

# Faculty Handbook



Missouri State University

**Effective August 1, 2018**



Dear Faculty:

The University's mission is captured in this two-sentence mission statement:

"Missouri State University is a public, comprehensive metropolitan system with a statewide mission in public affairs, whose purpose is to develop educated persons. The University's identity is distinguished by its public affairs mission, which entails a campus-wide commitment to foster expertise and responsibility in ethical leadership, cultural competence and community engagement."

The details of how this mission is being implemented are included in the current long-range plan, *Fulfilling Our Promise*, which covers the five years of 2011-16. I invite you to spend some time reviewing the goals and measures identified in the plan.

Our ability to achieve our mission and accomplish the goals identified in the long-range plan depends on the faculty – their skill as teachers, their involvement in research and scholarly activity, and their service to both the campus and the community. Perhaps even more important, our faculty serve as role models and mentors for our students.

The Faculty Handbook is Missouri State's primary document of shared governance and, therefore, is exceptionally meaningful. The Handbook includes our policies and procedures, and also outlines the rights and responsibilities of the faculty. The Handbook also identifies the University's guiding principles: fair treatment, high academic standards, rewarding exceptional achievement, and mutual respect between the University and its faculty.

I thank and congratulate the faculty who have worked to update the Faculty Handbook. It is a stronger document because of the work of the Handbook Committee.

Missouri State University is an outstanding University with a terrific future. I look forward to working with the faculty in order for us to realize our full potential for our students and the citizens we serve. Thank you.

Very truly yours,

Clifton M. Smart III  
President

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**Missouri State**  
UNIVERSITY

Dear Faculty:

As Provost, I am very pleased with the way in which the Septennial review of the Faculty Handbook has been conducted and wish to congratulate all those that have contributed to meeting this milestone during the 2013-14 academic year. I attended many of the sessions of the Faculty Senate this year and was very impressed by the collaborative spirit in which everyone worked together to make our most important and highly utilized policy document impacting faculty clearer and user-friendly.

Changes resulting from the year-long review process include strengthening and better articulating the Public Affairs Mission within specific sections of the Handbook, emphasizing more clearly the definition of research, providing new language which better delineates the evaluation of teaching, and clarifying both administrator and faculty roles in the tenure and promotion process. These changes bring the entire Handbook into alignment with current university operations and other policies impacting the work of our faculty.

I would like to extend my appreciation to the Faculty Handbook Revisions Committee (FHRC) for their hard work in completing the document. The FHRC, which is comprised of committee members selected jointly by the Faculty Senate Leadership and my office, includes both faculty and department heads representing most of our academic colleges and programs. I wish to offer a special thanks to the Chair of this committee, Dr. Richard Biagioni, for his tireless work which provided a model that exemplifies how faculty and administration can develop a unified vision for shared governance. I share President Smart's enthusiasm and support of this document as part of an ongoing review process to assure our policies remain viable as we continue to maintain high standards for the quality education of our students. My office looks forward to working with Faculty Senate leaders, along with the FHRC, to implement the policies as presented in this revised document.

Respectfully,

Dr. Frank Einhellig  
Provost

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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.

Chapters 1 through 15 rescind all prior related Senate actions, all prior related administrative policies and procedures, and all faculty handbooks issued prior to 2014. 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).

## **NONDISCRIMINATION 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. Prohibited sex discrimination encompasses sexual harassment, which includes sexual violence. 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, Office for Institutional Equity and Compliance, 901 South National, Springfield, Missouri 65897, [equity@missouristate.edu](mailto:equity@missouristate.edu), (417) 836-4252, or to the Office for Civil Rights. (Res. Board Policies No. 70-11; Bd. Min. 10-28-11.)

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# 1. PURPOSE, ORGANIZATION, AND GOVERNANCE

## 1.1. Mission

### 1.1.1. Mission Overview

Missouri State University is a public, comprehensive metropolitan system with a statewide mission in public affairs, whose purpose is to develop educated persons. The University's identity is distinguished by its public affairs mission, which entails a campus-wide commitment to foster expertise and responsibility in ethical leadership, cultural competence and community engagement.

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 Missouri State University campuses are structured to address the special needs of the urban and rural populations they serve. Missouri State University-Springfield is a selective admissions, graduate level teaching and research institution. Missouri State University-West Plains is a separately accredited open admissions campus primarily serving seven counties in south central Missouri. Missouri State University-Mountain Grove serves Missouri's fruit industry through operation of the State Fruit Experiment Station. Missouri State Outreach provides anytime, anyplace learning opportunities through telecourses, Internet-based instruction, iTunes U and its interactive video network. The University also operates various other special facilities, such as the Darr Agricultural Center in southwest Springfield, the Journagan Ranch in Douglas County, the Jordan Valley Innovation Center in downtown Springfield, the Bull Shoals Field Station near Forsyth, Baker's Acres and Observatory near Marshfield, the Missouri State University Graduate Center in Joplin, and a branch campus at Liaoning Normal University (LNU) in Dalian, China.

This Faculty Handbook is applicable to those faculty associated with the Springfield campus.

### 1.1.2. Public Affairs Mission

Missouri State University was granted a statewide mission in public affairs in 1995. The public affairs mission defines a primary way in which an education from Missouri State is different from that of other universities and one way by which we educate our students to imagine the future. The public affairs mission has three pillars: ethical leadership, cultural competence and community engagement.

- Ethical leadership requires students to articulate their value systems, act ethically within the context of a democratic society and demonstrate engaged and principled leadership.
- Cultural competence requires students to recognize and respect multiple perspectives and cultures.
- Community engagement requires students to recognize the importance of contributing their knowledge and experiences to their own community and the broader society.

Further details about the Public Affairs Mission may be found on the Missouri State website.

### 1.1.3. University's General Mission

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, Research, and Service (see Chapter 4 for specific definition).

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The University's general mission is further enhanced through a strong foundation of collegiality, professionalism, and ethical leadership, and by a comprehensive network of support programs.

#### **1.1.3.1. Teaching**

While the University recognizes the individual importance and collective synergies of Teaching, Research, and Service, its first obligation is to the teaching of undergraduate and graduate students. To provide quality learning experiences, Missouri State University subscribes to the following broad educational objectives:

- To provide educational opportunities that enable students to develop and enhance the capacity for scholarly inquiry and critical reasoning, the facility to synthesize knowledge from various disciplines and within a specific discipline, and the ability to undertake and advance self-directed learning.
- To ensure that all undergraduate educational programs are supported by a quality general education curriculum that provides a foundation for advanced undergraduate and graduate studies.
- To instill in each student an appreciation and understanding of the interrelationships among diverse branches of knowledge.
- To provide students with the opportunity to acquire a depth of knowledge in at least one academic field of study and to pursue discipline-based studies and research at the graduate level.
- To provide students with the opportunity to understand and apply early the mutual benefits of tying mind and body.
- To promote a learning environment in the classroom and through mentoring that encourages students to grow and recognize their full potential, and to engage in life-long learning and self-actualization.
- To instill in students a sense of civic responsibility and engagement in activity for the public good consistent with the Public Affairs Mission.

#### **1.1.3.2. Research**

Tenured and tenure track faculty are expected to engage in scholarship related to their discipline or profession, customarily denoted in academia as Research. The activities that constitute Research vary broadly depending on the field of study. These include the discovery, synthesis or integration, and application of knowledge as well as creative activity and criticism based on scholarly inquiry. As such, Research may span the range from artistic creation to the process of discovery in technical fields.

Research should produce outcomes that are disseminated publically and subjected to appropriate critical review. This not only contributes to the advancement of a field of study, but also serves as a measure of the expertise and productivity of a faculty member and a department. Faculty research often includes student involvement, and as such, extends the educational experience beyond the classroom and also provides a venue for mentoring.

The scope of research at the University encompasses individual and collaborative faculty projects and the activities of the University's various research centers.

Financial support for Research comes from competitive institutional sources such as Faculty Research Grants and Fellowships and from external sources such as competitive grants and contracts from organizations and agencies.

#### **1.1.3.3. Service**

The role of service at Missouri State University is to make available the University's resources and human expertise for the purpose of meeting needs or solving problems of various constituencies both within and beyond the University. The most important service resources of the University are the diverse and specialized talents of the faculty. Service to the University through committee work, assistance to student organizations, and other activities represents a critical contribution to the operation and development of the institution through shared governance, and

enhances the Teaching and Research missions. The scope of service also includes consultations and application of disciplinary knowledge and expertise to address the needs of professional organizations and public constituencies.

These service activities within the University and with public and private partners represent a collaborative effort for the common good and contribute to the University's Public Affairs Mission.

#### 1.1.3.4. Collegiality

The community of scholars that Missouri State University fulfills 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 University's resources.

Collegiality among colleagues is a vital asset to the University community. The University community values collegiality less as a separate quality and more as an integrated or distributed aspect of an individual's interactions, as expressed in the [AAUP document On Collegiality as a Criterion for Faculty Evaluation \(http://www.aaup.org/file/collegiality-evaluation.pdf\)](http://www.aaup.org/file/collegiality-evaluation.pdf).

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#### 1.1.3.5. 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.

## 1.2. 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 system 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. [For a complete history of Missouri State University refer to the History of the University.](#)

~~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 Timeline](#)~~

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~~[February 2016](#), was granted accreditation by the HLC through ~~2016~~[2026](#).

Missouri State University is also professionally accredited or approved by a broad range of organizations. A current list of accreditations may be found on the Program Review portion of the Provost's Office website. In addition, faculty and staff maintain memberships in a wide variety of professional organizations relevant to their disciplines.

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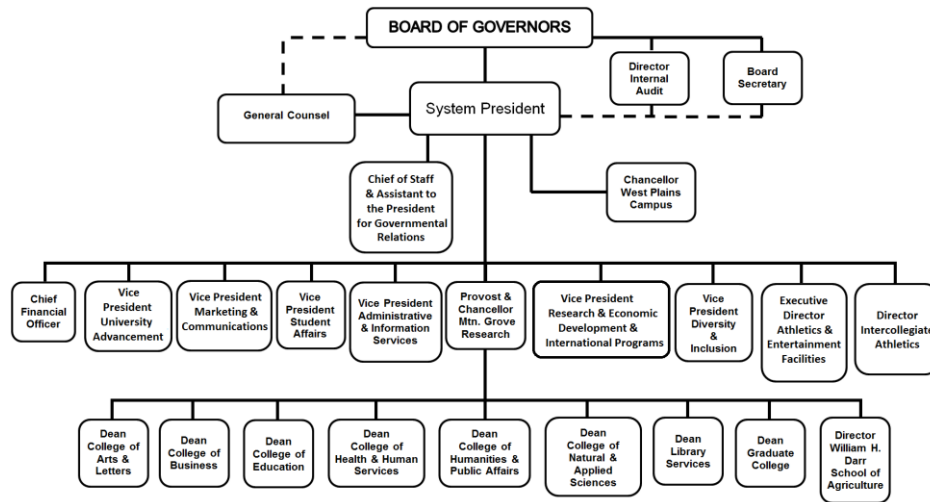
## 1.4. University Governance

Missouri State University is under the general control and management of the Board of Governors, which according to statutes of the state of Missouri, possesses full power and authority to adopt all needful rules and regulations for the guidance and supervision of the University. Currently, Missouri State University is governed by a nine-member Board of Governors. All members are appointed by the Governor, with the advice and consent of the Missouri Senate, to serve six-year terms. At least one but not more than two voting members shall be appointed from each congressional district in Missouri. A non-voting member, a current Missouri State University student, also sits on the Board.

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.

An organizational chart (August, 2013) for Missouri State University is provided here. Organizational titles and duties are subject to change. See the [Policy Library](#) for the most recent organizational chart.



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### 1.4.1. Administrative Organization

#### 1.4.1.1. 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. The president is

served by a variety of officers as indicated in the MSU Organizational Chart. The Provost (who also serves as Chancellor for the Mountain Grove Research Campus) has responsibilities most directly related to faculty governance, and the organization under the Provost will be detailed in 1.4.1.2. The President also chairs the Administrative Council. For details of the responsibilities of other officers, see the Policy Library.

#### **1.4.1.2. Provost / Chancellor of the Research Campus at Mountain Grove**

The Provost is the senior academic officer of the University. Responsibilities include the overall direction, development, and administration of academic affairs, and the Research Campus at Mountain Grove. Academic Affairs includes all academic and scholarly programs of the University, including the ~~seven-eight~~ academic colleges, the Graduate College, Library Services, and Academic Outreach.

##### **1.4.1.2.1. Deputy Provost and Associate Provosts**

The Deputy Provost and Associate Provosts serve as assistants 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, and the Extended Campus.

##### **1.4.1.2.2. Associate Provost and Dean of Graduate College**

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

##### **1.4.1.2.3. College Deans**

Each of the College Deans is responsible for the administration of one of the ~~seven-seven~~eight discipline-based colleges. Responsibilities include faculty recruitment and development, faculty evaluation, ~~pro-gram~~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.

##### **1.4.1.2.4. Dean of Library Services**

The Dean of Library Services is administratively responsible for all services, budgeting, and supervision of the MSU Libraries. The Dean also serves as Head of the Department of Library Science, an academic unit that is not part of one of the seven Colleges. Because the Dean also serves as Head of the Department of Library Science, any process for which a recommendation made by a department head normally would proceed to a dean for further review, approval, or recommendation, will proceed directly from the Dean to the Provost.

##### **1.4.1.2.5. Director of Institutional Research**

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

##### **1.4.1.2.6. 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 administration, 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.

Some academic units are designated as Schools primarily upon the recommendation of accrediting agencies, and such a designation indicates the unit's involvement in and integration into an external professional environment which usually requires specific standards for licensure. The chief administrator of a School is its Director. A School that does not include more than one department is a professional unit which in all respects has the same status,

responsibilities, and benefits as an academic department, and its Director fulfills the same roles as a Department Head. When a School includes two or more departmental units (with Department Heads), its Director will be responsible for co-curricular, professional, and accreditation matters, but will not have the responsibilities of a Department Head for faculty evaluations. Throughout the Faculty Handbook, the term Department Head should be construed to include those School Directors responsible for faculty evaluations.

#### 1.4.1.2.7. Program Directors for Free-Standing Academic Units

There are some programs that function as independent academic units, i.e., units whose faculty are not also members of existing departments or schools, and that establish and manage their own curriculum. The Directors of such units will have the same roles and responsibilities as Department Heads.

#### 1.4.1.2.8 Program Directors/Coordinators

In successful programs, program directors/coordinators (graduate & undergraduate) work closely with department heads to establish annual targets and expectations, as well as to secure resources for the program and coordinate the collective efforts of department staff and faculty towards student success. No two programs work identically, but program directors/coordinators proactively seek to ensure student success by fulfilling existing expectations for that role. Depending on the extent of responsibility assumed, program directors/coordinators may receive allocated time in their workload, a stipend, or other forms of compensation.

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#### 1.4.1.3. Vice President for Research, Economic Development, and International Programs

The Vice President for Research, Economic Development, and International Programs is responsible for the University's research and economic development activities. These include the Office of Research Administration, the Center for Applied Science and Engineering (CASE), Jordan Valley Innovation Center (JVIC), China Programs, International Programs, Center for Biomedical and Life Sciences (CBL), Springfield Innovation Inc., the eFactory, Management Development Institute (MDI), Small Business and Technology Development Center (SBDC), 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.

#### 1.4.1.3. Vice President for Research, Economic Development, and International Programs

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#### 1.4.1.4. 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 issues.

### 1.4.2. Academic Governance

#### 1.4.2.1. Academic Leadership Council

The Academic Leadership Council is the advisory committee that works with the Provost. The body is composed of all Associate and/or Assistant Provosts; the Deans of the Colleges of Arts and Letters, Business Administration, Education, Health Sciences, Humanities, Natural and Applied Sciences, and the Center for Applied Science and Engineering; the Dean of the College of Education; the Dean of the College of Arts and Sciences; the Dean of the College of Business Administration; the Dean of the College of Health Sciences; the Dean of the College of Management; the Dean of the College of Public Administration; the Dean of the College of Social and Behavioral Sciences; and the Dean of the College of the Arts and Letters.

#### 1.4.2.2. 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 function 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.

#### **1.4.2.3. 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.

#### **1.4.2.4. 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 may include 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.

#### **1.4.3. 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.

#### **1.4.4. Student Government Association**

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

#### **1.4.5. 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.

## **2. RECRUITMENT AND EMPLOYMENT**

### **2.1. Core Commitments**

As a university with a Public Affairs mission, 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. An understanding of diverse cultures and societies has not only become necessary to function in today's workplace, but also enriches one's life and work. Therefore, Missouri State University has a deep and abiding commitment to diversity as a core institutional value and responsibility because diversity is central to providing and maintaining a quality educational environment.

Missouri State University values programs and practices that assure an environment free of discrimination established by a shared commitment to the principles of diversity, nondiscrimination and affirmative action. Missouri State University treats all persons solely as individuals on the basis of their own personal abilities, qualifications, and relevant characteristics. (See website for Division for Diversity and Inclusion.)

### **2.2. Equal Opportunity and Affirmative Action Policy**

Missouri State University is 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 for all jobs, policies involving for recruitment, promotion, transfer, compensation, benefits, layoffs, returns from layoffs, educational programs, and all other University-sponsored programs, benefits, services, and aids, shall be administered consistent with the University's Non-Discrimination Policy Statement. Specifically, policies shall be administered 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), sex, sexual orientation, 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. Reasonable accommodation on the basis of religion or disability is assured.

The University's Equal Opportunity and Affirmative Action Policy is available at the Policy Library, and the University's Affirmative Action Plan is available at the website for the Office for Institutional Equity and Compliance. 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 Vice President overseeing the Division for Diversity and Inclusion.

### **2.3. Hiring Procedures**

#### **2.3.1. Equal Opportunity Hiring**

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 non-discrimination policies and affirmative action program. Complete search guidelines are available online at the Human Resources Policies section of the Policy Library.

#### **2.3.2. Nepotism**

The University's policy regarding the employment of relatives is set forth in the nepotism provision of the Human

Resources Policies section of the Policy Library. 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, unless the supervisory role is specifically approved by the President of the University.

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. For University purposes, this also includes sponsored dependents. All relationships are included, whether full-, half, step-, adopted, or in-law.

An employee or supervisor who has a question pertaining to the relatives covered by the University's nepotism policy should contact his/her department head or the Office of Human Resources.

### **2.3.3. Hiring Foreign Nationals**

Missouri State University will process visa petitions and applications on behalf of foreign nationals in order to further academic goals of the university. Decisions to hire foreign nationals may be influenced by U.S. Citizenship and Immigration Services (USCIS) regulations and relevant Internal Revenue Service (IRS) regulations. Detailed discussion of this topic is provided in the Human Resources Policies section of the Policy Library.

## **2.4. Identification Cards**

Every academic employee is issued an identification card by the Bear Pass Office. Full-time faculty members may also secure an identification card for a spouse or sponsored dependent.

## **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 [information](#) 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 Provost's Office. 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 provide the current or former employee's date of hire, position, department, and salary information. Requests for any additional information beyond these items must be made in writing and will require the consent of the employee.

### **3. ACADEMIC PERSONNEL POLICIES**

#### **3.1. Academic Responsibilities, Ethics, and Freedom**

A faculty member at Missouri State University assumes responsibility for Teaching, Research, 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.

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 PPRP process of grievance (Refer to [Chapter 13](#)).

##### **3.1.1. Responsibilities And Ethics**

The University recognizes that all faculty have responsibilities in the development of citizen scholars and that those responsibilities must be grounded in ethical standards. The University endorses the following Statement on Professional Ethics from the American Association of University Professors (2009). The AAUP language specifically addresses “professors”, but the standards are applicable to all faculty.

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 subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student’s true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.

As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.

As members of an academic institution, professors seek above all to be effective teachers and scholars.

Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

As members of their community, professors have the rights and obligations of other citizens. Professors 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 of speaking or acting 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 [Chapter 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. Intellectual honesty requires proper recognition of sources; discussion of fair use policies is provided in Section 8.7.2 and is also discussed in standard style guides (e.g., Chicago, APA, and MLA style guides).

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 projects 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.

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. Within these constraints he or she is entitled to freedom 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

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 research and expression in teaching.

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 with minor editorial revision (addition of sexual orientation):

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 that injure individuals or damage institutional facilities or disrupt the classes of one's teachers or colleagues. Speakers on campus must not only be protected from violence, but also be given an 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 a 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 social behavior. 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, sexual orientation, or personal beliefs.

It is the mastery teachers have of their subjects and their own scholarship that entitles them to their classrooms and to freedom in the presentation of their subjects. Thus, it is improper for an instructor persistently to intrude material that has no relation to the subject, or to fail to present the subject matter of the course as announced to the students and as approved by the faculty in their collective responsibility for the curriculum.

Because academic freedom has traditionally included the instructor's full freedom as a citizen, most faculty members face no-insoluble conflicts between the claims of politics, social action, and conscience, on the one hand, and the claims and expectations of their students, colleagues, and institutions, on the other. If such conflicts become acute, and attention to obligations as a citizen and moral agent precludes an instructor from fulfilling substantial academic obligations, the instructor cannot escape the responsibility of that choice, but should either request a leave of absence or resign

his or her academic position.

## 3.2. Appointment, Rank, and Tenure

### 3.2.1. 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.

### 3.2.2. Initial ~~Appointment Contract~~ Appointment 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, annual review of appropriate progress toward reappointment, promotion, and tenure will be provided by the Colleges, departments and schools, and the Provost.

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, start date, 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. New faculty will also be provided a copy of the departmental tenure, promotion, and performance review guidelines in effect on the date of the hire. The criteria employed for tenure decisions will be those in the Faculty Handbook and in departmental guidelines at the time the initial appointment letter is given (see Section 4.8.7, Faculty and Department Head Procedural Agreement).

### 3.2.3. General Criteria

The criteria for initial appointment consist of training evidenced by academic degrees, experience, and achievement. For tenure and promotion, faculty members must meet the requirements for Teaching, Research, and Service established by their Department, College, and the University. 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 leadership roles upon which the concept of shared governance depends. Section 3.4 overviews the increasing expectations with rank for tenure-track and clinical-track faculty, and Chapter 4 describes faculty evaluation.

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. Departmental procedures and standards for evaluating faculty in the areas of Teaching, Research, and Service are to be reviewed and approved by the College Dean and the Provost every three years. Ultimately, faculty must receive the approbation of their colleagues and appropriate administrative officers based on criteria provided in University policies and departmental governance documents. The University must also fulfill its obligations.

Professionalism and collegiality are essential to Teaching, Research, 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.



### **3.2.3.1. Teaching**

Teaching is the most important responsibility of an institution of higher education. Effective teaching requires continual application and effort. The teacher must keep abreast of new developments in his or her field and related fields or disciplines. The teacher should be able to engage students in the discipline. Teaching also takes the form of student advisement and mentoring, critical activities that contribute to the development of educated persons.

For tenure and promotion to a higher professional rank, effective teaching must be documented. Each department is responsible for preparing procedures for evaluating teaching effectiveness and for communicating these to each faculty member in the department. Departmental procedure should be appropriate to the type and nature of the teaching assignment. Details for such evaluation are provided in Chapter 4.2.1.

### **3.2.3.2. Research**

Research, defined in Chapter 4 as including a broad range of scholarly work, is a key expectation of tenure-track and research faculty at all levels. Evaluation of Research is highly dependent on the faculty member's discipline and so a uniform standard for its evaluation cannot be stated here. Departments (with approval of their Deans and the Provost) are responsible for providing specific guidelines for their faculty in their governance documents. Details for evaluations of Research are provided in Chapter 4.2.2.

### **3.2.3.3. Service**

Service is of several kinds. It includes service to the University and its students through committee work, assistance to student organizations, and other activities that represent a critical contribution to the operation and development of the institution through shared governance. Service also includes consultations and applications of disciplinary knowledge and expertise to address the needs of professional organizations and public constituencies.

Service expectations may vary by department. Departments (with approval of their Deans and the Provost) are responsible for providing specific guidelines for their faculty in their governance documents. More information about evaluation of Service are provided in Chapter 4.2.3.

## **3.3. 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.

### **3.3.1. 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 in the ~~contract~~-~~appointment~~ letter that the degree must be completed within the first year of appointment. Under extraordinary circumstances, an extension can be granted with the approval of the Provost.

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, Research, and Service as defined in the Assistant Professor rank. (Refer to Sections 3 and 4 for criteria for promotion.) It is assumed that a faculty member hired as an assistant professor will concurrently seek tenure and promotion

Tenure:

Assistant Professors normally apply for tenure in their sixth year of probationary status at Missouri State. Faculty hired with credit toward tenure will normally apply for tenure in the equivalent of their 6th year, e.g., faculty granted two years of credit toward tenure would normally apply during their fourth year of academic service at Missouri State.

Individuals with exceptional records of accomplishments may apply for tenure in their fourth or fifth year (adjusted as described above for those faculty hired with credit granted toward tenure). See Section 4.8.5.

The earliest any Assistant Professor may apply for tenure is during the third year of probationary status at Missouri State, regardless of the number of years credited toward tenure at the time of hiring.

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

Eligibility for Promotion:

Assistant Professors are minimally eligible to apply for promotion to the Associate rank in the same year they become eligible to apply for tenure.

Policy in Effect for Promotion:

Assistant professors applying for tenure and promotion concurrently have the option of using the promotion criteria in effect at the time of their hiring, or a more recent version. Tenured Assistant Professors applying for promotion have the option of using any promotion policy in effect since the time of their hiring provided that the policy was in effect within six years of the application for promotion. For instance, a policy in effect in Fall ~~2012-2017~~ could be used for a promotion application in Fall ~~2018~~2022.

### **3.3.2. Associate Professor**

Definition:

An academic rank of one who has demonstrated a sustained record of achievement and effectiveness in Teaching,

Research, 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 in which the Provost has granted a temporary stopping of the tenure clock. Individuals with exceptional records of accomplishment may be granted tenure earlier than their fourth year. See Section 4.8.5. Refer to Sections 3 and 4 for criteria for tenure.

Eligibility for Promotion:

Associate Professors are eligible to apply for promotion during their fifth year of academic service to Missouri State University in the rank of Associate Professor. Individuals with exceptional records of accomplishments may be granted early promotion. See Section 4.8.5.

Policy in Effect for Promotion:

Associate professors applying for promotion to Professor have the option of using either the most current version of promotion criteria or an earlier version of criteria that has been in effect since their promotion to Associate which was in effect within seven years of the application. For instance, a policy in effect in Fall ~~2012-2017~~ could be used for a promotion application in Fall ~~2019~~2022. Refer to Sections 3.4.3, 4.2-4.4, and 4.7.-4.8 for criteria for promotion.

### 3.3.3. Professor

Definition:

Professors are recognized leaders who have a cumulative record of Teaching, Research, and 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.

Policy in Effect for Promotion:

Professors with extraordinary accomplishments may apply for promotion to Distinguished Professor. To be eligible for Distinguished Professor rank an individual must have held Professor rank for a minimum of five years, with at least three years in the rank at Missouri State University; have a record of extraordinary performance in Research with a national or international reputation; and have a sustained record of excellence in both Teaching and Service.

### 3.3.4. Distinguished Professor

Definition:

Distinguished Professor is a rank beyond Professor which recognizes extraordinary accomplishment in Research. 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:~~

### 3.4. Tenure-Track Research Faculty

Effective January 1, 2007, Research Faculty appointments became non-tenure track. Research Faculty who held tenure prior to January 1, 2007, retained their tenure status. A Research Faculty member with a probationary appointment prior to January 1, 2007, remains eligible to apply for tenure as stated in his/her appointment letter. For those Research Faculty with tenure-track appointments, the criteria for progression through the ranks are the same as those for regular tenure-track faculty, except that a greater emphasis will be placed on Research and any expectations for Teaching will depend on the specific requirements of their appointments. See Section 3.5.10.

### 3.5. Non-Tenure-Track Academic Positions

Persons who hold non-tenure-track positions are given term appointments that automatically terminate upon the expiration of the specified term. Non-tenure-track appointments may be given annual or multi-year contracts 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 appointment~~ 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~~ **required except in special circumstances approved by the Provost**. All non-tenure-track academic positions have the same right to academic freedom accorded tenure-track faculty.

#### 3.5.1. Instructor

An Instructor is normally appointed to teach full-time ~~and~~ to provide appropriate service, and may participate in research. ~~An instructor may be appointed on 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/appointments~~ will receive salary compensation and benefits for 12 months.

#### 3.5.2. Senior Instructor

An Instructor who has demonstrated excellence in Teaching and Service at Missouri State University for at least five years (not necessarily consecutive) 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. A Senior Instructor shall be appointed to a specific term not to exceed ~~five three~~ years and may be reappointed to one or more additional terms, ~~contingent/contingent~~ upon satisfactory performance reviews, educational needs and continued funding, **the Senior Instructor appointment is renewable without constraint of term limits.** A Senior Instructor who is reappointed will be reappointed at that rank. 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 salary compensation and benefits for 12-months.

### **3.5.3. 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. A Visiting Faculty member may be appointed to a specific term no longer than three years. If a Visiting Professor, Visiting Associate Professor, or Visiting Assistant Professor 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.

### **3.5.4. 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 will not be counted toward the time required for tenure and promotion.

### **3.5.5. 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 will not be counted toward the time required for tenure and promotion.

### **3.5.6. 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 will not be counted toward the time required for tenure and promotion.

### **3.5.7. Adjunct Faculty**

Adjunct Faculty are those individuals who offer educational experiences to students of the University but who have no ~~contract~~ appointment with the University. The title is honorary, although the Adjunct Faculty member may receive an honorarium. Adjunct faculty may also receive a University ID, e-mail account, and library privileges.

### **3.5.8. Per Course Faculty**

A per course faculty member is appointed on a semester basis and may teach no more than twelve credit hours during any 12-month period. Employment terminates automatically at the end of the appointment period. A per course faculty member who has any other type of employment at Missouri State University is also subject to an overall limitation of 1000-hours over any 12-month period and should contact the Office of Human Resources for clarification of restrictions. 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 University Libraries, resources provided by Computer Services, and [Taylor-Magers 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 the position must be posted and 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.

### **3.5.9. 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.

### **3.5.10. Research Faculty**

Research faculty are members of the faculty whose primary responsibility is 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. Departments desiring to appoint Research 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. Evaluations of research faculty members will be based primarily upon research, with teaching and service accomplishments considered commensurate with assigned duties.

#### **3.5.10.1. State Fruit Experiment Station Research Faculty**

State Fruit Experiment Station faculty members hold Research Faculty status with responsibilities in Research, Teaching, Service, and Outreach. 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.

#### **3.5.10.2. 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~~ appointment. 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 will 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).

### 3.5.11. Clinical Faculty

Clinical Faculty are members of the faculty whose primary responsibilities are clinical education and service. Clinical Faculty are not eligible for tenure but have the same right to academic freedom accorded tenure-track faculty. 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 on specific term or fixed term contracts. They may be appointed on non-conditional 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. If a Clinical Faculty member 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~~ appointments. Clinical Faculty on 9-month contracts will receive salary compensation and benefits for 12 months.~~

## 3.6. Special Appointments

### 3.6.1. 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, Service 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 ten years of service), and (2) retirement status or disability status at Missouri State University. Emeritus status is awarded through affirmative vote of the full-time 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 15 credit hours per academic year, the same benefit provided to active faculty employees' children.

#### 3.6.1.1. 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.

### **3.6.2. 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.

### **3.6.3. 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.

## **3.7. Tenure**

### **3.7.1. General Philosophy**

The primary responsibilities of the faculty at Missouri State University are Teaching, Research, and Service. By accepting an appointment at this University, an individual in a tenure-track position assumes a responsibility to pursue scholarly activities in each of these areas. Such pursuits necessitate broad intellectual freedom, as discussed in Section 3.1.2.

Tenure is a means to certain ends, specifically: (1) freedom in Teaching, Research, and Service; (2) freedom to pursue extramural activities, and (3) 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.

### **3.7.2. 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 for 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.

### **3.8. 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 by the final probationary year.

#### **3.8.1. 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, ~~or military service~~ for a period ~~typically~~ not to exceed two additional years. Such extension ~~requires~~ will be based upon the recommendation of the Department Head/School Director, Dean, ~~and~~ and with approval by the -Provost in consultation with Human Resources.

#### **3.8.2. Tenure Upon Hire**

An applicant for a position as Associate Professor or 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.

### **3.9. Locus of Tenure**

Tenure is awarded only by a formal vote of the Board of Governors. The locus of tenure is in the University (except that faculty of the Greenwood Laboratory School hold tenure in the Laboratory School – see Section 3.3). Assignment of tenured faculty will normally be to academic departments but tenured faculty may by consent be assigned to other

professional duties (see also Section 13.1.3). Tenure, once granted, remains in the University.

### **3.10. 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 nonrenewal of appointment, or of intention not to recommend renewal of appointment, shall be given in writing by the Provost in accordance with the AAUP "Standards for Notice of Non-reappointment" described in Section 4.6.1.

### **3.11. Graduate Faculty**

Members of the graduate faculty shall be competent in graduate instruction and the direction of Research (as defined broadly in Section 4.2) ~~or~~ clinical or applied practice appropriate to the University's graduate program mission and to the educational goals of a particular graduate program, ~~and~~ ~~+~~ They shall be engaged in Research ~~or~~ 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 approval by 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. All departments must have current criteria for graduate faculty status and may require faculty within their department to meet criteria that are in addition to the criteria set by the Graduate Council. Departmental criteria must be approved by the Graduate Council, and shall be on file with the Graduate College.

Graduate Faculty status will be of two kinds, Research and Professional. Specifically, Research Graduate faculty designated to direct graduate student research projects must have a terminal degree in the discipline and a minimum of three scholarly publications (or equivalent) in hand. For faculty whose research is in the visual and performing arts and who are designated to direct graduate/artistic/performance projects the publication requirement may be satisfied in whole or in part by an established record of reviewed exhibition or performance (art shows, concerts, theatre productions, etc.). Professional Graduate faculty status will be available for individuals who do not meet all requirements for Research Graduate status, but whose professional training and/or experience is appropriate for graduate-level education. Clinical faculty (or faculty who are hired because of their expertise in an applied area) needed to direct the clinical or applied training of graduate students must possess a graduate/professional degree in a relevant discipline, have professional certification (if any), and must have at least two years of relevant experience. Other Professional Graduate faculty members must have requisite expertise (normally based on career experience) to fill needs of graduate programs.

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 Dean before being presented to the Graduate Council for approval. Recommendations for all faculty in all areas must gain the majority vote of approval by the Graduate Council Membership Committee and be accepted by the Graduate Council by a three-fourths majority vote.

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, following the same process as described above. Under certain circumstances, an individual who has not been elected to the graduate faculty may be authorized by the College Dean to teach a specific 700 level or higher course if that individual's training and/or experience warrant ~~s~~.

Upon receiving graduate faculty status, faculty members are eligible to teach 700-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. Only Research Graduate faculty may serve as chairs of thesis committees or similar committees that evaluate final graduate projects. 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, supported by a three-fourths majority vote by the Department's other graduate faculty.

## 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 ethical leadership, cultural competence, and community engagement. The University honors the principles of academic freedom, academic excellence, diversity in scholarly and cultural perspectives, and equal opportunity.

The following table outlines the evaluation categories for faculty with different types of appointments. —Some variations on these criteria may be made based on contract letters. 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.

Faculty Appointment Type	Evaluation Based On:	Section
Tenure-Track Faculty	Teaching, Research, Service	4.2
Instructors*	Teaching, Service	4.2
Clinical Faculty	Clinical Education, Professional Productivity/Research, Service	4.3
Research Faculty (except State Fruit Experimentation Station)	Research, Service	4.4
Research Faculty (State Fruit Experiment Station)	Teaching, Research, Service, Outreach	4.4, 4.2
Per Course Faculty	Teaching or Clinical Education, depending on contract	4.2 or 4.3

\*Some Instructors may be evaluated on Research, depending on their contracts.

### 4.2. Evaluation of Tenure-Track Faculty and Instructors

Tenure-track 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).

Expectations for Instructors are similar to those for tenure-track faculty except that there is an increased emphasis on Teaching and normally no expectation for Research.

## **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, and
- 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 provides 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. Evaluation of Teaching**

Teaching is among the most important faculty responsibilities of any institution of higher education. The attributes considered to be indicative of effective teaching vary among individuals and across disciplines; however, high levels of student engagement and deeper learning are core values that are common to all.

Teaching effectiveness must be taken seriously with review and evaluation occurring on many levels. Evaluating and improving teaching is an ongoing and critical function of faculty and administration. Teaching effectiveness must be based on performance across a reasonable period of time and number of classes, and it cannot be measured in isolation.

Teaching effectiveness is affected by overall workload, level of course, experience in teaching a particular course, number of students, use of new modalities or approaches, and nature of course (general education, requirement in major, etc.).

The areas outlined below are the basis for evaluating faculty members' teaching effectiveness for tenure and promotion and for required annual performance reviews. Sections 4.2.1.2.1, 4.2.1.2.2, and 4.2.1.2.5 represent essential elements of teaching evaluation, while sections 4.2.1.2.3 and 4.2.1.2.4 represent additional aspects of areas that may be evaluated as appropriate. Departmental evaluation plans must include specific required and/or encouraged criteria in these areas, as well as the materials that would be expected for adequate documentation of meeting the criteria.

#### **4.2.1.2.1. Knowledge**

Faculty members must be up to date and competent regarding the content of their courses, whether they are part of a discipline-specific major or the general education curriculum.

Faculty who engage in student advising must be thoroughly familiar with university requirements so their advisees make appropriate progress toward a degree and graduate in a timely manner.

#### **4.2.1.2.2. Teaching strategies**

There is substantial literature on best practices in university teaching, and faculty members should incorporate best practices in their classes to the extent possible. They must specify learning objectives for each course, ensure that their students understand how to achieve those objectives, and use grading systems that reflect the degree to which students accomplish the objectives. Faculty must be appropriately accessible to students through a variety of means (e.g.,

office hours, electronic communication). Faculty should strive to include high-impact instructional practices, such as community engagement, problem-based, experiential, and collaborative learning. In addition, course content and instructional strategies that reflect awareness of diversity and differences among learners can improve student learning and are encouraged where they are appropriate.

#### **4.2.1.2.3. Accessibility**

Where appropriate, faculty may extend the availability of education beyond the traditional classroom setting through activities that include, but are not limited to, offering distance learning, online courses, public lectures or workshops, working with the community and public schools in providing access to education, and developing educational materials that address accessibility issues.

#### **4.2.1.2.4. 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.

#### **4.2.1.2.5. Evaluation and response to feedback**

Faculty must ensure evaluation of their teaching through multiple means (e.g., self-reflection, peer and/or supervisor review, assessment of student learning outcomes). Student evaluations are an important source of feedback; however, they should account for no more than 50% of the total evaluation of teaching effectiveness. Faculty should carefully consider evaluation data and modify future teaching strategies as appropriate.

#### **4.2.1.3. Documentation**

Faculty must provide evidence that documents sufficient knowledge, use of teaching strategies, evaluation, and response to feedback. Documentation should also be provided to establish any claims of enhanced accessibility or special attention to diversity. Course syllabi can be rich sources to indicate currency in course content and delineation of student learning outcomes and associated grading systems. Peer and student evaluations and the faculty member's response to those evaluations can address the extent to which strong teaching methods are used, as well as the degree of accessibility the faculty member maintains. Other useful types of documentation include pre-/post-course student performance on course knowledge and skills; professional development completion certificates; teaching portfolios; and unsolicited external letters of support.

Departmental plans must provide specific information regarding the documentation expected for annual reviews. 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.

### **4.2.2. Research**

#### **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.

The University recognizes 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. The activities recognized as Research vary by, and are defined within, each academic discipline. Descriptions of what is recognized as Research can be found in approved departmental plans. To qualify as Research activities must produce outcomes that are disseminated and subjected to critical peer review or evaluation by the scholarly community, and those outcomes should serve the growth of knowledge in a field or be of significant practical use.

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

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

#### **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 and attain tenure and promotions, 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 (2 – 4) 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 from Associate Professor to Professor.

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

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 Research product beyond that required for peer review in one's field. Faculty members meet this goal if they can document accomplishments in sharing 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.

#### **4.2.2.3. Engaged Public Research**

Public Research supports the University's Public Affairs mission. It is Research integral to a faculty member's academic discipline. It encompasses different forms of constructing knowledge about, for, and with diverse publics and communities. Through a coherent, purposeful sequence of activities, it contributes to the public good and yields outcomes of public and intellectual value.

The University recognizes that Engaged Public Research may be included in a department's tenure and promotion policy if a department so chooses. If included in a department's policy, this scholarly activity should involve a partnership with the public and/or private sector that enriches knowledge, addresses and helps solve critical societal issues, and contributes to the public good. The department's governance documents should clarify how such Research will be evaluated.

Engaged Public Research includes Research focused on civic participation in public life, participation by engaged scholars, and the impact of public scholarship on all constituencies. Projects that advance Engaged Public Research must be subjected to critical academic peer review and should include input from a rigorous review conducted by involved community partners who collaborated with the public scholar. This input must assess the significance of the project, the quality of the relationship, and the impact on public good.

#### **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 and attain tenure and promotions, 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 (2 – 4) is required to attain tenure and promotion from Assistant Professor to Associate Professor. Sustained success and documented leadership in one or more of these areas are required for promotion from Associate Professor to Professor.

##### 1. University Citizenship

In the interest of maintaining broad participation in the decision-making process at the University, faculty must 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.



Exceptions to this policy require Department Head approval in keeping with departmental guidelines.

#### 2. Professional Service

The criteria for this goal refer 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. of a professional organization. Additionally, this may include sponsoring, mentoring, or advising an active student organization, 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 serving as a board member, division chair, officer, editor, reviewer, committee member, etc. of a public organization, or writing 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 submitting 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. 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, participation in graduate committees, and grants to support innovative clinical education.

b. Experiential Learning

While it is expected that all 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 clinical or practice contexts.

c. Accessibility

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 meet this goal by documenting special accomplishments in sharing clinical expertise or Research with 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 (see Section 3.6.10.1) and Service, commensurate with assigned duties.

## **4.5. Faculty Policies and Responsibilities**

### **4.5.1. Teaching**

#### **4.5.1.1. Teaching Loads**

Workloads for tenure-track faculty with standard appointments involve significant responsibilities for Research and Service in addition to Teaching responsibilities. Accordingly, average departmental Teaching loads for full-time research-active 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. Annual Teaching loads should typically be 24 equated hours per academic year for full-time Instructors with normal service loads, and up to 30 equated hours per academic year for full-time instructors with little or no Service expectation. Teaching assignments for Clinical and Research faculty will vary depending on details of their ~~contracts~~ appointments.

#### **4.5.1.2. Meeting Classes**

Faculty members are expected to meet their assigned classes or to see that suitable alternate 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. Faculty who wish to request a religious accommodation to miss class should consult the Policy Library, Op 1.02-1 Accommodations for Religious Observances Policy.

#### **4.5.1.3. 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, where items marked with asterisks have suggested language posted by the Provost:

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.
4. \*Academic Integrity Policy: A statement concerning the policies concerning plagiarism and cheating, including consequences.
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.

~~\*Nondiscrimination Policy: A statement consistent with University policy.~~

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

#### **4.5.1.4. Emergency Response Information**

Faculty members must provide students with information about safety-related issues (emergency fire exits, safe locations for severe weather, active shooter, etc.) consistent with information provided by the Provost's Office and posted on Blackboard.

#### **4.5.1.5. 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.

#### **4.5.1.6. 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.

#### **4.5.1.7. 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 be knowledgeable of essential aspects of the curriculum and procedures of the University in order to provide accurate and timely advice to students, and should be able 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. Some departments may utilize either select faculty or staff for formal academic advising.

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

#### **4.5.1.8. Office Hours**

Office hours are times when faculty are available for direct consultation with students who are in their classes and with advisees. Availability for office hours usually implies presence in an office but, following departmental norms and consent of the Department Head, may be satisfied by other means, e.g., electronic consultation. —All full-time faculty members must be available for office hours a minimum of five hours each week at times convenient for students. Part-time faculty must also be available for office hours, but the number of office hours ~~may be less based on their teaching assignment; expectations for office hours should be specified in contract letters~~ will be determined by the Department Head. 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.

#### **4.5.1.9. 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 [the University Policy Library for FERPA policy](http://www.missouristate.edu/registrar/FERPA.html) <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 Research. 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 Research 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-appointment](#) 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 10.)

Finally, the Research 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 and Research 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.

## **4.6. Faculty Performance Evaluation Process**

### **4.6.1. General Procedures**

All full-time faculty members participate in regularly scheduled performance reviews. For probationary faculty, annual reviews are completed for the purpose of evaluating appropriate progress toward tenure, tenure review, and promotion review, as well as yearly performance review. Tenured faculty participate in an annual performance review, and, as appropriate, promotion reviews. Ideally, each ranked faculty member should be evaluated no more than once annually.

The Provost will publish in the annual Master 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 annual review, tenure, promotion, and performance review to the department by the department-specified deadline that is based on the Master Calendar. *(Faculty who begin in January will be formally evaluated for the first time in 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 4.8.4. (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 evaluations, and when appropriate, recommendations, in the tenure/promotion, promotion, and annual review process.

Annual reviews of progress toward tenure, tenure and promotion reviews, as well as annual performance reviews, proceed through a series of formal evaluations and recommendations beginning with the departmental personnel committee (herein referred to as the personnel committee). The personnel committee forwards its evaluation and recommendation to the Department Head. The Department Head forwards his or her evaluation and recommendation along with the department committee evaluation and recommendation to the Dean of the College. The Dean makes a recommendation on reviews of progress toward tenure, required performance evaluations, and sends a list of all required actions with appropriate documentation, 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 and sends positive recommendations 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.

#### **4.6.2. Specific Procedures**

Each application for tenure and/or promotion and performance evaluation follows a similar series of steps as described below.

- The faculty member prepares appropriate application / review materials and documentation based on requirements of the Provost and departmental governance documents. For tenure and promotion applications, the assembled documentation will generally be referred to as the candidate's dossier.
- The documentation (dossier) is submitted to the chair of the personnel committee based on a schedule posted by the Provost and then a series of evaluations commences, going from the personnel committee to the Head, from the Head to the Dean, from the Dean to the Provost, and for positive tenure and/or promotion recommendations, from the Provost to the President and Board of Governors.
- For tenure and/or promotion applications that require letters from external evaluators, the letters will be inserted into the dossier by the Head after the dossier is submitted to the personnel committee. Letters are requested based on guidelines from the Provost and discipline standards. These letters will not be available to the applicant until the process is completed (up to the initial recommendation by the Provost).

- At each step of the evaluation, the evaluating party (e.g., personnel committee, Head) provides a copy of the assessment, along with any recommendations, to the faculty member. The faculty member must undersign the evaluation to acknowledge receipt, but the signature does not imply that the faculty member endorses all that is stated in the evaluation.
- The faculty member may append a response to any evaluation before it is forwarded to the next evaluator. (Alternately, the response may be delivered to the evaluator within two business days of the faculty member's receipt of the recommendation.)
- In instances of disagreement between the recommendations at two successive levels (e.g., between the personnel committee and the Head), there should be a good faith effort to resolve differences.
- At each step of evaluation past the personnel committee, a written report of recommendations must be sent to each prior evaluator, e.g., from the Dean to both the Head and personnel committee. The report must provide rationale for any differences from recommendations made at lower levels.
- The Dean may request assistance in evaluations from the College Personnel Committee.
- For tenure and/or promotion applications, the Dean should normally forward to the Provost only the dossier containing key information (as specified by the Provost) but not supporting documentation. Supporting documentation should be forwarded only at the request of the Provost.
- For tenure and/or promotion applications, the Provost will forward positive recommendations to the President and Board of Governors.
- A candidate for tenure and/or promotion may choose to withdraw the application from consideration at any stage of the process.

~~Variations in the steps outlined above may occur as outlined for specific types of evaluations. For example, for pre-tenure reviews, the review process will normally end at the departmental level.~~ Variations in the steps outlined above may occur as outlined for specific types of evaluations as follows.

### 4.6.3. Annual Reviews for Probationary Faculty

Annual reviews following the procedures outlined in Section 4.6.2 are conducted for probationary faculty to assess appropriate progress toward tenure and to make recommendations for continuation of appointments. The personnel committee will annually assess the probationary faculty member's cumulative record as he or she progresses toward the tenure decision year, and will specify in writing one of 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

In all cases the committee will provide clear feedback, identifying areas for improvement, making specific suggestions or recommendations regarding continued appointment or non-renewal, and provide appropriate rationale in the event the committee recommends non-renewal.

The evaluation will proceed as described in Section 4.6.2 through the Dean, who will report recommendations to the Provost. The Provost may elect to review any annual evaluation and recommendation.

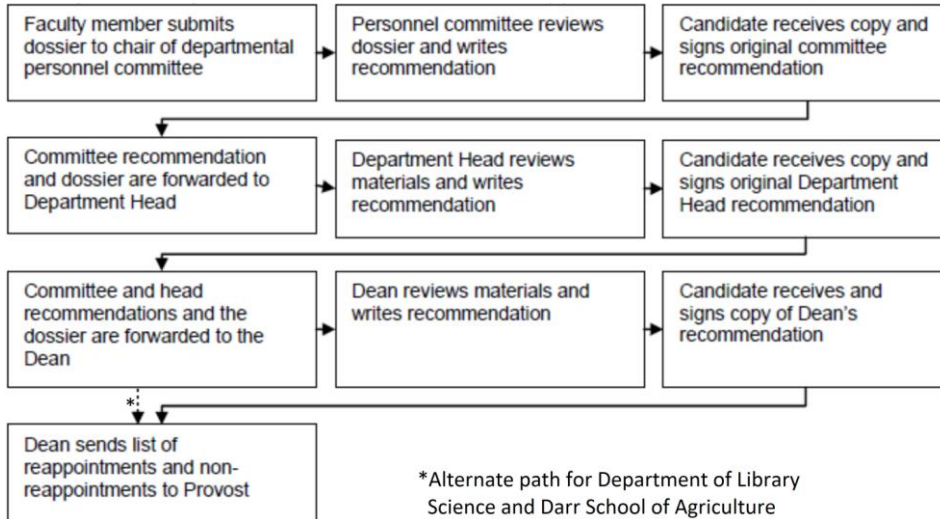
The schedule of annual appointments is in accordance with the AAUP "Standards for Notice of Non-reappointment."

- First-year faculty: continuation of appointment to a second year or notified of non-reappointment by March 1 of the first year.
- Second-year faculty: continuation of appointment to a third year or notified of non-reappointment by December 15 of the second year of service.



- Third-year faculty: continuation of appointment to a fourth year or notified of non-reappointment 12 months before expiration of the appointment.
- Fourth-year faculty: continuation of appointment to a fifth year or notified of non-reappointment 12 months before expiration of the appointment.
- Fifth-year faculty: continuation of appointment 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.

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#### 4.6.4. Tenure/Promotion Review (Promotion from Assistant Professor to Associate Professor Rank)

##### 4.6.4.1. Year of Application

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 – see Section 3.8.1) to remain employed beyond the seventh year. In cases where the faculty member has negotiated for a shorter probationary period, the final tenure application year is specified in the faculty member's initial letter of employment. Candidates denied tenure by the Provost in the final year for application are not permitted to reapply. Candidates who apply for early tenure (i.e., in a year prior to the final year for application as stated in the faculty member's initial letter of employment) may reapply up to and including the final year to apply. 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.

##### 4.6.4.2. Application Process and Review

The faculty member prepares a complete tenure/promotion dossier according to guidelines provided by the Provost,

and forwards it to the chair of the departmental personnel committee. The tenure/promotion dossier will include external reviews gathered according to departmental guidelines, and inserted by the department head. The process for tenure/promotion review follows the steps outlined in Section 4.6.2.

#### **4.6.5. Promotion Review (Promotion from Associate Professor Rank to Professor Rank)**

##### **4.6.5.1. Pre-Promotion Review**

Tenured faculty members may request a pre-promotion review facilitated at the departmental level 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. Details of such reviews should be included in departmental governance documents. Pre-promotion reviews normally end at the Head, but by mutual agreement of the faculty member and Dean may include the Dean.

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.

##### **4.6.5.2. Application Process And Review**

The faculty member prepares a complete promotion dossier according to guidelines provided by the Provost and forwards it to the chair of the departmental personnel committee. The tenure/promotion dossier will include external reviews gathered according to departmental guidelines based on guidelines from the Provost, and inserted by the department head. The process for promotion review follows the steps outlined in Section 4.6.2.

##### **4.6.5.3. Application Process for Promotion for Non Tenure-Track Faculty (Instructor, Clinical Faculty, Research Faculty)**

The faculty member prepares a complete promotion dossier according to guidelines provided by the Provost and forwards it to the chair of the Departmental personnel committee. [Non-Tenure-Track faculty may also request a pre-promotion review as specified in 4.6.5.1.](#) The process for promotion review follows the steps outlined in Section 4.6.2.

#### **4.6.6. Annual Performance Review**

Performance evaluations shall be conducted annually for all full-time faculty (Section 4.6.6.1) and, for per course faculty after completion of each teaching assignment (see Section 4.6.6.2).

The annual evaluation process 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.

##### **4.6.6.1. Performance Reviews for Full-Time Faculty**

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. However, in years

when there will be no performance-based component to salary adjustments, the full-time faculty of a department may, by majority vote, opt to forgo a review by the departmental personnel committee; in those years, the review process shall start with the Department Head. 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~~ Departmental rating systems should 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. (Outreach and Professional Productivity will be evaluated for those faculty for whom these are considered responsibilities.)

At each step of the evaluation process, the faculty member must be informed on the results of the evaluation, including an explanation for each numerical or categorical rating. A faculty member who is dissatisfied with his or her evaluation may append a written response to the evaluation ~~before~~ it is forwarded to the next evaluator.

~~Each recommendation must also be reported back to prior evaluators, e.g., the Dean must report her/his recommendation back to the Department Head and the Departmental Committee, along with a written explanation for any changes in recommendations.~~ Each faculty member should have an opportunity to meet directly with the Department Head to discuss his or ~~hear her (her)~~ annual review as well as to establish goals and support for the next year. These discussions may be incorporated into the workload assignment negotiation (Section 4.6.7).

~~In the case where an annual evaluation is completed only by the department head, the faculty member wishing to appeal their performance rating may request a review by the departmental personnel committee. A subsequent appeal may be made to the Dean of the College.~~

~~A faculty member may appeal the performance rating to the College Compensation Committee.~~

#### 4.6.6.2. Performance Reviews for Per Course Faculty

A performance evaluation for each per course faculty member must be completed after each teaching session (i.e., semester or summer session). The evaluation shall be the responsibility of the Department Head, and should be based on the per course faculty member's reliability and effectiveness in completing Teaching assignments. Evaluations should be based on meeting ~~contract~~ appointment requirements and on the department's criteria for Teaching evaluation. Departments must have a plan in place for providing feedback to per course faculty within established timelines.

#### 4.6.6.3. Performance Evaluation Appeals Process

~~A faculty member who is dissatisfied with his performance rating may appeal the rating to the Departmental Committee. A faculty member who is dissatisfied with his or her performance rating may file a grievance through the Academic Personnel Grievance Process (APGP) process. (Refer to Chapter 12 for process) Any faculty member who believes that he or she has been discriminated against for any reason not related to job performance may consult the Office for Institutional Equity and Compliance.~~

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#### 4.6.7. Work Assignment Negotiation

Work assignments are negotiated between the faculty member and the Department Head at the time of the annual review. If a change in a work assignment 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. Promotion, Tenure, and Reappointment Review

### 4.7.1. Composition and Responsibilities of the Provost's Personnel Committee (PPC)

The Provost's Personnel Committee (PPC) shall consist of the chairs of each of the ~~seven-eight~~ College's Personnel Committees ~~formed by members of the Provost's Personnel Committee. However, the Provost may, in his or her discretion, appoint members to the committee.~~ or her college.

The Provost shall be responsible for convening this committee, which will review promotion, tenure, and reappointment decisions. The PPC shall select a chairperson who shall be responsible for making an annual report to the Faculty Senate during the first fall meeting of its work.

### 4.7.2. Grounds for a PPC Appeal

Appeals based on denial or granting of promotion, tenure or reappointment shall be filed with the Provost or designee no later than 35 business days after notification of the decision, and shall proceed to the Provost's Personnel Committee. No finding of a prima facie case by the Provost or designee is required. A PPC appeal 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 (see Sections 3.3.1 and 3.3.2), or
2. Failure to consider the substantive merits of the applicant's performance and fulfillment of appropriate University expectations, or
3. ~~Substantial~~ Failure to follow Faculty Handbook procedures, or
4. Failure to provide timely notice for non-reappointment of probationary faculty as defined in Section 4.6.3, or
5. Arbitrary and capricious failure to evaluate the faculty member in a fair manner and by comparable standards used to evaluate other faculty members being considered for reappointment, tenure or the same rank promotion, or
6. Retaliation for exercising academic freedom of speech or political speech/affiliation

### 4.7.3. Provost's Personnel Committee (PPC) Review Process

#### 4.7.3.1. Appeal Related to Reappointment, Tenure, or Promotion

An appeal or claim related to reappointment, granting of tenure, or promotion decisions shall be initiated with the Provost or designee and ~~filed in~~ the Faculty Senate Office ~~shall be notified~~ no later than 35 business days after notification of the decision. Such an appeal may be initiated by a tenured or tenure-track faculty member to challenge denial of reappointment, tenure, or promotion. Non-tenure track faculty may challenge denial of promotion, but not reappointment.

#### 4.7.3.2. Burden of Proof

The burden of proof shall be on the party initiating the appeal to demonstrate its case by the preponderance of the evidence.

#### 4.7.3.3. PPC Review

The PPC will conduct its review in accord with AAUP Recommended Regulation 16 as found in ~~Recommended Institutional Regulations on Academic Freedom and Tenure,~~ <sup>23</sup> <http://www.aaup.org/file/RIR2013.pdf>; AAUP Procedural Standard 6 as found in the AAUP Statement on Procedural Standards in the Renewal and Nonrenewal of Faculty Appointments, <http://www.aaup.org/report/statement-procedural-standards-renewal-or-nonrenewal-faculty-appointments>; and in accord with due process guarantees set forth in the University Hearing Panel process described in Chapters 13

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and 14.

#### 4.7.3.4. Report

Upon completion of its review, the PPC shall prepare a written report divided into findings of fact and recommendations with supporting reasons which shall be presented to the Provost and the faculty member within 5 business days of the conclusion of the hearing. A minority report ~~may also~~ ~~may~~ be prepared.

#### 4.7.3.5. Implementation or Appeal of Recommendation

If the Provost agrees with the PPC recommendations, the Provost shall promptly implement the recommendation of the PPC unless the faculty member appeals the results of that recommendation in writing, stating the reasons therefore within 10 business days of the receipt of the PPC 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 PPC Findings and Recommendations to the President for Final Determination. If the Provost decides not to adopt the PPC recommendations, the faculty member may appeal that decision in the same manner set forth herein.

#### 4.7.3.6. Unavailability of APGP Appeal Process

If a faculty member reviewed under the PPC process is denied promotion, tenure or reappointment any given year, that faculty member cannot file a separate Academic Personnel Grievance.

### 4.8. Evaluation-Related Policies

#### 4.8.1. Applicant's Rights

All faculty evaluations are based on university-level criteria and the guidelines and expectations specified in departmental and college documents and any specific ~~contractual—written~~ agreements that may exist. ~~and/or promotion will be evaluated according to based on their performance in accumulated assignments since employment at MSU unless otherwise negotiated in writing by the applicant and the department head or by the Provost's office. The Provost's office will provide a written report to the applicant within 10 business days of the conclusion of the hearing.~~

#### 4.8.2. Responsibilities for Tenure and Promotion Applications

##### 4.8.2.1. Applicant's Responsibilities

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, with the exception ~~of~~ external review letters, which will remain confidential until the initial recommendation by the Provost. 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.

##### 4.8.2.2. Responsibilities for External Reviews

For tenure track actions, external reviews, based on criteria provided in departmental guidelines, will be solicited by the Department Head to aid each tenure/promotion or promotion decision. External reviewers will normally be selected from comparable institutions; however, individuals whose expertise make them specifically suitable to serve as reviewers may also be selected with approval of the Dean (see the Provost's website for specific qualifications). Departments must, in their policy documents, define the role of the personnel committee in this process: the committee's role may range from formal input on the selection process and approval of the reviewer list to availability for advice and consulting at the request of either the Head or the candidate. Four external reviewers will be identified

collaboratively by the faculty member, the Department Head and, to the extent specified in the department's governance documents, the departmental personnel committee. If the faculty member and Head cannot agree on the list of four reviewers, each shall select two. The list of reviewers will be submitted to the Dean who will certify that the selection process has followed guidelines. Reviewers may then be contacted.

The Department Head is responsible for obtaining a sufficient number of reviews. The Department Head should contact selected reviewers early in the process (~~ideally during the Spring~~) to determine if they would be willing to provide reviews; when a timely review appears unlikely, an alternate reviewer should then be identified. [Faculty and Department Heads will follow the external review process in accordance with the Evaluation Calendar as published by the Office of the Provost.](#) The absence of review will not be allowed to prejudice the tenure or promotion candidacy of the faculty member.

### **4.8.3. Departmental Personnel Committees**

Departmental personnel committees serve as the initial evaluating bodies for all faculty evaluations (except as indicated in Section 4.6.6.1). Personnel committees are normally made up of all tenured faculty members in the department with restrictions as noted below. Departmental personnel committees may include non-tenure track faculty for certain evaluations as described in Section 4.8.3.1 below. The personnel committee may designate subcommittees for specific assignments as described in its departmental guidelines.

Normally, the personnel committee should have at least five qualified members. In the event that the department has fewer than five eligible faculty members, see Section 4.8.3.2 below for options. 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. 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. An exception to this occurs when the applicant is applying for promotion to Distinguished Professor, where faculty at the rank of Professor or above may participate.

The committee selects a chair who is responsible for working with the head, for convening the committee's meetings, for assuring that committee processes are carried out with integrity, and for writing (or delegating the writing of) personnel recommendations based on the deliberations of the committee.

The candidate's credentials and/ or application will be presented to the chair of the personnel committee (or of the subcommittee), who will undertake the security of the application dossier to assure appropriate confidentiality. At the time of evaluation for annual review of appropriate progress toward tenure, required performance reviews, promotion or tenure, the personnel committee will have access to the candidate's current vita, other documentation of Research, Teaching, and Service as required by the Provost and/or department, as well as all prior personnel reviews generated by the Dean, Department Head and personnel committee.

If there is a personnel subcommittee, it will present its recommendations to the full personnel committee, whose vote will establish the departmental faculty recommendation for a personnel action. 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.

#### **4.8.3.1. Non-Tenure Track Faculty on Departmental Personnel Committees**

Non-tenure track faculty may not participate in evaluations of tenure-track faculty. However, departments may choose to allow non-tenure track faculty to participate in promotion evaluations of other non-tenure track faculty, provided that the evaluator is at or above the rank sought by the applicant.

#### **4.8.3.2. Options When a Departmental Personnel Committee Has Fewer Than Five Members**

Ideally, any committee evaluating a colleague for annual review of appropriate progress toward tenure, required performance reviews, promotion or tenure should have a minimum of five qualified members, but some departments may have insufficient qualified faculty to meet this expectation. Options include:

- Allowing the department to proceed with the evaluation with as few as three qualified faculty from the department.
- Supplementing the departmental committee with faculty from other departments (normally from the same college) who, based on rank, would qualify. The additional faculty should never increase the size of the committee to more than five total. These additional faculty are to be selected by the Dean, based on recommendations by the Head and the faculty member.

The option (or combination of options) selected should be negotiated with and approved by the Dean.

#### **4.8.4. College Personnel Committees**

All colleges shall have a personnel committee. The College Personnel Committee (CPC) will be comprised of one elected representative from each department of the College. Representatives should normally be selected from a department's tenured Professors. In some cases (e.g., when there are few faculty at Professor rank in a department), the Dean may permit a department to elect a tenured Associate Professor as its representative. Each College Personnel Committee must also have a representative of non-tenure-track faculty (elected by the College's non-tenure-track faculty) who will serve on the committee on matters involving non-tenure-track faculty members. The non-tenure track faculty member must recuse himself or herself on any matters dealing with tenure-track faculty. If a department has no tenured faculty, the department may be represented on the College Personnel Committee for purposes of discussing compensation issues. The department will elect one faculty member to represent the department for the discussion of compensation.

If a college committee serves in an advisory capacity only on matters of tenure, promotion, and continuation of appointment, it generally should not be required to supply a written recommendation.

For the role of the College Personnel Committee in compensation, see Section 5.3.

#### **4.8.5. 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 review of appropriate progress toward tenure; the policy must contain a progression of expectations, e.g., minimal expectations for annual appointment are not sufficient for tenure or promotion.
2. Clarification of what the department will recognize as Research and how it may be evaluated.

3. Criteria for “exceptional records of accomplishments: that could lead to early tenure and/or promotion. These criteria must require performance that significantly exceeds the normal expectations for tenure or promotion. Specific examples of exceptional accomplishments should be provided. At a minimum, accomplishments in both Teaching and Research must be exemplary.
4. Departmental personnel committee structure, rules, and procedures
5. Required and recommended materials for application dossiers, following formats specified by the Provost;
6. A statement regarding policies for adding materials to the application dossier after the departmental deadline
7. Generic calendar specifying approximate dates of submission and review for all actions
8. Faculty mentoring policies
9. Policies and procedures for required performance evaluations for tenure-track faculty
10. Policies and procedures for evaluating non-tenure track faculty
11. 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 the Department Head forwarded to the Dean for review; 3) and after review of Dean forwarded to the Provost’s Office for review and 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.

#### **4.8.6. 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 review of appropriate progress toward tenure. 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 documentation of Research activities.

At the time of evaluation for required performance reviews, promotion, tenure, or annual review of appropriate progress toward tenure, 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.

#### **4.8.7. 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 probationary period of a faculty member pursuing tenure and for 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. For applications for promotion to Associate Professor separate from the tenure application, see Section [3.3.14.1](#) regarding the departmental policy in effect. For promotion to Professor, see Section [3.3.24.2](#) for the departmental policy in effect.

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 (excluding visiting faculty) will be eligible for 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. Performance-based salary adjustments shall be based on annual reviews as described in Section 4.6.4. Procedural details for such salary adjustments will be developed by the Provost's Compensation Committee and posted by the Provost. Salary adjustments under the Compensation Committee plan must:

- Provide guidelines for implementation of salary procedures at the cost centers.
- Include both performance and equity considerations.
- Incorporate performance ratings from at least some recent years during which there were no performance-based adjustments (see below).

~~The performance-based component of salary increases will be suspended when the size of the raise pool is not greater than 2% of the salary base. When the raise pool is at or below 2%, across-the-board raises will be given. Policy and procedural details for across-the-board raises will be based on recommendations from the Executive Budget Committee to the President and will be posted by the Office of the Provost. The performance-based component of salary increases will be suspended could be implemented when the size of the raise pool is not greater than 2% of the salary base.~~

### 5.3. Role of the College Personnel Committee in Compensation

The College Personnel Committee is described in Section 4.8.5-4 in the context of its role in faculty evaluations. The College Personnel Committee also has two primary functions with respect to compensation issues: (1) drafting college guidelines for balancing the interests of performance assessment and salary inequity in annual salary adjustments, and (2) reviewing appeals of faculty performance ratings. The appeals process is described in Section 4.6.6.3.

### 5.4. Rank Change

An individual promoted to a higher academic rank receives an increment appropriate to the new rank. The amount of this increase will be based on a schedule posted by the Provost. The Provost will periodically review the salary adjustment schedule and adjust as appropriate. Any changes will be reported to the Faculty Senate.

## 5.5. Professor Salary Incentive Program

The MSU Professor Salary Incentive Program (PSIP) is for those at the rank of professor for five or more years who have continued to ~~perform-exhibit at~~ a high level ~~of scholarshipby-conducting-cutting-edge-research,~~ while being accomplished teachers, and demonstrating sustained student mentoring. While rewarding ~~research productivity~~ scholarship is the focus of this program, applicants must also provide evidence of leadership qualities and accomplishments in the areas of teaching and service, as well as contributing to a climate of collaboration and a community of scholars. Detailed guidelines for applying for PSIP salary increases, and a description of the evaluation processes, will be posted by the Provost.

The PSIP program provides salary increments similar to those for promotions. However, PSIP raises do not represent a change in rank or title. Faculty are eligible for PSIP raises only one time.

## 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 Master Calendar.

Requests for equity adjustments must be accompanied by appropriate justification. The faculty member must make a case based on internal or external discrepancies in his/ her pay for comparable training, experience, and job performance.

## 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. For courses that do not meet the minimum enrollment guidelines, the administrator and faculty member may negotiate for a salary rate that is less than 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.

Faculty members (except those whose contracts already include summer sessions) 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. For intersession courses that do not meet the minimum enrollment guidelines, the administrator and faculty member may negotiate for a salary rate that is less than 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, when recognized as excludable by the Internal Revenue Service, 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. For specific details, see the University Travel Policy document. Assignments may be made on an overload basis for supplemental compensation.

## 6. BENEFITS

### 6.1. Overview and Principles

#### 6.1.1. Principles

The University subscribes to the American Association of University Professors statement on benefits found in its document, *The Role of Faculty in Budgetary and Salary Matters* (1990), which states:

The faculty should participate in the selection of fringe benefit programs and in the periodic review of those programs. It should be recognized that of these so-called fringe benefits, at least those included in the definition of total compensation set forth by the Association's Committee on the Economic Status of the Profession, have the same standing as direct faculty salaries and are separated for tax purposes. They should be considered and dealt with in the same manner as direct payment of faculty salary.

The Faculty Senate, the Faculty Governance Committee, the Faculty Compensation Committee, the Faculty Retirement Committee, the Faculty Health and Life Insurance Committee, the Faculty Pension Committee, the Faculty Administrative and Financial Services Committee, the Faculty Welfare Advisory Committee and the Healthcare Plans and Benefits Committee, and Faculty Senate Benefits Committee, have compositions that allow faculty input on benefits issues.

#### 6.1.2. Overview

A broad range of benefits are provided to faculty as part of their overall compensation. These include a range of insurance benefits, retirement programs, educational opportunities, legal defense for official duties, workers' compensation benefits, military leave benefits, and access to and use of a number of facilities and services. In addition, the University provides access to a number of voluntary benefits programs such as the Missouri Cafeteria plan. Some benefits may be extended to spouses, sponsored dependents, and dependents. More detailed information may be accessed through the Office of Human Resources.

#### 6.1.3. Dependents

Some benefits may be applied to dependents (in some cases requiring that the faculty member pay the monthly premium through payroll deductions). For the purpose of benefits:

- 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.
- A sponsored dependent is defined as a person who meets all of the following criteria: (1) be at least 18 years old and mentally competent to consent to contracts; (2) have shared the same permanent residence and the common necessities of life with the employee for at least the previous 12 months; (3) not be legally married to anyone else in any state; (4) not be related by blood or a degree of closeness to the employee that would prohibit legal marriage in the State of Missouri; (5) have a single dedicated relationship with the employee of at least 12 months; (6) and not be a renter, boarder or tenant of the employee.

### 6.2. Insurance Benefits

#### 6.2.1. Health and Life Insurance Benefits

All full-time faculty (minimum 9-month contracts) are eligible for a variety of insurance benefits. Medical, dental, life, and long-term disability insurance are provided by the University at ~~no~~ a low cost to faculty members.

Supplemental life insurance and long-term care insurance may also be purchased with premiums borne by faculty and paid through payroll deductions. Faculty may also purchase medical, dental, and life insurance for their spouses, sponsored dependents, and dependents, with monthly premiums paid through payroll deductions.

### **6.2.2. Voluntary Benefits**

Certain “voluntary benefits” are also available to full-time faculty. These include but are not limited to offerings such as vision insurance and critical illness insurance. Coverage for these is borne by the individual, but payments may be arranged through payroll deductions and may be included in the Cafeteria Plan (see 6.2.3).

### **6.2.3. Cafeteria Plan**

The University participates in the Missouri State Employees' Cafeteria Plan which allows full-time ~~and part-time regular~~ employees to contribute to certain benefit plans on a before-tax basis. Participation in the plan is voluntary. 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 out of each paycheck before taxes are calculated. Other important information concerning the Cafeteria Plan is available online at <http://www.mocafe.com/>.

### 6.2.4 Long Term Care

Currently, the university does not offer Long-Term Care Insurance due to the university's provider stopping new enrollments. However, full-time regular employees and their spouses, parents and parents-in-law as well as retirees and their spouses, who obtained coverage under the previous provider will continue to be covered with Long-Term Care insurance as long as they continue to pay the premiums. Long-Term Care insurance provides coverage for a wide range of personal care, health care and social services for people of all ages who can no longer care for themselves due to chronic illness, long-lasting disability or the effects of aging. Most health care plans do not cover the costs associated with such care, and Medicare provides very limited coverage. The university's current Group Universal Life Insurance coverage has provisions that allow access to some of the life benefits if long-term care becomes necessary for the insured. Please contact human resources for more information as we obtain a new provider.

### 6.2.5 Long Term Disability Insurance

The university provides Long-Term Disability (LTD) insurance at no cost to the employee. LTD insurance covers disabilities resulting from accidental bodily injury, illness or pregnancy, upon completion of an eligibility waiting period. Under this insurance coverage, employees who are disabled for either 180 days or the expiration of their accrued sick leave (whichever is greater) because of injury or illness (as defined in the Long-Term Disability Benefit Booklet) are eligible to receive a benefit equal to 60 percent of their monthly earnings up to a maximum benefit of \$10,000 per month (minus any other income benefits such as workers' compensation benefits, retirement benefits, Social Security Disability benefits).

## **6.3. Retirement Benefits**

The terms of retirement plans are established by Missouri Statute, and the Social Security Program is controlled by federal law. Retirement plans available to faculty vary depending on date of hire and years of creditable service.

### **6.3.1. Social Security**

All employees are required to participate in the Federal Social Security Program in accordance with federal law. Employee contributions are made by payroll deduction, with the University contributing an equal portion.

### 6.3.2. College and University Retirement Plan (CURP)

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, Section 6.3.3) 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. Additionally, employees hired on or after July 1, 2018 will also contribute 2% of pay as described in Chapter 104.1205 of the Missouri Revised Statutes.

### 6.3.3. Missouri State Employees' Retirement System (MOSERS)

All faculty on full-time, regular appointment hired prior to July 1, 2002, are members of MOSERS, a defined benefit retirement plan. Faculty hired after that date have the option of switching to MOSERS after six years of service. Faculty who switch from CURP to MOSERS are automatically vested in MOSERS (MSEP 2002 or MSEP2011, depending on date of hire). Retirement benefits (including eligibility for retirement) will be calculated based on years in MOSERS. A faculty member who has switched from CURP to MOSERS does not have the option of returning to CURP.

### 6.3.4. ~~Tax Sheltered Investment Programs~~Deferred Compensation Plans: 403(b) and 457(b)

Faculty are eligible to participate in supplemental tax-sheltered investment programs through the payroll deduction method as authorized under Section 403(b) and Section 457(b) of the Internal Revenue Code. These investment plans allow employees to save for retirement either on a tax-deferred basis or after-tax (Roth). Employees may participate in both a 403(b) program and the State of Missouri Deferred Compensation Plan (457(b) Plan). See the Office of Human Resources website for more information.

### 6.3.5. Benefits Available to Retired Faculty

All faculty members retired from Missouri State University have the following benefits: use of ~~Taylor-Magers~~ Health and Wellness Center, faculty discount at ~~Baker-the~~ 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. The retiree must assume the cost, which will be at the group rate that is currently in effect. This eligibility continues until the retiree is eligible for Medicare. 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.

A retiree's eligible dependent children who enroll at Missouri State University are extended the same educational benefit available to the eligible dependent children of a full-time regular employee. Under no circumstances, however, can the retiree and his/her dependent children together receive a waiver of required student fees for more than a total of 15 credit hours per academic year (12-month period beginning with the fall intersession). This benefit is not applicable to out-of-state fees, book costs, or any special fee pertaining to a specific class or private instruction. The eligible dependent must pay the required student fees for all college-level courses taken over the 15 credit hours per

academic year covered under this program.

### **6.3.6. Benefits Available to Emeritus Faculty**

Emeritus faculty (see Section [3.6.1](#)) are entitled to all the benefits previously listed for retirees, receive invitations to special events held throughout the year, and receive a President's Parking Pass.

## **6.4. 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.

## **6.5. Educational Benefits**

### **6.5.1. Credit Course Fees**

Faculty members may enroll for up to 15 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 15 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 15-credit-hour benefit to a spouse, sponsored dependent, or dependent. 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.

Credit course fee waiver requests are automated and can be accessed through the Profile tab at <http://my.missouristate.edu/> under Employment Details - Benefits. The Office of Human Resources will check the request for eligibility, approve appropriate requests, and arrange payment when registration for classes has been completed. The employee must request educational benefits prior to fee payment; cash refunds will not be made.

### **6.5.2. Noncredit Course Fees**

Faculty members may receive assistance to help pay course fees to enroll in noncredit courses offered by Missouri State University's approved units for the purpose of professional and personal development. The University will pay \$150 per employee, per fiscal year (July 1 through June 30) for the faculty member's enrollment in noncredit courses sponsored through these units. The fee waiver 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 waiver is for the faculty member only. It cannot be assigned to a spouse, sponsored dependent, or dependent.

### **6.5.3. Greenwood Laboratory School**

Full-time regular faculty who are eligible for the credit course fee waivers as described above may apply one-half of



the total annual undergraduate credit hour benefit to their eligible dependent children who attend Greenwood Laboratory School toward payment of required student fees.

## **6.6. Leave Benefits**

The following leaves are available to faculty. Information on developmental leaves (sabbatical leaves, professional leaves, scholarly leaves, educational leaves, and special leaves) may be found in Section 7. In all cases, it is the faculty member's obligation to contact her/his Department Head, Human Resources, and other offices as appropriate.

### **6.6.1. 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.

### **6.6.2. Bereavement Leave**

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

### **6.6.3. 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.

### **6.6.4. 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.

### **6.6.5. 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 calendar 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.

#### **6.6.6. Faculty Sick Leave**

All full-time faculty members are eligible to accrue paid sick leave at the rate of eight (8) hours per pay period (i.e., one (1) day per month, times 12 months, for a total of 12 days of paid sick leave per year). For purposes of this Section 6.6.6, "full-time faculty" includes 12-month faculty, and 9-month faculty. This benefit accords the faculty member with sick leave hours for professional service rendered to the University during the summer, regardless of the nature of the service. Professional service includes not only teaching activities, but also advising, mentoring, committee work, theses/research, and all other service rendered on behalf of the University.

Sick leave may be used for an illness, pregnancy, injury, or for medical/dental appointments. Faculty may also use sick leave due to an illness or injury of the faculty member's spouse, sponsored dependent, children, parents, mother-in-law, father-in-law, or other family members who require the faculty member's personal care and attention.

Normally, absences due to short-term illness are handled informally within academic departments and are granted without loss of compensation. As noted in section 8.3, each department has procedures for handling and recording such faculty absences. Faculty members must consult with their department heads regarding these procedures. Additionally, all sick leave taken by a faculty member shall be recorded on the faculty member's leave report. The leave report is available at the faculty member's account at <http://my.missouristate.edu>. The Office of Human Resources maintains leave records for all faculty members.

There is no limit on the number of sick leave hours that may be accrued or carried forward during a faculty member's years of service. This system allows employees the opportunity to accumulate a substantial amount of paid sick leave in the event of an accident or long-term illness. For faculty members who are vested in the Missouri State Employees' Retirement System ("MOSERS") upon bona fide retirement from the University, Missouri state law requires that the University report the number of unused sick hours that a faculty member has accrued at the time the faculty member terminates employment with the University.

If the faculty member is vested in MOSERS at the time of termination of employment, MOSERS will convert the

reported accrued, unused sick leave hours into retirement service credit. (Note: 168 hours equals one (1) month of service credit). When the faculty member applies for retirement at some future date when he/she is qualified to retire, MOSERS will include those months of service in the calculation of the retirement benefit amount.

### **6.6.7. Faculty Leave under the Family Medical Leave Act (“FMLA”)**

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 work weeks of unpaid leave during any 12-month period if requested by a faculty member for one or more of the following reasons:

1. The birth of a child and to care for the newborn child within one year of birth
2. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement
3. To care for the employee’s spouse, sponsored dependent, child, or parent who has a serious health condition
4. A serious health condition that makes the employee unable to perform the essential functions of his or her job
5. Any qualifying exigency arising out of the fact that the employee’s spouse, sponsored dependent, son, daughter, or parent is a covered military member on “covered active duty”

FMLA also provides up to twenty-six workweeks of leave during a single 12-month period to care for a covered Service member with a serious injury or illness if the eligible employee is the Service member’s spouse, sponsored dependent, son, daughter, parent, or next of kin (military caregiver leave).

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:

#### **6.6.7.1. Unpaid FMLA Leave**

In accordance with federal law, the University provides leave to eligible employees in accordance with the Family Medical Leave Act of 1993, as amended (“FMLA”). FMLA provides eligible employees who work for covered employers the right to take up to 12 weeks of unpaid, job-protected leave during a rolling 12-month period for absences due to a qualifying event. (NOTE: The FMLA provides up to 26 weeks of unpaid, job-protected Military Caregiver Leave, as defined below, to eligible employees.)

In order to be eligible for leave under the FMLA, an employee must:

- (a) have worked for the University for at least 12 months;
- (b) worked at least 1,250 hours during the 12 months prior to when the leave will commence;
- (c) have not already exhausted all FMLA leave in the 12 months prior to when the leave will commence; and
- (d) experience a qualifying event as defined by the FMLA.

Under the FMLA, a qualifying event includes:

- (a) The birth of a child and to care for the newborn child within one year of birth;
- (b) The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- (c) To care for the employee’s spouse, sponsored dependent, child, or parent who has a serious health condition;
- (d) A serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- (e) Any qualifying exigency for an employee’s spouse, sponsored dependent, child, or parent on active

military duty or being called to active military duty

(f) To care for a spouse, sponsored dependent, child, parent, or next-of-kin who is a member of the Armed Forces and who is undergoing medical treatment, recuperation or therapy for serious injury or illness suffered in the line of duty on activity duty (“Military Caregiver Leave”).

#### **6.6.7.2. Request for Unpaid Family and Medical 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 calendar 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 calendar 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. FMLA regulations require documentation from a medical provider.

#### **6.6.7.3. Paid FMLA Leave**

While the FMLA only requires that covered employers provide eligible employees with unpaid, job-protected leave, as a matter of University policy, all full-time faculty members (as defined by Section 6.6.6) are eligible for up to one (1) semester of paid leave, contingent upon recommendation by the faculty member's Department Head and college Dean, and approval by the Provost. For information regarding the procedure for requesting this benefit, please refer to the Office of the Provost website: <https://www.missouristate.edu/provost/medleave.htm>.

Faculty members may also use paid FMLA due to an illness or injury of the employee's spouse, sponsored dependent, child(ren), parents, mother-in-law, father-in-law, or other family members who require the employee's personal care and attention. Subject to University discretion and approval, a faculty member may also be granted up to one (1) semester of paid sick leave in order to provide care to a family member who requires the faculty member's personal care and attention due to illness, injury, childbirth or adoption. A proposal for such paid leave must be made by the college Dean, who should give due consideration to the fiscal constraints of the college and the staffing needs of the department. All requests for paid leave must be approved by the Provost, whose determination is final.

#### **6.6.7.4. Status during Paid or Unpaid FMLA Leave**

During paid or unpaid FMLA leave, the faculty member is required to report regularly 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 FMLA and or paid 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.

#### **6.6.7.5. No Right to both Paid and Unpaid FMLA Leave**

As noted in Section 6.6.7.1, the FMLA only requires that covered employers provide eligible employees with a period of unpaid, job-protected leave. As delineated in Section 6.6.7.3, the University has established a process whereby faculty members may be granted paid leave which is more generous than the requirements of the FMLA. Faculty members are not, however, entitled to combine unpaid FMLA leave and paid FMLA leave within a rolling 12-month period for the same qualifying event. If continued leave is necessary after a faculty member has been granted a semester of FMLA leave, the faculty member will be referred to the Office of Resources in order to pursue long-term disability or other unpaid leave options as outlined in the Faculty Handbook.

## 6.7. Unemployment Compensation Insurance

The University provides unemployment insurance coverage for employees in accordance with the laws of the State of Missouri. For specific details concerning coverage and benefits, contact the Office of Human Resources or the local office of the Missouri Division of Employment Security.

## 6.8. Workers' Compensation

All University employees are extended Workers' Compensation coverage which provides payment of medical expenses and salary compensation to employees who suffer the effects of a work-related injury or who incur an occupational disease arising out of and in the course of employment with the University. The amount of compensation authorized under Workers' Compensation is prescribed by law and the State of Missouri and not by the University. Key requirements are:

- A work-related injury must be reported immediately to the employee's supervisor.
- The supervisor must ensure that an employee injured in a work-related accident completes a Missouri State University On-The-Job Injury Report form.
- The supervisor must complete the "Supervisor Comment Section" and send the completed form to the Office of Human Resources **within 24 hours of the injury**. If there is a good reason for not reporting the injury within 24 hours, the injury must be reported as soon as possible, but no later than 30 calendar days after the work-related accident.
- Upon receiving a work-related injury requiring medical attention, employees must contact 1-800-624-2354 for the name of an authorized medical care provider prior to seeking treatment (except for serious injuries). This referral service is available 24 hours a day, 365 days a year. If the injury is considered to be serious (e.g., potentially life and/or limb threatening), the injured employee should proceed immediately to the nearest hospital emergency room, and the employee or supervisor must notify the Office of Human Resources immediately.
- The State of Missouri will not pay for medical treatment an employee receives from a medical provider who has not been approved by the Central Accident Reporting Office (CARO). Employees may seek their own medical care with the provider of their choice at their own expense.

Beyond this point in the process, details of coverage through Workers' Compensation diverge depending on the type of position held and personal choices of the injured party. Early Return to Work and Temporary Modified Work Programs may be available. It is essential that the injured faculty member contact the Office of Human Resources for guidance about compensation law and available options.

## 6.9. Identification Card (BearPass Card)

All faculty members are issued a picture identification card (BearPass Card) by the BearPass Card Office, which serves as an identification for a wide variety of Missouri State University facilities and services. A full-time faculty member is also entitled to obtain a Missouri State University BearPass Card for his or her spouse or sponsored dependent. The spouse's or sponsored dependent's BearPass Card can be used for all of the same services and facilities as the employee's card.

## 6.10. Access to University Services and Facilities

Faculty have access to the following services and facilities in accordance with the rules, regulations, and policies of each department providing the facilities or service. For more information and answers to questions concerning these services, the employee should contact the specific department responsible for the service. The services and facilities include:

- Athletic events: Faculty may purchase reserved or general admission tickets to selected Missouri State University athletic events at a reduced rate, subject to the availability of tickets.
- Check Cashing Privileges: Faculty may cash personal checks up to \$50 per day with their BearPass Card at the Bursar's Office. See the Bursar's Office website for more information.
- CopyThis: CopyThis is a full-service copy center for students, faculty, and staff use.
- Counseling and Testing Center: The Counseling and Testing Center is staffed with experienced professional counselors, psychologists, and social workers who provide individual and group counseling to help resolve personal and relationship difficulties, as well as providing crisis intervention to deal with situations which require immediate attention. First priority is given to students; however, University employees including faculty are eligible for consultation and referral services.
- Credit Union: All employees are eligible for membership in the Educational Community Credit Union located at 1221 East Grand Street. The Credit Union is sponsored by teachers of the Southwest District of Missouri for the purpose of investment and loans. Employees interested in general banking, checking, savings, or loans should contact the Educational Community Credit Union at 417-831-0534.
- Food Service: All campus contracted facilities, (example, dining halls, food outlets, commercial franchised vendors), and snack bar facilities are available to all employees.
- Health and Wellness Center: [Taylor-Magers](#) Health and Wellness Center provides quality health care and promotes lifelong wellness programming for the University community: students, faculty, staff, retirees, and the household members of this group. [Taylor-Magers](#) Health and Wellness Center staff will assist employees and retirees with filing health insurance claims.
- Juanita K. Hammons Hall for the Performing Arts: Discounted tickets for faculty and staff are available on select performances with details available at the ticket office.
- Library Privileges: The University Libraries serve all students, University employees, their spouses and sponsored dependents. To check out books and other materials, employees and their spouses need to present their University BearPass Card (Spouse BearPass Card) at the Circulation Desk. Faculty should check at the Libraries' Administrative Office regarding library privileges for other members of their households.
- Missouri State Bookstore: Faculty are eligible for a discount on purchases upon presentation of their University BearPass Card. Affiliates are located across campus including [Bear Newsies](#), [Bear House Entertainment](#), [Life Creek Thing](#) (located in the Plaster Student Union), [The Team Store](#) (located in the JQH Arena), and [ETC](#) (located in Hammons House).
- My Payment Plan: Missouri State University allows students, staff, and faculty in good financial standing to make charges on their accounts for required student fees, residence hall charges, [Taylor-Magers](#) Health and Wellness Center charges, parking permit and fines, bookstore charges, library fines and other charges and pay for those charges in installments—in accordance with [My Payment Plan](#).
- Notary Public: Notary services are provided free of charge. A complete listing of notaries, their office room numbers and telephone numbers can be found at <http://www.missouristate.edu/dos/notaries.htm>.
- Parking: A current Missouri State University parking permit is required and must be displayed in order to park in any University parking lot. Parking permits must be purchased at the Transit Operations Center located at 700 East Elm Street, 417-836-4825. Designated parking spaces are provided for the disabled in accordance with the Americans with Disabilities Act.
- Plaster Sports Complex (PSC): Plaster Sports Complex is a sports event and recreational facility for students, faculty, and staff of the University.
- Plaster Student Union (PSU): The Plaster Student Union (PSU) is a multipurpose facility, primarily for students, faculty, and staff of the University.
- Postal Service: The University operates a U.S. Postal Services Contract Station in Plaster Student Union, Room 210.
- Recreational Facilities: All employees of the University may use the University tennis courts, Foster Recreation Center, Plaster Student Union, Hammons Student Center, Plaster Sports Complex, and other recreational facilities of the University, under the conditions and applicable rules and when scheduling permits. (Some facilities may require fees.)

- Safety and Transportation: The Safety & Transportation Department provides a variety of services for employees and students including authorized access to buildings, battery jump for vehicles parked on campus or on University-owned streets, and protective accompaniment service on campus during the hours of darkness.
- Savings Bond Purchases: United States Savings Bonds, types EE and I, may be purchased through payroll deduction. For more information about the amount and types of bonds available, contact the Payroll Office at 417-836-6578.
- Shuttle Bus Service: Missouri State University provides regular shuttle bus service for students, faculty, staff and guests at no cost for the Springfield campus.
- Telecommunications Service: The University's long-distance network is intended for official business only. Use of the long-distance service for personal calls is discouraged and should only be done in an urgent or emergency situation.
- Wellness Program: The University supports the culture of employee wellness based upon healthy lifestyles choices and offers all employees the opportunity to take advantage of Wellness Programming offered through the [Taylor-Magers Health and Wellness Center](#) and Campus Recreation. Participation in the Wellness Programs includes both fee based and non-fee based opportunities.

## 7. FACULTY DEVELOPMENT

### 7.1. Faculty Development Policy

To increase the opportunities for the continued professional development of the faculty, the University provides funding and other resources to assist faculty members in meeting their professional responsibilities.

### 7.2. Developmental Leaves

Faculty members who are granted developmental leave shall be required to sign an Agreement, memorializing the obligations of both the faculty member and the University, including the financial responsibilities of each.

Faculty members are obligated to return to Missouri State University for at least one year following the developmental leave. Faculty members who fail to complete the post-leave year of service to the University shall be obligated to reimburse the University for the entirety of the pay they received during their leave.

#### 7.2.1. Sabbatical Leave For Faculty

Only ranked faculty members (but not including ranked faculty members who are serving as Department Heads, School Directors, Associate Deans, Deans, or Associate Provosts) 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. A faculty member on sabbatical leave is still considered a full-time employee. Faculty will participate in the retirement program and will have their benefits paid by the University. The ~~Provost-sabbatical~~ may be approved for 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". Since faculty on sabbatical leave are considered full-time employees, faculty are required to adhere to Section ten of the Faculty Handbook as it pertains to outside activities and conflict of interest while on sabbatical leave.

A sabbatical leave is not an automatic right; completed applications must be submitted to the appropriate College Dean according to the deadline specified in the Master Calendar prior to the academic year for which the leave is requested. The College Personnel Committee will evaluate the applications and make recommendations to the Dean.

The Dean will then forward to the Provost's Office a comprehensive list of all faculty members who have applied for and those who have been selected for sabbatical leave for data compilation.

Application for sabbatical leave is a competitive process and requires presentation of a strong proposal. Each college-level cost-center will fund the sabbaticals from that college. Depending on budget constraints in any given year, at times even worthwhile proposals may fail to receive funding.

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.



Following the sabbatical leave, the faculty member will submit to the Provost, appropriate Department Head and college Dean a report of scholarship, research, or creative activity conducted while on leave, based on a schedule posted by the Provost. 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 (but not including ranked faculty members who are serving as Department Heads, School Directors, Associate Deans, Deans, or Associate Provosts) 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 benefits paid by the University.

A professional leave is not an automatic right; applications must be submitted according to the deadline specified in the Master Calendar prior to the academic year for which the leave is requested. Completed applications will be submitted to the appropriate College Dean according to the deadline specified in the Master Calendar prior to the academic year for which the leave is requested. The College Personnel Committee will evaluate the applications and make recommendations to the Dean.

The Dean will then forward to the Provost's Office a comprehensive list of all faculty members who have applied for and those who have been selected for professional leave for data compilation.

Application for professional leave is a competitive process and requires presentation of a strong proposal. Each college-level cost-center will fund professional leaves from that college. Depending on budget constraints in any given year, at times even worthwhile proposals may fail to receive funding.

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 calendar days after the leave period, the faculty member will submit to the Provost, appropriate Department Head and college Dean 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. Scholarly Leaves**

Ranked faculty members (but not including ranked faculty members who are serving as Department Heads, School Directors, Associate Deans, Deans, or Associate Provosts) who have been awarded academic fellowships (e.g.,

Fulbright Fellowships) or similar recognitions may request leaves for up to one academic year. A faculty member granted a scholarly leave will not receive salary from the University but will continue to receive all benefits.

Applications for scholarly leaves must be submitted according to the deadline specified in the Master Calendar prior to the academic year for which the leave is requested. Application by the posted deadline serves as a notice to the Department, College, and Provost so that appropriate arrangements can be made to cover the faculty member's assignments.

Following the scholarly leave, the faculty member is obligated to return to Missouri State University for at least one year. In computing years of service that will apply toward eligibility for promotion, time spent on scholarly leave will be counted. The eligibility of a faculty member who has previously taken a scholarly leave to apply for a paid leave (sabbatical or professional leave) before the completion of an additional 12 semesters of service to Missouri State University may be negotiated with the Provost.

#### **7.2.4. Educational Leaves**

Leaves for full-time 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 Master 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 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.

#### **7.2.5. 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 calendar 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 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 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 the Faculty Development section of the Provost's website for specific information on resources provided by the University.

#### 7.3.1. Faculty Center for Teaching and Learning

The Faculty Center for Teaching and Learning offers programs and resources for faculty, instructors, per course faculty, teaching assistants, and academic units. The FCTL ~~is centrally located in Meyer Library 204 and~~ supports the instructional community by offering a variety of teaching and learning opportunities such as workshops, seminars, individual consultations, and peer reviews. The FCTL Advisory Council supports the implementation of the center's mission and goals and also serves as liaisons between the instructional community and the FCTL. Services and resources provided include instructional design, resources on effective teaching through technology, best practices for teaching and learning, and support for the enhancement of teaching and learning at MSU.

The FCTL provides funding opportunities through Curriculum Innovation awards which lead to improvements in the quality of instruction and new or innovative teaching and learning practices. A call for proposals is held each academic year. Information on this and other awards can be found on the FCTL's website.

A Showcase on Teaching and Learning is sponsored by the FCTL at the beginning of each academic year and provides a forum for faculty to present their research and findings on effective teaching and learning. A highlight of this event has been hosting a distinguished faculty or nationally recognized educator/researcher to present a keynote address ~~to the Faculty Center for Teaching and Learning.~~

Additional information is available at the FCTL's website. Faculty are also encouraged to contact the FCTL for individualized consultations and other opportunities.

#### 7.3.2. 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 educated 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 demeanor 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 \(http://www.missouristate.edu/casl/\)](http://www.missouristate.edu/casl/) and are due mid-October each year.

The CASL office also works with faculty to encourage the practice of engaged scholarship of teaching and learning, and research on civic advancement and civic engagement. In addition, the CASL office serves as a liaison in coordinating collaborative efforts of faculty with community partners and government officials to support not-for-profit and government organizations in research and in addressing community and social needs.

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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, engaging in community-based problem-solving and addressing social justice issues – locally, nationally, and globally.

### ~~7.3.3. Missouri Campus Compact Grants~~

## 7.4. Extramural Support for Research and Development

The Office of ~~Sponsored Research and Programs (OSRP)~~ [Research Administration \(ORA\)](#) provides assistance to faculty seeking extramural support for their research endeavors. Refer to Chapter 9, Research, for a description of these services.

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## 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. Faculty-Led Short Term Programs

Faculty members have the opportunity to lead short-term study away programs. Teaching abroad develops faculty members' ability to be innovative and creative. Additionally, a faculty member's work abroad highlights the value of a global perspective in the intellectual life of the Missouri State community. Study Away Programs staff assist faculty in the development of short-term programs which vary in length from one to eight weeks. Faculty interested in such programs must coordinate their efforts through the Study Away Programs office.

## 7.6. University Funds for Faculty Development

### 7.6.1. University Funds for Research and Curricular Development

The University recognizes the importance of Research (as broadly defined in Chapter 4) and is committed to providing significant support for such activities. The Provost appoints a Faculty Grants Committee, composed of faculty members with experience in Research 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.

University research funds are to be used for the following purposes: (1) to provide seed money for Research and (2) to provide financial support for Research 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 Appendix A: Intellectual Property Policy Statement](#)).

### 7.6.2. Funds for Enrollment in Classes

Full-time members of the Missouri State University faculty may enroll in classes with student fees waived – see Section 6.5 for detailed information.

### 7.6.3. Reassigned Time for Research

Upon the recommendation of the Department Head, the College Dean may authorize reassigned time in order to provide time [for Research](#). A faculty member taking advantage of this opportunity will be required to report to the Dean when requested concerning his or her Research 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 Research 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 full-time faculty members 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:~~

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 official University business, all allowable travel expenses will be paid by the University.

See the [Policy Library](#) for more information on allowable travel expenses.

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## 8. PROFESSIONAL ISSUES

### 8.1. Prohibition of Discrimination, ~~and~~ Harassment, and Bullying 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, harassment, and bullying on any basis not related to the applicable educational requirements for students or the applicable job requirements for employees.

Bullying is defined as repeated and/or severe verbal or nonverbal behaviors to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the First Amendment) that lead to a hostile work environment. Members of the University community should contribute to a professional environment that supports academic freedom, freedom of expression, professional discourse, inquiry, and respect for the academic rights and professional expertise of others.

It is policy of Missouri State University to maintain the campus as a place of work and study for faculty, staff and students free from discrimination, harassment, and bullying in violation of the University's policies and in accordance with federal and state law and the Missouri State University Nondiscrimination Policy. Discrimination, harassment, or bullying against any member of the University community will not be tolerated at Missouri State University. The University will respond appropriately to instances of discrimination, harassment, or bullying appropriately to those who violate this policy, up to and including dismissal from the University or termination of employment.

### 8.2. 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 harassment by members of the academic community, as set forth in the University's Consent with GLON on Discrimination Statement and University's policies on sex discrimination, including sexual harassment and sexual assault.

Sexual harassment in the general workplace is defined as verbal or physical conduct of a sexual nature when (1) submission is a term or condition of an individual's employment or academic opportunities; 2) submission to or rejection of such conduct by an individual is used as the basis of employment or academic decisions affecting such individual; or 3) such conduct is so pervasive or severe that it creates an abusive, intimidating, hostile, or offensive 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 verbal or physical conduct of a sexual nature constitute sexual harassment when: 1) submission is a term or condition of an individual's employment or academic opportunities; 2) submission to or rejection of such conduct by an individual is used as the basis of employment or academic decisions affecting such individual; or 3) such conduct is so pervasive or severe that it creates an abusive, intimidating, hostile, or offensive environment. While a particular interaction must be offensive and unconsented to be defined as harassment, the relevant supervisor(s) 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 8.4.)

Faculty members are considered “responsible parties” under Title IX, which means that faculty members must report any student allegations of sexual harassment or sexual assault to the University’s Title IX Office. Additionally, any faculty member who believes that he or she has been the subject of sexual harassment should report the alleged act to the University’s Title IX Office in the Equal Opportunity Office. Faculty members who receive a complaint from a student should report the complaint to the University’s Title IX Office in the Equal Opportunity Office and will explain both the complaint and the University’s Title IX Office procedures to the greatest extent possible.

Should the complainant choose to file a formal complaint with the Equal Opportunity Officer Title IX Office, results of the ensuing investigation may be reported to the Provost and other appropriate administrators, who may take such actions as are consonant with the University’s Title IX Office procedures. The complainant may also pursue his or her grievance through the procedures of Chapter 12.

### 8.3. Faculty Absences

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

### 8.4. 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, mentoring, or directing student development, even if that student is not formally enrolled in one of the faculty member’s courses. 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 (see Policy Library).

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### 8.5. Drug-Free Workplace

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. Each employee is responsible to help ensure a drug-free, healthful, safe and secure work environment. 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) business days after the conviction.

## 8.6. Use of Tobacco

The University recognizes that tobacco smoke is a hazard to the health of the University community. Because of the harmful consequences of tobacco use, both active and passive, the University has adopted the following policies:

- The University designates all buildings as smoke-free. Therefore, 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.
- Smoking at outdoor events (specifically including those in the stadium) is restricted to designated areas.
- Smoking is prohibited in vehicles leased or owned by the University.
- The use of smokeless tobacco is prohibited in all locations on campus, where smoking is prohibited.
- Visitors to Missouri State University are included under this policy as temporary members of the University community.

To the extent possible, the University will provide access to cessation programs to help those who presently use tobacco products and desire to quit. [Taylor-Magers Health and Wellness Center](#) offers smoking cessation programs. The success of this policy depends on the thoughtfulness, consideration, and cooperation of smokers and nonsmokers. The University community shares in the responsibility for adhering to and enforcing this policy. The complete Tobacco Use Policy can be found on the Safety and Transportation website.

## 8.7. General Policies

### 8.7.1. 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*, (US Copyright Office website); *Report on Copyright and Digital Distance Education* (US Copyright Office website); or *Complete Copyright: An Everyday Guide for Librarians* (KF2995 .C57 2004), available in Meyer Library. Other sources for such information include:

- Librarians in Meyer Library can direct faculty members to resources that might answer particular questions. Specifically, the Access Services Librarian at Meyer Library should be able to provide information.
- Guidelines for copyright and fair use policies may be found on websites for the Faculty Center for Teaching and Learning / [Digital Professor Academy](#) and for Missouri State Online / Online Faculty Support Services.
- The textbook buyers in the Missouri State Bookstore can provide useful advice and direction about using copyrighted material and can assist in securing permissions for printed materials.

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.

### **8.7.2. 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 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.

## 9. RESEARCH

Research is an essential component of the University. Missouri State University encourages and facilitates faculty in establishing and maintaining Research programs.

### 9.1. 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.

### 9.2. 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 research centers: the Center for Applied Science and Engineering (CASE) and the Center for Biomedical and Life Sciences (CBLIS). These Centers report to the Vice President for Research and Economic Development and International Programs through the Associate Vice President for Economic Development and JVIC Director. JVIC, through CASE and CBLIS, provides 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 CBLIS 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 Associate Vice President for Economic Development and JVIC 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.

### 9.3. 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 cannot 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 \(OSRP\)](#) [Research Administration \(ORA\)](#) all requests for external financial assistance for University Research, 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-ORA](#) 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 sub-awards, as well as seeking approval to changes in key aspects of grants/contracts.

The [OSRP-ORA](#) (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-ORA](#) 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-ORA](#) 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](#) ~~Office of Research Administration website.~~

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#### 9.4. Regulatory Guidelines for Research

Protection of a research environment for free and unfettered pursuit of knowledge is an important University responsibility. [Infringement-Restrictions](#) on this freedom must be ~~limited~~[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 participants. Applicable policies and procedures can be found on the Office of ~~Sponsored Research and Programs~~ [OSRP Research Administration \(ORA\)](#) website <http://orsp.missouri-state.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-ORA](#) web site, but project and work environment specific training is to be provided by the PI/PD.

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.

#### **9.4.1. 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;
- 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.

#### **9.4.2. 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;
- 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 [Health and Safety Management](#) in the Division of Administrative [and Information Services](#).

#### **9.4.3. Export Control**

U.S. export control laws apply to the University and its employees and students. The [Director of Research Compliance Office of Research Administration](#) is responsible for implementing policies and procedures that assure

that University activities are conducted in accordance with export control laws. In most cases, University-based projects are not subject to the export control regulations 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.

The following actions by a University employee fall within the export control laws:

- disseminating information about a project where such dissemination is controlled by a sponsoring agency or uses a partner organization's confidential information;
- sending or transporting materials, hardware, software (or related information) listed on the Department of Commerce's Control List or Department of State's U.S. Munitions List outside of the U.S.;
- conveying materials, hardware, software (or related information) listed on the Department of Commerce's Control List or Department of State's U.S. Munitions 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.

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 (see the Policy Library). A faculty member who has any uncertainties about the restrictions should contact the Office of Research [Compliance Administration](#) for guidance.

#### **9.4.4. Human Participants Protection**

Research involving human participants may have physical, psychological and/or social risks, and so the University has a responsibility to safeguard participants' welfare. All research involving human participants in any way, regardless of the source of support funds, must be reviewed and approved by the Protection of Human Participants 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 participants in research as described in the National Commission for the Protection of Human Participants of Biomedical and Behavioral Research, The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Participants of Research (which discusses expectations for respect for persons, beneficence, and justice—) and as required under federal regulations. The Institutional Review Board for the Protection of Human Participants (IRB) is responsible for implementing the University policy and procedures. In accordance with federal regulations, research with human subjects 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 participants;
- 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 participant 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.

#### **9.5. 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-ORA](#) web site under Compliance Information/Policies and also in the Policy Library. The University also provides an [Ethics Hotline](#) that allows anonymous telephone or on-line reporting of ethics violations. The Ethics Hotline site is maintained by an independent third party.

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## 9.6. Copyright/Patent Policy

In the course of conducting Research, 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 particular circumstances that may apply to 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.

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## **10. OUTSIDE ACTIVITIES AND CONFLICT OF INTEREST**

### **10.1. Outside Activities**

#### **10.1.1. 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 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 to the gain or advantage of another.

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 Teaching, Research, and Service 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. However, some positions may specify as a condition of their employment the maintenance of certain professional credentials, which may require outside activities, e.g. clinical practice, to meet those credential requirements.

#### **10.1.2. 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:

- 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;
- do not utilize University materials, facilities or resources except as specifically authorized by the appropriate Department Head and Dean;
- do not compete with the work of the University, and are not otherwise contrary to the best interest of the University;
- do not violate federal or state law;
- do not represent a conflict of interest (Section 10.2) or violate other policies of the University;
- 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
- do not entail a reduction in work load.

Consulting, in some instances, may 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.

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 Department Head, Dean, and Provost.

During periods when the University is not employing the individual on a full-time basis (for example, during the summer session and the intercession 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:

- does not utilize University materials, facilities or resources except as specifically authorized by the appropriate Department Head and Dean; or
- does not represent a conflict of interest (Section 10.2) or violate other policies of the University; or
- 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.

### **10.1.3. Procedures for Reporting Remunerated Outside Activities**

Except during the time period, such as summer, when a full-time faculty member 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 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 10.2). 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.

### **10.1.4. 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 as part of the annual performance review, regardless of when they occur during the calendar year.

### **10.1.5. 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.

## 10.2. 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. (Bylaws of the Board of Governors Article XII)

A conflict of interest occurs when any faculty member engages in those economic activities that are prohibited in Chapter 10 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.

All faculty-academic administrators (~~Department Heads, Center Heads, etc.~~) who are responsible for a budget must submit a report to the Missouri Ethics Commission identifying any conflicts of interest.

### 10.2.1. Economic Involvement

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

- 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.
- 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.
- 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.

### 10.3. Free Expression 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 related 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.

## 11. ACADEMIC ADMINISTRATION POLICIES

### 11.1. Evaluation of Academic Administrators

All academic administrators shall be evaluated annually. This includes the Provost, [the Deputy Provost](#), the Associate Provosts, Deans, Associate Deans, academic Department Heads, and School Directors. 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, the review of any administrator shall include input (which may include survey results) from faculty in the administrator's unit (e.g., College) and from others who are supervised by the administrator.

### 11.2. Recall of Academic Administrators

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

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 [his](#)/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.

### 11.3. 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 or her 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. However, 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. The salary of the administrator after return to a faculty position will be determined by the individual's [contract-appointment](#) and posted policies in the Policy Library.

## 11.4. Absences of Department Heads, School Directors, and Deans

When it is necessary for a Department Head or School Director 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.

## 11.5. Administrative Leave

All academic Department Heads and School Directors, all academic Deans, and the faculty members of the Administrative Council are eligible to apply for administrative leaves. Applications must be made through the Office of the Provost prior to November 1 of the year preceding the beginning of the period for which the leave is requested.

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 calendar days.

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

- For the third summer following the last leave taken, an administrative leave consisting of not more than 60 calendar days.
- For the fourth summer following the last leave taken, an administrative leave consisting of not more than 90 calendar days.

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 will not be approved. A board of review will study the proposed projects and advise the [President/Provost](#). The [President/Provost](#) has sole discretion in approving or disapproving all applications for administrative leave.

The [President's/Provost's](#) decision to approve or disapprove the application will be guided by the recommendation of the board of review and by the [President's/Provost'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. Within 30 calendar days after the administrative leave, the administrator will submit to the [President/Provost](#) a report of the activities conducted while on leave.

## 11.6. Special Leave for Administrators

An administrator who is a member of the ranked faculty and who in the opinion of the [University President/Provost](#) 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 [President and 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 calendar days after the leave, the administrator will submit to the [President/Provost](#) a report of activities conducted while on leave.

## **12. FACULTY GRIEVANCES: ACADEMIC PERSONNEL GRIEVANCE PROCESS (APGP)**

### **12.1. Overview**

This section describes the Academic Personnel Grievance Process (APGP), the formal process for reviewing allegations by faculty members against administrators for a variety of offenses. Appeals of annual reviews and of reappointment, tenure, and promotion recommendations or decisions that are based on judgment of merit are described in Section 4.6. Processes to review grievances by administrators against faculty are described in Section 13. In all cases, efforts to reach a resolution should be made through informal negotiations, and the formal proceedings described here should only commence once those efforts have been exhausted.

### **12.2. Grievance**

#### **12.2.1. Basis for Grievance**

Where it is alleged that there has been a failure to follow procedures set forth in the Faculty Handbook, that Constitutional rights, statutory rights, or academic freedom have been abridged, or that a sustained pattern of unfair treatment or a significant arbitrary and capricious action has occurred, a faculty member has a right to file a grievance with the Academic Personnel Review Commission (APRC). A grievance based on (1) discrimination or harassment based on protected status, or (2) annual performance evaluation rating disputes, or (3) tenure and/or promotion recommendations or decisions should follow its own internal review process.

#### **12.2.2. Informal Resolution**

Prior to invoking the Academic Personnel Grievance Process (APGP), the faculty member should demonstrate a reasonable attempt to resolve the dispute by him/herself. The use of mediators (impartial third parties) or alternative dispute resolution should be considered. To support this effort, faculty should consider consulting with The Center for Dispute Resolution, which can provide mediators or alternative dispute resolution options. The individual alleging a grievance must inform the Academic Personnel Review Commission (APRC, Section 12.3) about the grievance and attempts at informal resolution. The APRC is responsible for maintaining a record of allegations and responses, and may participate in the resolution attempts. The APRC must also inform the Provost or designee that such resolution attempts are starting, and the Associate Provost may participate in informal resolution attempts at the request of the faculty member, APRC, or grievance respondent.

#### **12.2.3. Retaliation Prohibited**

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

### **12.3. Academic Personnel Review Commission (APRC)**

The Academic Personnel Review Commission (APRC) serves as a neutral body in facilitating the resolution of University-related grievances filed by (this chapter) or against (following chapter) a faculty member. Specific duties of the APRC include responsibilities to:

- \*facilitate the informal resolution of University-related grievances;
- \*maintain records of allegations and responses;
- determine if a faculty member has made a prima facie case that may proceed to a University Hearing Panel (UHP) utilizing APGP;



- \*empanel a UHP, and, when necessary to ensure fairness and due process, dismiss a member or reconstitute a UHP;
- \*grant time extensions at the request of the faculty member or administration when there is reasonable cause (e.g., individuals not available due to travel or illness, difficulties in assembling needed documentation in the allotted time).

The APRC duties shown marked with asterisks also apply to the Professional Practices Review Process (Chapter 13). Decisions made by the APRC must be supported by a majority of the commissioners. The APRC must inform the Provost or designee of its activities, but is not required to include the ~~Associate Provost~~Provost or designee in its discussions.

### **12.3.1. APRC Composition**

The APRC shall be composed of three commissioners (two faculty members and one administrator). Commissioners serve 3-year staggered terms. One commissioner shall be appointed by the Provost and shall be a tenured, ranked 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, ranked 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 as specified in the Faculty Handbook.

### **12.3.2. 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 or in other situations that could involve bias. A faculty member or administrator may request that a commissioner be recused from a specific case by petitioning the body that appointed the commissioner (i.e., the Provost or Faculty Senate Judicial Review Committee). The request should contain a compelling rationale for the recusal. A commissioner may recuse himself/herself for reasons of illness or other good causes. If an APRC commissioner is recused 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 shall be replaced with an administrator selected by the Provost.

### **12.3.3. 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.

### **12.3.4. 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.

### **12.3.5. Determination of Prima Facie Case**

If informal resolution is not reached, a faculty member may submit a written grievance to the Faculty Senate Office. Formal submission must occur on a University business day, i.e., not on a holiday or weekend day. Upon receipt of the written grievance in the Faculty Senate Office, the APRC is notified of such grievance. The task of the APRC is to first decide whether the grievance establishes a prima facie case. In making this determination, the APRC may

interview the faculty member and other parties. Every effort should be made to determine whether a prima facie case exists within ten business 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 Provost or designee, who will review the case. If the ~~Associate Provost~~ Provost or designee upholds the determination of no prima facie case, the grievance process is exhausted and the case is resolved.

### **12.3.6. Notification to Parties Involved**

If the APRC or the Provost or designee decides that the grievance establishes a prima facie case, the APRC shall provide written notification to the faculty member, the parties against whom the grievance was filed, and the Office of the Provost. All shall be provided with a written copy of the original grievance. The named parties against whom the grievance is brought shall file written responses with supporting documentation at the Faculty Senate Office within ten business days. Failure to respond within the time limit will be considered an admission of the facts in the grievance.

### **12.3.7. 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 30 calendar 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 Center for Dispute Resolution can provide mediators or alternative dispute resolution options for this process. The University shall pay the cost to employ a mediator. If the parties reach a resolution through mediation, the case is resolved.

### **12.3.8. APRC Recommendations**

If the parties fail to reach a resolution, the APRC shall produce a report divided into findings of fact and recommendations with supporting reasons. This report is given to the faculty member and the party against whom the grievance has been alleged and the ~~P~~provost or designee. The faculty member and the party against whom the grievance has been alleged must inform the APRC in writing within five business days whether the party against whom the grievance has been alleged agrees to the recommendations. If both parties agree with the recommendations of the APRC, the case is resolved.

### **12.3.9. Right to Initiate Formal Review Process**

If the case is not resolved after the APRC report has been disseminated, the faculty member may initiate the formal review process for APGP by filing written notification with the APRC in the Faculty Senate Office and sending a copy to the Provost's Office. Absent exceptional circumstances, notification must be filed within ten business days of the receipt of the APRC report or conclusion of mediation or the APRC report will stand.

## **12.4. Initiation of Formal Review (APGP)**

Within 21 calendar days of receiving the faculty member's written notification, the APRC shall empanel a University Hearing Panel to conduct a hearing.

### **12.4.1. Composition of University Hearing Committee and Panels**

#### **12.4.1.1. University Hearing Committee**

Thirty tenured, ranked faculty members shall be elected by the Faculty Senate to serve three-year staggered terms as the University Hearing Committee (UHC). 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 Council, which shall send three names annually to the Faculty Senate Office by February 1st. At least four of the thirty faculty members shall be from each college. (Replacements, where necessary, shall be appointed by the Faculty Senate Executive Committee [FSEC] or filled by the Faculty Senate at the next annual appointment period.) Replacements appointed by Faculty Senate Executive Committee serve until the next annual election. A faculty member who is elected to the UHC may be re-elected to successive terms.

#### **12.4.1.2. University Hearing Panel**

From the 30-member UHC, a five member University Hearing Panel (UHP) shall be selected by the Faculty Senate Executive Committee and ~~empaneled~~ ~~empaneled~~ by the APRC as needed. The faculty member and the administrator may request to replace up to three of the selected panelists prior to the first meeting of the UHP.

An orientation of the University Hearing Committee shall be conducted by the APRC and General Counsel ~~annually~~. UHP decisions must be supported by a majority of the panelists.

#### **12.4.2. Documentary Evidence**

All filings and all evidence collected by the APRC during its review shall be forwarded to the UHP for review. The administrator and faculty member may present any other written evidence to the UHP and supplement their filings. All such material shall also be presented to the other party(ies).

#### **12.4.3. Prehearing Meetings**

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

#### **12.4.4. Hearings**

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

#### **12.4.5. Burden of Proof**

The faculty member must prove his or her case against the administration by a preponderance of the evidence.

#### **12.4.6. Report**

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

#### **12.4.7. Time Period**

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

### **12.5. Post-Hearing Procedure**

#### **12.5.1. Provost Review**

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

#### **12.5.2. Appeal Rights**

If the remedies recommended by the UHP are not implemented by the Provost, the faculty member may prepare a written appeal to the President within ten business days of receiving the decision of the Provost. The President will rule on the appeal within 30 calendar days of its receipt and notify the faculty member of the results in writing.

#### **12.5.3. Right of Appeal to the Board of Governors**

When the UHP, Provost and President do not agree on the implementation of remedies, the faculty member shall have the right to appeal to the Board of Governors. The appeal must be filed within ten business days of the receipt of written notification regarding implementation of remedies from the President.

#### **12.5.4. Information Provided to the Board of Governors**

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

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

#### **12.5.5. Board of Governors Is Final Authority**

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

### **12.6. Miscellaneous**

#### **12.6.1. APRC Authority**

The APRC shall be available to advise the UHP on procedural issues, to ensure that the APGP process is followed, and to ensure that the parties receive due process. The UHP may receive legal advice from the Office of General Counsel.

#### **12.6.2. Confidentiality**

To the extent practical, the work of the APGP shall be confidential. All proceedings of the UHP shall be conducted in private, and the UHP report shall be available only to the parties.

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

### **13.1. Overview**

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

### **13.2. Administrative Actions**

#### **13.2.1. Informal Resolution**

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

#### **13.2.2. Major Sanctions**

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

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

#### **13.2.3. Minor Sanctions**

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

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

## **13.2.4. Reassignments**

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

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

### **13.2.4.2. Reassignment with Consent**

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

### **13.2.4.3. Reassignment without Consent**

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

## **13.2.5. Imminent Threat**

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

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

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

## **13.3. Initiation of Formal PPRP**

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

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

chooses to initiate the PPRP, the matter is considered resolved.

## **13.4. The Review Process**

### **13.4.1. Informal Resolution**

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

### **13.4.2. Formal Review**

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

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

### **13.4.3. Documentary Evidence**

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

### **13.4.4. Prehearing Meetings**

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

### **13.4.5. Hearing**

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

### **13.4.6. Burden of Proof**

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

### **13.4.7. Confidentiality**

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

### **13.4.8. Report**

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

### **13.4.9. Time Period**

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

## **13.5. Post-Hearing Procedure**

### **13.5.1. Provost Review**

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

### **13.5.2. Appeal Rights**

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

### **13.5.3. Right to Appeal to the Board of Governors**

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

### **13.5.4. Information Provided to the Board of Governors**

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

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

### **13.5.5. Board of Governors Is Final Authority**

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



## **14. SEPARATION FROM EMPLOYMENT**

### **14.1. Resignation**

Faculty members should only terminate their appointments effective at the end of an academic year and should give notice in writing at the earliest possible opportunity, but no later than May 15 or 30 calendar 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.

Generally, there are two times during an academic year when faculty members can retire: (a) at the end of the spring semester, or (b) at the end of the fall semester. Academic administrators (i.e., deans, department heads, academic program directors, etc.) are on 12-month appointments which generally end each June 30<sup>th</sup>. Such administrators who decide to retire usually retire at the end of the 12-month appointment period, i.e., July 1<sup>st</sup>. However, there are other retirement date possibilities for academic administrators and they should contact the Office of Human Resources as soon as possible after deciding to retire so that relevant information about retirement dates can be explained and discussed. Because academic administrators earn vacation and paid sick leave while serving in their 12-month positions, the procedures described for university employees (see MSU Employee's Handbook) governing payment of vacation and sick leave at retirement apply to academic administrators with some modifications.

Please see the Human Resources (HR) web site and/or contact a representative from Human Resources for detailed information on the retirement process.

Benefits for retired faculty are outlined in 6.3.5 and 6.3.6.

### **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. If a retired emeritus faculty member wishes to teach a course that does not meet minimum enrollment guidelines, the administrator and faculty member may negotiate for a salary rate that is less than 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 should contact the Social Security Administration with any questions regarding earning limitations.

A retired faculty member or retired administrator with faculty status may be employed on a part-time, temporary, hourly basis for no more than 1,000 hours in a 12 month period.

## 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. Dismissal must be in accord with all applicable laws, including RsMo174.140.

(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 business 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 business 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 of termination under Section 14.5.1 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

#### **14.5.2. Dismissal for Job Abandonment**

The President of the University may initiate formal dismissal proceedings, under this section in situations where, without administrative approval, a faculty member has engaged in a pattern of behavior by failing to perform his or her University duties by being absent from University classes, department meetings or other required activities, to the extent that the faculty member may reasonably be deemed to have abandoned his or her job duties. Such proceedings will begin by informing the faculty member that the University considers the faculty member in abandonment of his or her job duties, and that the faculty member will be dismissed as of a date specified in the written communication, but in no case less than ten calendar 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 5 business days from the date of the delivery of the communication. If a grievance is filed, it will follow the APGP process, and the faculty member will continue to receive his or her full salary and employee benefits during the conduct of the APGP process. If no grievance is filed, the dismissal will take effect as indicated in the written communication specified above. For purposes of clarity, termination under this section shall be limited to those situations where a faculty member has not been physically present to perform his or her duties for the University, and this absence is unplanned, not excused, and disruptive to the University. Scheduled absences, or arranged hiatus from University duties will not rise to the level of dismissal under this section.

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 Missouri State 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 Chapter 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 Missouri State 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 full-time faculty members and still retain student enrollments.
2. Within academic departments, full-time 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 non-tenured 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 Missouri State 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 and 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 Chapters 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 Faculty Senate Executive Committee, 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 Faculty Senate Executive Committee 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
- an additional 30 calendar days' salary payment for each year of academic service to Missouri State University, to a maximum of 12 years of academic 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 calendar 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 Chapter 1 of the Faculty Handbook

All parts of Chapter 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 –1.4.2.2)

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 1.4.4)

Amendments to this Section may be made through Board-approved University governance processes.

#### 15.1.3. University Committee Structure (Section 1.4.5)

Amendments to this part of Chapter 1 may be made only through those procedures described below in Section 15.2.

### 15.2. Amendments to Explanatory Note and Chapters 2-15 of the 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 Explanatory Note and Chapters 2-15 of the Faculty Handbook will be considered and acted upon pursuant to the procedures described in Sections 15.2.2.1 – 15.2.2.5. With the exception of those amendments initiated by the Board of Governors because of exigency (Section 15.2.2.5.1), the emendation process will start with the Faculty Handbook Revision Committee.

##### 15.2.2.1. Faculty Handbook Revision Committee

~~The Faculty Handbook Revision Committee shall have a minimum of nine members, with the majority of the members being tenured faculty. No less than half of the committee shall be comprised of tenured faculty. The remaining members shall be academic administrators.~~ The Chair-Elect of the Faculty Senate and the Provost or designee will also serve as ex officio members without vote. 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.

##### 15.2.2.2. Initiation of Amendments

Amendments shall originate in one of the following three ways:

1. A proposal to the Faculty Handbook Revision Committee 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 15.2.2.6.1) which adopts a policy change at variance with the Handbook.

### **15.2.2.3. Process of Committee Consideration**

#### **15.2.2.3.1. 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 (or designee). In consultation together, the chairs of the Faculty Handbook Revision Committee and the Faculty Senate and the Provost (or designee) 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~~ may be retained for consideration in the septennial review at the discretion of the Committee. 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.

#### **15.2.2.3.2. 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.

#### **15.2.2.4. 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.

#### **15.2.2.5. Reports by the Faculty Handbook Revision Committee to Board**

In the event that the Senate recommends a version of an amendment differing from the version recommended by the Faculty Handbook Revision Committee, the Committee may elect to either (1) maintain its original version of the amendment or (2) adopt some or all of the changes recommended by the Senate.

The Committee shall file its final report (either its original report or one amended based on Senate recommendations) with the Board.

#### **15.2.2.6. 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.

##### **15.2.2.6.1. 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 15.2.2.3 and 15.2.2.4 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. Amendments classified as editorial or corrective, and those covered under Section 15.2.2.6.1, shall take effect immediately upon approval by the Board of Governors. Other amendments shall normally take effect at the commencement of the next academic year; however, amendments may take effect upon approval of the Board of Governors if that is supported by both the Senate and the Board. Any amendment 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.

## GLOSSARY AND ABBREVIATIONS

The Glossary includes terms frequently referenced in the Faculty Handbook. The Glossary is followed by a list of commonly-encountered abbreviations. Information about membership of committees and groups can be found in the Committees Handbook.

### 1. GLOSSARY

<b>Academic freedom:</b> 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
<b>Academic year:</b> The period of time starting with the fall intersession and continuing through the end of the summer session. However, faculty with 9-month contracts have formal responsibilities only during the Fall and Spring semesters.
<b>Adjunct:</b> An honorary title for individuals who offer educational experiences to students of the University but who have no <del>contract</del> - <a href="#">appointment</a> with the University. Adjunct Faculty member may receive an honorarium. Adjunct faculty may also receive a University ID, e-mail account, and library privileges.
<b>Administrative Leave:</b> Leave for any faculty member in an academic administrative position to pursue a project and/or research in his/her discipline or area of administrative responsibility. It may be requested for any time in the year but ordinarily would be requested during the summer months from mid-May to mid-August.
<b>Assistant Professor:</b> Academic rank of one who has demonstrated achievement or potential in the areas of Teaching, Research, and Service appropriate to the discipline.
<b>Associate Professor:</b> Academic rank of one who has demonstrated a sustained record of achievement and effectiveness in Teaching, Research, and Service appropriate to the discipline.
<b>Bear Pass Card:</b> Missouri State University's identification card. Spouse's or sponsored dependent's BearPass Card can be used for all of the same services and facilities as the employee's card.
<b>Board of Governors:</b> Body which according to statutes of the state of Missouri, possesses full power and authority to adopt all needful rules and regulations for the guidance and supervision of the University. Currently, Missouri State University is governed by a nine-member Board of Governors <a href="#">and one non-voting Student Governor who serves a two-year term.</a>
<b>Business days:</b> Days during which the University offices are open, through midnight of the final day for electronic responses but 5 pm for other types of actions (e.g., submitting printed documents). When a deadline for electronic response is midnight before a non-business day, the deadline is extended to midnight before the next business day, e.g., if an electronic-response deadline were midnight on a Friday, it would be extended to midnight on Sunday.
<b>Cafeteria Plan:</b> Program which allows full-time regular employees to make contributions from each pay check on a pre-tax basis for optional insurance coverage and flexible spending accounts for reimbursable health care expenses and child/dependent care expenses.
<b>Calendar days:</b> All days, including weekends, holidays, and days when University offices are closed, through midnight of the final day for electronic responses but 5 pm for other types of actions (e.g., submitting printed documents). However, if the final day of the period occurs on a day when University offices are closed, the deadline is extended to the next day that University offices are open.
<b>Calendar year:</b> The year from January 1 through December 31.
<b>Clinical Faculty:</b> Faculty whose primary responsibilities are Clinical Education and Service.
<b>College And University Retirement Plan (CURP):</b> 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.

<b>College Council:</b> Body of faculty within a College that acts upon curricular matters that are referred to it by departments within the College. Each college council is empowered to approve a departmental proposal, reject and return a proposal to the originating department, or amend and approve the proposal.
<b>College:</b> This term will normally refer to one of the <del>seven-eight</del> formally aligned groups of departments (or other units equivalent to departments) headed by a Dean. (Whenever “College” refers to the Graduate College or the Honors College, that usage will be stated explicitly.)
<b>Comparable institution:</b> For external reviews an institution and program at or above the level of the faculty applicant’s program, where level will normally be evaluated based on the degrees offered by the program.
<b>Conflict of Interest:</b> Circumstance in which an individual’s primary interests, responsibilities, and commitments (such as the responsibility to analyze research results as dispassionately as possible, or the responsibility to fulfill commitments as a full-time member of the faculty) may be compromised by a secondary interest (such as financial gain).
<b>Day:</b> See calendar day and business day. When “days” is used without specifying calendar or business, calendar days should be assumed unless business day is inferred from the context.
<b>Department Head:</b> Chief administrator of an academic department. Department Heads report to Deans. <del>(exception: the Department Head of Library Science reports directly to the Provost).</del>
<b>Distinguished Professor:</b> Rank beyond Professor which recognizes extraordinary accomplishment in Research.
<b>Educational Leave:</b> Paid leave for full-time faculty members wishing to return to graduate school to complete an advanced degree.
<b>Eligible dependent:</b> An eligible dependent shall be defined as provided in Section 152 of the United States Internal Revenue Code.
<b>Emeritus:</b> Retirement status at highest rank attained at the University. Emeritus status is granted at the point of separating from the university by retiring as defined in Section 14.2. Faculty must have taught here for at least 10 years, be retiring/long-term disability and have an affirmative vote of the department full-time faculty.
<b>Equity Adjustment:</b> Salary adjustment based on internal or external discrepancies in his/ her pay for comparable training, experience, and job performance.
<b>Faculty Senate:</b> A forum of the faculty for discussing matters of concern to the Faculty and for informing all segments of the academic community of its concerns, findings, and actions.
<b>Financial Exigency:</b> 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. Declaration of the existence of a financial exigency is the responsibility of the Board of Governors.
<b>Fiscal year:</b> The period from July 1 through June 30.
<b>Full-time appointment:</b> Appointment for the normal two-semester (Fall and Spring) academic year but does not imply summers. (Note: Some faculty have <del>contracts-appointments</del> that require year-round service.)
<b>Graduate Council:</b> Body of the faculty that acts upon graduate level curricular matters that are referred to it by academic departments/schools and approves members of the graduate faculty.
<b>Grievance:</b> With respect to the Academic Personnel Grievance Process, a written complaint by a faculty member, setting forth relevant facts and alleging that an administrator, administrative decision, or administrative practice is either unfair, unjust, or in violation of established policies, procedures, or statutes of the University.
<b>Instructor:</b> A faculty member who is normally appointed to teach full-time and to provide appropriate Service, and may participate in Research. <del>An Instructor may be appointed to an annual or to a multi-year term of up to five years.</del>

<b>Interessions:</b> One to three week period of classes between semesters. <del>Spring-Winter</del> Interession is in January, Summer Interession is in May, and Fall Interession is in August.
<b>Joint faculty appointment:</b> Appointment in which a faculty member has responsibility to, and review by, more than one Department.
<b>Minimum enrollment guidelines:</b> For undergraduate and graduate courses, shall be determined by the Department Head in consultation with the respective college Dean as aligned with any applicable written college and/or departmental policy.
<del>Missouri Campus Compact: 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.</del>
<b>Missouri State Employees' Retirement System (MOSERS):</b> A defined-benefit retirement plan available to faculty on full-time, regular appointments. (Specific eligibility for MOSERS depends on the date of hire – contact the Office of Human Resources for details).
<b>Nepotism:</b> Favoritism to family members or friends by someone in authority, providing some economic or employment advantage.
<b>Nepotism policy:</b> Policy prohibiting members of the campus community from <del>the</del> participating (directly or indirectly) in decisions to appoint or hire any individual related to him/her within the fourth degree of consanguinity (blood) or affinity (marriage).
<b>Nonrenewal of <del>contracts</del>appointments:</b> A decision (a) not to offer Instructors and other non-tenured faculty or part-time faculty members <del>a contract</del> an appointment 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 <del>contracts</del> appointments is not the equivalent of “termination of employment.”
<b>Non-<del>Tenure</del>-<del>Tenure</del>-Track:</b> -refers to faculty members appointed to positions that are not eligible for tenure consideration. Refer to Section 3.6 for non-tenure track positions.
<b>Per Course:</b> A per course faculty member is appointed on a semester basis and may teach no more than twelve credit hours during any 12-month period. Employment terminates automatically at the end of the appointment period.
<b>Policy Library:</b> Official repository of all University-wide Governing and Operating Policies. Found on the University Web pages under Policy Library.
<b>Professional Leave:</b> Leave to engage in professional development activities not covered by sabbatical or educational leaves.
<b>Professional Practices Review Process:</b> Formal procedure by which the University administration may review allegations of misconduct against faculty members and impose sanctions.
<b>Professor:</b> Faculty rank that recognizes a cumulative record of Teaching, Research, and Service appropriate to the discipline.
<b>Promotion:</b> Progression within an appointment series (tenure-track, clinical, research, and instructor) following fulfillment of criteria and review as specified in departmental promotion documents, Greenwood documents, and the Faculty Handbook. Refer to Sections 3.34 and 3.56 for specific tenure-track and non-tenure track faculty appointments. Promotion is accompanied by an increase in base salary.
<b>Public Affairs Pillars:</b> The three pillars of the Public Affairs mission are ethical leadership, cultural competence and community engagement.
<b>Rank:</b> Designation of traditional tenure-track academic ranks of Assistant Professor, Associate Professor, Professor, and Distinguished Professor. <del>Faculty hired as Instructors prior to January 1, 2007 were tenure-track faculty.</del>

<p><b>Ranked faculty:</b> Tenure-track/tenured faculty holding the rank of Assistant Professor, Associate Professor, Professor or Distinguished Professor [Instructors and Research Faculty employed prior to January 1, 2007 shall retain the status of ranked faculty].</p>
<p><b>Relative within the fourth degree:</b> Any individual within a legally-defined relationship level to another individual. Such a relationship 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. For University purposes, this also includes sponsored dependents. All relationships are included, whether full-, half, step-, adopted, or in-law.</p>
<p><b>Research Faculty:</b> Members of the faculty whose primary responsibilities are Research and Service <del>and</del> <u>whichbut</u> may include Outreach and Teaching.</p>
<p><b>Research:</b> 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.</p>
<p><b>Retirement eligibility:</b> Ability to retire from the University based on some combination of years of service and age. Specific requirements for retirement eligibility depend on retirement system (CURP versus MOSERS) and on date of hire (contact the Office of Human Resources for details).</p>
<p><b>Retreat rights:</b> The right of any faculty member appointed to an administrative position to return to the department of his or her academic discipline whether or not a position is open.</p>
<p><b>Sabbatical Leave:</b> A leave that provides an opportunity for the faculty member to pursue Research, enhance teaching or professional practice skills in the discipline, or to retool for new teaching opportunities or research.</p>
<p><b>Scholarly Leave:</b> A non-paid leave to participate in an academic fellowship (e.g., Fulbright Fellowships) or similar program for up to one academic year.</p>
<p><b>School Director:</b> Chief administrator of an academic unit classified as a School. Responsibilities of the Director depend on the nature of the School. A Director for a School composed of two or more departments will serve primarily as a coordinator of co-curricular matters and common objectives. A Director of a School that is not subdivided into departments (i.e., no Department Heads) will have the same responsibilities (including faculty evaluation for reappointment, tenure, promotion, and performance) as a Department Head. Throughout the Faculty Handbook, any discussion of the obligations of Department Heads should be interpreted as also pertaining to School Directors with faculty evaluation obligations. School Directors normally report to their College Deans.</p>
<p><b>School:</b> An academic unit so characterized because of its involvement in and integration into an external professional environment which usually requires specific standards for licensure. A school may operate as and have the same functions as a Department. Alternately, a School may be a collection of two or more departments tied together by co-curricular matters.</p>
<p><b>Senior Instructor:</b> Faculty member who has, while in an Instructor position, demonstrated excellence in Teaching and Service at Missouri State University for at least five years. <a href="#">See Section 3.5.2.</a></p>
<p><b>Service:</b> When used to identify one of the three basic areas of faculty responsibility, 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.</p>
<p><b>Sexual harassment:</b> 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. <a href="#">See Section 8.2.</a></p>

<p><b>Special Leave:</b> A leave with or without pay for 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.</p>
<p><b>Sponsored dependent:</b> A person who meets all of the following criteria: (1) be at least 18 years old and mentally competent to consent to contract; (2) have shared the same permanent residence and the common necessities of life with the employee for at least the previous 12 months; (3) not be legally married to anyone else in any state; (4) not be related by blood or a degree of closeness to the employee that would prohibit legal marriage in the State of Missouri; (5) have a single dedicated relationship with the employee of at least 12 months; (6) and not be a renter, boarder or tenant of the employee.</p>
<p><b>Staff Senate:</b> An elected body from the University support staff which addresses concerns related to staff. There is a non-voting member on Faculty Senate.</p>
<p><b>Standard appointment:</b> Appointment that includes normal Teaching, Research, and Service responsibilities during the fall and spring semesters but not during summers or intersessions. The term does not apply to clinical or research faculty.</p>
<p><b>Start date:</b> Faculty are expected to be available to attend meetings and other events scheduled the week prior to the beginning of classes each fall and spring semester.</p>
<p><b>Student Government Association (SGA):</b> An elected body through which students can participate in campus governance, in student discipline and in the management of student activities.</p>
<p><b>Teaching:</b> Broad range of activities contributing to the development of educated persons. It encompasses a wide range of instructional methods, student mentoring, and advisement.</p>
<p><b>Tenure:</b> 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.</p>
<p><b>Tenure-track faculty:</b> 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.</p>
<p><b>Terminal degree:</b> 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.</p>
<p><b>Unranked faculty:</b> Faculty in non-tenure track positions. (Note that although non-tenure clinical and research faculty are eligible for promotions, e.g., one might be promoted to Associate Clinical Professor, those individuals are still classified as unranked.)</p>
<p><b>Years of academic service to Missouri State University:</b> Years of full-time academic service to Missouri State University. In computing years of academic service to Missouri State University, intersession and summer teaching do not apply, nor does time spent on educational leave. Time spent on sabbatical leave, professional leave, scholarly leave, or special leave does apply in computing years of academic service to Missouri State University. Note that years of academic service to the University may not be the same as years of service counting toward retirement under MOSERS.</p>

## 2. ABBREVIATIONS

<b>ALC</b>	Academic Leadership Council
<b>APGP</b>	Academic Personnel Grievance Process.
<b>APRC</b>	Academic Personnel Review Committee
<b>BOG</b>	Board of Governors
<b>CASE</b>	Center for Applied Science and Engineering
<b>CASL</b>	Citizenship and Service-Learning
<b>CBLS</b>	Center for Biomedical and Life Sciences
<b>CGEIP</b>	Committee on General Education and Intercollegiate Programs
<b>CURP</b>	College and University Retirement Plan
<b>FCTL</b>	Faculty Center for Teaching and Learning
<b>FMLA</b>	Family and Medical Leave Act
<b>FSEC</b>	Faculty Senate Executive Committee
<b>IACUC</b>	Institutional Animal Care and Use Committee
<b>IBC</b>	Institutional Biosafety Committee
<b>IDEA</b>	Innovation, Design, Entrepreneurship, and Arts Commons
<b>IRB</b>	Protection of Human Participants Institutional Review Board
<b>JVIC</b>	Jordan Valley Innovation Center
<b>KSMU</b>	National Public Radio call letters
<b>MOSERS</b>	Missouri State Employees' Retirement System
<b>MSU</b>	Missouri State University
<b>OPT</b>	Ozarks Public Television
<b>ORAOSRP</b>	<del>Office of Sponsored Research and Programs</del> Office of Research Administration
<b>PEC</b>	Professional Education Committee
<b>PI/PD</b>	Principal Investigator/Project Director
<b>PPC</b>	Provost's Personnel Committee
<b>PPRP</b>	Professional Practices Review Procedure
<b>PSC</b>	Plaster Sports Complex
<b>PSIP</b>	Professor Salary Incentive Program
<b>PSU</b>	Plaster Student Union
<b>SGA</b>	Student Government Association
<b>SMSU</b>	Southwest Missouri State University
<b>UHC</b>	University Hearing Committee
<b>UHP</b>	University Hearing Panel



## APPENDIX A

### MISSOURI STATE UNIVERSITY – CREATION OF INTELLECTUAL PROPERTY POLICY

The Creation of Intellectual Property Policy was approved by the Faculty Senate. The policy was presented to the Board of Governors on October 28, 2011, and the Board approved the implementation of the new policy.

#### Governing Policy: Creation of Intellectual Property

- I. Intellectual Property Policy Statement
- II. Purpose of the Policy
- III. Entities Affected by the Policy
- IV. Administration of Intellectual Property Policy
- V. University Patent Policy
- VI. University Copyright Policy

#### **I. INTELLECTUAL PROPERTY POLICY STATEMENT**

The University's policy on intellectual property pertains to patentable inventions and copyright-protected works created by its faculty members, staff members, postdoctoral appointees, and students. Guidance on the use of other individual or university's copyright-protected material is governed by G3.04-3 Use of Copyrighted Materials for Educational Research Purposes located at: <http://www.missouristate.edu/policy/copyrightpolicy.htm>.

Because there are differences between the legal and academic treatment of patentable inventions and copyright-protected works, the University provides two companion policy statements: a Patent Policy and a Copyright Policy. Missouri State University encourages the creation of intellectual property by the dedicated efforts of its employees, faculty and students. It is the University's intent to protect the rights of all parties, including the individual, the University, and the sponsoring entity (if applicable), and to share the benefits in the event these creations have commercial value.

University resources are to be used solely for University purposes and not for personal commercial activities. Commercialization of research, with knowledge and approval by the University, is permitted and encouraged among faculty and staff.

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. "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.

After consultation with the Creator, the University reserves the sole right in its exclusive discretion to make agreements regarding the retention, ownership, patenting, licensing, accessing, and any other use or disposition of any right, title or interest in University Intellectual Property. The University and/or its designee will determine whether to commit funding to obtain patent, copyright, or trademark protection for particular disclosed University Intellectual Property and/or to seek to identify one or more licensees who will bear the cost of obtaining that legal protection. No creator of University Intellectual Property has the capability or authority to assign, license or otherwise dispose of

University Intellectual Property except to the University or its designee pursuant to this Agreement. University personnel engaged in outside activities shall have no authority to enter into an Intellectual Property agreement that conflicts with this policy. Persons who wish to confirm that a consulting, employment, or other agreement that addresses assignment of intellectual property associated with a proposed outside activity does not conflict with this policy should submit a copy of the agreement for review.

This Policy 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 for all students. All individuals (whether or not employed by, compensated by or enrolled at the University) participating in a sponsored project and/or making significant use of University-administered resources shall accept this Policy unless an exception is approved in writing by the University.

Significant use of University resources may include: use of substantial funds received by the University through a contract or grant, use of funds allocated from internal discretionary pools, assistance of support staff outside of the inventor's department or unit (assistance of support staff from the inventor's department when such is assistance is greater than that normally provided others in the department). Significant use of University resources also may include use of shared research equipment or facilities.

The following, when customarily provided to researchers in their respective disciplines and units, generally are **not** considered significant use of University resources: salary, developmental assignment or award, library resources, computers, communications technologies, secretarial services, assigned offices and laboratories, and utilities, instructional technology (Mediasite), software (e.g. Respondus), or hardware, including use of University media production facilities. Developmental assignment or awards include Sabbatical Leaves, Summer Fellowships, and Faculty Research Grants which are internal awards of the University made on a competitive application basis; therefore, these are not considered significant use of University resources.

Outside activities authorized by the University for University faculty or staff remain subject to this policy to the extent that they involve or relate to the use of University resources. 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.

Works created as assignments. Any work created by faculty, staff members, or student employees whenever such work is the product of their assigned tasks or is a reasonably expected product of their employment generally are subject to institutional ownership because they are either assigned tasks or reasonably expected outcomes of employment, **excluding** seated, online, and blended courses, individually or jointly developed. Course content, whether seated, online or blended, shall be owned by the Creator(s) unless the content was developed under a specific agreement or with the use of substantial University resources. Other individuals do not have a license to use course content for any other purpose, except as approved by University and Creator. Any license for the University to otherwise use course content or course materials developed by faculty Creator(s) shall be individually negotiated with those Creator(s). In addition, the University acknowledges that a limited number of professional staff members have certain prerogatives to set their own research, scholarly, pedagogical, or creative tasks. Accordingly, the University is prepared to acknowledge personal ownership of works arising from these professional endeavors subject to other conditions of this policy. While the University acknowledges that generally a thesis or other written research product has intellectual property ownership with the student, the University has a license in the research product in those instances in which a faculty member at the University supervises and has contributed substantially to a thesis or laboratory working group. In such cases, any publication that arises from a thesis shall be put forward as a co-authored work by the student and the faculty member, unless the faculty member or Intellectual Property Committee agrees

otherwise.

## **II. PURPOSE OF THE POLICY**

The primary purpose of this Intellectual Property Policy is to provide the necessary incentives and protections to encourage the discovery and development of new knowledge and its application and transfer for the public benefit, and to enhance the generation of revenue for the University and the creator(s).

The University is guided by the following objectives:

- a. To ensure that the educational mission (discovery, learning and engagement) of the University is not compromised;
- b. To optimize the environment and incentives for research and for the creation of new knowledge at the University;
- c. To bring the products of creative efforts into practical use for the public benefit as quickly and effectively as possible;
- d. To protect the interest of the people of Missouri through a recovery by the University of its investment in research; and
- e. To recognize and protect the interests of the public, of the individual creators of novel concepts, inventions and materials, of the University, and of the sponsors of research.

## **III. ENTITIES AFFECTED BY THE POLICY**

All individuals (whether or not employed by, compensated by, or enrolled at the University) who are members of the University community are subject to this policy.

## **IV. ADMINISTRATION OF INTELLECTUAL PROPERTY POLICY**

The University Intellectual Property Policy, comprising its Patent Policy and its Copyright Policy, shall be administered under the oversight of the Dean of the Graduate College (hereinafter referred to as "Dean"). The Dean shall appoint an Intellectual Property Committee. The role of the Intellectual Property Committee shall be to advise the Dean regarding intellectual property matters including, but not limited to, the resolution of disputes arising from the application of the policy; in addition, the committee shall advise the Dean of any need for altering the policy or its administrative implementation. In appointing members of the Intellectual Property Committee, the Dean shall seek to include members from all constituencies affected by the policy.

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 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 who created the mark.

This policy shall apply prospectively to all inventions and copyright works disclosed on or after the date of its approval, October 28, 2011.

## **V. UNIVERSITY PATENT POLICY**

### **A. Introduction**

### **1. Nature of a patent**

Patent protection provides the owner with a limited period of time in which the owner can exclude others from making, using, offering to sell, or selling the invention. The resulting temporary exclusive rights to the invention can provide an incentive for a patent owner or a licensee to invest the resources required to advance the invention toward commercialization and use by the public. In return for offering temporary exclusive rights to the owner of a patent, a government requires the owner of the patent to make details of the invention available to the public in the patent document. Under United States law, the life of a patent extends 20 years from the date of application.

A patent is the grant of a property right by a government to the owner of an invention. Unlike copyright protections, patent rights do not follow automatically from the act of creation. The inventor or the patent's owner generally must request patent protection from the government of each country in which a patent is desired. The Patent Office in each country then will examine the application against its own laws and regulations and will—in due course—either deny or allow the grant of a patent in its jurisdiction. Because patent laws and associated administrative procedures are fairly complex, patent applications generally are prepared and prosecuted by specialists working on behalf of the inventor or owner.

### **2. Inventions eligible for patent protection**

In the United States, an invention or discovery may be eligible for patent protection if it is a process, a machine, a manufactured object, a composition of matter, or a new use or improvement of any of the preceding. Courts have interpreted the patent statute (see [www.uspto.gov/main/patents.htm](http://www.uspto.gov/main/patents.htm)) to extend to software-related inventions when there is some connection to a useful, concrete result and to biological substances when there is some evidence of human intervention. For example, isolated DNA sequences or their purified protein products can be patented because in their “natural” states they are neither isolated nor purified. New uses of “products of nature” also may be patented, as may genetic modifications of otherwise natural organisms.

If an invention meets the threshold eligibility conditions for patenting, it still must meet additional criteria in order to earn a patent. Under U.S. law, a patented invention must be useful, novel, not obvious, and supported by adequate information.

### **3. Nature of inventorship**

To be named as an “inventor” on a patent, an individual must have made an original contribution to the conceptualization of the invention as it is defined in the patent. The aspects of a patent that assert the defining elements of an invention are called the “claims” of the patent. If an individual has made a contribution to the conceptualization of any one defining claim of patent, then he or she is an “inventor” of the claimed invention. If any individual is responsible for all the claims of a patent, then he or she is the sole inventor of the patent. In any other situation, the patent will have more than one co-inventor. One is not an inventor if his or her contribution was limited to “reducing to practice” the conception of the invention.

### **4. Objectives of the University Patent Policy**

The primary objective of the University Patent Policy is to enable the public to use and benefit from inventions originating at the University. In pursuing this objective, the University will seek to manage inventions in a way that advances the academic missions of the institution, including research and scholarship. The Patent Policy further provides a framework for the orderly transfer of academic inventions to the private sector in exchange for compensation to the institution as well as to individual inventors. In keeping with the University's academic objectives, the policy directs that portions of the institutional earnings from any patent will support research broadly across campus, research related to

the patent, and administrative efforts to secure and manage additional patents.

## **B. Policy**

### **1. Summary of the Patent Policy**

The University will assume ownership of patents on qualifying inventions made by its employees and appointees, except as stated in item V.B.4. In a limited number of situations, the University, through its designee, will assume ownership of patents on qualifying inventions made by students and institutional visitors. Earnings from patents subject to this policy will be distributed according to the provisions of this policy.

### **2. Applicability of the Patent Policy**

The policy applies to inventions meeting either of the criteria below. For convenience, inventions meeting either of these criteria will be designated as “qualifying inventions.” In the criteria below, “employees” includes faculty members, staff members, part-time employees, and student employees.

- a. Inventions made by University employees or postdoctoral appointees in the course of their employment or appointment, or in a field or discipline reasonably related to the inventor(s)’ field(s) of employment or appointment.
- b. Inventions enabled by significant use of University resources when made by University employees, postdoctoral appointees, students whose inventive contribution did not arise from employment by the University, or institutional visitors not employed by the University.

### **3. Disclosure required**

Any individual who believes that he or she has made, or contributed to the making of, a qualifying invention must disclose the invention in writing to the Dean for Graduate Studies and Research on the [Invention Disclosure Form](#) provided by the Office of Research ~~and Sponsored Programs~~ Administration. The originating faculty, other employee, or student is the inventor.

### **4. University rights in qualifying inventions**

The University shall assume ownership of patents to qualifying inventions. In order for the University to assume ownership, inventors subject to this policy shall assign to the University their entire right in the invention and shall provide reasonable assistance to the University in obtaining patent protection and in licensing the patent rights to others. In the case of qualifying inventions arising from federal research support, this assertion of ownership rights follows from federal law. In other contexts, the University’s right to require assignment from its employees or appointees will be understood as a condition of employment or appointment. Similarly, the limited right of the University to claim ownership of patents in inventions made by students will be understood as a condition of enrollment, whereas the limited right of the University to claim ownership of patents to inventions made by institutional visitors will be understood as a condition of their access to institutional resources. Institutional visitors must acknowledge in writing their awareness of this policy before making use of institutional resources.

If the University informs in writing the University inventor(s) that it does not wish to file a patent application in any territory based on a disclosure by the inventor(s), the inventor(s) may request from

the University an opportunity to take on the prosecution of the patent application. The inventor(s) may request that the University waive its rights to the invention in the territory(ies) in which the University has elected not to file. The University will not unreasonably deny such a request. However, any waiver of rights will be subject to the interests of any third parties, including, but not limited to, sponsors of the research leading to the invention. In addition, any waiver of the institution's rights in the patent application will expressly allow the University to continue to use the invention for research purposes and will be limited to the scope of the invention as disclosed and as used as a basis for the University's determination not to file an application in the territory(ies). The University's waiver of institutional interest in an invention may result in personal ownership of the invention by University inventor(s) who wish to conduct further research on the invention within the institution. Such inventor(s) should be mindful that use of personally owned patents in an institutional setting may create a conflict of interest requiring disclosure and management under the institution's policies pertaining to conflict of interest.

The University has approved an exception (POLICIES & PROCEDURES NO. 135-09, Updated and Approved July 31, 2009) for intellectual property associated with the research conducted with the Jordan Valley Innovation Center (Center for Applied Science and Engineering and Center for Biomedical and Life Sciences). Assignment of ownership rights of intellectual property developed through projects of the Roy Blunt Jordan Valley Innovation Center in collaboration with businesses may be assigned, at the discretion of the President of the University, to these businesses providing that such assignments are consistent with applicable laws and regulations of external organizations sponsoring these collaborations and the University Intellectual Property Policy, and that any such assignments acknowledge the contribution of University faculty, staff and students. The authority for negotiation and approval of these assignments of ownership rights are delegated through the President to the Vice President for Research and Economic Development. Nothing in this paragraph alters Paragraphs 1 and 3 or the other provisions of this paragraph of this policy.

#### **5. Licensure of inventions assigned to the University**

Consistent with the objectives of this policy and subject to the rights of any other parties, the University will seek diligently to license to others the right to use inventions under patents assigned to it.

#### **6. Distribution of proceeds of licensure**

The University shall receive all payments due under a license and shall distribute such earnings under the terms of this policy within 90 days from the end of the quarter in which the earnings were received. Prior to any distribution, the University shall recover any out-of-pocket expenses incurred in applying for the licensed patent(s), maintaining the licensed patents(s), or defending the licensed patent(s). Also prior to any distribution under this policy, the University shall make any payments to others required by agreements, including but not limited to inter-institutional agreements for the management of jointly owned patents. Gross University earnings, less its out-of-pocket expenses, less payments required to others, are designated as "distributable income." Distributable income shall be allocated as follows:

- a. The first \$50,000 of distributable, cumulative income earned under a single license will go to the inventor(s).
- b. After the first \$50,000 is distributed to the inventor(s), any further distributable income will be allocated as follows unless income in any fiscal year triggers the conditions below:

- (i) 40% of distributable income to inventor(s)
- (ii) 40% of distributable income to the University
- (iii) 20% of distributable income to the department from which the invention arose

When more than one University inventor is named on any licensed patent, the inventors will receive equal portions of the share of distributable income allocated to that patent unless there is a modifying written agreement signed by all inventors and approved by the University.

If an inventor is appointed in more than one department, the related departmental shares will be equivalent to the share each contributes to the inventor's salary. If the appointing departments are in different colleges, the related collegiate shares will be pro-rated on the same basis as the departmental shares. From time to time, it may be appropriate to allocate a portion of income otherwise granted to an academic department to an organized research unit. Any share granted to a "center," "institute," or other similar, formally acknowledged organized research unit will be determined by the Dean after consultation with the organization's director as well as relevant academic officers. In making any such determination, the Dean should consider the optimal means of advancing research at the institution.

#### 7. Notification of Licensed Patent

The Dean shall notify the President, the Provost, the inventor's College Dean and Department Head/Director of the licensed patent.

### **C. Administration of the Patent Policy**

#### **1. Patent Advisory Group**

The University Intellectual Property Policy, of which this Patent Policy is a component, shall be administered under the oversight of the Dean. The Dean shall be advised on matters pertaining to the Patent Policy by the Patent Advisory Group, a subcommittee of the University Intellectual Property Committee. The Intellectual Property Committee, the responsibilities and composition of which are set forth above in Paragraph IV of the University's overarching Intellectual Property Policy, shall be appointed by the Dean, who also shall designate those of its members who will comprise the Copyright Advisory Group.

The role of the Patent Advisory Group shall be to advise and make recommendations to the Dean regarding patent matters, including, but not limited to, the following:

- a. Determine the value of proceeding for a patent.
- b. Resolve disputes concerning the application and interpretation of the Patent Policy;
- c. Suggest Amendments to the Patent Policy resulting from technological and legislative changes affecting patent; and
- d. Make changes to administrative procedures involved in the implementation of the Patent Policy.

In addition, the Patent Advisory Group shall provide a forum to which faculty, staff, and students may refer questions and recommendations about the Patent Policy. Further, the Patent Advisory Group may advise the University on the disposition of selected invention disclosures.

The day-to-day administration of the Patent Policy will be performed under the supervision of the Dean.

## 2. Appeal process

Within 14 calendar days of the Patent Advisory Group's decision, any University faculty member, staff member, postdoctoral scholar, or student who believes he or she is adversely affected by any action or non-action of the Patent Advisory Group pursuant to the Patent Policy may request in writing the Group reconsider such action or non-action in writing to the Dean, who shall consult with the Patent Advisory Group in considering the request for reconsideration. The resulting decision of the Dean may be appealed in writing to the President of the University within 10 calendar days of the Dean's decision. Where the action or non-action forming the basis for the dispute is that of the Dean rather than the Patent Advisory Group, appeal may be made in writing directly to the President of the University.

The foregoing process does not preclude the use of either informal means to resolve the dispute or applicable grievance procedures normally available to the individual based on his or her University status.

## D. Examples

1. Case Patent (P)1: Working in her chemistry laboratory, faculty member A of the Department of Chemistry develops a synthesis protocol for a novel compound that has potential for industrial applications. A patent literature search reveals no competing patent and the University invests \$16,000 in the process of gaining a patent. Faculty member A is the inventor [V.A.3.] and the University assumes ownership of the patent [V.B.1.] and [V.B.4.] Company Z negotiates with the University for an exclusive license for use of this patented protocol. This agreement includes (a) an understanding that Company Z will make reasonable efforts to develop a marketable product based in part on the patent, and (b) for use of the license the Company will pay the University \$5,000 annually or 3% of the net profit from product sales, whichever is greater.
  - Year 1 after licensure Company Z has not produced a marketable product, but the \$5,000 fee is paid to the University. The income funds are retained by the University. [V.B.6.]
  - In Year 2 Company Z has marketed a product and makes royalty payments of \$25,000 to the University. The University retains \$11,000 to recoup the initial expense of filing the patent. The remaining \$14,000 is distributed to Faculty Member A [V.B.6. and V.B.6.a]
  - Company Z pays the University \$70,000 royalty in Year 3. Faculty member A receives \$36,000. The remaining \$34,000 is distributed 40% to Faculty A, 40% to the University, and 20% to the Department of Chemistry [V.B.6.b.(i-iii)]
2. Case P2: In the course of his Limnology research, Faculty member B of the Department of Biology develops a unique sampling device. A significant portion of the work was accomplished while B was funded by a University competitively awarded Summer Fellowship. A scientific instrument company is interested in this device. The University applies for a patent and subsequently licenses the right to produce this device to this company. [V.B.5.] Faculty member B will receive royalties after the patent costs have been recouped. [V.B.6.] The salary of the Summer Fellowship is not



considered a University cost to be recouped, since the Fellowship is a regular aspect of employment offered in competition to other faculty. [I]

3. Case P3: Faculty Member C, a molecular biologist and member of the Department of Agriculture, isolates and characterizes a gene promoter DNA sequence from crop Z. Faculty C reveals her work and seeks to have the University apply for patent protection on the promoter DNA sequence and its applications she has demonstrated in her laboratory. After evaluation of the “invention” and the probability of monetary returns that might result, the University determines not to seek patent protection. The faculty member is not happy with this decision and insists that there would be good value in a patent. She requests a release acknowledging she can pursue a patent as the owner and inventor. The University provides, in writing, the requested release of ownership, including a statement holding the University harmless in the case of any deleterious applications of this DNA. [V.B.4] The faculty member pays the filing cost of the patent process. The University has no future claim to proceeds that may be derived from the patent.
4. Case P4: Faculty member D makes an invention while working under the terms of a federal research grant. The University assumes ownership of the related patent. [V.B.2.a and V.B.4]
5. Case P5: Faculty member E is an acknowledged expert in cancer therapy. Working at her desk at home on Saturday, she designs a chemical compound that may fight non-Hodgkin’s Lymphoma. The University assumes ownership of the related patent. [V.B.2.a and V.B. 4]
6. Case P6: Staff member F is employed by the University to fabricate medical devices. Working in his garage on Saturday, F invents a unique spray head that has potential applications for efficient pesticide applications. The University may not assume ownership of the related patent and the Staff member F is free to seek a patent on his own. [V.B.2.a and V.B.4.]
7. Case P7: G is a researcher spending a year-long leave at the University. G is not an employee of the University but is assigned a laboratory at the University and is provided access to University research equipment. Working in a University laboratory, G invents a device for detection of extremely small airborne quantities of a toxic chemical. The University will have ownership of the related patent. [V.B.1, V.B.2.b. and V.B.4] Note that prior to beginning his leave at MSU, G should have acknowledged in writing his awareness of the University’s Patent Policy. [V.B.4]
8. Case P8: As a result of a class assignment, Student H invents a novel method of manufacturing a fire retardant compound. The University’s review of H’s obligatory disclosure determines that H did not make significant use of University resources in making the invention. The University may not assume ownership of the related patent. [V.B.2.b]
9. Case P9: Working on her dissertation in her adviser’s laboratory and with regular mentoring of her advisor, Student I invents a novel method for the manufacture of a pharmaceutical agent. Review of I’s obligatory disclosure determines that I did make significant use of University resources in making the invention. The student and the advisor are both listed as inventors, given the significant input provided by the advisor. The University assumes ownership of the related patent. [V.A.3 and V.B.2.a-b]
10. Case P10: Faculty member J makes an invention in collaboration with a colleague at another University. By application of its own patent policy, the employer of J’s collaborator has an ownership right in the resulting patent because of the collaborator’s inventive contribution.

Similarly, the University has an ownership right in the resulting patent as a result of J's inventive contribution. The University and the employer of J's collaborator enter an inter-institutional agreement specifying that the joint ownership rights shall be licensed together and that any earnings from such a joint license will be divided equally. In the event the University is designated in the inter-institutional agreement as the manager of the jointly owned patent, it would receive earnings attributable to both parties. After out-of-pocket expenses are recovered, the University would disburse to its partner University its share of earnings, with the retained remainder treated as distributable income under this policy. [V.B.6]

## **VI. UNIVERSITY COPYRIGHT POLICY**

### **A. Introduction**

#### **1. What is copyright?**

A copyright is a form of intellectual property protection provided by law for certain original works including written works, software, and selected audio, visual, or performed compositions. More detailed information on copyrights is available at <http://www.copyright.gov>.

The copyright protects the particular form of expression rather than the subject matter or content of the work. One cannot copyright an idea, only the particular expression of the idea. Unlike patent protection, copyright protection exists from the time an original work is created and vests immediately when the work is fixed in a "tangible medium" for the first time. Such tangible media might include paper, a computer disk, or granite.

Holding a copyright allows the owner certain exclusive prerogatives including the right to reproduce and distribute the protected material, the right to prepare derivative works based on the protected material, and (in the case of various artistic works) the right to display or perform the protected work. The owner of a copyright may convey to others all or some of the rights inherent in the copyright. For example, the owner of a copyright may "assign" all interest in the protected material to another. Alternatively, the owner of a copyright may grant a limited permission that allows another to use the protected material. In some cases, the owner of a copyright may grant a license to another that specifies the nature of any permitted uses of the copyright material.

#### **2. Importance of an academic copyright policy**

Members of the University community—faculty, staff, and students—create each day large volumes of material that are subject to copyright protection. These various creations include such dissimilar works as scholarly monographs and journal articles, musical compositions, novels, textbooks, lectures, class outlines, poems, administrative software, dances, paintings, experimental software, promotional brochures, administrative correspondence, sculptures, multimedia teaching materials, videotapes, and policy documents. Many of these works have various functions and origins within the academic context. Some works arise directly from the pursuit of scholarly or creative activity and serve to convey the results of these activities; other works do not. Because copyright law and its policy-based application at the University will attribute both ownership rights and the associated rights to control subsequent uses of the protected works, an academic copyright policy must carefully balance a number of important objectives. These objectives must accommodate the various functions and origins of copyright works created at the institution.

### **3. Objective of the University Copyright Policy**

The objective of the University's Copyright Policy is to advance the mission of the University by:

- a. Encouraging and supporting the exercise of academic freedom, innovation, and creativity;
- b. Structuring the rights of ownership and the rights to use copyright materials created by members of the University community in a way that:
  - (i) Enables the timely dissemination of materials resulting from the scholarship, teaching, research, and creative activities of faculty, staff, and students;
  - (ii) Permits the University to retain a copyright in and/or use materials created by members of the University community under certain circumstances;
  - (iii) Permits the University to meet contractual obligations to outside entities; and
  - (iv) Accommodates and is consistent with related University policies.
- c. Assuring compliance with applicable laws and regulations in the management of copyright materials.

## **B. Policy**

### **1. Summary of the Copyright Policy**

In order to meet the preceding various objectives, this policy allocates the ownership of copyrightable works created by faculty, staff, and students. Consistent with academic tradition and the expressed desire to encourage dissemination of the results of scholarship and research, the University agrees that in most cases, individual creators of copyrightable works of scholarship, research, or pedagogy, as well as creators of original works of art and literature, typically will hold personal copyright ownership of those works. The policy also specifies a limited body of works that will be owned by the University. In some cases, "individual" ownership might be distributed over a group of joint authors or creators. In other cases, an individual or group of individuals might hold joint ownership with the University. Guidance on the use of other's copyrighted material is contained in the Missouri State University Copyright Use Policy.

### **2. Application of the Copyright Policy**

#### **a. Individual ownership of copyrights**

The University does not claim ownership of copyright in pedagogical, scholarly, artistic, or research works regardless of the mode of expression except when a work is described in section [VI.B.2.b.] below. Therefore, in those instances where the University does not claim ownership of a copyright, the copyright will be owned by those defined as authors or creators under copyright law unless there is a contrary contractual or statutory obligation. This disclaimer of University ownership interest in copyright materials applies to faculty and staff employees of the University, postdoctoral scholars, and to students when the works are created in the course of their educational pursuits. However, for works created by a student solely in the course of the student's employment by the University, the University may claim ownership if section [VI.B.2.b.(v)] applies. The University claims no ownership of copyright in any work created outside the scope of any employment within the University. By way of illustration, see [VI.D.4-6] below, Cases C4

through C6.

The University understands that academic authors may be asked to assign to a publisher the personal copyright ownership in works treated in this section of the policy. The University encourages academic authors to seek to retain such personal ownership in the articles and reports they publish in scholarly journals and equivalent publications. University policy does not encourage academic authors to seek to retain personal ownership in published works when doing so would not be feasible or when efforts to retain personal ownership would impede eventual publication of the work. The University is prepared to assist faculty members, staff members, students, and postdoctoral appointees wishing to retain personal ownership of works that may be published in scholarly journals and the like.

**b. University ownership of copyrights**

The University has ownership, or the right to obtain ownership by assignment, of copyright in:

- (i) Any particular and identifiable work created pursuant to either an oral or written agreement between the creator and the University (see [VI.D.7] Case C7);
- (ii) Works created in the context of carrying out administrative duties for the University (see [VI.D.9] Case C9);
- (iii) Any work created by a team of faculty, staff, postdoctoral scholars, and/or students of such size or over such an extended period of time that determination of a discrete number of creators would be impossible, impractical, or potentially unfair (see , [VI.D.10] Case C10);
- (iv) Any work created under the terms of a contract or other binding agreement with an entity, other than the University, when such contract or agreement requires University ownership of the work (see , [VI.D.11] Case C11);
- (v) Any work created with a significant use of University resources as outlined in Section I, Intellectual Policy Statement, above.

For these purposes: The University may determine that it has an ownership interest in a particular copyright work developed with grant or contract funding when creation of the specific work in question was an identified objective of the grant or contract. Given this rationale, specific journal articles, monograph, or textbooks arising from grant or contract funding commonly would not be construed as identified objectives of the grant or contract but would be treated as academic benefits of having worked under grant or contract funding. In the event that creation of a copyrighted work, such as a textbook, is an identified objective of a grant or contract, the institution will make a reasonable accommodation with the author consistent with established academic tradition.

In any case where the University has the right to ownership under the provisions of this policy, the University may require all persons who are employed by the University and who might otherwise have a potential claim to such work to execute a document as a condition of their employment in which they 1) state they have no rights to the work, or 2) assign to the University those rights they may hold. Any University employee who makes an assignment of a work to the University can request and will be granted a non-

exclusive royalty-free license to reproduce, adapt, perform, or display the assigned work for his or her own scholarly, research, or creative purposes.

- (vi) For cases not covered by VI.2.B.2.B.(i)-(v), ownership and exclusive rights to license for course materials created by an individual will reside with the creator except as follows: For course content developed for a course for which the usual practice is to share such course content among two or more instructors (e.g., for multi-section laboratory courses), the creator will maintain ownership of the copyright but the University will retain a license for its use within the University.

#### **c. Disclosure**

Personally owned copyright works subject to [VI.B.2.a.] of this policy need not be disclosed. However, certain works created subject to [VI.B.2.b.(iv)] of this policy should be disclosed. The creator of any work in which the University may have an ownership interest under [VI.B.2.b.(iv)] of the Copyright Policy shall disclose the work promptly in writing to the University using the disclosure form provided by that group. Such disclosure shall be made as soon as possible when any of the following criteria apply: 1) a third party has a contractual basis for asserting a right to use the work (e.g., as a consequence of a sponsored-research agreement); 2) a third party has expressed interest in obtaining rights to use the work; 3) the creator(s) of the work believe that a third party could become interested in obtaining rights to use the work if made aware of an opportunity to do so; 4) the creator(s) of the work wish to assert personal copyright ownership in the work and so wish to request an institutional determination of their personal standing under the terms of this policy.

In those cases when a disclosure is made in order to request a determination of copyright ownership, the University will provide a copy of the disclosure to the Dean and to the appropriate academic and/or administrative official(s) (department head, dean, or other supervisor) familiar with the circumstances in which the work in question was created. Such official(s) then in turn will provide any available information relevant to the questions of copyright ownership, rights to any proceeds, and other issues deemed relevant to the situation and prepare an assessment for the Dean. The final determination on these questions shall be the responsibility of the Dean, subject to the right of the creator(s) to appeal any such determination to the President of the University as provided in [VI.C.1.] below. Upon final resolution of the issues raised by the disclosure, the creator(s) and the University, where appropriate, will execute such agreements as are necessary to document clearly the rights and responsibilities of the parties.

#### **d. Distribution of income**

The University shall receive all payments due under a license and shall distribute such earnings under the terms of this policy within 90 days from the end of the quarter in which the earnings were received. Prior to any distribution the University shall recover any out-of-pocket expenses incurred in applying for the licensed copyrights(s), maintaining the licensed copyright(s), or defending the licensed copyright(s). Also prior to any distribution under this policy, the University shall make any payments to others required by agreements, including but not limited to inter-institutional agreements for the management of jointly owned copyrights. Gross University earnings, less its out-of-pocket expenses, less payments required to others, are designated as “distributable income.” Distributable income shall be allocated as outlined below. For clarity, please note the following: 1) The distribution protocols outlined do not apply to personally owned copyright but only to copyrights owned by the University on behalf of the institution; 2) in order to qualify for a share of distributable income allocated to “author(s),” an individual must have held

a mutually acknowledged ownership interest in the copyright to the subject work and must have assigned any legitimate copyright ownership he or she held to the University; 3) in the event that no authors have assigned personal copyright ownership to the University, no author(s)' share will be allocated. In this case, all distributable income shall be allocated pro rata to the other recipient groups under [VI.B.2.d.(ii)] below:

- (i) The first \$50,000 of distributable, cumulative income will go to the author(s).
- (ii) After the first \$50,000 is distributed to the author(s), any further distributable income will be allocated as follows unless income in any fiscal year triggers the conditions below:
  - (a) 40% of distributable income to author(s)
  - (b) 40% of distributable income to the University
  - (c) 20% of distributable income to the department from which the copyright arose
  - (e) Handling copyright works that may be subject to patent protections. Certain works—particularly software—are subject to both copyright protection and patent protection. In the event that a work created at the University is subject to both copyright protection and patent protection, a finding under this policy that copyright to the work will be owned by the author or authors will not obviate the University's right to claim ownership in any associated patent or patents. The University's rights in patentable inventions are defined in the University Patent Policy (see [V.B.4.] above).

## **C. Administration of Copyright Policy**

### **1. Copyright Advisory Group**

The University Intellectual Property Policy, of which this Copyright Policy is a component, shall be administered under the oversight of the Dean. The Dean shall be advised on matters pertaining to the Copyright Policy by the Copyright Advisory Group, a subcommittee of the University Intellectual Property Committee. The Intellectual Property Committee, the responsibilities and composition of which are set forth above in Section IV of the University's overarching Intellectual Property Policy, shall be appointed by the Dean, who also shall designate those of its members who will comprise the Copyright Advisory Group.

The role of the Copyright Advisory Group shall be to advise and make recommendations to the Dean regarding copyright matters, including, but not limited to, the following:

- a. Resolution of disputes concerning the application and interpretation of the Copyright Policy;
- b. Amendments to the Copyright Policy resulting from technological and legislative changes affecting copyright; and
- c. Changes to administrative procedures involved in the implementation of the Copyright Policy.

In addition, the Copyright Advisory Group shall provide a forum to which faculty, staff, and

students may refer questions and recommendations about the Copyright Policy.

The day-to-day administration of the Copyright Policy will be performed on behalf of the University by the Dean.

Appeal process. Within 14 calendar days of the Copyright Advisory Group's decision, any University faculty member, staff member, postdoctoral scholar, or student who believes he or she is adversely affected by any action or non-action of the Copyright Advisory Group pursuant to the Copyright Policy may request in writing the Group reconsider such action or non-action in writing to the Dean, who shall consult with the Copyright Advisory Group in considering the request for reconsideration. The resulting decision of the Dean may be appealed in writing to the President of the University within 10 calendar days of the Dean's decision. Where the action or non-action forming the basis for the dispute is that of the Dean rather than the Copyright Advisory Group, appeal may be made in writing directly to the President of the University.

The foregoing process does not preclude the use of either informal means to resolve the dispute or applicable grievance procedures normally available to the individual based on his or her University status.

#### **D. Examples**

The following examples illustrate how the policy would apply to specific situations and are accompanied by references to the governing policy sections.

1. Case C1: Faculty member A writes an article using a computer and supplies provided by the University. Copyright in the article belongs to A. Faculty member A may choose to assign ownership of this copyright to a journal as part of a publication agreement without institutional involvement. [VI.B.2.a]
2. Case C2: Faculty member B creates a painting using supplies and facilities of the University customarily provided to other faculty members in the unit. Copyright in the painting belongs to B. [VI.B.2.a] Two years later, B sells the painting for \$400. Faculty member B has no obligation to share the proceeds of the painting sale with the University.
3. Case C3: Music faculty member C writes several songs which she proceeds to record on Compact Disc and subsequently markets. In the preparation of the CD, C sought the help of the University and received a \$4,000 grant for the specific purpose of funding studio time and associate equipment rental for making the CD. Faculty C retains the music authorship. [VI.B.2.a.] The University may determine that it has rights by assignment of ownership in the CD. [VI.B.2.a.(v.)]
  - a. The CD is marketed and generates \$60,000 in royalties in the first year. If the grant was an internal competitive research grant, Faculty C would retain all rights to the CD and collect all royalties.
  - b. The CD is marketed and generates \$60,000 in royalties in the first year. If the grant was from internal discretionary funds or the University provides significant use of University resources, the University may determine that it has rights by assignment of ownership in the CD [VI.B.2.a.(v.)] and the first call on royalty income would be \$4,000 to defray the investment

costs. The next \$50,000 would go to the author, and remaining royalties would be divided according to policy.

4. Case C4: Graduate student D writes a dissertation while serving as a University research assistant. The student owns the copyright in the dissertation since it is an academic requirement, but the supervising University faculty member has a license to use research product and student must show joint authorship if published in a scholarly journal. [VI.B.2.a]
5. Case C5: Staff member E, a nurse, writes a novel at home. Copyright in the novel is owned by E since the work was not created within the scope of University employment. [VI.B.2.a]
6. Case C6: Staff member F, a senior research associate, writes a journal article based on original research conceived by and conducted by F. F owns the copyright in the journal article since it is a scholarly work and is not a specified outcome of F's employment by the University. [VI.B.2.a and VI.B.2.b]
7. Case C7: The Department Head of an academic department asks faculty colleague G to write a summary of the department's history for inclusion in the University's General Catalog. G agrees to do so. Copyright of the summary history belongs to the University since it is a specific work created as a consequence of an agreement between faculty member G and a colleague acting on behalf of the institution. [VI.B.2.b.(i)]
8. Case C8: The University employs a recently retired administrator H to have her write a history of the University which is to be published. The University owns the copyright and receives any royalties of sales of this history subject to any portion of the agreement with H that would dictate a split of royalties. [VI.B.2.b.(i)]
9. Case C9: Faculty member I drafts a departmental self-study for the University as part of an academic review of his department at the University. Copyright of the self-study belongs to the University since I created it while carrying out an administrative assignment from the University. [VI.B.2.b.(ii)]
10. Case C10: For a number of years, faculty member J worked collaboratively with faculty and staff colleagues to develop successive versions of software designed to control a research apparatus in J's laboratory. Over the years, the various collaborators did not document their individual contributions to the software and memory of any specific individual contributions to the earlier work has faded. Copyright of the current version of the software belongs to the University since any assessment of individual copyright ownership of the current software would be impractical and could result in an unfair determination. The failure to document individual contributions would not, itself, generate institutional ownership, but in this instance documenting the contributions might have made recovery of forgotten facts easier. [VI.B.2.b.(iii)]
11. Case C11: Faculty researcher K is principal investigator on an institutional contract with an agency of the state. The contract is for the creation of teaching materials for the on-the-job training of social workers employed by the state government. The terms of the contract provide that the state will have an option to license the county government, or to other states and agencies. While K may be the owner of the copyright in the software under copyright law, K has the obligation to assign this ownership to the institution so that the University may meet the contractual requirement to offer the grantee their right to distribute the work. Even though K is the principal investigator (PI) on the



original contract proposal, grants and contracts are awarded to the University and not to the PI. [VI.B.2.b.(iv)]

12. Case C12: Faculty researcher L is principal investigator on a federal grant that provides significant funding to meet the proposed objective of development of a particular piece of medical imaging software. The terms of the federal award neither compel nor empower the University to take ownership of the copyright in the resultant software. Even so, the University has a policy-based opportunity to require L to assign copyright ownership in the software to the institution since use of the grant funds constitutes “significant use of University resources.” In assessing its rights to request assignment of a copyright because of the use of grant funds, the University will consider requesting assignment only of copyrights to works specified as objectives of the grant-funded work. In this example, the University would not seek ownership of the copyright in other related works such as journal articles, monographs, or textbooks that may arise from the grant funding since these works are not commonly construed as identified objectives of the grant. To avoid any dispute, faculty member L should work with the Dean prior to distribution of any grant funds to lay the groundwork for the future resolution of any potential conflicting copyright claims. [VI.B.2.b.(v)]
13. Case C13: Faculty member M is principal investigator of a grant that provides faculty member F with travel funds to visit a library in a foreign country so that F can do research. Later F produces an article based upon this research. Even though faculty member F’s efforts were supported by a grant, the copyright belongs to F. Even if preparation of a publication is a specified objective of a grant, the University will not seek assignment of the copyright in that work. [VI.B.2.a]
14. Case C14: Faculty member N begins to create a copyrightable web-based work that will help high school students select a college. After three months, N realizes that the work cannot be completed without substantial use of University staff computer experts. N requests and receives permission to have access to this expertise. Faculty member N would have been entitled to the copyright in work under this policy if there had been no infusion of substantial resources. However, because of the infusion of University resources, the University may have a claim. Faculty member N should consult with the Dean at the time assistance is requested to lay the groundwork for the future resolution of any potential conflicting copyright claims. [VI.B.2.b.(v)]
15. Case C15: A professional staff writer, O, at the University prepares original text for a brochure describing research in a college. Even though O prepared original text, the University owns the copyright in the brochure material since it is a reasonably expected product of O’s employment. [VI.B.2.b.(v)]
16. Case C16: Undergraduate student P is an hourly-wage, graphics designer in a University unit. In the course of this work, P prepares a poster for an institutional lecture series. Even though P is a student, the University owns the copyright in the poster design since it was prepared as a consequence of P’s employment by the institution and not as part of P’s educational pursuits. [VI.B.2.b.(v)]
17. Case C17: Faculty Q receives a faculty research grant of \$6,000 that allows her to travel to several major libraries for researching a segment of Civil War history. Eventually, Q uses the material gained from this research in the preparation and subsequent publication of a monograph published by Academic Press at no expense to the University. Even though some assistance came from a faculty research grant, Q owns the copyright and may convey right of license to the press in return for royalties. The University has no claim on royalties of this publication. [VI.B.2.a and VI.B.2.b.(v)]

18. Case C18: Faculty R creates a learning module while teaching an online course at the University that she later sells to an online textbook publisher. R owns the copyright on the module and rights to profits, but the University retains an ownership interest and right to use the module, but only if the module was created under a specific agreement or using significant University resources. [VI.A.3.b.(ii) and VI.B.2.a.]
19. Case C19: Faculty Member S develops an online class for the University. Per course Faculty Member T teaches one section of the online class for the University. S holds the copyright, the University holds a license, and T has a license to use the content to teach the course at the University. T takes the content of the course developed by S to another institution. T has violated both the MSU Creation of Intellectual Property Policy and the MSU Use of Copyright Policy. [I. and VI.B.2.a]
20. Case C20: Faculty U writes a textbook using a University office, computer, software, internet connection, e-mail, phone, and basic office support. U retains all rights to the book and can assign the copyright to a publisher and retain all royalties. [VI.B.2.a]
21. Case 21: Faculty V develops handouts for a multi-section course, using a University office, computer, software, internet connection, e-mail, phone, and basic office support. The course normally has several sections taught by different instructors, but other than a common syllabus and common exams, each instructor works independently. V retains all rights to the handouts. [I,VI.B.1 and VI.B.2.B.vi]
22. Case 22: Faculty W develops laboratory write-ups for a multi-section laboratory course, using a University office, University laboratory space, computer, software, internet connection, e-mail, phone, and basic office support. The laboratory is normally taught by several different instructors using the same instructional materials for the laboratory. W retains ownership of the materials, but the University maintains a license to use the materials for internal use. [VI.B.2.B.vi]

\* Thank you to the University of Iowa for allowing the use of their Intellectual Property Policy in developing the Missouri State revised policy.

## **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 plan 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).

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