues of academic freedom of speech are appealable to the BOG where adverse employment action was taken or threatened as described in Section 13.7.6.1.2. • Other major sanctions/remedies can be appealed to the BOG only if the UHP, Provost/President disagree as to the sanction/remedy; such case can be appealed to the BOG by the faculty member, Provost, President or UHP Chairperson in writing at the President’s office. • BOG reviews case, including all documentation, Findings and Recommendations of each decision body that has previously considered the case; • FM has right to appear with legal representation before BOG. A legal advisor for the faculty member may both advise and speak. • BOG decides case and sends formal written notification of its decision to FM, DH, Dean, and Provost, complainant or other parties, UHP, EOO, and FSEC • Internal process ends; • FM is free to pursue external review. 	<p>Sanction imposed at date of Provost concurrence with UHP’s recommendation (or the decision date by the President (or designee) where applicable)</p> <p>Within 10 work days after FM’s receipt of joint formal notification of Provost recommendation or President’s recommendation (where applicable) whichever is later</p> <p>Within two regular BOG meetings</p> <p>Within 10 work days from BOG meeting where decision was made, formal written notification shall be sent.</p> <p>Remedy is implemented or sanction is imposed</p> <p>Case is resolved; internal process ends.</p>

13.7 Formal Review Processes Applicable to Both APGP and PPRP

The following procedures apply to both the APGP and PPRP Formal Review Processes. Refer to the separate APGP and PPRP Sections for differences in how the formal review is initiated and for slight differences in the review and hearing process that leads up to the UHP Findings of Fact and Recommendations report.

13.7.1 Selection of the University Hearing Committee and Empanelling the University Hearing Panel

13.7.1.1 University Hearing Committee

Twenty-four tenured faculty members shall be elected by the Faculty Senate to serve three-year staggered terms as the University Hearing Committee (UHC). From this 24 member pool, 5-member UHP panels shall be selected as needed. The Faculty Senate shall select one-third of the UHC membership annually in the regular February meeting of the Faculty Senate for service beginning in the next academic year. These faculty members shall be nominated by their College Councils which shall send two names annually to the Faculty Senate Office by February 1st. At least three of the twenty-four faculty members shall be from each college. (Replacements, where necessary, shall be appointed by the FSEC or filled by the Faculty Senate at the next annual appointment period.)

In the first year of implementation, each college shall nominate five faculty members, from which the Faculty Senate selects the twenty-four members to serve on the Committee (with at least 3 from each college). Faculty Members elected to the UHC shall randomly be assigned one, two or three year appointments. A faculty member who is elected to the UHC may be re-elected to successive terms.

13.7.1.2 University Hearing Panel

Once the Formal Review Process of a particular case is initiated, the five faculty members of the University Hearing Panel (UHP) are selected from the twenty-four member University Hearing Committee in the following manner:

13.7.1.2.1 Faculty Member Selection

The faculty member filing the grievance or against whom a complaint is filed shall have the right to select one member of the UHP;

13.7.1.2.2 Dean Selection

The Dean (after consulting with the Department Head) shall have the right to select one member of the UHP;

13.7.1.2.3 Other Parties Selection

Other parties against whom a grievance was filed (other than the Dean) shall jointly have the right to select one member of the UHP for the APGP Formal Review only;

13.7.1.2.4 FSEC Selection

The FSEC shall select the remaining members of the UHP; if either the faculty member or Dean or party(ies) choose not to exercise the option in a timely manner to select a UHP member, the FSEC shall make the selection(s);

13.7.1.2.5 College Faculty Member on UHP

At least one of the five UHP members shall be from the college of the faculty member who filed the grievance or against whom the complaint was filed.

13.7.1.2.6 Right of Recusal

Individual members of the University Hearing Committee have the right to recuse themselves or refuse to serve on a particular panel.

13.7.1.2.7 Organizational Meeting

Once the members of the panel are known, the Provost's office shall promptly contact each person that week to ascertain a meeting time that is mutually available. At its first meeting, the Panel shall elect a chairperson by majority vote.

13.7.1.3 Vacancy on Panel

In the case of the retirement of a UHP faculty appointee during a pending case, the retiree may continue to serve on that case as a member of that UHP panel if s/he elects to do so. If death, serious illness, resignation or retirement precludes someone from completing service on the UHP, a new appointee shall be selected by the same person or body who had authority to make the original appointment. If a vacancy occurs during or after the formal hearing, the appointee shall not be replaced.

13.7.1.4 APRC Assistance

The APRC shall oversee the selection process for empanelling the UHP and may be consulted by the UHP with regard to implementation of the Formal Review processes described in this document.

13.7.1.5 Adherence to Faculty Handbook

The UHP panel and APRC shall have no power to alter or amend the provisions of the Faculty Handbook.

13.7.2 Confidentiality

All UHP members, administrators, parties and witnesses shall maintain confidentiality in accordance with the policy set forth in the Introduction of the APGP and PPRP processes.

13.7.3 Hearing Process

Refer to the separate APGP and PPRP Sections for differences in how the formal review is initiated and for slight differences in the review and hearing process that leads up to the UHP Findings of Fact and Recommendations report.

13.7.4 UHP Formal Report of Findings of Fact and Recommendations for the Formal Review Process of the APGP and the PPRP

13.7.4.1 UHP Meetings

The UHP may meet by itself as often as necessary to discuss procedures and to analyze the case. These meetings are confidential and records are not required to be kept.

13.7.4.2 UHP Report

After the formal hearing (or waiver thereof), the UHP shall create a written report divided into (a) Findings of Fact and (b) Recommendations of sanctions or remedies and shall provide supporting reasons.

13.7.4.3 UHP Minority Report

If the UHP is not able to come to consensus, a written minority report shall accompany the UHP's written majority report.

13.7.4.4 Written Notification of Findings of Fact

The UHP chairperson shall send the written Findings of Fact and Recommendations (with minority report if applicable) to the Provost, and to the faculty member through written formal notification. The Provost's office shall then send written notification copies to the Department Head, Dean and FSEC.

13.7.4.5 Distribution of Written Notification – APGP

With the APGP case, the Provost shall also send written notification to other named parties, and APRC.

13.7.4.6 Distribution of Written Notification – PPRP

With a PPRP case, the Provost shall also send written notification to the complainant and President.

13.7.5 Appellate Review by Provost and President of APGP or PPRP or PCTP Case

13.7.5.1 Recommendation of Remedy or Sanction

The Provost (or designee) and President (or designee) shall accept the UHP Findings of Fact, but may recommend a more appropriate remedy or sanction. The administrator should not recommend major sanctions (different from the UHP recommendations) unless there is a compelling reason to do so.

The administration shall not rely on previously available evidence which it has not shared with the UHP. If significant new evidence is discovered, then the Provost or President can reconvene the UHP to consider whether this new evidence alters its Findings of Fact or Recommended remedies.

13.7.5.2 Provost or President Review

The APGP grievance with the UHP Findings of Fact and Recommendations proceed automatically to the Provost for review. If, however, the grievance is against the Provost, the case proceeds instead to review by the President (or designee).

13.7.5.3 Conclusion of PPRP Case

13.7.5.3.1 Acceptance of Findings

If faculty member accepts the UHP Findings of Fact and Recommendations, including imposition of any sanctions or other remedies, the case is resolved.

13.7.5.3.2 Challenge of Recommendations

If faculty member challenges the UHP's Recommendations, the case proceeds to the Provost for review.

13.7.5.4 Provost Review of Findings and Documentation

For PPRP process (or where grievance is not brought against Provost), the Provost (or designee) reviews the UHP's Findings of Fact and Recommendations, including all documentation that has accumulated throughout the Informal and Formal Review Processes.

13.7.5.4.1 Provost Acceptance of Findings

Provost shall accept the UHP's Findings of Fact.

13.7.5.4.2 Provost Review of Sanctions and Remedies

Provost shall review the recommended sanction(s) and other remedies, and may recommend a more appropriate remedy, but should not recommend major sanctions (different from the UHP recommendations) unless there is a compelling reason to do so.

13.7.5.4.3 Attempt to Reach Mutual Recommendation

Provost may confer with UHP chair and/or full committee for clarification and to better facilitate reaching a mutual recommendation.

13.7.5.5 Agreement of Provost and UHP

Where the Provost and the UHP majority opinion AGREE on recommended remedies or sanctions:

13.7.5.5.1 Minor Sanction

If the sanction is a minor sanction or remedy (such as described in the Sanctions and Other Remedies Section), it shall be imposed or implemented promptly without appeal to either the President or the Board of Governors;

13.7.5.5.2 Major Sanction

With a major sanction or remedy, the faculty member, UHP Chairperson or Provost may request that the President review the case (even though the UHP and Provost concurred as to the remedy).

13.7.5.6 Presidential Review

13.7.5.6.1 Disagreement of Provost and UHP

If the Provost and the UHP majority opinion DISAGREE on recommended remedies or sanctions, and the disagreement cannot be resolved, the President (or designee) shall review the case.

13.7.5.6.2 Request for Presidential Review

The case may also be reviewed by the President at the request of either the Faculty Member, Provost or UHP Chairperson where a major sanction has been recommended by either the UHP or Provost.

13.7.5.6.3 Agreement on Minor Sanction

Where the UHP and Provost agreed on a minor sanction or remedy, there is no right to review by the President.

13.7.5.6.4 President's Decision

The President shall render a decision after consulting with the Provost and UHP chairperson and after reviewing the Findings of Fact and Recommended remedies.

(Where the grievance is brought against the Provost, consultation shall be with the designee of the Provost and UHP chairperson.) In either case, the President (or designees) shall then provide a written recommendation, with notification as described below.

13.7.5.7 Conclusion of Appellate Review

Notification at the conclusion of the appellate review by Provost (or designee) and President (or designee):

13.7.5.7.1 Written Notification

The Provost's office shall provide written formal notification to the faculty member of the Provost's recommendations (and President's recommendations if applicable) for sanctions or other remedies.

The Provost's office shall also provide written notification of those recommendations to the Department Head, Dean, UHP chairperson, University counsel, Office for Equity and Diversity (EEO EOO) and FSEC. In addition, written notification shall be sent to the complainant (for PPRP process) and to the University representative with the APGP process, as well as to other named parties and the APRC.

13.7.5.7.2 Recommendations to Board of Governors

The Provost's office shall also provide a written copy to the Board of Governors of UHP's Findings of Fact and Recommendations of the majority opinion (and dissent if there is one), the Provost's recommendations and the recommendations of the President if applicable.

13.7.6 Board of Governors' Review of APGP or PPRP Case

13.7.6.1 Cases That May/May Not be Appealed to the Board of Governors

13.7.6.1.1 Termination of Employment

Where termination of employment (dismissal) of a tenured faculty member or revocation of tenure or demotion of rank is the recommended sanction, the faculty member shall have an automatic right to appeal the decision to the Board of Governors, whether the UHP/PCTP/EOO, Provost and President agree or disagree as to the appropriateness of this sanction.

13.7.6.1.2 Denial of Constitutional Rights

Issues involving alleged denial of Constitutional rights or academic freedom of speech are appealable to the Board of Governors. Where the faculty member alleges discrimination or adverse employment action based on exercising academic freedom of speech, political affiliation or protected status and the EOO process, UHP or PTCP ruled in favor of the faculty

member, but the Provost, President or other administrator imposes or threatens “adverse employment action,” the faculty member shall have a right to appeal to the Board of Governors.

13.7.6.1.3 No Appeal – Agreement on Other Major Sanctions

Where the UHP/PCTP/EOO, Provost and President all agree as to the appropriateness of the sanction or remedy for other major sanctions/ remedies (besides those listed in Section 13.7.6.1.1), there is no automatic right of appeal to the Board of Governors.

13.7.6.1.4 Disagreement on Major Sanctions

Where a major sanction/remedy (listed in Section 13.4.2.2) is recommended and the UHP or and Provost or President disagree as to the sanction to be imposed, the faculty member, UHP Chairperson, Provost and President each have a right to appeal the decision to the Board of Governors. Such appeal to the Board of Governors shall be initiated by filing a request for a PPRP appeal with the University President’s office in accordance with the time frames established in the time charts accompanying this document and multiple appeals shall be consolidated. UHP Findings of Fact and the Recommendations of the UHP, Provost and President shall all be presented to the Board of Governors.

13.7.6.1.5 Imminent Threat

Where a full-time faculty member has been suspended or banned from University property for posing an imminent threat (as described in Grievance Section 13.4.2.3) before exhaustion of the PPRP process, that faculty member shall have a right to appeal the decision to the Board of Governors.

13.7.6.1.6 No Appeal – Minor Sanctions

Where a minor sanction or minor remedy is recommended, there is no right of appeal. The congruent decision of the UHP and Provost shall be imposed. Where the UHP and Provost disagree on the minor remedy, the decision of the President (or designee) is final and shall be imposed or implemented promptly without appeal to the Board of Governors.

13.7.6.1.7 Authority of Board of Governors

The Board of Governors has ultimate authority in the granting, denying or revoking of tenure or promotion, termination of employment and in personnel matters, and the Board of Governors may permit or deny (at its discretion) appeals on additional grounds beyond those listed in Sections 13.7.6.1.1, 13.7.6.1.2, and 13.7.6.1.4.

13.7.6.2 Time Lines of Appeals

Appeals shall be initiated in accordance with the time chart included in this document. All appeals to the Board of Governors shall be filed in the President’s office.

13.7.6.3 Board of Governors Review

The Board of Governors reviews 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 (with an APGP grievance) or the Dean’s Findings of Fact and Recommendations (with a PPRP complaint);
2. Findings of Fact and Recommendations of the UHP; and
3. Recommendations of the Provost and President (or designees).

13.7.6.4 Legal Counsel

The faculty member may have present an advisor (who may be an attorney). The attorney may advise his/her client and may formally participate at the Board meeting (or meeting of a committee of the Board charged with reviewing the case).

13.7.6.5 Record

A formal record is kept of meetings of the Board of Governors or its Committee.

13.7.6.6 Board's Authority to Decide Case

The Board has the authority to decide the case, to impose recommended remedies and sanctions, in accord with procedures outlined in this document and under Missouri statutory law.

13.7.6.7 Written Notification of Decision

Formal notification of the Board of Governors' decision shall be sent to the faculty member. Written notification shall be sent to the Department Head, Dean, Provost (or designee), University counsel or other University representative, FSEC, Office for Equity and Diversity, all other named parties and the APRC (with APGP process).

13.7.6.8 Once the Board of Governors has Decided the Case

1. If the faculty member accepts the decision of the Board of Governors, including the imposition of any sanctions and implementation of any other remedies, the case is resolved.
2. Once the remedies are implemented or sanctions are imposed, the case is resolved, with no further steps in the internal process.
3. If the Board of Governors terminates the employment of the faculty member, dismissing him/her from University employment, the faculty member's salary may be terminated as of effective date of the dismissal.

13.7.7 External Court Case or Alternative Dispute Resolution

13.7.7.1 Establishment of Official Record

The internal University Informal and Formal Review Processes are designed to provide the faculty member with a due process procedure. The Findings of Fact and Recommended remedies or sanctions serve as an "official record." Such an official record needs to be established before a court or arbitrator can adequately review the case.

13.7.7.2 External Review

After the relevant University internal Informal Review Process and Formal Review Process are exhausted, the faculty member has the right to seek external review through litigation, as permitted by federal or State Constitution(s) or statute(s), but doing so shall not suspend the imposition of any sanction or implementation of other remedies, unless stayed by a court of law with jurisdiction to do so. No case shall be subjected to arbitration or other alternative dispute resolution, except with the consent of the Board of Governors.



14. Separation from Employment

14.1 Resignation

Faculty members may terminate their appointments effective at the end of an academic year, provided that they give notice in writing at the earliest possible opportunity, but no later than May 15 or 30 days after receiving notification of the terms of appointment for the coming year, whichever date occurs later. Faculty members may properly request a waiver of this requirement of notice in case of hardship or in a situation where they would otherwise be denied substantial professional advancement or other opportunity.

14.2 Retirement

The University complies with the Age Discrimination and Employment Act. Amendments to this federal law have removed mandatory retirement based on age.

All faculty members retired from Missouri State University have the following benefits: use of Taylor Health and Wellness Center, faculty discount at Baker Bookstore, admission to convocations on campus, use of the facilities of the Libraries, use of Plaster Student Union, enrollment in one course per semester free of required student fees, faculty privileges for admission to athletic activities, and use of the campus recreation facilities.

Each faculty member retired from Missouri State University is entitled to continue the same medical insurance coverage he or she had before retirement, including dependent coverage, at the same group rate before retirement but the retiree must assume the cost. Although a retiree is no longer eligible for the group term life insurance plan provided by the University, the retiree is guaranteed the option to convert to ordinary life insurance with the same company but at a higher rate based upon individual policy rates and the retiree's age. The Director of Human Resources can provide more specific information regarding retirement and insurance.

14.3 Teaching for Missouri State University after Retirement

From time to time, the University may offer individual retired faculty members the opportunity to teach one or more courses after retirement. For retired faculty members who have been granted emeritus status, the compensation for such teaching would be at the rate of 2.5 percent per credit hour of the average salary for the retiree's rank during his or her last year of employment at the University. For retired faculty members who have not been granted emeritus status, compensation for teaching after retirement shall be at the regular per course rate.

A retired faculty member who teaches part-time for Missouri State University after retirement will continue to receive his or her retirement benefits. The retiree must not work more than the equivalent of half-time employment. The teaching load would ordinarily be up to six hours per semester; special permission may be granted by the Provost for a retired faculty member to teach more than six hours during a given semester, but no more than 12 hours during the academic year. The retiree can earn up to a specified amount each calendar year and still collect full Social Security benefits.

14.4 Notice of Non-Reappointment of Tenure-track Faculty

Policies regarding notice of non-reappointment of ranked faculty during the probationary period may be found in Section 4.6.1.

14.5 Dismissal

The following Missouri statutes provide the basis for the University's policy for dismissing tenured faculty members or for dismissing untenured faculty members prior to the expiration of a term appointment:

174.140. - Each Board of Governors may appoint and remove the President or any Professor or teacher in any state college in its district; may fix the duration, terms and conditions of their offices and compensation; may enter into agreements for and make contributions to both voluntary and statutory retirement plans for the President, Professors and teachers; and under rules adopted by the board may extend the provisions of the workmen's compensation law to all employees thereof.

(RSMo 1939 Sec. 10765, A.L. 1947 V.II. p.382, A.L. 1979 p.288)

Prior revisions: 1929, Sec. 9608; 1919, Sec. 11503; 1909, Sec. 11074 174.150.

1. No President, Professor or teacher shall be removed except for incompetency, neglect or refusal to perform his duties, dishonesty, drunkenness or immoral conduct; nor shall such President, Professor or teacher be removed until after ten days' notice, in writing, stating the nature and cause of removal; and he shall have an opportunity to make a defense before the board by counsel or otherwise; and be allowed to introduce testimony which shall be heard and determined by the board.
2. In every case of suspension or expulsion by the faculty the person suspended or expelled shall be allowed an appeal to the board from the decision of the faculty, and the board shall prescribe the manner and mode of proceeding in the matter of such appeal; but the decision of the board upon such appeal shall be final.

(RSMo 1939, Sec. 10766)

Prior revisions: 1929, Sec. 9609; 1919, Sec. 11504; 1909, Sec. 11075

When, in the view of the President of the University, there are substantive grounds under the law for the dismissal of a faculty member previous to the expiration of a term appointment, the President or his delegate will frame with reasonable particularity a statement of charges. This step will be taken only when less drastic courses of action do not produce, or promise to produce, a remedy. Those less drastic courses of action may include but not be limited to the following: (1) discussions between the faculty member and appropriate administrative officers, and (2) informal inquiry by the Academic Personnel Review Commission which may, failing to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President.

14.5.1 Dismissal Procedures

The President of the University will initiate formal dismissal proceedings by addressing a written communication to the faculty member informing him or her of the statement of charges and that he or she will be dismissed as of a date specified in the written communication, but in no case less than 30 working days from the date of delivery of the communication. The faculty member will also be notified by the President that he or she may file a formal grievance within 15 working days from the date of the delivery of the communication. If a grievance is filed, it will follow the APGP process. If no grievance is filed, the dismissal will take effect as indicated in the written communication specified above.

Pending final decision, the faculty member will be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to the faculty member or others is threatened by continuance. Before suspending a faculty member, pending an ultimate determination of the faculty member's status through the grievance process, the administration will consult with the Faculty Senate Executive Committee concerning the propriety, the length, and the other conditions of the suspension. Salary will continue during the period of the suspension. The faculty member may request review by the Board of Governors of the dismissal, as provided in Section 174.150, RSMo.

14.6 Check-Out Procedures for Faculty Members Leaving the Employ of the University

All faculty members leaving the employ of the University must complete a property clearance form which is available from the Office of Human Resources. A copy of this form is required by the Payroll Office before final paychecks are issued.

14.7 Reduction in Force Due to Financial Exigency

14.7.1 Preliminary Considerations

Declaration of the existence of a financial exigency is the responsibility of the Board of Governors. This declaration will take place only if there is a financial crisis of such magnitude that all other reasonable measures have been taken and there is no alternative to the termination of University faculty who otherwise would have the expectation of continuing employment. The measures which precede this declaration of exigency and the process leading to its declaration are detailed in The University Financial Exigency Policy, included in the Faculty Handbook as Appendix B. This policy will be changed only through the procedures specified for amendment of the Faculty Handbook in Section 15. Actions taken will be in accordance with the principles stated below, subject to the condition that special care will be taken so that the burden of financial exigency does not fall disproportionately on those for whom affirmative action was taken:

The preservation of viable academic programs for the University shall be the primary consideration.

The Faculty must not bear a disproportion of the budgetary cutbacks. Every reasonable effort must be made by the Administration to reassign faculty members to other mutually acceptable professional work for which they are qualified at the University, in order to prevent the termination of employment of faculty members.

14.7.2 Faculty Reductions

If the financial exigency requires a reduction in the personnel services budget for the Office of the Provost, faculty members' employment will be terminated according to the process detailed in The University Financial Exigency Policy (Appendix B) following these priorities:

1. Termination of part-time, unranked personnel in all departments to the degree that their duties could be absorbed by fulltime faculty members and still retain student enrollments.
2. Within academic departments, fulltime faculty members will be terminated according to the following priorities:

- a. Termination of unranked faculty members to the degree that their duties could be absorbed by ranked faculty members.
- b. Termination of nontenured ranked faculty members with six or fewer years of service to the University to the degree that their duties could be absorbed by tenured faculty members.
- c. Termination of tenured faculty members with fewer than 12 years of service to the University to the degree that their duties could be absorbed by other tenured faculty members.
- d. Termination of tenured faculty members with 12 or more years of service to the University.

14.7.3 Program Reductions

If the crisis created by the financial exigency cannot be managed by distributed personnel reductions as detailed in *The University Financial Exigency Policy* (Appendix B), it may become necessary to eliminate one or more academic programs. Such program elimination shall be accomplished according to the process detailed in *The University Financial Exigency Policy*.

14.7.4 Rights of Terminated Faculty Members

At the termination of a faculty member due to financial exigency, the University will provide the affected faculty member with a written notice of termination including a summary of the information and data used to make the termination decision as well as a description of the manner in which the decision was reached. This notice of termination must be provided according to the same requirements of timely notice of non-appointment of ranked faculty members during the probationary period, as prescribed in (Section 3 and 4) of this Handbook, except in the case of an extraordinary financial exigency, which, as agreed to by the Faculty Senate and the President, would make it impossible for the University to give such notice. This notice of termination for tenured faculty must be provided at least 12 months before the effective termination date.

Faculty given notice of termination have the right to a full hearing before a faculty committee to assess the validity of the educational judgments and the criteria for identification for termination, and to determine whether the criteria are being properly applied in the individual case. The faculty committee shall consist of five members, including the two faculty members of the Academic Personnel Review Commission (APRC), plus one additional tenured faculty member selected by the Executive Committee of the Faculty Senate, one additional academic administrator selected by the Provost, and one additional tenured faculty member (not currently serving as an academic administrator) chosen by agreement of the Executive Committee of the Faculty Senate and the Provost. A recording of the hearing will be made. The faculty member will be permitted to introduce documentation and testimony determined by the chair of the hearing committee to be relevant. The administration would be permitted to similarly respond. Both the faculty member and the administration may be represented by legal counsel. Any request for hearing must be made within five (5) calendar days of receipt of the notice of termination. The faculty committee must report its decision, the number of votes cast on each side (but not identifying the votes of the individual committee members), and a rationale for its decision within ten (10) calendar days of the hearing.

Either the faculty member or the administration may appeal the decision of the faculty committee to the Board of Governors. An appeal to the Board of Governors must be made in writing, and must be filed with the President within ten (10) calendar days following the decision of the faculty committee; otherwise, the opportunity for appeal will be lost. Upon receipt of the

written appeal, which must state the basis for the appeal, the President will notify the President of the Board of Governors. At the next regular Board meeting, or as otherwise determined appropriate by the President of the Board, the Board will decide whether to hear the appeal. If the Board refuses to hear the appeal, the decision of the faculty committee is affirmed. If the Board agrees to hear the appeal, the hearing may be formal or informal, and the time and place of such hearing will be communicated within a reasonable time to all parties involved. The Board, or its designated committee shall have access to all facts and information it may feel are relevant and material to the issue. Parties to the appeal may be represented by legal counsel. The presiding officer selected by the Board of Governors will rule on all questions of evidence or procedure. Upon conclusion of such appeal, the Board, or its designated committee, will render a finding in writing that will be final.

During the 12 months prior to effective termination, the faculty member will be permitted to continue in professional duties at the University with full salary and benefits. Salary shall be paid monthly for the duration of the 12-month period or until the faculty member obtains full-time outside employment. If the faculty member obtains full-time outside employment at a pay rate and with benefits that are less than the University pay rate and benefits, then the University shall pay the difference for the remainder of the 12 month period. If the faculty member chooses to leave the University during this 12-month period for any reason other than to accept full-time outside employment, the University's salary and benefit commitment will cease. The faculty member and the University retain the option to negotiate individual alternative arrangements by mutual agreement between the parties.

The University will provide reasonable assistance to faculty members who are terminated as a result of financial exigency in their search for other employment.

Faculty members terminated because of a financial exigency will have the following rights of recall and seniority, in reverse order of termination. A replacement for a faculty member's position shall not be appointed within three academic years after the effective date of the termination of said faculty member. During this three-academic-year period, prior to the appointment of any new faculty member in a terminated faculty member's position, the University shall offer reappointment by registered mail to such terminated faculty member at his or her last known address. Said faculty member shall have 30 calendar days within which to accept or decline the offer in writing. Should said faculty member indicate in writing that he or she desires to accept reappointment at the University, then such reappointments shall be held open by the University for such a period of time as may be necessary for the faculty member to fulfill any commitment he or she may have made to the faculty member's then-current employer, provided that such commitment does not extend beyond the period of one academic year. A recalled faculty member shall be reinstated to those years of service credits that he or she had accrued at the time termination occurred.

14.8 Reduction in Force Due to Elimination of Academic Programs for Reasons Other Than Financial Exigency

14.8.1 Definition

"Academic program" means any course of study, whether graduate or undergraduate, approved through the curricular process of the University and appearing in the curricular offerings of Missouri State University listed in the Program Inventory for Public Institutions published by the Coordinating Board for Higher Education of the State of Missouri. The Greenwood Laboratory School is also considered to be an "academic program."

14.8.2 Procedures for Eliminating Academic Programs

Except as provided in Section 14.7.3, an academic program will be considered for elimination only if the program is no longer viable for academic, enrollment, or accreditation reasons. Any proposal to eliminate an academic program will be forwarded to the Provost. If the Provost concludes that the proposal has merit, he/she will forward it to the Faculty Senate for its action. The Senate will receive recommendations from the academic department(s) involved, the college council(s) involved, and the Executive Budget Committee before taking action.

Reorganization of academic programs cannot result in the elimination of any academic program without utilization of the procedures required herein.

14.8.3 Rights of Faculty Members in Eliminated Programs

Non-tenured ranked faculty members with teaching assignments in the academic program to be eliminated will be given notice of non-appointment as prescribed elsewhere in this Faculty Handbook. Tenured faculty members with teaching duties in the program to be eliminated will be assigned other available responsibilities for which they are qualified within the department. In those cases where there is no alternative assignment available within the department, at least one of the following courses of action shall be offered in good faith by the University in consultation with the tenured faculty member and the affected department(s):

1. Early retirement
2. Transfer of teaching duties to a different department
3. Transfer of assigned duties to another professional position within the University, without loss of tenure
4. Retraining for a position inside or outside the University

If none of the courses of action listed above is mutually agreeable, the tenured faculty member will be released from service to the University. The University will provide the affected faculty member with a written statement including the information and data used to make the termination decision as well as a description of the manner in which the decision was reached. This statement of notice of termination must be provided at least one full calendar year prior to the effective date of the termination.

The terminated tenured faculty member shall be given severance pay consisting of the continuation of his or her regular monthly salary (including fringe benefits) for a period of 12 months, plus an additional 30 calendar days salary payment for each year of academic service to Missouri State University, to a maximum of 12 years of service. As an alternative and at the University's option, the terminated tenured faculty member shall be given extended notice, during which he or she will continue in professional duties with full salary and benefits, equivalent to 12 months plus an additional 30 days notice for each year of academic service to Missouri State University to a maximum of 12 years service. Salary shall be paid monthly until the severance pay benefits or extended notice ends or until the faculty member is recalled by the University, or until the faculty member obtains outside employment. If the faculty member obtains outside employment at a pay rate and with benefits that are less than the University pay rate and benefits, then the University shall pay the difference for the period of eligibility for severance pay.

When tenured faculty of eliminated academic programs and the Administration have mutually agreed to retraining, the retraining will consist of the following components: (1) the retraining

period of the affected tenured faculty member may be for as long as one academic year's duration whether the retraining is for a position with the University or for a position outside the University; (2) retraining may consist of course work or practical work completed on the Missouri State University campus or course work or practical work completed on another campus; (3) during the faculty retraining period, the tenured faculty member shall receive his/her salary and fringe benefits at the same level he/she would receive on sabbatical leave; and (4) the University will, for a faculty member undergoing retraining on the Missouri State University campus, waive course fees to a total of 30 hours of credit. For a faculty member undergoing retraining on another campus, the University will pay the tuition or fees to a total of the cost of 30 hours of credit on the Missouri State University campus.

Faculty members who accept a retraining program for a position outside of the University are not eligible for additional severance benefits.

Faculty members terminated because of academic program elimination will have the following rights of recall and seniority. If the academic program or similar academic program is reinstated, a replacement shall not be appointed within 36 calendar months from the effective date of the termination of said faculty member. During this period, prior to the appointment of any new faculty member, the University shall offer reappointment by registered mail to all qualified terminated faculty members in inverse order of their termination at his/her last known address. Said faculty member(s) shall have 30 calendar days within which to accept or decline the offer in writing. Should a faculty member to whom an offer of recall is made indicate in writing that he/she desires to accept reappointment at the University, such appointment shall be held open by the University for such period of time as may be necessary for the faculty member to fulfill any commitment such member may have made to his/her then-current employer, provided that such commitment does not extend beyond a period of 365 calendar days from the date of offer.

A recalled faculty member shall be reinstated to all years of academic service to Missouri State University accrued at the time of termination.



15. Amendments

15.1 Amendments to Section 1 of the Faculty Handbook

All parts of Section 1 of this Handbook, with the following exceptions, may be amended by the Board of Governors upon the recommendation of the President of the University. The exceptions are as follows:

15.1.1 Faculty Senate and Faculty Constitution (Section 1.5.2.2)

Amendments to the Faculty Constitution and changes in the function of the Faculty Senate may be made through Board-approved University governance processes.

15.1.2 Student Government Association (Section 1.5.4)

Amendments to this Section may be made through Board-approved University governance procedures.

15.1.3 University Committee Structure (Section 1.5.5)

Amendments to this part of Section 1 may be made only through those procedures described below in Section 15.2.

15.2 Amendments to Preamble, Explanatory Note, and Sections 2-15 of the Faculty Handbook

15.2.1 Reserved Statutory Rights

While the Board of Governors seeks to share the governance of the University with the faculty to the degree set forth in the policy statements of this Handbook, in so doing, the Governors do not abrogate their statutory duties required by Chapter 174, Missouri Revised Statutes, which include the right, if they deem it essential to the proper management of the University, to amend the provisions of this Handbook. If such amendment is deemed necessary, the Governors pledge that they will follow the procedures set forth herein in effecting such amendments.

15.2.2 Amendment Process

Proposed amendments to the Preamble, Explanatory Note, and Sections 2-15 of the Faculty Handbook will be considered and acted upon pursuant to the following procedures:

15.2.3 Faculty Handbook Revision Committee

There shall be a standing Faculty Handbook Revision Committee, comprised of six individuals such that, at the time of their appointment, three are members of the tenured faculty, and three are academic administrators. The Committee shall elect its own chairperson. Committee members may serve for two successive two year terms but will then be ineligible for reappointment for a minimum of two years.

15.2.3.1 Initiation of Amendments

Amendments shall originate in one of the following three ways:

1. A proposal from the Board of Governors, the administration, the faculty, faculty members, or any faculty unit.
2. An emendation initiated by the Faculty Handbook Revision Committee in the course of the septennial review.
3. A Board action taken under exigency (Section 15.2.3.4.1) which adopts a policy change at variance with the Handbook.

15.2.3.2 Processes of Committee Consideration

15.2.3.2.1 Amendments from the University Community

Upon receipt of any proposal, the Chair of the Committee shall forward a copy of the proposed amendment to the Faculty Senate and to the Provost. In consultation together, the chairs of the Faculty Handbook Revision Committee and the Faculty Senate and the Provost will evaluate whether the proposal is (1) editorial and corrective, (2) non-substantive and not pressing, or (3) substantive and pressing. Proposals of the first (1) type will be sent immediately to the Senate for approval. Proposals of the second (2) type will be retained for consideration in the septennial review. Proposals of the third (3) type will be considered immediately by the Handbook Committee. In all such considerations, the Committee shall seek a reasoned consensus as advocates for good order and due process throughout the entire academic community. The Committee shall file a report with the Faculty Senate in a timely fashion stating the Committee's recommended action.

15.2.3.2.2 Seven-Year Review of the Faculty Handbook

The Committee shall conduct a complete review and revision of the Faculty Handbook every seven years. In all cases, the Committee shall seek to reach a reasoned consensus. The Committee shall file a report with the Faculty Senate in a timely fashion stating the Committee's recommended action.

15.2.3.3 Process of Senate Consideration

The Faculty Senate shall consider the recommendations of the Faculty Handbook Revision Committee within thirty calendar days of the submission of the Committee's report, and shall file its recommended action with the Board of Governors and the administration.

15.2.3.4 Process of Board Consideration

The Board of Governors shall thereafter consider the report of the Faculty Handbook Revision Committee, the Faculty Senate, and recommendations made by the administration before taking action on the proposed changes. The Board shall also hold an open meeting to receive comments from interested parties on the proposed changes before taking final action.

15.2.3.4.1 Exigency

Under circumstances where either the legislature or the Coordinating Board for Higher Education makes requirements which necessitate a change in any policy contained herein, the President may forward directly to the Board of Governors the changes deemed immediately necessary to meet the aforesaid requirements without the same amendments first having been

considered by the Faculty Handbook Revision Committee, or the Faculty Senate, as required in Sections 15.2.3.2 and 15.2.3.3 above. In all such cases the Board shall note the pressing exigency. In its commitment to shared governances, the Board shall, in advance of its vote, provide notice to the Faculty Handbook Revision Committee and to the Faculty Senate, requesting the Committee and Senate to convene and consult with the administration concerning the proposal. The failure of either body to convene and consult shall not prevent the Governors from proceeding after a reasonable period of time has been afforded.

The Board pledges in these cases to assure full dissemination to the faculty of such amendments and to hear a request for review within six months of any such amendments, upon the written request of the Chair of Faculty Senate.

15.3 Amendments to Take Effect

Following final approval by the Board of Governors, the Faculty Handbook shall remain in effect until amended in accordance with the procedures set forth above. All amendments, unless otherwise specified, shall take effect at the commencement of the next academic year. All amendments so adopted shall be incorporated into the Faculty Handbook as a permanent revision thereto. The Office of the Provost shall undertake prompt distribution of all amendments upon passage by the Board.



Appendix A

Missouri State University Intellectual Property Policy

The Intellectual Property Policy was approved by the Faculty Senate on January 20, 2000. The policy was presented to the Board of Governors on May 19, 2000, and the Board approved the implementation of the new policy.

SECTION 1: OBJECTIVES

SECTION 2: DEFINITIONS

SECTION 3: APPLICATION

SECTION 4: COPYRIGHTS

SECTION 5: OTHER INTELLECTUAL PROPERTY

SECTION 6: TRADEMARKS

SECTION 7: INTELLECTUAL PROPERTY ADMINISTRATION

SECTION 8: PROCEEDS DISTRIBUTION

SECTION 1: OBJECTIVES

Inventions, discoveries, copyrightable works and other creative works that have the potential to be brought into practical use may result from the activities of University employees in the course of their duties or through the use, by any person, of University resources such as facilities, equipment, or funds.

The primary purpose of this Intellectual Property Policy is to provide the necessary protections and incentives to encourage both the discovery and development of new knowledge and its transfer for the public benefit; a secondary purpose is to enhance the generation of revenue for the University and the creators. The University is guided by the following objectives:

- i. To ensure that the educational mission of the University is not compromised;
- ii. To optimize the environment and incentives for research and for the creation of new knowledge at the University;
- iii. To bring the products of creative efforts into practical use for the public benefit as quickly and effectively as possible; and
- iv. To protect the interest of the people of Missouri through an equitable recovery by the University of its investment in research.

SECTION 2: DEFINITIONS

- A. *Intellectual Property.* The term "intellectual property" as used herein is broadly defined to include inventions, discoveries, know-how, show-how, processes, unique materials, copyrightable works, original data and other creative or artistic works which have value. Intellectual property includes that which is protectable by statute or legislation, such as patents, copyrights, trademarks, service marks, trade secrets, mask works, and plant

variety protection certificates. It also includes the physical embodiments of intellectual effort, for example, models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs and visualizations, demonstration software, biological materials, chemicals, other compositions of matter, plants, and records of research.

- B. *Traditional Academic Copyrightable Works.* "Traditional academic copyrightable works" are a subset of copyrightable works created independently and at the creator's initiative for traditional academic purposes. Examples include class notes, books, theses and dissertations, educational software (also known as courseware or lessonware), articles, non-fiction, fiction, poems, musical works, dramatic works including any accompanying music, pantomimes and choreographic works, pictorial, graphic and sculptural works, or other works of artistic imagination that are not created as an institutional initiative (as specified in Section 4.A.2. below).
- C. *Creator.* "Creator" refers to an individual or group of individuals who make, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of intellectual property. "Creator" includes the definition of "inventor" used in U.S. patent law and the definition of "author" used in the U.S. Copyright Act.
- D. *University Resources Usually and Customarily Provided.* When determining ownership and license rights in copyrightable works, "University resources usually and customarily provided" includes such support as office space, library facilities, ordinary access to computers and networks, including Internet access and space for course pages, or salary. In general, it does not include use of students or employees as support staff to develop the work, or substantial use of specialized or unique facilities and equipment, or other special support provided by the University unless approved as an exception.
- E. *Sponsored Projects.* Sponsored projects are activities funded in whole or in part by funds provided from internal University sources or provided by grants, contracts or other agreements with external entities. Internal sources of funding include, but are not restricted to, formally identified programs in which faculty, staff and/or students compete for support, as well as other instances wherein funds are provided from unit budgets.

Exceptions are expected in units where the tradition is to provide support to some faculty in the form of graduate assistants to help prepare traditional academic copyrightable works. Exceptions are also expected in situations where creators use University-provided facilities and resources in the creation of works of artistic imagination, for example, use of studios, pottery wheels, or kilns for the creation of paintings, sculpture or ceramics. Other individual exceptions may be approved on a case-by-case basis (see Section 7.J.).

SECTION 3: APPLICATION

This Policy as amended from time to time shall be deemed a part of the conditions of employment for every employee of the University and a part of the conditions of enrollment and attendance at the University by students. It is also the policy of the University that individuals (including visitors) by participating in a sponsored project and/or making significant use of University-administered resources thereby accept the principles of ownership of intellectual property as stated in this Policy unless an exception is approved in writing by the University. All creators of intellectual property shall upon request execute appropriate assignment and/or other documents required to set forth effectively ownership and rights as specified in this Policy.

SECTION 4: COPYRIGHTS

- A. *Ownership.* Unless subject to any of the exceptions specified below, creators retain all rights to traditional academic copyrightable works as defined in Section 2.B. above. (See, however, Section 4.B.2. below.) This includes all works developed by employees outside of University time and without use of University resources inaccessible to the public.

The University shall own copyrightable works as described following. Revenues generated by University-owned intellectual property shall be distributed according to the provisions of Section 8, unless otherwise determined in writing.

1. Works created pursuant to the terms of a University agreement with an external party, or
2. Works created as a specific requirement of employment or as an assigned University duty that may be specified, for example, in a written job description or an employment agreement. Such specification may define the full scope or content of the employee's University employment duties comprehensively or may be limited to terms applicable to a single copyrightable work. Absent such prior written specification, ownership will vest with the University in those cases where the University provides the motivation for the preparation of the work, the topic or content of which is determined by the creator's employment duties and/or when the work is prepared at the University's expense. Works created by University staff and administrative employees shall be considered to fall within this category, unless and except as specified by written agreement to the contrary, approved by the appropriate Vice President or Provost and the President of the University.
3. Works specifically commissioned by the University. The term "commissioned work" is hereafter used to describe a copyrightable work prepared under a written agreement between the University and the creator when (1) the creator is not a University employee or (2) the creator is a University employee but the work to be performed falls outside the normal scope of the creator's University employment. Contracts covering commissioned works shall specify that the author convey by assignment, if necessary, such rights as are required by the University.
4. Copyrights owned by the faculty member under this Policy will not transfer to the University simply because the work is also patentable. However, if the University pursues a patent of the work, the University will own the patent rights and the faculty member will share in royalties as set forth in Section 8. The faculty member will also license to the University the copyright for the University to use the work for the purposes of the patent and the right to sublicense to third parties for purposes of commercialization of the patent.

B. *University Rights in Creator-Owned Works*

1. Traditional academic copyrightable works created using University resources usually and customarily provided are owned by the creators. Such works need not be licensed to the University.
2. Traditional academic copyrightable works created with use of University resources over and above those usually and customarily provided shall be owned by the creators but licensed to the University. The minimum terms of such license shall grant the University the right to use the original work in its internally administered programs of teaching, research, and public service on a seven-year royalty-free, non-exclusive basis. The University may retain more than the minimum license rights when justified by the circumstances of development. By definition, any course developed for any Missouri State University network, including Intranet, LAN, WAN, or Internet course, workshop, or other educational course work, shall be considered created with use of University's resources over and above those usually and customarily provided. The University's license shall include the rights to copy, store and modify at any time.
3. This policy shall be administered consistently with Section 11 of the *Faculty Handbook*.

C. *Student Works*. Unless subject to the provisions of paragraph 4.A. or provided otherwise by written agreement, copyrightable works prepared by students as part of the requirements for a University degree program are deemed to be the property of the student but are subject to the following provisions:

1. The original records (including software) of an investigation for a graduate thesis or dissertation are the property of the University but may be retained by the student at the discretion of the student's major department. In cases of dispute, the matter shall be referred to the University Intellectual Property Committee.
2. The University shall have, as a condition of the degree award, the royalty-free right to retain, use and distribute a limited number of copies of the thesis, together with the right to require its publication for archival use.
3. Creative works developed by a student employed by the University are owned, not by the student, but by the faculty member or the University as provided by this Policy.

D. *Copyright Registration and Notice*. University-owned works should be protected by copyright notice in the name of the Board of Governors of Missouri State University. Such copyright notice should be composed and affixed in accordance with the United States Copyright Law. Registration of the copyright for University-owned works shall be in accordance with the operational guidelines and procedures established by the Associate Provost and Dean of the Graduate College. The University may also decide to release a work to the public domain and if so, should so indicate.

E. *University Publications*. University publications, shall be responsible for copyright registration of works owned by the University and published for administering contracts

with its authors. Such contracts shall define the rights and obligations of the author and the University and shall be processed as are other University contracts.

- F. *Compliance with the Copyright Act.* University units that administer activities involving any usage regulated by the Copyright Act are responsible for knowing applicable regulations, monitoring their continuing evolution, and conducting their programs in full compliance with the applicable laws and regulations.

SECTION 5: OTHER INTELLECTUAL PROPERTY INCLUDING PATENTS

Ownership. Except as otherwise specified herein or by the University in writing, intellectual property shall belong to the University if made: (1) by a University employee as a result of the employee's duties or (2) through the use by any person, including a University employee, of University resources such as facilities, equipment, funds, or funds under the control of or administered by the University. (See also Section 4.A.4. above.)

SECTION 6: TRADEMARKS

Trademarks and service marks are distinctive words or graphic symbols identifying the source, product, producer, or distributor of goods or services. Registration of trademarks or service marks, at the state or federal level, shall be approved by the appropriate campus or University level officer. Proceeds received from commercialization of a mark that is related to an intellectual property license will be shared with all creator(s) of the associated property as specified in Sections 8.B. and 8.C. below. Except as provided herein or unless subject to prior written agreement between the creator(s) and the University, the University will not share the proceeds from commercialization of a mark with the individual(s) who created the mark.

SECTION 7: INTELLECTUAL PROPERTY ADMINISTRATION

- A. *Disclosure.* All intellectual property in which the University has an ownership interest under the provisions of this Policy and that has the potential to be brought into practical use for public benefit or for which disclosure is required by law shall be reported promptly in writing by the creator(s). This disclosure is to be submitted to the Associate Provost and Dean of the Graduate College with a copy to the Unit Head (*i.e.*, academic department or staff unit). The Associate Provost and Dean of the Graduate College will handle the disclosure in accordance with procedures developed for evaluation of the potential merit of the intellectual property. The Unit Head will review the disclosure and provide recommendations on the potential merit of the intellectual property and convey this to the Associate Provost and Dean of the Graduate College through standard administrative routing. The disclosure shall constitute a full and complete disclosure of the subject matter of the discovery or development and identify all persons participating therein. The creator(s) shall furnish such additional information and execute such documents from time to time as may be reasonably requested.
- B. *Evaluation and Exploitation Decisions.* After evaluation of the intellectual property and review of applicable contractual commitments, the University may develop the property through licensing, may release it to the sponsor of the project under which it was made (if contractually obligated to do so), may release it to the creator(s) if permitted by law, or may take such other actions as are determined to be in the public interest. Exploitation by the University may or may not involve statutory protection of the intellectual property

rights, such as filing for patent protection, registering the copyright, or securing plant variety certification.

- C. *Questions Related to University Ownership.* In the event there is a question as to whether the University has a valid ownership claim in intellectual property, such intellectual property should be disclosed in writing to the University by the creator(s) in accordance with Section 7.A. Such disclosure is without prejudice to the creator's ownership claim. The University will provide the creator with a written statement as to the University's ownership interest.
- D. *Informing Creators of Decisions.* The University will inform principal creators of its substantive decisions regarding protection, commercialization and/or disposition of intellectual property which they have disclosed. However, specific terms of agreements with external parties may be proprietary business information and subject to confidentiality restrictions.
- E. *University Abandons Intellectual Property.* Should the University decide to abandon development or protection of University-owned intellectual property, ownership may be assigned to the creator(s) as allowed by law subject to the rights of sponsors and to the retention of a license to practice for University purposes. The minimum terms of such license shall grant the University the right to use the intellectual property in its internally administered programs of teaching, research, and public service on a perpetual, royalty-free, non-exclusive basis. The University may retain more than the minimum license rights, and the assignment or license may be subject to additional terms and conditions, such as revenue sharing with the University or reimbursement of the costs of statutory protection, when justified by the circumstances of development.
- F. *Commercialization by Creator(s).* The University may, at its discretion and consistent with the public interest, license intellectual property to the creator(s) on an exclusive or non-exclusive basis. The creator(s) must demonstrate technical and business capability to commercialize the intellectual property. The creator(s) may be required to assume the cost of statutory protection. Agreements with creators will be subject to review and approval of conflict of interest issues in accordance with applicable University policy.
- G. *University's Acceptance of Independently Owned Intellectual Property.* The University may accept assignment of intellectual property from other parties provided that such action is determined to be consistent with the public interest. Intellectual property so accepted shall be administered in a manner consistent with the administration of other University-owned intellectual property.
- H. *Consulting Agreements.* Employees engaged in external consulting work or business are responsible for ensuring that agreements emanating from such work are not in conflict with University policy or with the University's contractual commitments. Such employees should make their University obligations known to others with whom they make such agreements and should provide other parties to such agreements with a statement of applicable University policies regarding ownership of intellectual property and related rights. Employees of the University have no authority to enter into agreements inconsistent with this Policy.
- I. *Statement by Creators.* The creators of intellectual property owned by the University under the terms of this Policy may be required to state that to the best of their knowledge

the intellectual property does not infringe on any existing patent, copyright or other legal rights of third parties; that if the work is not the original expression or creation of the creators, the necessary permission for use has been obtained from the owner; and that the work contains no libelous material nor material that invades the privacy of others.

- J. *Administrative Responsibility.* The President has ultimate authority for the stewardship of intellectual property developed at the University. Primary responsibility is delegated through the President to the Provost and the Associate Provost and Dean of Graduate College for establishing operational guidelines and procedures for the administration of intellectual property, including but not limited to determination of ownership, assignment, protection, licensing, marketing, maintenance of records, oversight of revenue or equity collection and distribution, approval of individual exceptions, and resolution of disputes among creators and/or unit executive officers.
- K. *Contractual Authority.* Licenses, options for licenses and other agreements related to commercialization or exploitation of intellectual property will be granted in the name of the Board of Governors of Missouri State University.
- L. *Administrative Guidelines and Procedures.* General guidelines and procedures for the administration of intellectual property shall be established by the President in consultation with the University Intellectual Property Committee (as specified in Section 7.M. below) and the campuses. Detailed operational guidelines and procedures for the administration of campus-based responsibilities shall be established by the Associate Provost and Dean of Graduate College.
- M. *University Intellectual Property Committee.* The University Intellectual Property Committee shall be appointed annually by the President, composed of eight (8) members, no fewer than four (4) of which shall be full-time ranked faculty, to make recommendations to the President regarding procedures, guidelines, and responsibilities for the administration and development of intellectual property and such other matters as the President shall determine.
- N. *Appeals.* After following the administrative guidelines and procedures established by the University, creator or unit executive officer may appeal to the University Intellectual Property Committee to seek resolution of complaints or questions regarding the matters addressed in this Policy.
- O. *Preferential Treatment of Sponsors.* Sponsored project agreements shall provide that all intellectual property developed as a result of the sponsored project shall belong to the University unless otherwise specified in writing. The sponsor may receive an option to license such resulting intellectual property on terms to be negotiated, said option to be exercised within a specified period following the disclosure of the intellectual property. When the nature of the proposed project allows identification of a specific area of intellectual property or application which is of interest to the sponsor, the University may accept project agreements with terms which entitle the sponsor to specific commercial rights within the defined field of interest. Otherwise, the specific terms of licenses and rights to commercial development shall be based on negotiation between the sponsor and the University at the time of exercise of an option by the sponsor and shall depend on the nature of the intellectual property and its application, the relative contributions of the University and the sponsor to the work, and the conditions deemed most likely to advance the commercial development and acceptance of the intellectual property. In all

cases where exclusive licensing is deemed appropriate, such license agreements shall require diligent commercial development of the intellectual property by the licensee. The University may also determine, on a case-by-case basis, that it is in the University's interest to assign ownership of resulting intellectual property to the sponsor as an exception to this Policy when circumstances warrant such action, in accordance with guidelines approved by the University Intellectual Property Committee.

- P. *Summer Fellowships, Educational Leaves, and Sabbaticals.* Summer fellowships, educational leaves, and sabbaticals will be considered "University resources usually and customarily provided" when determining ownership and license rights in traditional academic copyrightable works.
- Q. *Exceptions to Policy.* Recommendations for exceptions to the provisions in this Policy shall be made by the University Intellectual Property Committee to the President for presentation to the Board of Governors. For individual exceptions, see Section 7.J.

SECTION 8: PROCEEDS DISTRIBUTION

- A. *Proceeds.* For purposes of this Policy, "proceeds" shall refer to all revenue and/or equity, as defined below, received by the University from transfer, commercialization, or other exploitation of University-owned intellectual property.
1. *Revenue.* "Revenue" shall mean cash from payments including, but not limited to, royalties, option fees, license fees or from the sale of the University's equity interest.
 2. *Equity.* "Equity" shall include, but not be limited to, stock, securities, stock options, warrants, buildings, real or personal property, or other non-cash consideration.
- B. *Revenue Distribution.* When revenue is received by the University, all direct payments or obligations attributable to protecting (including defense against infringement or enforcement actions), marketing, licensing or administering the property may be deducted from such income. In some cases, a reasonable reserve for anticipated future expenses will be withheld upon agreement between the University and the creators. The income remaining after such deductions is defined as net revenue.
1. *Creator's Share.* The creator (or creator's heirs, successors, and assigns) normally shall receive forty percent (40%) of net revenue. If there are joint creators, the net income shall be divided equally among them absent a mutual agreement to the contrary.
 2. *Originating Unit's Share.* The originating unit normally shall receive twenty percent (20%) of net revenue. If a creator is affiliated with more than one originating unit or if there are joint creators from different units, the originating unit(s) share shall be divided among such units as agreed in writing by the responsible unit executive officers.
 3. *University's Share.* The University normally shall receive forty percent (40%) of net revenue. Distribution of the University's share shall be allocated in support of

its technology transfer activities and academic and research programs as determined by the Associate Provost and Dean of Graduate College.

- C. *Equity Distribution.* In any instance wherein the University executes an agreement with a corporation or other business entity for purposes of exploiting intellectual property owned by the University and the University receives or is entitled to receive equity, such equity or the proceeds of the equity shall be shared among the creator(s), the originating unit(s), and the University in the same proportions as revenue distributions (except as specified in Section 8.D. below).
- D. *Exceptions When the Creator(s) Have No Entitlement.* If the University accepts support in the form of a sponsored project agreement or unrestricted grant as part of the consideration in an intellectual property license in lieu of an option fee, license fee or royalty, the creator(s) shall have no entitlement to receive a share as personal income. For the subset of equity that is buildings, real or personal property, or other non-cash consideration, the creator(s) shall have no entitlement to receive a share as personal income.
- E. *Special Distributions.* Special facts or circumstances may warrant a different distribution of proceeds than specified above, and such distributions will be determined on a case-by-case basis under the authority of the Associate Provost and Dean of the Graduate College.
- F. *Revenue From Actions for Defense or Enforcement of Intellectual Property Rights.* When the University receives revenue from third parties that results from successful actions for the purpose of defending or enforcing the University's rights in its intellectual property, such revenue may first be used to reimburse the University (or the sponsor or licensee, if appropriate) for expenses incurred in such actions. The creator(s) and their originating unit(s) shall be entitled to recovery of lost royalties from the remaining net revenue, in the same proportions as specified in Section 8.B. above. The remaining net revenue shall be allocated in support of the University's technology transfer activities and academic and research programs as determined by the Associate Provost and Dean of the Graduate College.



Appendix B

Missouri State University Financial Exigency Policy

The University's primary mission is to develop educated persons by transmitting and producing knowledge. The core function of the University is defined by its mission and, therefore, resides in programs of study and the courses of which they are composed which lead to certification that graduating students have attained an acceptable level of general knowledge and discipline-specific competence. Because the University receives public support and student fees for performing this primary activity, the overarching principle which guides the University in times of financial stringency and exigency through the application of this policy is that *the University will first significantly reduce expenditures that subsidize university programs and activities which do not directly contribute to the development of educated persons.*

Because of the centrality of University faculty to its primary mission, a financial exigency should be declared only when there is a financial crisis of such magnitude that all other reasonable measures have been taken and there is no reasonable alternative to termination of University employees. No faculty member's employment may be terminated or academic program eliminated for reason of financial exigency absent the declaration of financial exigency by the Board of Governors.

The University engages in continuing reallocation of resources which is unconnected to financial exigency. Sometimes such reallocation may include the relocation or dismissal of personnel or the restructuring of units to serve better the mission of the University. It is expected that these actions will continue during periods of financial stringency and exigency. Such reallocation shall occur with all applicable shared governance procedures as detailed in Section 14 of the *Faculty Handbook*.

Pre-Exigency Deficit-Reduction Measures: When the Administration declares that it has compelling reason to believe that the University may soon enter a period of financial exigency, or immediately after the President is advised by the Chief Financial Officer that the University will shortly enter a state of financial exigency, whichever comes first, the President shall within two calendar days convene a forum made up of delegations from the Executive Committees of the Faculty, Student, and Staff Senates and representatives of the Administration, with each of the four delegations to consist of five persons. Each delegation shall be afforded immediate access to all relevant financial and budgetary information of the University which relates to the possible exigency. Each delegation would have a single vote. The President of the University will preside at the forum and may participate openly in its discussions and deliberations, but he/she will not be considered to be a voting member of any of the four delegations. The forum will be open to the public, though the public will not participate in the discussion.

The forum meeting must determine what measures have been taken, what reasonable further measures short of faculty employment termination ought to be taken, and the amount of the remaining projected deficit, if any. Such expenditure reduction and revenue enhancement measures to be considered should include, but not be limited to, the following (no priority implied): increases in student fees, tuition, and surcharges; increases in charges of rentals, tickets, and retail items; consolidation of administrative functions; salary holdbacks (temporary salary reductions to be repaid); freezing of open administrative, staff and faculty positions; incentives to early retirement; curtailment or elimination of selected non-academic programs,

including selected athletic programs; curtailment or elimination of selected student services, including selected scholarships; increased economy in operations and support services and prudent reductions in physical plant expenditures; a moratorium on plant construction. In addition, the forum must advise the President as to whether the Board of Governors should be asked to declare a state of financial exigency.

Declaration of Exigency: If the President determines, after having given full weight to the findings of the forum, that all reasonable measures to improve the financial situation have been taken and that the situation cannot be alleviated by less drastic means than a declaration of a state of financial exigency, then he or she shall submit a recommendation to the Board of Governors for such a declaration. Accompanying this recommendation shall be a report detailing the rationale for this declaration. This report shall list each recommendation of the forum which has been implemented or endorsed and should explain why any remaining recommendations have not been implemented or endorsed. The Board shall receive, orally and in writing, alternative recommendations from each delegation if offered. Taking into account the findings of the forum, the Administration's recommendations, and alternative recommendations if any are received, the Board must either declare a state of financial exigency or direct the President to take further steps to increase revenues or decrease expenditures short of terminating the employment of faculty members.

Exigency Deficit-Reduction Measures: If the Board declares a state of financial exigency, the Administration must expeditiously (within two days of Board action) convene another forum of the same composition described above to consider means of eliminating the remaining deficit which will, to the greatest extent possible, maintain the credit hour production in courses which meet the four criteria listed below. At this time, in addition to further application of the deficit-reduction and revenue-enhancement measures considered previously, reductions in instructional expenditures will be considered, including the possible elimination of positions within the academic administration, faculty, and staff, consistent with the goal of developing educated persons.

Academic Personnel Reduction During Exigency: If the second forum determines that a reduction in the personnel budget of the Provost must be made, positions within the faculty and academic administration may be identified for elimination in a manner which is distributed across the various colleges without the elimination of programs, or it may be necessary to terminate programs. The distributed cutting of positions is preferable to the elimination of programs because such cutting would least affect the capacity of the University to fulfill its mission. Therefore, the distributed elimination of positions will be given first consideration. Such a distributed elimination of positions would be accomplished through the advice of the Department Heads and Deans. Any distributed elimination of faculty positions would follow the order of consideration in Section 14 of the *Faculty Handbook*. All faculty whose positions are so terminated would have the rights described in **Section 14**.

When it becomes apparent to the academic administration that additional distributed cuts will result in an unacceptable reduction in the quality of academic programs, it may become necessary to terminate one or more academic programs as specified below.

Academic Program Elimination During Exigency: Academic programs (as defined in Section 14 of the *Faculty Handbook*) shall be evaluated for elimination according to four criteria: academic quality; centrality to the University's mission (as described in the current five- or six-year plan); demand for and student enrollment in the program; and cost and cost-effectiveness. The Deans and Provost will create a list of programs that least meet

the criteria. The departments containing the listed programs will be immediately notified, and the list will be forwarded to the Executive Committee of the Faculty Senate.

The listed programs will be brought before a special meeting of the Faculty Senate, called in accordance with the Bylaws of the Faculty. The Provost must provide the Faculty Senate with the following: financial information necessary to demonstrate that program terminations are necessary, the total deficit which must be covered by such eliminations, and the projected savings to be realized from the termination of each of the programs presented as candidates for elimination. The Provost must also report the information detailing why the proposed programs least meet the four criteria listed in the preceding paragraph.

During the special meeting, the Senate will hear arguments for and against the elimination of each program presented as a candidate. Those arguments should address the four criteria listed above but are not limited to the four. There will be a Senate vote on each of the programs with a majority vote of the Senators present being sufficient to accept termination of a program. The Senate may also present alternatives to the programs listed by the Provost; however, the departments containing these programs must be given adequate notice before these programs may be brought before the Senate for debate for possible termination.

If the Senate does not vote to accept termination of enough programs to cover the deficit, the Senate will be called into a second special meeting, within four to seven calendar days, and additional programs which appear least to meet the criteria will be brought forward. Programs which were presented for a vote in the prior meeting but which were not accepted for termination at that time may be revisited.

If again the Senate does not vote to accept termination of enough programs to cover the deficit, the Senate will be called into a third special meeting, within four to seven calendar days. If the Senate still has not agreed to the elimination of sufficient programs by the end of the third special meeting, the administration may recommend termination of the additional programs necessary to meet the deficit.

Approval and Implementation of Exigency Plan: The President will report his/her plan to meet the exigency at the next meeting of the Board of Governors. This report will include the specific recommendations for the elimination of personnel and programs as determined by the above procedures. The constituent elements of the forum shall also have the right to address the Board through their executive committees, both in writing and in person. The Board of Governors must approve the plan before it may be implemented by the President.

Termination of Exigency: Throughout the period of exigency, the President shall periodically report to the Board on progress made toward alleviating shortfalls and improving financial status. The Board will, at its discretion, declare the end of the exigency. Any of the delegations constituting the forum can petition the Board to declare an end to the exigency.

Post Exigency: After the exigency has been declared over and as financial resources become available, restoration of funds to Academic Affairs will be given priority.

Programs which were eliminated due to exigency may be considered for reintroduction as new programs only through the normal curricular review process as defined in Article VI of the *Bylaws of the Faculty*.

Amendment of the Missouri State University Financial Exigency Policy: This policy will be changed by the University only through the procedures specified for the amendment of the *Faculty Handbook* (Section 15.2).



Index

A

AAUP, 21, 25, 74, 117, 121, 123, 124, 135, 136
Absences of Department Heads and Deans, 112
Academic Administration Policies, 111
Academic Affiliate, 52
Academic Council, 33
Academic Development Center, 86, 90, 91
Academic Freedom, 40, 41, 42, 43, 50, 52, 53, 55, 59, 118, 122, 123, 125, 128, 129, 135, 136, 141, 152, 157
Academic Governance, 33, 103
Academic Integrity, 25, 60, 68
Academic Personnel Grievance Process (APGP), 82, 114, 115, 121, 127, 138
Academic Personnel Policies, 40
Academic Personnel Review Commission, 114, 115, 117, 128, 161, 163
Academic program, 164
Accessibility, 30, 61, 66
Accreditation, 20, 22, 25, 26, 165
Adjunct Faculty, 51
Administrative Leave, 112, 113
Administrative Organization, 28
Adverse Employment Action, 118, 122, 125, 127, 128, 152, 157, 158
Affiliations, 26, 36, 110, 122
Affirmative Action, 5, 28, 30, 36, 37, 52, 162
Amendments, 131, 140, 160, 167, 168, 169
Amendments to the Faculty Handbook, 167
Animal Care and Use, 104
Annuities, 85
Appeal, 76, 82, 100, 114, 115, 116, 122, 123, 124, 126, 127, 128, 129, 134, 136, 139, 140, 144, 152, 156, 157, 158, 161, 163, 164, 176
Appellate Review, 155, 157
Appointment, 37, 42, 44, 45, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 65, 67, 73, 74, 75, 77, 78, 80, 83, 85, 102, 111, 112, 128, 153, 154, 160, 161, 164, 166, 167
Appointment Letter, 50, 52, 56, 65, 67
Artist-in-Residence, 51
Assistant Professor, 21, 43, 44, 47, 48, 51, 53, 57, 64, 75
Associate Appointments, 54
Associate Professor, 21, 43, 44, 48, 49, 51, 53, 60, 63, 64, 75, 76

B

Bereavement Leave, 95
Bio-Hazardous Substances, 104

Board of Governors, 27, 28, 33, 36, 38, 44, 47, 54, 56, 73, 82, 89, 90, 109, 113, 114, 117, 119, 121, 124, 125, 126, 127, 146, 152, 156, 157, 158, 159, 161, 162, 163, 164, 167, 168, 169
Board of Governors Review, 158

C

Cafeteria Plan, 85
Carnegie Academy for the Scholarship of Teaching and Learning, 90, 91
Cell Phone Policy, 69
Check-Out Procedures, 162
China Programs, 32, 33, 92
Citizenship, 19, 60, 91
Citizenship and Service-Learning, 24, 91
Civil Duty Leave, 95
Class Records, 69
Clinical Education, 53, 59, 65, 66, 67
Clinical Faculty, 53, 57, 59, 65, 66, 67
College Committee, 78
College Compensation Committee, 76, 78, 82
College Councils, 34
Collegiality, 25, 28, 46, 81
Community and Social Issues Institute, 91
Community Service, 24
Confidentiality, 73, 100, 117, 129, 154
Conflict of Interest, 109
Consensual Sexual or Romantic Relationships Policy, 100
Consulting Agreements, 175
Continuing Education, 29, 61, 66, 83
Copyright/Patent Policy, 106
Copyrighted Materials, 71, 72
Copyrights, 170, 172
Course Policy Statements, 68, 69
Creative Activity, 19, 23, 24, 25, 29, 32, 40, 41, 45, 46, 48, 49, 57, 70, 88, 92, 93, 94, 118, 120, 141
Credit Course Fees, 85

D

Departmental Committee, 73, 77, 79
Departmental Documents, 78
Disability Accommodation, 69
Dismissal, 43, 99, 114, 118, 121, 125, 126, 134, 141, 142, 146, 157, 159, 161, 162, 179
Distinguished Professor, 43, 44, 49
Diversity, 5, 29, 36, 37, 59, 60, 61, 63, 66, 82
Documentation, 37, 38, 55, 62, 77, 79, 80, 101, 114, 120, 129, 130, 131, 132, 140, 143, 144, 146, 147, 150, 151, 152, 156, 158, 163

Drug-Free Workplace, 101
Due Process, 5, 116, 123, 132, 136, 140, 142,
147, 151, 159, 168

E

Educational Leaves, 89, 90, 95, 177
Emeritus, 20, 53, 54, 160
Employment, 5, 28, 30, 36, 37, 38, 43, 45, 52,
56, 59, 60, 66, 73, 75, 77, 79, 80, 98, 99, 101,
113, 114, 121, 122, 123, 124, 125, 126, 127,
128, 134, 151, 157, 159, 160, 162, 164, 165,
171, 172, 179, 180
Employment Information, 38
Equal Opportunity Officer, 5, 28, 36, 100, 144
Equal Opportunity Policy, 36
Equity Adjustments, 82
Equity Distribution, 178
Ethics, 40, 41, 46, 70, 126
Evaluation, 25, 30, 40, 45, 46, 54, 55, 59, 62,
63, 65, 67, 69, 75, 76, 77, 78, 80, 81, 106,
111, 119, 122, 123, 134, 135, 136, 174
Evaluation of Academic Administrators, 111
Executive-in-Residence, 51
Experiential Learning, 61, 66
Export Control, 105
External Utterances and Political Activities, 110
Extramural Support for Research and other
Sponsored Programs, 102

F

Faculty Absences, 100
Faculty and Department Head Procedural
Agreement, 80
Faculty Development, 31, 63, 88, 90
Faculty Development Centers and Resources,
90
Faculty Evaluation, 25, 29, 59, 63, 73, 78, 123,
134
Faculty Exchange Program, 92
Faculty Grants Committee, 93
Faculty Handbook Revision Committee, 167,
168, 169
Faculty Reductions, 162
Faculty Rights, 114, 118, 121, 127, 128, 135,
137
Faculty Senate, 21, 27, 33, 34, 35, 46, 81, 82,
117, 118, 120, 121, 127, 128, 129, 130, 131,
135, 139, 140, 142, 153, 162, 163, 165, 167,
168, 169, 170, 181
Faculty Senate -- Constitution and Bylaws, 34
Faculty-led Short Term Programs, 93
Family and Medical Leave, 97
Financial Exigency, 5, 162, 163, 164, 179, 180,
182

Foreign Nationals, 37, 38, 105
Formal Hearing Process, 114, 148
Formal Review Process, 114, 115, 116, 118,
119, 121, 125, 127, 130, 131, 136, 139, 140,
142, 145, 146, 150, 151, 153, 154, 159
Fringe Benefits – University sponsored, 84
Funds for Enrollment in Classes, 93

G

Governance, 19, 28, 34, 41, 42, 47, 64, 70, 78,
79, 167, 179
Governance Documents, 78
Graduate Council, 34, 57, 58
Graduate Faculty, 57, 58
Greenwood Laboratory School, 47, 164
Grievance, 5, 40, 82, 100, 114, 115, 116, 117,
118, 119, 120, 121, 122, 123, 124, 126, 127,
128, 129, 130, 131, 132, 133, 134, 135, 136,
137, 139, 140, 141, 146, 153, 154, 155, 156,
157, 158, 161, 162
Group Insurance, 85, 118

H

Hiring, 37, 38, 107
Hiring of Missouri State University Graduates,
37
History, 19, 20, 22, 23
Human Subject Protection, 105

I

Identification Cards, 38
Informal Review Process, 114, 115, 116, 117,
118, 119, 125, 127, 129, 130, 131, 133, 139,
142, 143, 145, 146, 150, 159
Institutional Support, 25
Instructor, 21, 47, 50, 51, 53, 62, 68
Intellectual Integrity, 70
Intellectual Property, 5, 70, 71, 72, 106, 118,
120, 126, 141, 170, 171, 172, 173, 174, 175,
176, 177, 178
Intellectual Property Policy, 170
International Faculty Development Seminars, 93
International Teaching Opportunities, 92
Intersession, 44, 83, 108

J

Joint Appointments, 54

L

Leave Benefits, 95
Leave of Absence, 96
Lecturer, 128

Legal Defense of Faculty, 84
Library Services, 29, 33, 34
Locus of Tenure, 56

M

Major Sanctions, 114, 118, 124, 125, 140, 141, 151, 152, 155, 156, 158
Mediation, 119, 130, 139, 140, 143, 145, 150
Military Leave, 95
Minor Sanction, 114, 124, 125, 140, 141, 151, 158
Mission, 19, 22, 23, 24, 25, 29, 32, 33, 42, 47, 55, 57, 59, 60, 63, 64, 65, 67, 79, 91, 100, 102, 109, 122, 170, 179, 180
Missouri Campus Compact Grants, 91
Missouri London Program, 22, 92
Multi-year Contacts, 50

N

Nepotism, 37
Non-Appointment, 163, 165
Non-Discrimination, 122
Non-Discrimination Policy Statement, 5
Non-Remunerated Professional Activities, 108
Non-Tenure Track, 44, 50, 54, 79
Non-Tenure Track Academic Positions, 50
Notary Public, 87
Notice of Non-Reappointment, 160

O

Off-Campus Teaching, 83
Office Hours, 69
Office of Sponsored Research and Programs, 32, 92, 102, 103, 105

P

Participatory Governance, 28
Peer Evaluations, 45, 62
Peer Review, 41, 46, 63, 64, 70, 123
Pension, 85
Per Course Faculty, 52
Performance Evaluation, 38, 73, 76, 82, 123
Performance Evaluation Appeals Process, 81
Personnel Committees, 77, 78, 80
Personnel Records, 38, 100
Practitioner-in-Residence, 51
Pre-promotion Review, 76, 123
Presidential Review, 156
Pre-tenure Review, 73, 75, 123
Printing, 30, 72
Prior Service, 56

Probationary Faculty, 44, 47, 73, 75, 76, 121, 135
Probationary Period, 43, 44, 45, 50, 53, 56, 57, 59, 75, 160, 163
Procedures for Reporting Remunerated Outside Activities, 108
Professional Consultation, 65
Professional Issues, 99
Professional Leave, 88, 89
Professional Practices Review Process (PPRP), 114, 115, 121, 141, 149
Professional Productivity, 67
Professional Service, 65
Professionalism, 46, 100
Professor, 20, 21, 22, 40, 44, 48, 49, 51, 52, 53, 56, 60, 63, 64, 76, 161
Program Reductions, 163
Prohibition of Discrimination and Harassment Policy, 99
Promotion, 25, 36, 37, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 59, 60, 62, 63, 64, 65, 66, 67, 68, 73, 75, 76, 77, 78, 79, 80, 88, 89, 90, 92, 96, 108, 115, 117, 118, 120, 121, 122, 123, 128, 130, 134, 135, 136, 137, 139, 140, 141, 158
Promotion Review, 73, 75, 76, 77
Provost's Committee on Tenure and Promotion, 135
Public Affairs, 19, 22, 24, 25, 29, 32, 33, 36, 59, 109, 122
Public Service, 23, 25, 65, 91, 173, 175

R

Rank, 33, 42, 43, 44, 45, 47, 48, 49, 51, 52, 53, 54, 57, 75, 77, 78, 79, 81, 82, 96, 107, 111, 112, 122
Rank Change, 82
Reappointment, 25, 44, 45, 50, 54, 56, 62, 73, 74, 75, 76, 115, 118, 119, 120, 121, 122, 123, 126, 128, 130, 134, 135, 136, 137, 139, 140, 141, 160, 164, 166, 167
Reappointment of Emeritus Faculty, 54
Reassigned Time, 93
Reassignment, 126
Recall of Academic Administrators, 111
Reduction in Force, 162, 164
Regulatory Guidelines for Research, 103
Remedies, 114, 116, 120, 124, 125, 133, 140, 141, 142, 145, 152, 155, 156, 157, 158, 159
Remunerated Outside Activities, 107
Research, 5, 19, 21, 23, 24, 25, 26, 28, 29, 32, 33, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 61, 63, 64, 66, 67, 68, 70, 71, 76, 78, 79, 80, 81, 88, 89, 90, 91, 92, 93, 94, 96, 102, 103, 104, 105, 106,

111, 112, 113, 118, 120, 123, 126, 170, 171,
173, 175, 178
Research Centers, 24, 53
Research Faculty, 43, 50, 52, 53, 57, 59, 68,
102
Research Mission, 63
Resignation, 160
Responsibilities, 2, 29, 40, 41, 42, 45, 50, 52,
53, 54, 55, 59, 64, 65, 68, 70, 71, 73, 77, 78,
81, 88, 101, 104, 105, 106, 107, 108, 110,
111, 112, 115, 128, 165, 176
Retirement, 160
Retreat Rights of Administrators, 111
Revenue, 86, 170, 172, 175, 176, 177, 178, 179
Revocation of Tenure, 114, 118, 122, 125, 142,
145, 146, 151, 152, 157

S

Sabbatical Leave, 21, 44, 50, 54, 88, 89, 113,
166
Sabbatical Leave for Administrators, 113
Salary, 30, 38, 39, 44, 45, 49, 50, 53, 54, 81, 82,
83, 88, 95, 96, 113, 124, 125, 126, 159, 160,
164, 165, 166, 171, 179
Salary Policy, 81
Salary Procedures, 81
Salary Report, 82
Sale of Faculty or Departmental Materials, 72
Sanctions, 71, 114, 120, 122, 123, 124, 125,
140, 141, 142, 145, 146, 151, 152, 155, 156,
157, 158, 159
Scholarship, 19, 23, 24, 25, 29, 32, 40, 41, 43,
45, 46, 48, 49, 57, 64, 70, 88, 91, 93, 94, 102,
126
Senior Instructor, 50
Service, 2, 19, 20, 23, 24, 25, 29, 30, 32, 37, 40,
41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53,
54, 55, 56, 57, 59, 61, 62, 63, 64, 65, 66, 67,
68, 70, 74, 76, 78, 80, 81, 85, 87, 88, 89, 90,
91, 92, 95, 96, 102, 103, 112, 118, 120, 123,
126, 141, 153, 154, 163, 164, 165, 170, 174
Service Learning, 61, 62, 66
Seven-Year Review of the Faculty Handbook,
168
Sexual Harassment, 99
Short-term and Extended Sick Leave, 95
Social Security, 84, 160
Special Leave for Administrators, 113
Special Leave for Faculty, 90
Staff Senate, 27, 33, 34
State Fruit Experiment Station, 21, 24
Student Advisement, 29, 61, 66, 69
Student Teaching Evaluations, 62
Summer Session, 82, 83, 108
Support Services, 31, 180

Suspension from employment, 125
Sustained Effectiveness, 48

T

Teaching, 19, 23, 24, 25, 37, 40, 44, 45, 46, 47,
48, 49, 50, 52, 53, 54, 55, 56, 58, 59, 60, 61,
62, 63, 64, 65, 66, 68, 70, 71, 76, 78, 80, 81,
82, 83, 88, 89, 90, 91, 92, 94, 96, 99, 104,
107, 108, 112, 118, 120, 123, 126, 141, 160,
165, 173, 175
Tenure, 21, 25, 37, 40, 42, 43, 44, 45, 46, 47,
48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60,
62, 63, 64, 73, 75, 77, 78, 79, 80, 90, 96, 108,
110, 111, 112, 114, 115, 117, 118, 119, 120,
121, 122, 123, 124, 128, 130, 134, 135, 136,
137, 139, 140, 141, 151, 158, 160, 165
Tenure and Promotion Guidelines, 79
Tenure Clock, 48, 56, 75
Tenure Track, 47, 50, 52, 53, 54, 55, 79, 118,
119, 121, 123, 124, 128
Termination of Employment, 99, 114, 118, 119,
121, 122, 124, 125, 126, 128, 129, 141, 142,
145, 146, 151, 152, 157, 158, 162
The Carnegie Academy for the Scholarship of
Teaching and Learning, 91
The Jordan Valley Innovation Center, 102
Trademarks, 170, 174
Travel, 83, 88, 91, 92, 94, 95, 113, 125

U

Unemployment Compensation, 84
University Citizenship, 64
University Facilities and Services, 87
University Funds for Faculty Development, 93
University Governance, 27
University Hearing Panel, 114, 116, 118, 119,
120, 121, 123, 130, 131, 136, 140, 146, 151,
153
Unranked Faculty, 44, 84, 163
Use of Tobacco, 101

V

Visiting Faculty, 51
Voting Leave, 96

W

Whistleblower Protection Policy, 106
Work Assignment Negotiation, 76
Work Day, 107, 116, 121
Workers' Compensation, 84, 118

Y

Years of Academic Service, 44, 166