

FHRC– April updates

New items 1-6:

- No further changes to section 4.6 (have left question of external letters intact for future action by Senate or FHRC)
- General Counsel rectifications re: current Federal and State law
- Clarification of *unpaid* FMLA leave and *paid, not-FMLA* leave

Changes to 7-end

- Minimal. Am only briefing on actual substantive/phrasing changes, and not simple formatting
- Rearrangement of harassment/bullying policies into Federally-mandated protection and University-mandated protection
- Updating of reporting of remunerated outside activities (the process, no policy change)
- Updated content of JVIC presence
- Further inclusion of Clinical Faculty in policies/procedures

NONDISCRIMINATION POLICY STATEMENT

Consistent with [G1.05 Non-Discrimination Policy Statement](#), Missouri State University does not discriminate on the basis of any protected class recognized by applicable federal or state law. The University maintains a grievance procedure incorporating due process available to any person who believes he or she has been discriminated against, as delineated in that policy. 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 persons who believe they have been discriminated against. Missouri State University is an Equal Opportunity/Affirmative Action/Minority/Female/Veterans/Disability/Sexual Orientation/Gender Identity employer. Inquiries concerning the complaint/grievance procedure related to sex discrimination (including sexual harassment and sexual assault) should be addressed to the Title IX Coordinator, Carrington Hall 205, 901 S. National Ave., Springfield, Missouri 65897, TitleIX@missouristate.edu, (417) 836-8506, or to the Office of Civil Rights. All other 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, Carrington Hall 205, 901 South National, Springfield, Missouri 65897, 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 **1.4.1.2.1. Deputy Provost Chief Academic Strategy Officer and Associate Provosts**
2 The ~~Deputy Provost~~Chief Academic Strategy officer and Associate Provosts serve as assistants to the Provost in all
3 functions, with special responsibility for faculty relations ~~and diversityinlusive excellence~~, undergraduate programs
4 and studies, graduate programs and the graduate college, ~~Registrar, Faculty Center for Teaching and Learning (FCTL),~~
5 ~~Citizenship and Service Learning (CASL), and Office of Institutional Effectiveness, public affairs, and the Extended~~
6 ~~Campus.~~

1 **1.4.1.4. Administrative Council**
2 The Administrative Council is chaired by the President. The Council includes the Provost, ~~Executive Vice President,~~
3 the Vice Presidents, ~~Chief Information Officer, Assistant to the President for Inclusive Engagement,~~ the Chancellor
4 of the West Plains campus, ~~the Athletic Director,~~ the Chief of Staff, ~~the Chief Financial Officer,~~ the Internal Auditor,
5 the Secretary to the Board of Governors, one college Dean, and the General Counsel ~~and Vice President Legal Affairs~~
6 ~~& Compliance.~~ When appropriate to the agenda for a particular meeting, others may be invited as guests. The
7 Administrative Council discusses items of University-wide issues.
8

2 **2. RECRUITMENT AND EMPLOYMENT**

3 **2.1. Core Commitments**

4 As a university with a Public Affairs mission, Missouri State University is deeply committed to developing educated
5 persons equipped to contribute to the interdependent world in which we now live. The ability to adapt to rapid
6 economic, social, and cultural changes is imperative. ~~An understanding of inclusive excellencet, diverse cultures, and~~
7 ~~societies has not only become necessary to function in today's workplace, but also enriches one's life and work.~~
8 ~~Therefore, Missouri State University has a deep and abiding commitment to diversityinlusive excellence as a core~~
9 ~~institutional value and responsibility because diversity inclusivity is central to providing and maintaining a quality~~
10 ~~educational environment.~~

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

37 **1.4.1.2.1. Chief Academic Strategy Officer and Associate Provosts**

38 The Chief Academic Strategy officer and Associate Provosts serve as assistants to the Provost in all functions, with
39 special responsibility for faculty relations, undergraduate programs and studies, graduate programs and the graduate
40 college, Registrar, Faculty Center for Teaching and Learning (FCTL), Citizenship and Service Learning (CASL),
41 and Office of Institutional Effectiveness.

40 **1.4.1.4. Administrative Council**

41 The Administrative Council is chaired by the President. The Council includes the Provost, the Vice Presidents, Chief
42 Information Officer, the Chancellor of the West Plains campus, the Athletic Director, the Chief of Staff, the Internal
43 Auditor, the Secretary to the Board of Governors, one college Dean, and the General Counsel and Vice President
44 Legal Affairs & Compliance. When appropriate to the agenda for a particular meeting, others may be invited as guests.
45 The Administrative Council discusses items of University-wide issues.
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2. RECRUITMENT AND EMPLOYMENT

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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.

Missouri State University values programs and practices that assure an environment free of discrimination established
by a shared commitment to the principles of inclusivity, 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.

16 **2.2. Equal Opportunity Commitment and Affirmative Action Policy**

17 Missouri State University is an equal employment opportunity employer, as set forth in Op1.02-6 Equal Opportunity
18 Policy. To assure full compliance and implementation of this policy, Missouri State University, through its various
19 administrative officers, shall ensure that for all jobs, policies involving for recruitment, promotion, transfer,
20 compensation, benefits, layoffs, returns from layoffs, educational programs, and all other University-sponsored
21 programs, benefits, services, and aids, shall be administered consistent with the University's Non-Discrimination
22 Policy Statement G1.05 Non-Discrimination Policy Statement. Specifically, policies shall be administered without
23 ~~regard to age, ancestry, color, creed, disability, marital or parental status, national origin, participation in~~
24 ~~constitutionally protected activities, political affiliations or beliefs, race, religion (belief or non-belief), sex, sexual~~
25 ~~orientation, or disabled and/or veteran status.~~ In addition, the University does not discriminate on any basis not related
26 to the applicable job requirements for employees. Reasonable accommodation on the basis of religion or disability is
27 assured.
28

29 ~~The University's Equal Opportunity and Affirmative Action Policy is available at the , and the University's~~
30 ~~Affirmative Action Plan is available at the website for the Office for Institutional Equity and Compliance. Overall~~
31 ~~responsibility for monitoring these policies and reporting on the University's equal employment opportunity and~~
32 ~~affirmative action program is assigned to the University's Equal Opportunity Officer.~~

33 ~~Missouri State University is committed to programs and practices that assure an environment free of the barriers of~~
34 ~~discrimination in education and employment and that establish a collegial and just community. The following~~
35 ~~University-wide Governing and Operating Policies demonstrate this commitment:~~

36 G1.05 Non-Discrimination Policy Statement
37 G1.31 Reporting Allegations of Discrimination on the Basis of a Protected Class
38 Op1.02-2 Discrimination Complaint and Investigation Procedures
39 Op1.02-6 Equal Opportunity and Affirmative Action Policy
40 Op7.10 Guidelines for Hiring Faculty, Academic Administrators and Executive, Administrative and Professional Staff
41

42 Note: These and other University-wide Governing and Operating Policies are accessible via the University's Policy
43 Library.

44 Under the authority and supervision of the President, the Equal Opportunity Officer is responsible for developing
45 system-wide policies pertaining to equal opportunity, equal access, and affirmative action in cooperation with other
1 University officers. The Equal Opportunity Officer serves as a liaison with the Provost, Vice Presidents, members
2 of the Academic Council, and other Missouri State University administrators in monitoring and recommending
3 policies and procedures regarding equal employment and educational opportunities for faculty, staff, and students
4

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15 administrative officers, shall ensure that for all jobs, policies involving for recruitment, promotion, transfer,
16 compensation, benefits, layoffs, returns from layoffs, educational programs, and all other University-sponsored
17 programs, benefits, services, and aids, shall be administered consistent with G1.05 Non-Discrimination Policy
18 Statement.
19

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 ~~(G.7.02-2.12) of the Human Resources Policies section of the Policy Library.~~ [G1.02 Conflict of Interest and Financial Disclosure Policy](#). 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 the ~~department head~~ [AUL](#) or the Office of ~~Human Resources~~ [Internal Audit and Risk Management](#).

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An employee or supervisor who has a question pertaining to the relatives covered by the University's nepotism policy should contact the AUL or the Office of Internal Audit and Risk Management.

2.3.3. ~~Hiring~~Employment of Foreign Nationals

~~When consistent with the academic goals of the university, Missouri State University will process visa petitions and applications on behalf of foreign nationals in order to further academic goals of the university employ foreign nationals to serve as faculty members. Work sponsorship of foreign internationals – either via work visa or permanent residency – is governed by G7.05 Permanent Resident Policy and Op7.08 Employment of Foreign Nationals. Employment of foreign nationals will depend upon their work eligibility per U.S. Citizenship and Immigration Services (USCIS) regulations and payment will depend upon their eligible work visas and international tax laws per Internal Revenue Service (IRS) regulations. Decisions to hire foreign nationals may be influenced by U.S. Citizenship and Immigration Services (USCIS) regulations and relevant Internal Revenue Service (IRS) regulations. The University's policy regarding the Employment of Foreign Nationals is set forth Detailed discussion of this topic is provided addressed in the Human Resources Policies section of the Policy Library (See Op7.08 Employment of Foreign Nationals).~~

2.5. Personnel Records

~~Consistent with Op10.04-17 HR Personnel Files, T~~he 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 (digital or hard copy) containing similar information are also kept by the college Dean and the ~~School Director or Department Head.~~AUL Select personnel records for faculty, including but not limited to tenure, promotion and reappointment and annual evaluations, are digitally stored in Watermark Faculty Success. All personnel files, that is, files maintained in the offices of Human Resources, the ~~Department Head/School Director~~AUL, 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. School Directors and Department Head~~AULs may examine the personnel files of the faculty members of their own schools or departments academic units 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.~~

Faculty members may submit and have inserted into their personnel files a statement which clarifies any material in the file which they believe- is inaccurate. Said clarification shall be maintained so long as the disputed material is maintained.

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AULs may examine the personnel files of the faculty members of their own academic units only.

Faculty members may submit and have inserted into their personnel files a statement which clarifies any material in the file which they believe is inaccurate. Said clarification shall be maintained so long as the disputed material is maintained.

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-outcomes~~ for each course, ensure that their students understand how to achieve those ~~objectivesoutcomes~~, and use grading systems that reflect the degree to which students accomplish the ~~objectivesoutcomes~~. 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 ~~and, problem~~and problem-based, experiential, and collaborative learning. ~~In addition, course content and instructional strategies should reflect awareness of diversity and differences among learners; selection~~Selection of situationally appropriate instructional strategies to improve student learning is encouraged. ~~In addition, course content and instructional strategies should 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 enhance accessibility,that address accessibility issues. See Section 8.2 regarding student disability accommodation and accessibility.~~

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.~~

4.2.1.3. Documentation

Faculty must provide evidence that documents sufficient knowledge, use of teaching and advising strategies, evaluation, and response to feedback. ~~Documentation should also be provided to establish any claims of enhanced accessibility or special attention to diversity and differences among learners.~~ 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 ~~and accessible~~ teaching methods ~~and materials~~ are used, as well as the degree of access ~~to students provided by~~ 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-Academic unit~~ 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.

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4.2.1.2.5. Evaluation and response to feedback

4.2.1.3. Documentation

Faculty must provide evidence that documents sufficient knowledge use of teaching and advising strategies, evaluation, and response to feedback. 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 and accessible teaching methods and materials are used, as well as the degree of access to students provided by the faculty member. 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.

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9 **6.6.7. Faculty Leave under the Family Medical Leave Act (“FMLA”)**

10 Missouri State University provides Family and Medical Leave (FMLA) in accordance with the federal Family and
11 Medical Leave Act (FMLA) of 1993 and subsequent amendments. FMLA provides eligible employees who work for
12 covered employers the right to take unpaid, job-protected leave for absences due to a qualifying event. For additional
13 details regarding FMLA, including but not limited to employee eligibility, qualifying events, amount and timing of
14 leave, employee request and notice, pay and benefits during leave and return to work see G7.02-7.7 Leave Benefits
15 (Section 7.7 Family and medical leave).

16
17 **6.6.7. Faculty Leave under the Family Medical Leave Act (“FMLA”)**

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

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

29
30 ~~FMLA also provides up to twenty-six workweeks of leave during a single 12-month period to care for a covered~~
31 ~~Service member with a serious injury or illness if the eligible employee is the Service member’s spouse, sponsored~~
32 ~~dependent, son, daughter, parent, or next of kin (military caregiver leave).~~

33
34 ~~The University has the legal authority to consider an employee’s absence as family and medical leave when it has~~
35 ~~sufficient evidence that the absence is due to an FMLA-qualifying reason even if the employee has not applied for~~
36 ~~family and medical leave.~~

37 ~~The following provisions shall apply to family and medical leave:~~

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10 Medical Leave Act (FMLA) of 1993 and subsequent amendments. FMLA provides eligible employees who work for
11 covered employers the right to take unpaid, job-protected leave for absences due to a qualifying event. For additional
12 details regarding FMLA, including but not limited to employee eligibility, qualifying events, amount and timing of
13 leave, employee request and notice, pay and benefits during leave and return to work see G7.02-7.7 Leave Benefits
14 (Section 7.7 Family and medical leave).

6.6.7.1 Faculty Paid Semester Leave Concurrent with FMLA Leave Discretionary Paid Medical Leave

While FMLA only requires that covered employers provide eligible employees with unpaid, job-protected leave (as defined by G7.02-7.7 Leave Benefits), as a matter of University policy, all full-time faculty members are eligible to apply for up to one (1) semester of paid medical leave, that will run-concurrent with FMLA, contingent upon recommendation by the faculty member's AUL and college Dean, and approval by the Provost. This semester-long paid medical leave is an additional institutional benefit, rather than a FMLA benefit. For information regarding the eligibility and the procedure for requesting this additional institutional benefit, please refer to the Office of the Provost website: <https://www.missouristate.edu/provost/medleave.htm>.

Subject to University discretion and approval, Faculty members may also use this one (1) semester of institutional paid medical leave concurrent with FMLA due to their own serious health conditions or due to an illness or injury of the employee's spouse, sponsored dependent domestic partner, child(ren), parents, mother-in-law, father-in-law, or other family members who require the employee's personal care and attention. Alternatively, Subject to University discretion and approval, this benefit may be used for 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.

6.6.7.1. 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.

6.6.7.1 Discretionary Paid Medical Leave

While FMLA only requires that covered employers provide eligible employees with unpaid, job-protected leave (as defined by G7.02-7.7 Leave Benefits), as a matter of University policy, all full-time faculty members are eligible to apply for up to one (1) semester of paid medical leave, that will run concurrent with FMLA, contingent upon recommendation by the faculty member's AUL and college Dean, and approval by the Provost. This semester-long paid medical leave is an additional institutional benefit, rather than an FMLA benefit. For information regarding the eligibility and the procedure for requesting this additional institutional benefit, please refer to the Office of the Provost website: <https://www.missouristate.edu/provost/medleave.htm>.

Subject to University discretion and approval, faculty members may use this one (1) semester of institutional paid medical leave due to their own serious health conditions or due to an illness or injury of the employee's spouse, domestic partner, child(ren), parents, mother-in-law, father-in-law, or other family members who require the employee's personal care and attention. Alternatively, subject to University discretion and approval, this benefit may be used for 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.

[continued]

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 an assigned 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 active 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 the faculty member's 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 the faculty member to complete. FMLA regulations require documentation from a medical provider.

[continued]

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.

19 **~~6.6.7.4.—Status during Paid or Unpaid FMLA Leave~~**

20 ~~During paid or unpaid FMLA leave, the faculty member is required to report regularly on the faculty member's status~~
21 ~~and intent to return to work. The University shall continue to pay for the faculty member's individual insurance~~
22 ~~coverages, including medical, dental, life, long-term disability, and accidental death and dismemberment during~~
23 ~~FMLA and or paid leave on the same basis as if the individual had been actively at work. The University shall return~~
24 ~~the faculty member to the same or an equivalent position and employment benefits upon return from approved family~~
25 ~~leave.~~

26
27 **~~6.6.7.5.—No Right to both Paid and Unpaid FMLA Leave~~**

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

35
36 **6.7. Unemployment Compensation Insurance**

37 The University provides unemployment insurance coverage for employees in accordance with the laws of the State of
38 Missouri. For specific details concerning coverage and benefits, contact the Office of Human Resources or the local
39 office of the Missouri Division of Employment Security.
40

6 **7.2. Developmental Leaves**

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

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

13 **7.2.1. Sabbatical Leave For Faculty**

14 Only ranked faculty members (~~as defined in this document's glossary~~, but not including ranked faculty members who
15 are serving as ~~Department Heads Academic Unit Leaders, School Directors~~, Associate Deans, Deans, or Associate
16 Provosts) are eligible for sabbatical leave. Eligibility is established by completing 12 semesters of service to Missouri
17 State University (summer teaching excepted). A faculty member granted a sabbatical leave will be entitled to
18 University support amounting to full pay for a half year's leave and ~~between one-half pay and three-fourths pay for a~~
19 ~~full year's leave, no less than one-half pay for a full year's leave~~. A faculty member on sabbatical leave is still
20 considered a full-time employee. Faculty will participate in the retirement program and will have their benefits paid
21 by the University. ~~—The sabbatical may be approved for up to three-fourths pay for a full year's leave.~~ Faculty are
22 encouraged to apply for external grants to supplement their funding. Their sabbatical pay will not be decreased if they
23 secure such funding, except, however, that faculty cannot receive more than one hundred per cent of their twelve-
24 month equivalent salary while on sabbatical. Funds provided for travel, housing, and other living expenses are not
25 considered to be "Salary". Since faculty on sabbatical leave are considered full-time employees, faculty are required
26 to adhere to Section ~~ten~~10 of the Faculty Handbook as it pertains to outside activities and conflict of interest while on
27 sabbatical leave.

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

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

6 **7.2. Developmental Leaves**

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

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

12 **7.2.1. Sabbatical Leave For Faculty**

13 Only ranked faculty members (as defined in this document's glossary, but not including ranked faculty members who
14 are serving as Academic Unit Leaders, Associate Deans, Deans, or Associate Provosts) are eligible for sabbatical
15 leave. Eligibility is established by completing 12 semesters of service to Missouri State University (summer teaching
16 excepted). A faculty member granted a sabbatical leave will be entitled to University support amounting to full pay
17 for a half year's leave and between one-half pay and three-fourths pay for a full year's leave. A faculty member on
18 sabbatical leave is still considered a full-time employee. Faculty will participate in the retirement program and will
19 have their benefits paid by the University. Faculty are encouraged to apply for external grants to supplement their
20 funding. Their sabbatical pay will not be decreased if they secure such funding, except, however, that faculty cannot
21 receive more than one hundred per cent of their twelve-month equivalent salary while on sabbatical. Funds provided
22 for travel, housing, and other living expenses are not considered to be "salary". Since faculty on sabbatical leave are
23 considered full-time employees, faculty are required to adhere to Section 10 of the Faculty Handbook as it pertains to
24 outside activities and conflict of interest while on sabbatical leave.

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

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

34 **7.5.1. China Programs**

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

40
41 **7.5.12. Faculty-Led Short Term Programs**

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

30

31 **7.5.1. Faculty-Led Short Term Programs**

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34 a global perspective in the intellectual life of the Missouri State community. Office of Education Abroad staff assist
35 faculty in the development of short-term programs which vary in length from one to eight weeks. Faculty interested
36 in such programs must coordinate their efforts through the Office of Education Abroad.

2 **8.1. Prohibition of Discrimination, of Harassment, and Bullying Policy**

3 Consistent with G1.05 Non-Discrimination Policy Statement, Missouri State University prohibits discrimination on
4 the basis of race, color, national origin (including ancestry, or any other subcategory of national origin recognized by
5 applicable law), religion, sex (including marital status, family status, pregnancy, sexual orientation, gender identity,
6 gender expression, or any other subcategory of sex recognized by applicable law), age, disability, veteran status,
7 genetic information, or any other basis protected by applicable law in employment or in any program or activity
8 offered or sponsored by the University. Sex discrimination encompasses sexual harassment, which includes sexual
9 violence, and is strictly prohibited by Title IX of the Education Amendments of 1972.

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

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

22 ~~It is policy of Missouri State University to maintain the campus as a place of work and study for faculty, staff and~~
23 ~~students free from discrimination, harassment, and bullying in violation of the University's policies and in accordance~~
24 ~~with federal and state law and the Missouri State University Nondiscrimination Policy Statement. Discrimination,~~
25 ~~harassment, or bullying against any member of the University community will not be tolerated at Missouri State~~
26 ~~University. The University will respond appropriately to instances of discrimination, harassment, or bullying, and~~
27 ~~members of the University Community who engage in such acts or behavior are subject to disciplinary sanctions, up~~
28 ~~to and including dismissal from the University (with respect to students) or termination of employment (with respect~~
29 ~~to faculty and/or staff).~~

1 **8. PROFESSIONAL ISSUES**

2 **8.1. Prohibition of Discrimination or Harassment**

3 Consistent with [G1.05 Non-Discrimination Policy Statement](#), Missouri State University prohibits discrimination on
4 the basis of race, color, national origin (including ancestry, or any other subcategory of national origin recognized by
5 applicable law), religion, sex (including marital status, family status, pregnancy, sexual orientation, gender identity,
6 gender expression, or any other subcategory of sex recognized by applicable law), age, disability, veteran status,
7 genetic information, or any other basis protected by applicable law in employment or in any program or activity
8 offered or sponsored by the University. Sex discrimination encompasses sexual harassment, which includes sexual
9 violence, and is strictly prohibited by Title IX of the Education Amendments of 1972.

[continued: the content of old 8.3 on sexual harassment has moved here, and bullying has moved to its own section (where sexual harassment once was). Appears to be intended to clarify what is *federally* protected: Comments—'“Bullying” as defined herein is not prohibited by federal or state law, unless used on protected class.']

Sexual Harassment is a form of sex discrimination that is prohibited by both Title VII of the Civil Rights Act of 1964 (“Title VII”) and Title IX of the Education Amendments of 1972 (“Title IX”). Although sexual harassment is defined in slightly different ways under Title VII and Title IX, it generally refers to unwelcome conduct of a sexual nature toward another person or an identifiable group of people. Unwelcome 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. 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 the same sex.

Discrimination or harassment against any member of the University community will not be tolerated at Missouri State University. The University will respond appropriately to instances of discrimination or harassment, and members of the University Community who engage in such acts or behavior are subject to disciplinary sanctions, up to and including dismissal from the University (with respect to students) or termination of employment (with respect to faculty and/or staff).

Accordingly, the University has established the Office of Institutional Compliance (“OIC”) that is responsible for processing all complaints of discrimination or harassment on the basis of protected class, including complaints arising from Title IX, as well as complaints arising under Title VII. Allegations of sexual harassment against faculty members that meet the definition and jurisdictional requirements of Title IX and its implementing regulations are required by federal law to be addressed as set forth in Op 1.02-11 Title IX Sexual Harassment Grievance Procedure Policy, rather than through the disciplinary procedure outlined in Chapter 13 of this Handbook.

All other allegations of discrimination or harassment (including sexual harassment as defined by Title VII) will be addressed in a manner consistent with Op1.02-2 Discrimination Complaint and Investigation Procedures. Results of investigations conducted and/or evaluated pursuant to Op1.02-2 Discrimination Complaint and Investigation Procedures, may be reported to the Provost and other appropriate administrators, who may take such actions as are consonant with the disciplinary procedures prescribed in Chapter 13.

Consistent with G1.31 Reporting Allegations of Discrimination on the Basis of a Protected Class, all employees – including faculty members – are required to report any concerns or allegations of sexual harassment involving members of the university community (i.e., faculty, staff, and/or students) or which they become aware. Such reports should be made as soon as possible, but in no event later than three (3) calendar days after learning of such concern or allegation. Reports must be made to the Title IX Office. Reporting a concern or allegation of discrimination or harassment to a supervisor, without also reporting to the Title IX Office, does not satisfy a faculty member’s reporting obligation. Faculty members who refuse or otherwise fail to report a sexual harassment allegation or concern are subject to disciplinary sanction, as set forth in Chapter 13 of this Handbook.

Additionally, any faculty member who believes that they have been the subject of sexual harassment should report the alleged act immediately to the University’s Title IX Office. Confidentiality will be respected, and anonymity preserved in grievances to the greatest extent possible.

Sexual Harassment is a form of sex discrimination that is prohibited by both Title VII of the Civil Rights Act of 1964 (“Title VII”) and Title IX of the Education Amendments of 1972 (“Title IX”). Although sexual harassment is defined in slightly different ways under Title VII and Title IX, it generally refers to unwelcome conduct of a sexual nature toward another person or an identifiable group of people. Unwelcome 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. 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 the same sex. Discrimination or harassment against any member of the University community will not be tolerated at Missouri State University. The University will respond appropriately to instances of discrimination or harassment, and members of the University Community who engage in such acts or behavior are subject to disciplinary sanctions, up to and including dismissal from the University (with respect to students) or termination of employment (with respect to faculty and/or staff).

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Additionally, any faculty member who believes that they have been the subject of sexual harassment should report the alleged act immediately to the University’s Title IX Office. Confidentiality will be respected, and anonymity preserved in grievances to the greatest extent possible.

FYI no changes to 8.2 on Disability Accommodation and Accessibility

8.3. Sexual HarassmentBullying

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 unprofessional work environment. Members of the University community should

1 contribute to a professional environment that supports academic freedom, freedom of expression, professional
2 discourse, inquiry, and respect for the academic rights and professional expertise of others.

3 Bullying will not be tolerated by the University. Accordingly, faculty members who engage in bullying behavior are
4 subject to disciplinary action pursuant to Chapter 13 of the Faculty Handbook. Faculty members who believe they
5 have been subjected to bullying by an academic administrator or another faculty member may file a grievance pursuant
6 to Chapter 12 of the Faculty Handbook.

7 Consistent with the G1.05 Non-Discrimination Policy Statement, the University prohibits all forms of sex
8 discrimination, including sexual harassment and sexual assault.

9 Sexual Harassment is a form of sex discrimination that is prohibited by both Title VII of the Civil Rights Act of 1964
10 ("Title VII) and Title IX of the Education Amendments of 1972 ("Title IX). Although sexual harassment is defined in
11 slightly different ways under Title VII and Title IX, it generally refers to unwelcome conduct of a sexual nature toward
12 another person or an identifiable group of people. Unwelcome sexual advances, requests for sexual favors and other
13 verbal or physical conduct of a sexual nature constitute sexual harassment when: 1) submission is a term or condition
14 of an individual's employment or academic opportunities; 2) submission to or rejection of such conduct by an
15 individual is used as the basis of employment or academic decisions affecting such individual; or 3) such conduct is
16 so pervasive or severe that it creates an abusive, intimidating, hostile, or offensive environment. Sexual harassment
17 may occur where such circumstances occur between supervisor and subordinate, employees, students and employees,
18 and non-University persons and employees. It may occur between members of the opposite sex or the same sex.

19 Sexual harassment in any situation is reprehensible; however, it is particularly damaging when it exploits the
20 educational dependence and trust between students and faculty. When the authority and power inherent in faculty
21 relationships with students, whether overtly, implicitly, or through misinterpretation, is abused in this way, there is
22 potentially great damage to individual students, to persons subject to complaint, and to the educational climate of the
23 institution.

24 The university has established a Title IX Office that is responsible for processing all complaints of discrimination or
25 harassment on the basis of sex, including complaints arising from Title IX, as well as complaints arising under Title
26 VII. Allegations of sexual harassment against faculty members that meet the definition and jurisdictional requirements
27 of Title IX and its implementing regulations are required by federal law to be addressed as set forth in Op 1.02-11
28 Title IX Sexual Harassment Grievance Procedure Policy, rather than through the disciplinary procedure outlined in
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[continued– clarification re: sexual harassment arrives in two slides]

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45
46 ~~Additionally, any faculty member who believes that they havehe or she has been the subject of sexual harassment~~

1 ~~should report the alleged act immediately to the University’s Title IX Office. Confidentiality will be respected, and~~
2 ~~anonymity preserved in grievances to the greatest extent possible.~~

Old and new sexual Harassment policy phrasing from previous slides for comparison of phrasing

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23 Additionally, any faculty member who believes that they have been the subject of sexual harassment should report the
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25 in grievances to the greatest extent possible.
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40 Consistent with [G1.31 Reporting Allegations of Discrimination on the Basis of a Protected Class](#), all employees –
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2 Additionally, any faculty member who believes that they have been the subject of sexual harassment should report the
3 alleged act immediately to the University’s Title IX Office. Confidentiality will be respected, and anonymity preserved
4 in grievances to the greatest extent possible.

8.7. 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, including chewing tobacco and vaping, 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. Magers Health and Wellness Center offers ~~smoking-tobacco~~ cessation programs. The success of this policy depends on the thoughtfulness, consideration, and cooperation of ~~tobacco users and nonusers~~~~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.

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9.2. The Jordan Valley Innovation Center

The Jordan Valley Innovation Center (JVIC), ~~along with efactory,~~ has a statewide designation ~~through Springfield Innovation, Inc.~~ 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 (CBLS).~~ ~~These Centers~~ JVIC reports to the Vice President for ~~Research and Economic Development and International Programs~~ Community and Global Partnerships through the Associate Vice President for Economic Development and JVIC Director. ~~JVIC, through CASE and CBLS,~~ 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 and affiliates in the world marketplace.

Faculty members participate on JVIC sponsored research projects through a ~~JVIC CASE or CBLS~~ Associate Faculty appointment. The appointments must be approved by the ~~appropriate Center~~ Associate Vice President for Economic Development and JVIC 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~~ JVIC Director that reimburses JVIC for equipment and facilities costs.

9.2. The Jordan Valley Innovation Center

The Jordan Valley Innovation Center (JVIC), along with efactory, has a statewide designation through Springfield Innovation, Inc. as a Missouri innovation center in addition to being part of Missouri State University. JVIC houses the Center for Applied Science and Engineering (CASE). JVIC reports to the Vice President for Community and Global Partnerships through the Associate Vice President for Economic Development and JVIC Director. JVIC 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 and affiliates in the world marketplace.

Faculty members participate on JVIC sponsored research projects through a JVIC Associate Faculty appointment. The appointments must be approved by the Associate Vice President for Economic Development and JVIC Director 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 and receiving approval for the proposed work from 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 JVIC Director that reimburses JVIC for equipment and facilities costs.

10.1.3. Procedures for Reporting Remunerated Outside Activities

Except during the time period, such as summer, ~~during which when~~ a full-time faculty member is not under contract to the University (unless the faculty member 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~~AUL prior to the commencement of the activity. The ~~Department Head~~AUL will determine ~~whether 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~~AUL 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 of Outside Activities and Conflict of Interest administered by the Office of Internal Audit and Risk Management. This 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 will be collected and aggregated by the Office of Internal Audit and Risk Management and will be shared with the AUL for review. The AUL will meet with faculty members to review areas of concern related to remunerated outside activity, determine what if any action should be taken, and provide a summary report to the Director of Internal Audit and Risk Management. The Director of Internal Audit and Risk Management will aggregate the AUL reviews for each academic college and distribute them to the Deans who will review and respond. The Director of Internal Audit and Risk Management will share the aggregated AUL and Dean responses with the Provost, who will review them prior to forwarding them to the President.

~~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 the Department HeadAUL. Each Department HeadAUL 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 academic unit 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.~~

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21 10.2. Conflict of Interest

22 All members of the Board of Governors and University employees are expected to understand and abide by Missouri
23 Statutory requirements for conflicts of interest and to avoid situations which may have the appearance of a conflict of
24 interest. See G1.02 Conflict of Interest and Financial Disclosures.

25
26
27 A Conflict of Interest policy was adopted by the University's Board of Governors in December, 1991. The purpose of
28 this governing policy is to set forth the applicable provisions of law and assist a faculty member in avoiding improper
29 outside influences in institutionally-related decisions and activities, or use the faculty member's position or the
30 property of the University for personal, financial, or political gain. (Bylaws of the Board of Governors Article XII)

31 A conflict of interest occurs when any faculty member engages in those economic activities that are prohibited in
32 Chapter 10 or when a faculty member maintains an interest or relationship ~~which that~~ prevents the faculty member
33 from exercising independent judgment in the best interests of the University.

34 EachA faculty member shall complete an annual Report of Outside Activities and Conflict of Interest administered by
35 the Office of Internal Audit and Risk Management. This report, indicating the nature of all remunerated outside
36 activities (See 10.1 above) as well as areas of potential conflict will be collected and aggregated by the Office of
37 Internal Audit and Risk Management and will be shared with the AUL for review. The AUL will meet with faculty
38 members to review areas of concern related to conflict of interest, determine what if any action should be taken, and
39 provide a summary report to the Director of Internal Audit and Risk Management. The Director of Internal Audit
40 and Risk Management will aggregate the AUL reviews for each academic college and distribute them to the Deans
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42 and Dean responses with the Provost, who will review them prior to forwarding them to the President. smust disclose
43 to the Department HeadAUL all relevant facts related to activities which might involve a conflict of interest. Likewise,
44 when seeking external support for a project, faculty must disclose actual or potential conflict of interest.

1 Between reporting periods, a faculty member must disclose to the Academic Unit Leader all relevant facts related to
2 activities which might involve a conflict of interest. Likewise, when seeking external support for a project, faculty
3 must disclose actual or potential conflict of interest.

4 All academic administrators who are responsible for a budget must submit a report to the Missouri Ethics Commission
5 identifying any conflicts of interest.
6

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41 activities which might involve a conflict of interest. Likewise, when seeking external support for a project, faculty
42 must disclose actual or potential conflict of interest.

38 12.3. Academic Personnel Review Commission (APRC)

39 The Academic Personnel Review Commission (APRC) serves as a neutral body in facilitating the resolution of
40 University-related grievances filed by (this chapter) or against (following chapter) a faculty member.- Specific duties
1 of the APRC include responsibilities to (the APRC duties shown marked with asterisks (*) also apply to the
2 Professional Practices Review Process (Chapter 13):

- 3 • *facilitate the informal resolution of University-related grievances;
- 4 • *maintain records of allegations and responses;
- 5 • determine if a faculty member has made a prima facie case (that is, a case with potentially sufficient evidence)
6 that may proceed to a University Hearing Panel (UHP) utilizing APGP;
- 7 • *empanel a UHP, and, when necessary to ensure fairness and due process, dismiss a member or reconstitute
8 a UHP;
- 9 • *grant time extensions at the request of the faculty member or administration when there is reasonable cause
10 (e.g., individuals not available due to travel or illness, difficulties in assembling needed documentation in the
11 allotted time).

12 ~~The APRC duties shown marked with asterisks (*) also apply to the Professional Practices Review Process (Chapter~~
13 ~~13).~~—Decisions made by the APRC must be supported by a majority of the commissioners. The APRC must inform
14 the Provost or designee of its activities, but is not required to include the Provost or designee in its discussions.
15
16

17 12.3.1. APRC Composition

18 The APRC shall be composed of three commissioners (two faculty members and one administrator). Commissioners
19 serve 3-year staggered terms. One commissioner shall be appointed by the Provost and shall be a tenured, ranked
20 faculty member currently serving as an academic administrator. One commissioner shall be selected by the Faculty
21 Senate Judicial Review Committee and shall be a tenured, ranked faculty member. The third commissioner shall be a
22 tenured or clinical, ranked faculty member appointed by joint agreement of the Provost and the Faculty Senate Judicial
23 Review Committee. The three APRC members shall elect their own chairperson. Commissioners may be reappointed.
24 They shall be afforded such relief from their other responsibilities as will enable them to discharge their duties as
25 specified in the Faculty Handbook.

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20 in the Faculty Handbook.

2 **12.4.1. Composition of University Hearing Committee and Panels**

3 **12.4.1.1. University Hearing Committee**

4 Thirty ~~tenured, ranked~~ faculty members at the rank of associate professor, clinical associate professor, professor,
5 clinical professor, or distinguished professor shall be elected by the Faculty Senate to serve three-year staggered terms
6 as the University Hearing Committee (UHC). The Faculty Senate shall select one-third of the UHC membership
7 annually in the regular February meeting of the Faculty Senate for service beginning in the next academic year. These
8 faculty members shall be nominated by their College Council, which shall send three names annually to the Faculty
9 Senate Office by February 1st. At least four of the thirty faculty members shall be from each college. The Faculty
10 Senate shall elect members from each college by plurality voting and two rounds of counting votes. The first count
11 will elect the members with a plurality of votes to reach the minimum requirement of four faculty members per college.
12 The second count, if needed, will elect the remaining members with a plurality of votes from all colleges until the
13 annual one-third requirement of new members is obtained. ~~Replacements, where necessary, shall be appointed by~~
14 ~~the Faculty Senate Executive Committee (FSEC))~~ or filled by the Faculty Senate at the next annual appointment
15 period. Replacements appointed by Faculty Senate Executive Committee serve until the next annual election. A
16 faculty member who is elected to the UHC may be re-elected to successive terms.

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12 13.5. Post-Hearing Procedure

13 13.5.1. Provost Review

14 The Provost shall accept the UHP findings of fact, but is not required to accept the UHP recommendations or sanctions. 14
15 If the Provost imposes different sanctions on a faculty member than recommended by the UHP, said sanctions shall 15
16 be set forth in writing and presented to the faculty member within ten business days of the date of the UHP report. If 16
17 the Provost is a party to the dispute, the President or designee will fulfill this function. 17

9 14.2. Retirement

10 The University complies with the Age Discrimination and Employment Act.- Amendments to this federal law have 10
11 removed mandatory retirement based on age. 11

12 Generally, there are two times during an academic year when faculty members can retire: (a) at the end of the spring 12
13 semester, or (b) at the end of the fall semester. Academic administrators (i.e., deans, ~~department heads, academic~~ 13
14 ~~program directors~~ academic unit leaders, etc.), and select faculty members, are on 12-month appointments which 14
15 generally end each June 30th. Such administrators and 12-month-faculty who decide to retire usually retire at the end 15
16 of the 12-month appointment period, i.e., July 1st. However, there are other retirement date possibilities for academic 16
17 administrators and they should contact the Office of Human Resources as soon as possible after deciding to retire so 17
18 that relevant information about retirement dates can be explained and discussed.- Because academic administrators 18
19 earn vacation and paid sick leave while serving in their 12-month positions, the procedures described for university 19
20 employees (see MSU Employee's Handbook) governing payment of vacation and sick leave at retirement apply to 20
21 academic administrators with some modifications. 21

22 Please see the Human Resources (HR) web site and/or contact a representative from Human Resources for detailed 22
23 information on the retirement process. 23

24 Benefits for retired faculty are outlined in 6.3.5 and 6.3.6.

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23 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 ~~no less than at the rate of~~ 2.5 percent per credit hour of the average salary for the retiree's rank during the retiree's last year of employment at the University, ~~and—for those earning above the rank average at time of retirement—no more than 2.5 percent per credit hour of their final nine-month faculty salary.~~ 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 the retiree's 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 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.

15.2.2.1. Faculty Handbook Revision Committee

There shall be a standing Faculty Handbook Revision Committee, comprised of a minimum of six individuals. No less than half of the committee shall be comprised of ~~faculty members at the rank of associate professor, clinical associate professor, professor, clinical professor, or distinguished professor~~ ~~tenured and clinical 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.

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5
6

1. GLOSSARY

Academic freedom: 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
Academic Unit Leader: may be a School Director or a Department Head; this person is responsible for administering the programs within their academic unit.[some words go here] Departmental Heads and School Directors, and um-um
Academic year: 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.
Scholarly Leave: A non-paid leave to participate in an academic fellowship (e.g., Fulbright Fellowships) or similar program for up to one academic year.
School Director: 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.
School: - 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
Unranked faculty: - Faculty in non-tenure track positions.- (Note that, although non-tenureable, clinical and research faculty are eligible for promotions, e.g., while one might be promoted to Associate Clinical Professor, but those individuals are still classified as unranked.)

2. ABBREVIATIONS

ALC	Academic Leadership Council
APGP	Academic Personnel Grievance Process.
APRC	Academic Personnel Review Committee
AUL	Academic Unit Leader

1. GLOSSARY

Academic freedom: 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
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AUL	Academic Unit Leader

APPENDICES:

In Intellectual Property Policy Statement

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

28

In University Patent Policy

B. Policy 4. University rights in qualifying inventions

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~~ Community and Global Partnerships. Nothing in this paragraph alters Paragraphs 1 and 3 or the other provisions of this paragraph of this policy.

In University Copyright Policy: A Introduction. 1. What is copyright?

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, software, or granite. See <https://www.copyright.gov/help/faq/faq-general.html>

