

TRUMAN STATE UNIVERSITY
Kirksville 63501

OFFICIAL MINUTES
OF THE
BOARD OF GOVERNORS

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OPEN SESSION
OF MEETING ON
AUGUST 1, 2020

The Board of Governors for Truman State University met on Saturday, August 1, 2020, on the University campus in Kirksville, Missouri. The meeting was held in Georgian Room B of the Student Union Building. The open session of the meeting was called to order shortly after 1:00 p.m. by the Chair of the Board of Governors, Jennifer Kopp Dameron.

Participating in the meeting were all seven voting members: Sarah Burkemper, Philip J. Christofferson, Cheryl J. Cozette, Jennifer Kopp Dameron, Nancy Gingrich, K. Brooks Miller, Jr. and Jim O'Donnell. Governor O'Donnell participated via conference phone.

Also participating in the meeting were all three non-voting members: David Lee Bonner and Mike McClaskey, the two out-of-state members, and Abigail Smeltzer, student representative. Governor McClaskey participated by conference phone.

On June 8, 2020, Missouri Governor Michael L. Parson appointed Abigail Smeltzer to replace Tiffany Middlemas as Student Representative to the Truman State University Board of Governors for a term ending January 1, 2022. The appointment took effect immediately given Governor Parson made the appointment when the Missouri Senate was not in session. The appointment of Governor Smeltzer was confirmed by the Missouri Senate on August 5, 2020.

Call to Order

Governor Dameron, Chair of the Board, called the meeting to order shortly after 1:00 p.m. and welcomed all in attendance.

Resolution of Appreciation and Recognition of Tiffany Middlemas

Governor Gingrich moved to waive the reading of the resolution. The motion was seconded by Governor Miller and carried by a unanimous vote of 7 to 0. Governor Dameron declared the motion to be duly adopted. Governor Burkemper then moved the adoption of the proposed resolution:

WHEREAS, the Honorable Tiffany Middlemas served as Student Representative to the Board of Governors of Truman State University from July 2018 to June 2020; and

WHEREAS, during her tenure on the Board, Governor Middlemas displayed an effective and persuasive voice for the student perspective and provided sound and intelligent advice to the Board of Governors while earning the respect and admiration of the Board, administration, faculty, staff and student body for her maturity, professionalism, dedication, grace and leadership; and

WHEREAS, Governor Middlemas exemplified a well-rounded Truman student by displaying intellectual integrity, appreciation and advocacy for difference and diversity, informed ethical values, and social responsibility for one's family, society and the world at large and showcased those qualities as well as the benefit

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of a Truman education to prospective students and their families as a Student Ambassador; and

WHEREAS, the members of the Board genuinely enjoyed working with such a special and talented person and extend their congratulations on her graduation from Truman State University, achieving a perfect 4.0-grade point average and Summa Cum Laude honors, as well as their best wishes as she continues her education at Washington University School of Law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Governors of Truman State University hereby expresses its heartfelt appreciation to the Honorable Tiffany Middlemas for her distinguished service as Student Representative to the Board of Governors; and

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Governor Middlemas as a tangible expression of the Board's appreciation and felicitation.

The motion was seconded by Governor Gingrich and carried by a unanimous vote of 7 to 0. Governor Dameron declared the motion to be duly adopted. A framed copy of the resolution was presented to Former Governor Middlemas.

Minutes for Open Session of Meeting on June 13, 2020

Governor Christofferson moved the adoption of the following resolution:

BE IT RESOLVED that the minutes for the open session of the meeting on June 13, 2020, be approved.

The motion was seconded by Governor Burkemper and carried by a unanimous vote of 7 to 0. Governor Dameron declared the motion to be duly adopted.

Academic and Student Affairs Committee Report

Governor Cozette, Chair of the Academic and Student Affairs Committee, provided a report on the committee meeting held on July 27.

Resolution Amending Chapter 6 of the Code of Policies of the Board of Governors Pertaining to Academic Affairs – Faculty

Comments were received from Dr. Janet Gooch, Executive Vice President for Academic Affairs and Provost; Dr. K. Scott Alberts, President of Faculty Senate and Professor of Mathematics; and outside counsel Amy Clendennen of the Tueth Keeney law firm in St. Louis. Following discussion, Governor Dameron moved the adoption of the following resolution:

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BE IT RESOLVED that Chapter 6 of the Code of Policies of the Board of Governors entitled Academic Affairs – Faculty, is hereby amended by the deletion of language shown in [~~brackets, boldfaced, and struck through~~] and by the incorporation of the new language show in ***boldface, underlined, and italicized*** in the attached document labeled Exhibit A and that a copy of the document be attached to the minutes as an exhibit.

The motion was seconded by Governor Burkemper and carried by a unanimous vote of 7 to 0. Governor Dameron declared the motion to be duly adopted, and the Secretary designated a copy of the document as Exhibit A.

Resolution Amending the University’s Non-Discrimination Statement and Authorizing the President of the University to Enact Policies for Enforcement

Governor Cozette noted that the Academic and Student Affairs Committee recommend an amendment to the presented resolution. Following discussion, Governor Gingrich moved that the following resolution, which includes the committee’s suggested amendment shown in italics, be approved:

BE IT RESOLVED that Section 17.020 of the Board of Governors Code of Policies, titled Notice of Non-Discrimination, is hereby deleted in its entirety and a new section of the Code of Policies is hereby enacted to be known as Section 15.010, Notice of Non-Discrimination, in words and figures as follows:

Truman State University is committed to providing equal opportunities in our employment and learning environments. Truman therefore informs its faculty, staff, student body, contractors and guests that Truman prohibits discrimination and harassment on the basis of race, color, national origin, sex, disability, religion, age, sexual orientation or veteran status in its programs and activities as required by equal opportunity/affirmative action regulations and laws and University policies and rules.

Further, the President of the University is hereby authorized and directed to promulgate, implement and enforce policies for the enforcement of all aspects of this Notice of Non-Discrimination statement including, but not limited to, the areas of sexual harassment, disability and pregnancy. *The President shall promptly inform the Board of any change or amendment to these policies.*

BE IT FURTHER RESOLVED that Section 15.010 of the Code of Policies titled Sexual Harassment is hereby deleted in its entirety.

The motion was seconded by Governor Burkemper and carried by a unanimous vote of 7 to 0. Governor Dameron declared the motion to be duly adopted.

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President's Report

Dr. Susan L. Thomas, University President, shared a selected engagements report highlighting her involvement in various activities since the Board's last meeting. Rather than recounting the many challenges the University has faced recently, President Thomas focused her report on a number of positive things happening on campus. She noted the on-going support and collaborative interactions between the University and various entities at the state and federal level as well as the Adair County Health Department and the City of Kirksville in dealing with the pandemic. She shared the stellar work of the Office of Public Relations, highlighting in particular the *Love, Kirksville* video. The video became Truman's most viewed video ever with over 90,000 views, and the City of Kirksville started a #LoveKirksville campaign and used the hashtag on Facebook and Instagram. President Thomas encouraged the Board to view the Graduates of 2020 banners on display outside of Pickler Memorial Library in celebration of the May and August graduates and noted a link to the August 1st Virtual Commencement Ceremony would be shared soon. She underscored the impactful work of the Director of Retention and Student Success and the Center for Academic Excellence which resulted in a current freshman to sophomore retention rate of 88.2%, an impressive 4.7% increase over last year's rate. And finally, she noted the tremendous work that has taken place throughout campus to ensure Truman's Returning to Campus Plan is realized.

Annual Athletics Report

Jerry Wollmering, Director of Athletics, provided the annual report on athletics.

Finance and Auditing Committee Report

Governor Burkemper, Chair of the Finance and Auditing Committee, provided a report on the committee meeting held on July 30.

Financial Report

Governor Burkemper presented the Financial Report which included a review as of June 30, 2020, of education and general revenues and expenditures and auxiliary system revenues and expenditures and a review as of June 30, 2020, of the Truman State University Foundation revenues and expenditures.

Budget and Capital Projects Committee Report

Governor K. Brooks Miller, Chair of the Budget and Capital Projects Committee, provided a report on the committee meeting held on July 29.

Construction Projects Report

Governor Miller provided an update on construction projects which had been approved by the Board at previous meetings.

Contracts for Construction Projects and Equipment Purchases

Governor Miller reported that two construction projects totaling \$25,000 to \$100,000 had been approved since the last meeting of the Board.

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<u>Project Name</u>	<u>Cost</u>
Centennial Hall Dumbwaiter Replacement Project	\$69,995
Violette Hall Flooring Replacement Project	\$66,400

State Appropriation Request for Fiscal Year 2022

Governor Miller moved the adoption of the following resolution:

BE IT RESOLVED that the State Appropriation Request for Fiscal Year 2022 totaling \$44,865,322 be approved and ratified; and

BE IT FURTHER RESOLVED that a copy of the State Appropriation Request for Fiscal Year 2022, be attached to the minutes as an exhibit and that the President of the University be authorized to modify this request based upon input from the staff of the Coordinating Board for Higher Education, Office of Administration, and the Legislature as appropriate.

The motion was seconded by Governor Burkemper and carried by a unanimous vote of 7 to 0. Governor Dameron declared the motion to be duly adopted, and the Secretary designated a copy of the document as Exhibit B.

Local Capital Budgets for Fiscal Year 2021

Governor Burkemper moved the adoption of the following resolution:

BE IT RESOLVED that the Auxiliary Funds Capital Budget – FY2021” of \$643,017 be approved and that a copy of the budget be attached to the minutes as an exhibit.

The motion was seconded by Governor Cozette and carried by a unanimous vote of 7 to 0. Governor Dameron declared the motion to be duly adopted, and the Secretary designated a copy of the document as Exhibit C.

Agenda Items for Future Meetings

The Board reviewed a list of projected agenda items for the regular meetings during the next year.

Dates for Future Meetings

Governor Cozette moved the adoption of the following resolution:

BE IT RESOLVED that the next regular meeting of the Board of Governors be scheduled for Friday, October 23, 2020, on the University campus in Kirksville, Missouri, beginning at 1:00 p.m., with the understanding that the Chair may alter the starting time and/or place for the meeting by giving due notice of such change; and

BE IT FURTHER RESOLVED that other regular meetings of the Board during the next year be tentatively scheduled for the following dates:

Saturday, December 5, 2020;
Saturday, February 6, 2021;
Saturday, April 10, 2021;
Saturday, June 12, 2021; and
Saturday, August 7, 2021.

The motion was seconded by Governor Christofferson and carried by a unanimous vote of 7 to 0. Governor Dameron declared the motion to be duly adopted.

Agenda Items for Closed Session

Governor Gingrich moved the adoption of the following resolution:

BE IT RESOLVED that this meeting be continued in closed session, with closed records and closed votes as permitted by law, for consideration of the following items as authorized by Section 610.021, Revised Statutes of Missouri:

1. Approval of minutes for the closed session of the last meeting under Subsection 14 of the statute for "Records which are protected from disclosure by law";
2. Individual personnel actions under Subsection 3 of the statute for "Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded"; and
3. Confidential communications with the General Counsel; and

BE IT FURTHER RESOLVED that if any business not covered by the stated reasons for the closed session is raised during the closed session, then this meeting shall be reopened to the public and an announcement about a resumption of the open session shall be made in the hallway outside of the meeting room.

The motion was seconded by Governor Christofferson and carried by a unanimous vote of 7 to 0. Governor Dameron declared the motion to be duly adopted.

The closed session of the meeting began shortly after 2:15 p.m.


Sarah Burkemper
Secretary of the Board of Governors

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I hereby certify that the foregoing minutes
were approved by the Board of Governors
on the 24th day of October, 2020.


Jennifer Kopp Dameron
Chair of the Board of Governors

Language to be deleted is shown in [~~brackets, boldfaced, and struck through~~].

New language to be added is shown in **boldface, underlined, and italicized**.

CHAPTER 6

ACADEMIC AFFAIRS - FACULTY

Sections:

- 6.010. [~~Faculty Senate~~] **Principles of Academic Freedom, Tenure, and Professional Ethics**
- 6.020. [~~Academic Freedom and Tenure~~] **Faculty Senate**
- 6.030. [~~Promotions in Academic Rank~~] **Faculty Positions, Rank, Tenure, and Promotion**
- 6.040. [~~Professional Leave for Faculty Members~~] **Faculty Conduct**
- 6.050. [~~Graduate Faculty~~] **Professional Leave for Faculty Members**
- 6.060. [~~Adjunct Faculty~~] **Graduate Faculty**
- 6.070. [~~Honorary Faculty~~]
- ~~6.080.~~ Emeritus Recognition

6.010. [~~Academic Freedom and Tenure.~~] **Principles of Academic Freedom, Tenure, and Professional Ethics.** The [~~policies~~] **guiding philosophies** regarding academic freedom, [~~and~~] tenure, **and professional ethics** are [~~stated as follows:~~] **used to establish policies related to University faculty members.**

6.010.1. **Purpose.** The Board has affirmed its belief in sound principles of academic freedom and academic tenure as stated [~~in what is professionally referred to as~~] **by the American Association of University Professors (AAUP) in** the "1940 Statement of Principles **on Academic Freedom and Tenure**" which is quoted as follows:

~~[The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities.]~~ Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically; (1) Freedom of teaching and research and of extramural activities, and (2) A sufficient degree of economic security to make the profession attractive to [people] of ability. Freedom and economic security, hence tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

[Academic Freedom]

~~(a) The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his or her other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.~~

~~(b) The teacher is entitled to freedom in the classroom in discussing his or her subject, but he or she should be careful not to introduce into his or her teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.~~

~~(c) The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he or she speaks or writes as a citizen, he or she should be free from institutional censorship or discipline, but his or her special position in the community imposes special obligations. As a man or woman of learning and an educational officer, he or she should remember that the public may judge his or her profession and his or her institution by his or her utterances. Hence he or she should at all times be accurate, should exercise appropriate restraint, should show respect for the opinion of others, and should make every effort to indicate that he or she is not an institutional spokesman.]~~

6.010.2. Academic Freedom. The University will adhere to the following guiding philosophy of academic freedom that is endorsed by the Board:

Academic freedom is the freedom to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write without institutional discipline or restraint on matters of public concern as well as on matters related to professional duties and the functioning of the University.

Academic responsibility implies the faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that when one is speaking on matters of public interest, one is not speaking for the institution. [Policy amendments adopted by the University of Minnesota Board of Regents in June 2009] (AAUP Redbook, 11th edition, 2015)

6.010.3. Tenure. The following philosophy guides policies relating to tenure at the University:

[Academic Tenure]

~~(a)]~~ After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their services should be terminated only for adequate cause [~~except in the case of retirement for age,~~] ... or under extraordinary

circumstances because of financial exigencies. (AAUP "1940 Statement of Principles on Academic Freedom and Tenure")

~~[In the interpretation of this principle it is understood that the following represents acceptable academic practice.]~~

~~(1) The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.~~

~~(2) Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education. Notices should be given at least one year prior to the expiration of the probationary period, if the teacher is not to be continued in service after the expiration of that period.~~

~~(3) During the probationary period a teacher should have the academic freedom that all other members of the faculty have.~~

~~(4) Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him or her and should have the opportunity to be heard in his or her own defense by all bodies that pass judgment upon his or her case. He or she should be permitted to have with him or her an advisor of his or her own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his or her own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.]~~

Policies regarding awarding of tenure can be found in section 6.030.2. Tenured faculty members who are dismissed for cause will have full rights of due process, as described in section 6.040.4.

[(5) Termination of a ~~[continuous appointment because of]~~ tenured faculty member due to financial exigency ~~[should]~~ will be demonstrably bona fide (see Code of Policies Chapter 10).

6.010.4. Professional Ethics. All faculty members at the University will be expected to abide by professional ethics. The Board endorses the AAUP's "Statement of Professional Ethics (2009 revision)," which states:

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.

Furthermore, faculty members are to engage in academic collegiality and professional conduct through encouraging "the free pursuit of learning in their students," demonstrating "respect for their students," defending "the free inquiry of associates, even when it leads to findings and conclusions that differ from their own," being "effective teachers and scholars," avoiding discriminatory treatment of all members of the University community, and avoiding the impression of speaking for the University when they speak as a private person.

6.020. Faculty Senate. The Faculty Senate shall be considered as representative of instructional staff, professional personnel of the University who have substantial academic responsibilities, administrators who have faculty qualifications and substantial academic responsibilities, and the undergraduate and graduate body (in the capacity of advisers and consultants). Within the framework established by the statutes and the Board of Governors, the Faculty Senate shall be a deliberative and legislative body for academic matters and for University policies pertaining to promotion, tenure, and sabbatical leave. In regard to other issues affecting faculty and academic community, including budgetary matters and academic leave without pay, the Faculty Senate shall be an advisory body to the [Administration] President, Vice President for Finance, Provost, and Board of

Governors[5] through channels established by the Board. *The President is an ex officio member of Faculty Senate and other administrators (including the Executive Vice President for Academic Affairs and Provost, Associate Provost, and Deans) are invited guests. The Faculty Senate has the authority to establish within their Constitution and Bylaws the procedures and eligibility requirements for its membership, standing and ad hoc committees, as well as faculty voting rights related to Faculty Senate matters.* The Faculty Senate Constitution and Bylaws may be amended according to the procedures set forth in such documents, subject to approval of such amendments by the Board of Governors. *Schools and Departments shall determine voting rights and procedures for faculty and academic matters beyond Faculty Senate purview.*

6.030. ~~[Academic]~~ Faculty Positions, *Rank, Tenure, and Promotion.* ~~[Academic]~~ Faculty positions are those where the principal services performed by the holder thereof are teaching and advising, scholarship, and service to the university, the profession, and the community. *The Department Chair is a faculty member with assigned administrative responsibilities to provide leadership to an academic department(s).*

6.030.1. *Faculty Positions and Titles*

1. Types of Appointments

~~[1. Regular positions: There shall be three classes of regular academic faculty positions, namely, professor, associate professor, and assistant professor.]~~

- a. *Tenure-track appointments begin on a specified date and are for a period of one academic year. Faculty on tenure-track appointments are on probationary status with contracts that are renewed annually based on performance up to the point when they are required to apply for tenure and promotion following the tenure and promotion guidelines (Section 6.030.3).*
- b. *Tenure appointments are continuous appointments that begin on a specified date*

but have no termination date.

~~[2. Non-regular positions: All other academic faculty positions shall be considered non-regular and the following list of such positions is illustrative only and does not purport to constitute a complete listing of non-regular positions:-~~

~~1. The positions of Visiting Professor, Lecturer, and other non-regular positions shall be considered temporary.-~~

~~2. The positions of assistant instructor, research associates, graduate assistants, research assistants, student assistants, and others of like nature shall likewise be considered non-regular.-~~

~~3. Summer session positions shall be considered non-regular irrespective of the title applied thereto.-~~

~~4. Less than half-time positions shall be considered non-regular, whatever the title thereof may be.-~~

~~5. The positions of Federal and State employees or appointees attached or assigned to the University, by special appointment or on a temporary basis shall be non-regular, whatever the title and office may be.-~~

~~6. Appointment made in connection with a special department, program, or institute of an experimental or temporary character may be terminated when the project is discontinued. All such positions shall be considered non-regular, whatever the titles thereof may be.-~~

~~7. No number of reappointments to any non-regular position shall create any presumption of a right to reappointment on term or continuous basis.-~~

~~4. The administrative functions, titles, and status of President, Executive VPAA, the deans, directors, departments chairs, other administrators of academic services, and coaches of intercollegiate athletics, shall be distinct and severable from their~~

~~functions, titles, and status, if any, as academic faculty members.~~

~~Source: Resolution of the Board dated April 12, 2014~~

~~6.020.3. Types of appointments.~~

~~1— There shall be two types of appointments to academic faculty positions: term appointments and continuous appointments.~~

~~2— Term appointments begin at a specified date and terminate at a specified date. Term appointments usually are for a period of one academic year, but may be for a longer or shorter period.~~

~~3— Continuous appointments begin at a specified date but have no specified date of termination.~~

~~4— Appointments to regular academic faculty positions may be either term appointments or continuous appointments.~~

~~5 Appointments to non-regular academic faculty positions normally are term appointments. In exceptional individual cases, however, continuous appointments may be made to non-regular academic faculty positions.]~~

c. Term appointments begin on a specified date and terminate on a specified date.

Term appointments usually are for a period of one academic year but may be for a shorter or longer period, up to a fiscal year. Term appointments may be either full-time or part-time. Term appointments may be renewed, but no number of reappointments to any term position shall create any presumption of a right to reappointment. Holders of faculty positions under term appointments shall have no right to tenure or tenure-track appointment.

i. Summer, interim, and special session appointments shall be considered term, irrespective of the title applied thereto.

ii. Less than .75 FTE appointments shall be considered term, whatever the title

thereof may be.

iii. The appointment of Federal and State employees or appointees attached or assigned to the University, by special appointment or on a temporary basis shall be term, whatever the title and office may be.

iv. Appointments made in connection with a special department, program, or institute of an experimental or temporary character may be terminated when the project is discontinued. All such appointments shall be considered term, whatever the titles thereof may be.

2. Classification of Faculty by Title and Rank

a. Tenured, tenure track, and term full-time faculty with terminal degrees will hold titles of Assistant Professor, Associate Professor, or Professor. The condition of employment for term faculty will be noted in their contract as "temporary."

b. Full-time faculty on term appointments without terminal degrees will hold the title of Instructor.

c. Except where otherwise specified, all part-time faculty members will hold the title of Lecturer.

d. Retired faculty without Emeritus status, who continue to teach part-time, shall be identified by their last title followed by "retired" (e.g. Assistant Professor, Retired). Retired faculty with Emeritus status, who continue to teach part-time, shall be identified by their last title followed by Emerita/Emeritus of [discipline that was on their last contract prior to retiring].

e. Part-time faculty members in Nursing and Communication Disorders will hold the title of Clinical Instructor due to the clinical component of the position and to better reflect those responsibilities.

f. Graduate students who hold term appointments will have the title of Graduate

Teaching and Research Assistant.

3. Administrative Personnel. The functions, titles, and status of administrative personnel shall be distinct and severable from their functions, titles, and status, if any, as faculty members. This includes, but is not limited to, the President, Executive Vice President for Academic Affairs and Provost, the Deans, Directors, Departments Chairs, other administrators of academic services, and coaches of intercollegiate athletics.

Source: Resolution of the Board dated April 12, 2014.

4. Notice of Appointment. Each appointee to the [academic] faculty shall receive written notice thereof which includes the following information:
- a. Whether the position is [~~regular or non-regular~~] tenured, tenure track, or term;
 - b. [~~Whether the appointment is for a specified term.~~] The duration of appointment for a term or tenure-track position and whether it is renewable/eligible for reappointment; and
 - c. [~~The notice shall specifically refer to, and incorporate by reference, these Tenure Regulations, a copy of which shall be enclosed with the notice.~~] For tenure-track appointments, notice of tenure requirements and a written copy thereof.

6.030.2. [Academic] Tenure.

1. Holders of [academic] tenured faculty positions [~~under~~] shall have continuous appointments [~~shall have permanent or continuous tenure~~], subject to termination only for cause as specified in Code of Policies 6.040.4 or under extraordinary circumstances because of financial exigencies as defined in Code of Policies Chapter 10. Due consideration shall be given to seniority in terms of academic rank and length of service in the event certain continuous appointments must be terminated because of

financial exigencies or elimination of academic programs.

2. ~~[Holders of academic faculty positions under term appointments shall have no rights of permanent or continuous tenure. Their appointments shall not be terminated during the term thereof except for cause, or under extraordinary circumstances because of financial exigencies.]~~ Upon successful completion of the tenure-track probationary period and application for tenure, the faculty member shall be awarded tenure to the University and assigned continuous appointment to one or more academic units. Concurrent with the review for tenure, the faculty member will undergo a review for promotion to Associate Professor, unless that rank has been previously conferred.

3. ~~[Notification of Termination of Employment. All regular academic]~~ Tenure-track faculty members ~~[who have not acquired continuous tenure and]~~ who are not to be reappointed following their first or second year of employment shall be notified of such decision prior to March ~~[1]~~ 10 of their first year ~~[of regular appointment, prior to December 1 of their]~~ or second year of ~~[regular]~~ appointment ~~[or one year in advance if their appointment is to be terminated at the end of]~~ . Tenure-track faculty who are not to be reappointed following their third, fourth, fifth, or sixth ~~[or seventh]~~ year of ~~[regular]~~ appointment. , shall be notified not less than one year in advance of their final date of employment.

4. ~~[Holders of academic faculty positions having either continuous tenure or serving under a specified term appointment shall not have their appointments terminated, during the respective period of time, except for incompetence, neglect or refusal to perform duties, dishonesty, drunkenness, or immoral conduct.]~~ Tenure-track and term faculty appointments shall not be terminated during the contract period thereof except for cause as set forth in the Code of Policies 6.040, or under extraordinary

circumstances because of financial exigencies as defined in Code of Policies Chapter 10.

5. No person shall lose [~~any~~] tenure [~~rights~~] already acquired if [~~he or she is~~] they are granted a leave of absence, if [~~he or she is~~] they are promoted, or if [~~he or she accepts~~] they accept appointment to a [~~non-regular academic~~] part-time faculty position or to an administrative position, unless the appointment is subject to express condition that [~~he or she~~] they release or waive any such tenure [~~rights~~]. In the event that a tenured faculty member whose program is discontinued accepts an appointment that is normally a term position, that faculty member shall retain tenure, unless the appointment is subject to express condition that they release or waive any such tenure.
7. The removal of any person from an administrative position shall not impair [~~his or her~~] their tenure rights, if any, as [~~an academic~~] a faculty member.

6.030.2.1. Computing Years of [~~Tenure~~] Service *Toward Tenure and Promotion.*

1. [~~Computation of Academic Review Period~~] Years of service shall be computed in terms of academic years. One semester equals one-half academic year. Not more than one academic year's credit shall be allowed for service during any consecutive twelve-month period. The following period of service shall be excluded:
- (a) service under any [~~non-regular~~] appointment involving duties substantially different from duties in a [~~regular~~] tenure-track position; and
 - (b) service under summer [~~term~~] or interim session appointments.
2. Periods of service need not be continuous, but shall be cumulative, except that any period of service for less than one semester may be disregarded. However, in the case of service that was interrupted during a semester because the appointee entered the armed forces of the United States, credit for a full semester shall be allowed. Credit for

a full semester also shall be allowed where a person was relieved from active duty with the armed forces of the United States and within a reasonable time thereafter entered or re-entered academic service, but by reason of the date of the termination of ~~his or her~~ their active military duties ~~he or she was~~ they were not able to serve a full semester.

6.030.2.2. Delaying the ~~Suspending Academic~~ Tenure and Promotion Review Period (“Pausing the ~~Stopping Tenure~~ Clock”)

1. Reasons for Pausing the Clock. The ~~Academic Tenure Review Periods (Tenure Clock)~~ tenure and promotion review periods described in Section 6.030.3 ~~of this Code of Policies~~ may be ~~suspended~~ delayed, upon proper application by any tenure-track faculty member, using the process and criteria set forth in this section. When properly authorized pursuant to this section, ~~suspension or stopping of~~ pausing the tenure and promotion clock will result in specific periods of employment time that do not count toward tenure service. This process will allow the tenure-track faculty member and the University to agree to adjust the pace and timing of tenure and promotion service. Under no circumstances will the ~~suspension or stoppage~~ pausing of the tenure clock result in any alteration of the criteria of expected performance for successful grant of tenure status; nor any alteration in the application of the criteria or the judgments made based on the criteria.

- (a) Tenure-track faculty members shall have the option to request temporary ~~stoppage~~ pausing of the tenure and promotion clock, either in conjunction with or separate from^[5] a reassignment or leave granted pursuant to other provisions of the Board of Governors’ Code of Policies. ~~Time off~~ Pausing the tenure and promotion clock must be applied for and granted without regard to leave or reassignment status. The decision by the University to grant a

temporary [~~stoppage~~] pausing of the tenure and promotion clock will be separate from any decision regarding proposed reassignment or grant of leave.

(b) Tenure-track faculty members may request that the tenure and promotion clock be [~~stopped~~] paused for a period of time when any of the following circumstances would seriously impair the faculty member's capacity to build the record of accomplishment [~~he or she judges~~] they judge appropriate for professional satisfaction and tenure and promotion review:

- i. Physical or mental illness or other physical condition;
- ii. Pregnancy, birth of a child, adoption, or foster child placement;
- iii. Substantial caregiver responsibility for [~~someone with whom~~] the [~~tenure track~~] faculty [~~member has an important relationship, including family and household~~] member's spouse, partner, parent, or child;
- iv. Military service or obligations; or
- v. [~~Legal concerns, including but not limited to the settling of estates or the processing of divorce, custody deliberations or disputes, or civil suits or the defense of felony criminal charges.~~

~~This list of circumstances is not intended to be exhaustive, but instead is intended to be illustrative in nature. This policy recognizes that a variety of circumstances and conditions can occur that would make it beneficial to the faculty member and the University to stop the tenure clock.]~~ Other unusual circumstances that significantly impair the faculty member's ability to devote his or her full time and attention to teaching and scholarship.

Note that use of sick leave, FMLA, or other protected leave will not automatically result in pausing the tenure and promotion clock. Faculty

members must affirmatively request that the clock be paused during periods of leave. A faculty member who requests and receives approval to pause the tenure and promotion clock but is not on leave will continue to perform regular duties.

(c) Pursuant to this policy, the University will agree to ~~[stopping]~~ pausing the tenure and promotion clock ordinarily for a maximum of one academic year for any single circumstance cited in the applicant's request for clock stoppage~~[-f]~~ . Further, the University will grant a pause to the clock ~~[stoppage]~~ for no more than two academic years, total, ~~[in aggregate]~~ for any tenure-track faculty member.

~~[A decision by the University to stop the clock for tenure purposes does not affect the time table under which a faculty member might be considered eligible for promotions.]~~

(d) In the event that the University agrees to pause the tenure and promotion clock as requested by a tenure-track faculty member, this pause will operate to delay every aspect of the tenure and promotion process, including all intermediate steps toward tenure and promotion review and approval [for a period of time equal to that period during which the tenure clock is stopped.]

(e) Requests to pause the clock must be made before the faculty member is considered for promotion and tenure. The University will not consider requests to pause the clock retroactively.

(f) An application for ~~[stoppage of]~~ pausing the tenure clock during the year of tenure/non-renewal decision should not be approved except ~~[under unusual conditions]~~ for well-documented emergencies.

2. Procedure for ~~[Stopping]~~ *Pausing* the Clock.

~~[The Executive Vice President for Academic Affairs and Provost, in consultation with Faculty Senate, shall develop policies and procedures for implementation of this section relating to stopping the tenure clock, which policies and procedures shall include provision for faculty involvement in the appeal process.]~~

(a) A written request to delay the academic review period (pause the tenure and promotion clock) should be submitted to the Department Chair as soon as the faculty member recognizes the disruption to their life is of sufficient scale and duration to significantly impair their capacity to build a record of accomplishment judged appropriate for tenure and/or promotion review. The faculty member should not make such an application based on qualifying events and/or effects that are already completed and otherwise resolved. The purpose of pausing the clock is to provide an additional year to work toward tenure because of an existing extenuating circumstance, not retroactively to evaluate a candidate's entire probationary period and provide additional opportunity for remediation of criteria-based achievement. Except for well-documented emergencies, no request for extension will be considered or granted later than the date by which Deans request confirmation of intent to undergo review at the beginning of the academic year in which the review is to occur. If the Department Chair approves, the Chair's approval letter should include a description of how the delay of the academic review period is expected to change the timeline for tenure and promotion review, including all remaining formative and summative reviews. The Chair's letter is sent to

the Dean. If the Dean approves, the approval letter will be forwarded to the Provost for final approval.

(b) Requests for delaying the Academic Review Period for all circumstances must be approved by the Department Chair, Dean, and Provost. Routine approval is expected for birth/adoption of a child, use of parental leave, FMLA, and leave related to military service. Requests that are denied at any administrative level can be appealed to the next administrative level.

3. Exceptions. Requests for an exception to this policy must be submitted in writing to the Provost.

Source: Resolutions of the Board dated August 15-16, 2003, February 17, 2007, April 12, 2014 and October 10, 2014

6.030.2.3 Locus of Tenure. The locus of tenure is in the University. Assignment of tenured faculty will normally be to academic departments, but tenured faculty may be assigned by consent to other professional duties. Tenure, once granted, remains in the University.

1. Reassignments.

a. Discretionary Reassignments within a Department/School. With the approval of the Provost, Deans have the discretion to make assignment changes within their academic units, e.g., changes of Department Chairs. Such reassignments do not represent sanctions and are not subject to review by the Faculty Conduct Committee.

b. Reassignment with Consent. A faculty member may be removed from teaching assignments or reassigned to other University units by the Provost if they consent to the reassignment. A memorandum of understanding (MOU) regarding the reassignment shall be drafted by the Provost and faculty member. The faculty member will have up to seven (7) calendar days to sign the MOU. Refusal to

consent to a reassignment may not, in itself, be used as a basis for disciplining a faculty member.

- c. Reassignment without Consent. A faculty member may be temporarily reassigned for up to one academic year by the Provost without their consent in exceptional circumstances for the good of the University. The existence of the exceptional circumstances must be verified by the Department Chair, Dean, and Provost (all three must agree).
- d. Appeal. The faculty member may provide a written appeal of the Provost's reassignment decision to the President within seven (7) days of notification of the reassignment.

6.030.3. [Academic] Tenure and Promotion to Associate Professor Review Procedure.

1. Unless otherwise ~~[negotiated]~~ agreed upon at the time of hire, ~~[regular]~~ tenure-track faculty members undergo a review for tenure and promotion to Associate Professor concluding the probationary period during the sixth year of service as specified in Faculty Senate Bill 8408. If a faculty member is granted promotion and tenure, ~~[it]~~ those will be effective at the beginning of the seventh year. If a faculty member is denied tenure, ~~[he/she]~~ they will have one additional, final year at the University.
2. ~~[Prior to the tenure decision,]~~ Administrative reviews will occur on an annual basis for probationary faculty on tenure-track appointments. The primary purposes of the administrative review are to provide feedback to the faculty member ~~[which]~~ that clearly specifies whether ~~[or not]~~ the faculty member is making satisfactory progress in areas of teaching and advising, scholarship, and service and to identify and discuss any other issues ~~[which]~~ that may impact job performance. The administrative review serves as a record of employment for subsequent action related to performance. In the

years when a decision is being made regarding tenure or promotion, faculty members will undergo both administrative and peer review processes.

3. A peer review committee reviews a [regular] tenure-track faculty member during the tenure/promotion review year [~~AND at the halfway mark between hire and tenure~~] and in the third year preceding the tenure/promotion review year. The primary purpose of peer review prior to the tenure [decision] and promotion review year is to provide feedback to the faculty member that clearly specifies whether [~~or not~~] , in the judgment of [his/her] their peers, [he/she is] they are making satisfactory progress in areas of teaching and advising, scholarship, and service as designated in Faculty Senate Bill 0406 and their departmental guidelines. In the year of the tenure [decision] and promotion review, the peer review committee is responsible for making a recommendation whether [~~or not~~] to tenure and promote based upon evidence of performance [~~and improvement~~] produced by the faculty member.
4. Recommendations on whether [~~or not~~] to tenure and promote are made in the following order: Peer Review Committee to Department Chair; Department Chair to Academic Dean; Academic Dean to Executive Vice President for Academic Affairs and Provost; Executive Vice President for Academic Affairs and Provost to President; President to Board of Governors. At each of these recommendation points, the candidate for tenure and promotion shall receive a copy of the recommendation being made and has the right to submit a written response including additional pertinent evidence within the designated period for responding. Any submitted response would then become a part of the accumulated review materials.
5. The Board of Governors makes the final decision on the awarding of tenure.

Source: Resolution of the Board dated April 12, 2014

6.030.3.1. Basis for Tenure *and Promotion to Associate Professor*. The policies in respect to tenure *and promotion* are based on the University's *Model of the Teacher/Scholar* in which a faculty member is expected to reflect characteristics critical to student learning and adherence to a professional standard of integrity. In particular, faculty members must demonstrate contributions in the areas of teaching *and advising*, scholarship, and service. In order to demonstrate achievements and contributions worthy of tenure *and promotion*, a faculty member will prepare a portfolio of evidence documenting the faculty member's attainment of satisfactory standards in teaching *including advising*, scholarship, and service *as defined in Faculty Senate Bill 0406* that will undergo rigorous review that originates with a committee of the faculty member's peers. *A faculty member who has been recommended for serious discipline will not be considered for tenure or promotion unless/until the faculty member has been exonerated or the serious discipline remediated.* ~~[Because of the variations among disciplines, there is no single rigid formula for the recognition of successful teaching, scholarship and service.]~~ *In addition to the University guidelines, each School may have and each Department has guidelines for tenure and promotion requirements.* Each faculty member will work with ~~[his/her]~~ *their* Department Chair and Academic Dean to ~~[determine]~~ *develop* appropriate evidence *based on University, School, and Department guidelines* for the demonstration of quality teaching activity that advances student learning, scholarship that encompasses academic and creative contributions to the intellectual life of the university and the profession, and service that offers contributions to the university, the profession, and the enrichment of campus life, as well as discipline-based or university mission-oriented contributions to the community.

6.030.3.2. Evaluation. ~~[The peer review committees, department chairs, academic deans, Executive VPAA and President will evaluate tenure portfolios]~~ *Tenure and promotion*

application materials submitted in portfolios shall be evaluated based on the ~~[above]~~ established criteria ~~[and others developed by academic departments in place]~~ at the time of hire ~~[to a regular position when recommending faculty members for tenure]~~ as designated above and as developed by the Schools and Departments. ~~[Administrative reviews, peer review committee reports and tenure portfolios serve as a record of employment to be used in the evaluation process.]~~ Administrative reviews occur on an annual basis for ~~[untenured assistant professors; peer reviews occur at each point when a decision is being made about tenure AND at the halfway mark between eligibility for tenure.]~~ probationary faculty on tenure-track appointments. Peer reviews occur in the third year preceding the tenure and promotion review and at the point when a decision is being made about tenure and promotion. In the years when a decision is being made regarding tenure or promotion, faculty members will undergo both administrative and peer review processes. Administrative reviews, peer review committee reports, and tenure portfolios serve as a record of employment to be used in the evaluation process.

Source: Resolution of the Board dated April 12, 2014

~~6.030.3.3. Early Award of Tenure. Nothing in the preceding section shall be interpreted as prohibiting the granting of tenure earlier than the specified time, if such granting of tenure is recommended by the President of the University and approved by the Board of Governors.]~~

6.030.4. Promotions in Academic Rank beyond Associate Professor. Only tenured faculty shall be eligible for promotion in rank to Full Professor. Promotions in academic rank to Full Professor are determined according to the following standards.

6.030.4.1. Basis for Promotion. The policies in respect to promotions are based on the University's *Model of the Teacher/Scholar* in which a faculty member is expected to reflect the

characteristics critical to student learning and adherence to a professional standard of integrity. In particular, faculty members must demonstrate measurable contributions in the areas of teaching and advising, scholarship, and service. In order to demonstrate achievements and contributions worthy of promotion, a faculty member will prepare a portfolio of evidence documenting the faculty member's attainment of satisfactory standards in teaching including advising, scholarship, and service as defined in Faculty Senate Bill 0406 that will undergo a rigorous review that originates with a committee of the faculty member's peers. ~~[Because of variations among disciplines, there is no single rigid formula for the recognition of successful teaching, scholarship and service.]~~ In addition to the University guidelines, each School may have and each Department has guidelines for promotion requirements. ~~[Faculty members]~~ Each faculty member will work with ~~[his/her]~~ their Department Chair and Academic Dean to ~~[determine]~~ develop appropriate evidence based on University, School, and Department guidelines for the demonstration of quality teaching activity that advances student learning, scholarship that encompasses academic and creative contributions to the intellectual life of the university and the profession, and service that offers contributions to the university, the profession, and the enrichment of campus life, as well as discipline-based or university mission-oriented contributions to the community.

6.030.4.2. Application for Promotion.

1. Number of Years in Rank. Unless otherwise negotiated at the time of hire, faculty members are expected to serve ~~[the following minimum number of]~~ a minimum of six years in rank at the University in order to qualify for promotion from Associate Professor to Professor.
 - ~~[Six years for promotion from Assistant Professor to Associate Professor.~~
 - ~~Six years for promotion from Associate Professor to Professor.]~~

- a. Serving the minimum number of years in rank is not an assurance or guarantee of promotion either at the completion of the minimum period or at any later time.
 - b. Once eligible, the faculty member may opt not to apply for promotion to Full Professor during their first year of eligibility, but are not restricted from applying in subsequent years.
 - c. A faculty member who is denied promotion to Full Professor shall not be prohibited from applying in subsequent years.
 - d. If a faculty member is granted promotion, it will be effective at the beginning of the academic year following review.
2. Peer reviews occur when a decision is being made about promotion and at the third year prior to initial eligibility for promotion to Full Professor. The primary purpose of the midpoint peer review prior to eligibility for promotion to Full Professor is to provide feedback to the faculty member that clearly specifies whether the faculty member is making satisfactory progress in areas of teaching and advising, scholarship, and service as designated in Faculty Senate Bill 0406, their departmental guidelines, and school guidelines, if applicable. In the year of the promotion review, the peer review committee is responsible for making a recommendation whether or not to promote based upon evidence of performance produced by the faculty member.
 3. In the years when a decision is being made regarding promotion, faculty members will undergo both administrative and peer review processes. The primary purposes of the administrative review are to specify whether the faculty member has made satisfactory progress in areas of teaching and advising, scholarship and service as delineated in the Teacher/Scholar Model and to identify and discuss any other issues that may impact job performance.

Source: Resolution of the Board dated April 12, 2014

4. Recommendations on whether [~~or not~~] to promote are made in the following order: Peer Review Committee to Department Chair; Department Chair to Academic Dean; Academic Dean to Executive Vice President for Academic Affairs and Provost; Executive Vice President for Academic Affairs and Provost to the President; President to the Board of Governors. At each of these recommendation points, the candidate for promotion shall receive a copy of the recommendation being made and has the right to submit a written response including additional pertinent evidence within the designated period for responding. Any submitted response would then become a part of the accumulated review materials.
5. The Board of Governors makes the final decision on whether [~~or not~~] to promote a faculty member.

Source: Resolutions of the Board dated April 12, 2014 and October 10, 2014

- 6.030.4.3. Evaluation. [~~The peer review committees, department chairs, academic deans, Executive VPAA and President will evaluate promotion portfolios based on the above criteria and others developed by academic departments when recommending faculty members for promotion.~~] Promotion application materials submitted in portfolios shall be evaluated based on the established criteria as designated above and as developed by the University, academic Schools, and Departments. Peer reviews occur in the third year preceding eligibility for promotion to Full Professor and at the point when a decision is being made about promotion. In the years when a decision is being made regarding promotion, faculty members will undergo both administrative and peer review processes.

Administrative reviews, peer review committee reports and promotion portfolios serve as a record of employment to be used in the evaluation process. [~~Administrative reviews occur on an annual basis for assistant professors; peer reviews occur at each point~~

~~when a decision is being made about tenure and promotion AND at the halfway mark between eligibility for tenure and promotion to associate professor and eligibility for promotion to full professor.]~~

Source: Resolution of the Board dated April 12, 2014

- 6.030.5. Administrative Post-Promotion and other Triennial Reviews. Tenured faculty members holding Associate Professor rank will continue to participate in an administrative review process every three years beyond their review in the third year from eligibility for promotion to Full Professor. After promotion to Full Professor, each faculty member will continue to participate in an administrative review process every three years. Thus, all tenured faculty will undergo a triennial review.
- 6.030.5.1. Purpose. The on-going three-year Administrative Review process is to assist the faculty member's continuous improvement as a "Teacher/Scholar" and serve as a record of employment for subsequent action related to performance. The administrative review is to provide feedback to the faculty member that clearly specifies whether the faculty member is making satisfactory continuous improvement in areas of teaching and advising, scholarship, and service and to identify and discuss any other issues that may impact job performance.
- 6.030.5.2. Procedure. In ~~[the third year after promotion to professor]~~ each year of the faculty member's triennial review, the Department Chair informs the faculty member of the administrative review schedule and process; the faculty member prepares materials and meets with the Department Chair; the Department Chair shares the review with the School's Dean; the Dean ensures that feedback from the Department Chair is appropriate and complete, writes a brief memo, and forwards it and the review to the Executive ~~[VPAA]~~ Vice President for Academic Affairs and Provost for inclusion in ~~[its submission into]~~ the faculty member's personnel file.

Source: Resolution of the Board dated April 12, 2014

6.030.6. Publication of Tenure ~~[Regulations]~~ Policies. These ~~[regulations]~~ policies shall be published and each person ~~[who now holds]~~ holding a position on the ~~[academic]~~ faculty, and all future tenure-track employees at the time of hire, shall receive a copy thereof.

6.030.7. Legal Effect of Tenure ~~[Regulations]~~ Policies. ~~[These regulations are]~~ This is a statement of ~~[policy]~~ policies within the limits of which the Board of Governors expects to exercise the powers vested in it, but these ~~[regulations]~~ policies shall not impair, or be taken to waive, any powers now or hereafter vested in the Board under the Constitution and Laws of the State.

Source: Resolutions of the Board dated September 8, 1969, July 6, 1971, July 3, 1987 and

December 5-6, 1997. 1987 Compilation: Article 2

Cross-reference: Section 10.010 of the Code

6.040. Faculty Conduct.

1. General. Faculty members are expected to behave in a manner compatible with the University's function as an educational institution. These expectations are established in order to protect an environment conducive to research, teaching, learning and service that fosters integrity, personal and professional growth, a community of scholarship, academic success and responsible citizenship. Faculty members are expected to adhere to community standards in accordance with the University's mission and expectations.
2. Jurisdiction. Jurisdiction of the University generally shall be limited to conduct which occurs on University premises or at University-sponsored or University-supervised functions. However, the University may take action, including, but not limited to, the imposition of sanctions under Section 6.040.2, against faculty members for conduct occurring in other settings, including off-campus, (1) in order

to protect the physical safety of students, employees, visitors, clients, or other members of the University community, (2) if there are effects of the conduct that interfere with or limit any person's ability to participate in or benefit from the University's educational programs, activities or employment, (3) if the conduct is related to the faculty member's fitness or performance in the professional capacity of teacher or researcher or (4) if the conduct occurs when the faculty member is serving in the role of a University employee.

3. Alleged Violation of the University's Non-Discrimination Policies. Alleged violations of the University's Non-Discrimination Policies must be reported to the Compliance Officer and will be addressed in accordance with the University's Non-Discrimination Complaint Reporting and Resolution Procedure (NDCRRP). The Dean, or other supervisory authority, as defined in the NDCRRP, may impose minor discipline upon a faculty member who has been found to have violated the University's Non-Discrimination Policies. Recommendations for serious discipline short of permanent removal and loss of tenure may be appealed under Section 6.040.6.2 of this Chapter. Recommendations for permanent removal and loss of tenure may be appealed under Section 6.040.7 of this Chapter. Prior to exercising appeal rights under this Chapter, the faculty member must first exhaust all rights to appeal under the NDCRRP.

6.040.1. Faculty Discipline. Disciplinary action normally falls into two general categories: minor discipline and serious discipline.

6.040.2. Suspension. Regardless of whether minor or serious discipline is sought, in all matters where the Executive Vice President for Academic Affairs and Provost believes that a faculty member's continued performance of faculty duties poses a significant risk of harm to persons or property, the faculty member may be relieved of duties and suspended

with pay during the pendency of the hearing and appeals process provided for below.

6.040.3 Minor Discipline. Minor discipline may be used to address unacceptable behaviors which, when taken alone, do not necessarily constitute cause for serious discipline.

1. Misconduct. Examples of misconduct that may result in minor discipline include, but are not limited to:

- Excessive tardiness or absenteeism;
- Uncooperative behavior (including disrespectful conduct toward students or colleagues);
- Failure to follow departmental procedures or directions;
- Failure to perform the terms of employment for reasons other than documented injury, illness, or bereavement (including, for example, failure hold required office hours, to be reasonably available for students, or failure to attend mandatory meetings without excused absence);
- Unauthorized operation and/or misuse of University property;
- Neglect of duty or responsibilities, including unauthorized absence, which impairs teaching, research or other normal and expected services to the University, and violation of safety procedures; and
- Use of profane, obscene, vile, abusive, or degrading language, gestures, or images that are not protected by law or academic freedom.

2. Discipline. Minor discipline includes, but is not limited to:

- Verbal reprimand;
- Written reprimand;
- Mandatory training;

- Loss of prospective benefits for a stated period (for instance, use of University funds and specified facilities, or suspension of "regular" or other increase in salary);
 - Restitution;
 - Monitoring of behavior and performance; and/or
 - Reassignment of duties.
3. Implementation of Minor Discipline. It is the role of the Department Chair to monitor faculty performance and communicate concerns to faculty members and the Dean. Where the Dean seeks to impose minor discipline, they shall first meet with the faculty member and the Department Chair to discuss the concern and the potential for discipline. The purpose of this informal consultation is to reconcile disputes early and informally, when that is appropriate, by clarifying the issues involved, resolving misunderstandings, considering alternatives, and noting applicable policies.
- a. Should the Dean wish to proceed with disciplinary action after the informal consultation, the Dean shall provide the faculty member with written notice of the cause for disciplinary action in sufficient detail for the faculty member to address the specifics of the charges. If the Dean determines that the conduct or behavior in question constitutes misconduct as those terms are used in section 6.040.1.2. of the Code of Policies, the written notice shall so state.
- b. The faculty member may respond in writing prior to the imposition of minor discipline. This response should be submitted to the Dean within seven (7) calendar days of receipt of the Dean's written notice. The Dean may extend this deadline in emergency situations, such as serious illness or incapacity of the faculty member or a member of the faculty member's immediate family. The written response, if any, will be provided to the Dean for further comment. The Dean, in consideration of

the written response and further comments, if any, shall make a decision regarding the disciplinary action and notify the faculty member in writing within seven (7) calendar days of the faculty member's response. All documents from the minor disciplinary process will be maintained in the faculty member's official personnel file in the Executive Vice President for Academic Affairs and Provost's office.

4. Cumulative Minor Discipline. In the event that a faculty member is subject to minor discipline three or more times, such cumulative record of minor discipline shall constitute sufficient grounds for serious discipline as provided in section 6.040.4.

6.040.4. Serious Discipline. Serious discipline may be used to address significant unacceptable behaviors or cumulative minor discipline.

1. Misconduct. Examples of misconduct that may result in serious discipline include, but are not limited to:
 - Violating University rules, regulations, policies or procedures, including but not limited to those related to conduct of academic duties and those governing the use of University funds and University facilities;
 - Violation of professional guidelines that apply to the field of the faculty member;
 - Threats, intimidation, harassment, physical abuse, or any other conduct that endangers the health or safety of any person, or unreasonably interferes with a person's ability to perform University duties including teaching, research, administration, or other University activities, including public service functions on or off campus;
 - Neglecting or refusing to perform reasonable assigned teaching duties, or quitting duties without due notice;
 - Intentional and habitual neglect of duty in the performance of academic responsibilities;

- Willfully damaging or destroying, improperly taking, or misappropriating property owned by the University, a member of the University community, or a campus visitor, or any property used in connection with a University function or approved activity, or unauthorized use of University facilities, or the attempt to commit any such conduct;
 - Forgery, alteration, misuse of University documents, records, or identification, or knowingly furnishing false information to the University;
 - The illegal or unauthorized possession or use of firearms, explosives, other weapons or hazardous chemicals; and/or
 - Conviction of a felony that is clearly related to performance of University duties or academic activities;
 - Other, repeated, misconduct that has not been resolved through the implementation of minor discipline
2. Discipline. Serious discipline includes, but is not limited to:
- Suspension without pay;
 - Reduction of salary for a stated period or suspension of "regular" or other increase in salary;
 - Reduction of academic rank or suspension of promotion eligibility; and/or
 - Temporary or permanent removal of faculty appointment. The University will provide due process where loss of academic rank or permanent removal of faculty appointment is recommended in accordance with Code of Policies 6.040.5 and 6.040.7.

6.040.5. Implementation of Serious Discipline. The Deans are authorized to recommend serious discipline of a faculty member. Nothing in this policy is to be construed so as to require a Dean to pursue minor discipline or to exhaust the remedies available for minor

discipline prior to pursuing serious discipline when, in the Dean's judgment, the unacceptable behavior is sufficiently egregious to warrant action under the serious discipline provisions of this policy.

6.040.5.1. ~~[Committee on Tenure]~~ Faculty Conduct Committee. ~~[There is hereby created a University faculty committee on tenure. This committee on tenure]~~ The University Faculty Conduct Committee ("Committee") shall be composed of ~~[members of the regular academic faculty]~~ tenured faculty members. It shall consist of ~~[five members]~~ one member and one alternate from different departments in each School elected by secret vote of the members of the ~~[regular academic]~~ tenured faculty ~~[, not more than one of whom shall be employed in any given School of the University. Only persons on continuous appointment are eligible for membership on the committee. No person devoting more than half of his or her time to administrative duties shall be eligible for membership on the committee.]~~ : Department Chairs and University administrators may not serve on this committee. Committee members shall serve for ~~[one year]~~ a three-year term and shall ~~[be eligible for re-election]~~ not serve more than two consecutive terms. At the first meeting of the committee, it shall elect from among its members a chair and secretary ~~[to serve at the pleasure of the committee].~~ In the event that a procedure for conduct review is in process, in so far as possible, the committee constituted during the beginning of the process should complete that case before the committee is dissolved. This will not prevent a committee for the ensuing year being selected and empaneled. The duties of the committee shall include such duties as indicated in Subsections ~~[6.020.10. and 6.020.11.]~~ 6.040.5.2, 6.040.6, and 6.040.7, and any other responsibilities as are assigned to it by the President of the University or the Chair of the Board of Governors.

Source: Resolution of the Board dated February 17, 2007

6.040.5.2. Committee Rights and Duties ~~[of the Faculty Committee on Tenure].~~ The Committee is

charged with reviewing whether the proposed serious discipline is warranted and making recommendations for the discipline of a faculty member. The [~~Faculty~~] Committee [~~on~~

~~Tenure~~] shall have the following rights and duties:

1. To determine the relevance and admissibility of any evidence offered at the meeting or hearing;
2. To permit a stipulation of agreed facts by the University and the faculty member;
3. To permit the incorporation into the record by reference of any document, affidavit, or other exhibit produced and desired to be incorporated in the record by the University and the faculty member;
4. To question witnesses or evidence introduced by either the University or the faculty member at any time;
5. To call additional witnesses;
6. To dismiss any action or permit informal disposition at any stage of the proceeding if agreed to by the University and the faculty member;
7. To permit, at any time, amendment of the Charge or answer so as to include matters that [~~which~~] come to the attention of the Committee before final determination of the case, provided, however, that in such event the Committee shall grant to the University or the faculty member such time as the Committee may determine reasonable under the circumstances to answer or explain such additional matters;
8. To dismiss any person from the hearing who interferes with or obstructs the advancement of the hearing or fails to abide by the rulings of the Chair of the Committee;
9. To have present a legal adviser to the committee, who shall be designated by the General Counsel of the University, following consultation with the Committee [~~on~~ ~~Tenure~~].

6.040.5.3. Parties' Rights Upon a *Disciplinary Meeting or Hearing*. The University and the faculty member shall have the following rights:

1. To be present at the *meeting or* hearing, which right may be waived by failure to appear;
2. To have present any legal or other adviser or counselor and to consult with such adviser or counselor during the hearing;
3. *To review a statement in writing of the charges against them;*
4. To present evidence by witnesses and by properly identified written statements or reports in support of the Charge or answer;
5. To hear or examine evidence presented by the other party or the Committee;
6. To question witnesses present and testifying for the other party or the Committee;
7. To make any statement to the committee in support of the Charge or answer or in mitigation or explanation of the conduct in question;
8. To be informed in writing of the findings of the Committee and its recommendation on the Charge.

The faculty member, in all cases where hearings are involved, shall have the right to request ~~[and shall be allowed legal counsel, the use of subpoena authority,]~~ a full ~~[stenographic record]~~ audio recording or written transcript of procedures (the cost of which records shall be shared equally by the ~~[appointee]~~ faculty member and the University) ~~[and a statement in writing of the charges which are to be brought against him or her].~~ The ~~[stenographic]~~ audio recording or written transcript record of the case, the ~~[notice]~~ charges, exhibits, hearing records, appeals, and the findings and ~~[determination]~~ recommendation of the Committee, Executive Vice President of Academic Affairs and Provost, and President shall become the record of the case, shall be filed in the Office of the President of the University, shall be available only for official

purposes, and, for the purpose of appeal, shall be accessible at reasonable times and places to the University, the Board of Governors of the University, and the faculty member.

6.040.6. Implementation of Serious Discipline Short of Permanent Removal and Loss of Tenure.

Where a Dean seeks to impose serious disciplinary action short of permanent removal and loss of tenure, the Dean shall first meet with the faculty member and Chair to discuss the Dean's concern and the potential for discipline. If that meeting does not resolve the issue, the Dean shall provide the faculty member with written notice of the proposed disciplinary action in sufficient detail for the faculty member to address the specifics of the charges. The faculty member shall have seven (7) calendar days after receiving the notice of proposed disciplinary action to request a meeting with Committee. A request to meet with the Committee should be made in writing to the Dean, who will forward it promptly to the Executive Vice President for Academic Affairs and Provost. If the faculty member does not request a meeting with the Committee within seven calendar days, the discipline will take effect.

6.040.6.1. Review by the Committee. The Executive Vice President for Academic Affairs and Provost shall convene the Committee review panel within five (5) calendar days. The Committee shall meet with the faculty member and the Dean within 15 calendar days from the date of the faculty member's request for a meeting. The Dean shall provide the Committee with the factual basis for the proposed discipline, including any laws, policies, or regulations alleged to have been violated, as well as full explanation of why lesser or more severe discipline is not recommended. The faculty member will be provided an opportunity to respond to the allegations and to demonstrate that a lesser discipline, or no discipline, is warranted. Documentation in support of or opposition to the proposed discipline must be submitted prior to the meeting with the Committee. During the meeting with the Dean and faculty member, University Counsel and the

faculty member's legal counsel may be present.

The Committee will provide its recommendation to the Executive Vice President for Academic Affairs and Provost, Dean and the faculty member within 14 calendar days of the meeting. The Committee's recommendation must be in writing and must set forth the facts on which it based its recommendation, any laws, policies, or regulations found to have been violated, along with the recommended discipline. The Committee may recommend that the Dean's proposed discipline should be imposed, lesser discipline should be substituted, or no discipline should be imposed. The recommendation of the Committee is not binding on the Dean, but shall be given all due consideration. The Dean retains the authority to decide what discipline to impose. Within seven (7) calendar days of the committee's recommendation, the Dean will provide a written decision of the discipline to the faculty member and the Executive Vice President for Academic Affairs and Provost.

6.040.6.2. Appeals. A faculty member who has been assigned serious discipline following review by the Faculty Conduct Committee or following a finding under the Non-Discrimination Complaint Reporting and Resolution Procedure that the faculty member has violated the University's Non-Discrimination Policies may request that the Executive Vice President for Academic Affairs and Provost review the Dean's decision on appeal. The request for appeal must be submitted, in writing, within seven (7) calendar days of receipt of the challenged decision. The Dean and/or the appealing faculty member may supplement the written record if they so desire. In considering the appeal, the Executive Vice President for Academic Affairs and Provost shall review the written record of the proceeding and any supplemental documentation provided by either party. The Executive Vice President for Academic Affairs and Provost will affirm the Dean's decision unless it appears, based on the record of the underlying proceeding and all supplemental

documentation, that the decision was clearly erroneous. In the event the Executive Vice President for Academic Affairs and Provost determines the decision was clearly erroneous, they may reverse the discipline or modify it. The Executive Vice President for Academic Affairs and Provost shall notify the faculty member and Dean of the final decision in writing, within seven (7) calendar days of receiving the written request for appeal. There shall be no further appeals from this decision. The appeal documents and decision will become part of the faculty member's personnel record.

6.040.6.3. Remediation. Serious discipline other than permanent removal of faculty appointment is intended to be temporary. Faculty members who receive serious discipline must remediate performance concerns to the satisfaction of the Dean who recommended the discipline before the discipline will be lifted. If a faculty member believes performance concerns have been remediated and the Dean disagrees or refuses to remove the discipline, the faculty member may appeal the question of remediation to the Executive Vice President for Academic Affairs and Provost in accordance with Section 6.040.3.2. A faculty member may not appeal the question of remediation before the conclusion of the initial disciplinary period.

6.040.7. [Procedure in] Implementation of Permanent Removal [Cases] and Loss of Tenure.

In any case where removal for cause is the serious disciplinary action recommended by the Dean (or other appropriate administrative officer [~~designated by the Board of Governors~~]), the following due process procedure will be followed. The faculty member [~~involved~~] shall be [~~informed~~] notified in writing of the proposed action for dismissal and the charges against [~~him or her~~] them, including any laws, policies, or regulations that have been violated. If the charges, which have caused the action for removal, are such that, in the best judgment of the [~~administrative officer~~] Dean, they interfere with the [~~appointee's~~] faculty member's duties and/or effectiveness as a teacher, the [~~appointee~~]

faculty member shall be suspended with pay from part or all ~~[of his or her]~~ assigned duties during the pendency of the disciplinary hearing and appeals processes. With the exception of conditions under ~~[the suspension of duties act, the appointee]~~ which a faculty member is suspended, the faculty member shall continue to receive all the benefits of the conditions of the original appointment until and unless ~~[the removal procedures, as described in paragraphs 1, 2, and 3, rule against the appointee's continuation under]~~ the Board of Governors decides to terminate the faculty member's tenure status. When tenure is finally terminated, all contractual obligations between the University and the ~~[appointee]~~ faculty member shall cease. ~~[If the appointee is found innocent of the charges, he or she]~~ A faculty member found not guilty at the culmination of due process shall be ~~[immediately]~~ reinstated without prejudice.

6.040.7.1. Review by the Committee. In the event that the ~~[appointee]~~ faculty member desires to contest the charges presented, ~~[as in the preceding subsection, he or she may request and shall be accorded an investigation of the facts by the Committee on Tenure.]~~ ~~[If the faculty member desires a hearing,]~~ the faculty member shall give written notice of this request to the person notifying the faculty member of the charge against ~~[him or her]~~ them within ten (10) calendar days from the receipt of the charge. Failure by the faculty member to make a timely written request for the hearing shall constitute a waiver of the faculty member's right to a hearing before the Committee.

6.040.7.2. Convening the Committee. The Executive Vice President for Academic Affairs and Provost shall convene the Committee review panel within five (5) calendar days.

6.040.7.3. ~~[Statement of Charges — Request for a Hearing by Committee on Tenure]~~ Materials Provided to the Committee. ~~[When removal for cause is considered by or recommended to the appropriate administrative officer, the faculty member shall be notified in writing by the University of the proposed action for dismissal and the reasons~~

~~therefore, stated with reasonable particularity which shall hereinafter be called the Charge and of the right to a hearing by the Committee on Tenure (hereinafter, the "Committee").]~~ The Dean shall provide the Committee with the factual basis for the charges and proposed discipline, including any laws, policies, or regulations alleged to have been violated, as well as full explanation of why lesser discipline is not recommended. If a faculty member has been found to have violated the University's Non-Discrimination Policy, a copy of the Investigation Report, the Decision on Appeal, and all other documents considered by the Administrative Review Panel, Dean and/or Appellate Officer shall also be provided to the Committee. The faculty member shall ~~file a written answer to the charge with the person notifying the faculty member of the charge within 15 days after requesting a hearing before the Committee.]~~ provide a written response to the allegations and demonstrate that a lesser discipline, or no discipline, is warranted. The answer shall specifically admit or deny the allegations set forth in the charge. A failure to answer or to deny an allegation of fact in the charge may be considered by the Committee as an admission of such fact. Documentation in support of or opposition to the proposed discipline must be submitted to the Committee no less than five (5) calendar days before the scheduled hearing of the Committee.

6.040.7.4. ~~Hearing of the [Faculty] Committee [on Tenure]. [Ordinarily, this hearing should be held within 30 days of the original action, or within 30 days of the appointee's return to campus, if absent at time of action.]~~ The Committee shall hold the hearing n [N]ot less than 20 [days shall be allowed between the delivery of the charge to the faculty member and the beginning of the hearing.] and not more than 30 calendar days from the date of the faculty member's request. ~~[If the faculty member makes a timely written request for a hearing as set forth above, the]~~ The [Faculty] Committee [on Tenure] or its designee shall notify the faculty member in writing of the date, time, and

place of hearing before the Committee ~~[, which shall be within a reasonable time after the date of the receipt of the request for hearing]~~. Any request for continuance shall be made by the faculty member or the University in writing to the Chair of the **[Faculty]** Committee ~~[on Tenure]~~, and the Committee ~~[on Tenure]~~ shall have discretionary authority to continue the hearing for a reasonable period of time and upon a determination that the request is timely and made for good cause. The hearing shall not be open to the public, pursuant to the Open Meetings Law of the State of Missouri, if the Faculty Conduct Committee ~~[on Tenure]~~ in its discretion deems the matter to be a personnel matter appropriate for a closed hearing.

~~[The parties will use their best efforts to avoid public statement and publicity about the case until the proceedings have been completed, including final appeal to the Board of Governors.]~~

- 6.040.7.5. Conduct of the Hearing. The Chair of the Committee shall preside at the hearing, and the Chair's duties shall include, but not necessarily be limited to, the following: Call the hearing to order, call the roll of the committee in attendance, ascertain the presence or absence of the faculty member and the University or its representative, read the notice of hearing, read the charge and answer, unless the reading of the same is waived, verify the notice of the charge to the faculty member, report any continuances requested or granted, establish the presence of any adviser or legal representative of either party, call to the attention of the faculty member and the faculty member's adviser any special or extraordinary procedures to be employed during the hearing and permit the faculty member to suggest or object to procedures. The committee is not required to follow formal rules of evidence. Procedural questions that arise during the hearing ~~[and which]~~ , but are not covered by these general rules, shall be determined by the Committee Chair. The Chair's ~~[, whose]~~ ruling shall be final unless ~~[the Chair shall present the question to the~~

~~Committee at the request of a member of the Committee, in which event,]~~ a member of the Committee requests consideration by the entire committee. If so, the ruling of the Committee by a majority vote shall be final.

- 6.040.7.6. Opening Statements. The University shall make opening remarks outlining the general nature of the case. The faculty member shall also make opening remarks to the Committee about the Charge, either immediately following the University's opening statement or at the conclusion of the University's presentation of the evidence, at the faculty member's election. Opening statements shall not be considered as evidence.
- 6.040.7.7. University's Evidence. The University's witnesses shall be called and identified, and evidence, written statements, or reports introduced as appropriate. The faculty member may question the University's witnesses. The Committee may question witnesses or examine evidence at the conclusion of the University's presentation or at the conclusion of each witness's testimony, as it shall so choose.
- 6.040.7.8. Faculty Member's Evidence. The faculty member's witnesses shall be called and identified and evidence, written statements, or reports introduced as appropriate. The University may question the faculty member or ~~his/her~~ their witnesses. The Committee may question witnesses or examine evidence at the conclusion of the faculty member's presentation or at the conclusion of each witness's testimony, as it shall so choose.
- 6.040.7.9. Rebuttal. The Committee shall permit the University or the faculty member to offer evidence in rebuttal of the other's presentation.
- 6.040.7.10 ~~[Determination]~~ Recommendation by Committee. Following the hearing, the Committee shall ~~[make its findings and determinations by majority vote in closed session out of the presence of the University and faculty member.]~~ discuss its findings in closed session out of the presence of the University and faculty member. The burden of demonstrating the existence of an adequate cause for dismissal shall rest with the

University and shall be satisfied only by ~~[clear and convincing]~~ a preponderance of the evidence in the record taken as a whole. To recommend dismissal, the Committee shall determine that the charge or charges warrant dismissal. If the Committee concludes that adequate cause for dismissal has not been established, but that some discipline or penalty less than dismissal may be appropriate, it may recommend such alternative discipline ~~[or penalty to the President of the University and the Chair of the Board of Governors]~~. Majority vote should determine the committee's recommendation based on the findings. ~~[Findings of fact and recommendations based upon the findings shall be made.]~~

~~[Report of Findings and Determination]~~ The Committee shall make its findings of fact and *its* recommendations in writing and transmit them to ~~[the Board of Governors, the President of the University and]~~ the faculty member ~~[,]~~ , Dean, and Executive Vice President of Academic Affairs and Provost within fourteen (14) calendar days of the hearing. The faculty member may provide a written appeal of the recommendation of the Committee to the Executive Vice President of Academic Affairs and Provost within seven (7) calendar days of notification of the recommendation.

- 6.040.7.11. Recommendation by the Executive Vice President for Academic Affairs and Provost. Following receipt of the findings of fact and recommendations from the Committee, the Executive Vice President of Academic Affairs and Provost shall review the recommendations of the Dean, the Committee, and any appeal made by the faculty member and make a recommendation to the President within seven (7) calendar days of receiving the faculty member's appeal or no more than seven (7) calendar days after the time for appeals has expired. The recommendation of the Committee is not binding, but shall be given all due consideration. The faculty member and Dean will be notified in writing of the Provost's recommendation. The faculty member may provide a written appeal of the Provost's recommendation to the President within seven (7) days of

notification of the recommendation.

6.040.7.12. Recommendation by the President. Following receipt of the recommendation [~~from the Committee on Tenure~~] of the Executive Vice President of Academic Affairs and Provost, the [~~President of the~~] University President shall [~~forward his/her~~] review all recommendations and appeals and make a recommendation to the Board of Governors [~~irrespective of whether the faculty member or University has appealed the recommendations of the Committee on Tenure~~] within seven (7) calendar days of receiving the faculty member's appeal or no more than seven (7) calendar days after the time for appeals has expired. The faculty member, Dean, and Executive Vice President of Academic Affairs and Provost will be notified in writing of the President's recommendation. [~~Appeal of Committee Determination.~~] [~~The appointee may request a review of the decisions of the Committee on Tenure, and shall be accorded a hearing before the Board of Governors of the University.~~] The faculty member [~~or the University may request a review of the findings and recommendations of the Committee on Tenure before the Board of Governors. The request for review must be made within 7 consecutive calendar days after notice of the findings and recommendations of the Committee on Tenure. The party requesting review must simultaneously serve a copy of the request for review upon the other party.~~] may appeal the President's recommendation in writing within seven (7) calendar days by requesting a hearing before the Board of Governors of the University.

6.040.7.13. Hearing of the Board of Governors. In the event of an appeal to the Board of Governors, the Board of Governors shall have access to the full record of the case and the appeal documents, and the Board of Governors shall provide for a hearing for the purpose of receiving additional evidence not contained in the record of the case, or the Board of Governors shall remand the matter for further evidence to the Committee [~~on Tenure~~].

~~[Source: Resolution of the Board dated February 17, 2007]~~

The faculty member and the University may file a written argument confined to the issues and evidence previously submitted and contained in the record of the case for consideration by the Board of Governors. Any such written arguments shall be filed no fewer ~~[less]~~ than five (5) calendar days before the date scheduled for the review hearing for consideration by the Board of Governors ~~]; in the event a hearing is not called for; the parties may, but are not required to, respond to the other party's written arguments].~~ ~~[Ordinarily, this hearing]~~ The Board of Governors will attempt to schedule the hearing ~~[should be held]~~ within 30 calendar days of the ~~[decision of the Committee on Tenure]~~ recommendation of the President, however, this deadline may be extended if necessary to ensure the attendance of a majority of the members.

6.040.7.14. Decision [of] by the Board of Governors. ~~[Following the appeal of the Committee on Tenure determination by either the faculty member or the University, or in the event of no such appeal]~~ In the event that the faculty member does not appeal to the Board of Governors and upon receipt of a recommendation from the President of the University, ~~[whichever is applicable]~~ the Board of Governors shall review the full record of the case and ~~[the]~~ prior appeal documents, if applicable. ~~[and in the event that the case has been finally appealed, provide a hearing for the purpose of receiving additional evidence not contained in the record, and may]~~ The Board of Governors will affirm ~~[,]~~ or reverse ~~[, remand the case for further proceedings, or may conclude]~~ the case that adequate cause for termination has been established ~~[,but]~~ and can decide that some discipline or penalty less than dismissal may be appropriate. The Board of Governors shall notify the faculty member and the University in writing of its decision on the case within seven (7) calendar days of the hearing. The ruling of the Board of Governors in matters of removal shall constitute the final authority under the University's administrative structure.

6.050. Professional Leave for Faculty Members. Faculty may be eligible for professional leave.

6.050.1. General. Such leaves should enhance the faculty member's professional development and the university. Leaves may be non-sabbatical or sabbatical.

6.050.2. Eligibility. Professional leave provisions shall be applicable to all members of the full-time tenured faculty. Department Chairs and Deans may be eligible for non-sabbatical leaves in accordance with Code of Policies Chapter 10.

Source: Resolutions of the Board dated September 8, 1969, and July 15-16, 1994

1987 Compilation: Article 5

6.050.3. Non-Sabbatical Leaves. The policy and procedure for non-sabbatical leaves of absence for faculty members is set forth as follows.

1. A written letter of intent to request a leave of absence without pay should be submitted to the Department Chair by February 1 of the year previous to the fall semester or full year of leave without pay, or by October 1 of the year previous to the spring semester of the leave. Leaves without pay must be approved by the Department Chair, Dean, and Executive Vice President for Academic Affairs and Provost. Benefits are not provided to faculty on leave without pay.
2. Such leaves may be for the purpose of pursuing advanced study (such as completion of a terminal degree or post-doctoral work) or for securing appropriate industrial or professional experience including academic Fellowships and Military Service. Such leaves shall ordinarily not be granted for a period of less than one semester or for more than one academic year, except in instances where the best interest of the University will be served by doing so.
3. On rare occasions, such as for completion of a doctorate or other commitment that should not be interrupted, the non-sabbatical leave may be extended at the discretion of the Board of Governors.

6.050.4. Sabbatical Leaves [~~for Faculty Members~~]. The policy for sabbatical leave for faculty members is set forth as follows.

6.050.4.1. General. A sabbatical leave should benefit both the faculty member and the institution within the standards of the Teacher-Scholar model.

6.050.4.2 Conditions. [~~Because of continuous service each faculty member may be considered for his or her initial sabbatical leave at the conclusion of the seventh year, or at a later date,~~] Any full-time, tenured faculty member may submit an initial proposal for a sabbatical leave to be taken after seven continuous years of University service, or after seven years of service since the last leave.

1. Sabbaticals may be for the purpose of pursuing advanced study, conducting research studies, appropriate educational travel or for securing appropriate industrial or professional experience. Such leaves shall ordinarily not be granted for a period of less than one semester, nor for more than one academic year, nor across academic years, except in instances where the best interest of the University will be served by doing so.
2. Sabbaticals will not be granted for the purpose of full-time teaching. A faculty member may request a sabbatical to hold a visiting appointment at another university that includes compensation for no more than one course per semester. Sabbaticals for the purpose of obtaining employment outside of teaching will be considered if the work plays an important role in completing the sabbatical project and in enhancing the faculty member's teaching and/or scholarship in the discipline. In such cases, the employment itself should not be the only outcome of the experience. On sabbatical, it is expected that the faculty member will divest of all on-campus responsibilities and devote their full attention to the proposed sabbatical activities.

3. A faculty member who has been recommended for serious discipline will not be considered for sabbatical leave unless/until the faculty member has been exonerated or the serious discipline remediated.

6.050.4.3. Selection Process for Applications. The Executive Vice President for Academic Affairs and Provost and Faculty Senate, in consultation with the President and the Deans, shall develop policies and selection procedures for Sabbatical Applications. Applications for sabbatical leave should be transmitted according to the administrative procedure/guidelines.

6.050.4.4. Compensation. Compensation for sabbatical leaves ~~[(also referred to herein as sabbatical leaves)]~~ shall be based on a percentage of the academic year salary of the year in which the leave will occur. For sabbatical leaves of one semester the compensation rate shall be 100 percent. For sabbatical leaves of two semesters (one academic year), the compensation rate shall be 80 percent. Time spent on sabbatical leave shall be considered time in rank for the calculation of years of service for promotion. ~~[A faculty member with two consecutive years of service, but less than seven years of service, after the most recent leave may be granted compensation on a proportionate basis of seven years. For example, a faculty member granted a leave of two semesters, having completed two years of service since his or her most recent leave, would be entitled to compensation at a rate of two-sevenths of the aforementioned 80 percent.]~~

6.050.4.5. Limitation of Expense. In general, no more than two percent of the total of the combined salaries of the academic and administrative staff shall be used for sabbatical leave during any academic year. The cost of a faculty sabbatical may be a factor in determining whether it can be granted.

6.050.4.6. Agreement to Return. Any faculty member granted a leave during which they are paid by the University shall agree to return to the service of the institution for a period of two

academic years and to complete all reporting requirements within the designated period.

Persons failing to return to the institution or to complete the reporting requirements shall refund all sabbatical pay. Those who return for [~~only one year~~] less than two years shall refund [~~one-half the~~] proportionate sabbatical pay.

- 6.050.4.7. Rights and Privileges. During [~~his or her~~] their sabbatical leave, the faculty member shall be entitled to [~~all~~] rights and privileges to which [~~he or she is~~] they are usually entitled as a faculty member, including fringe benefits and standard salary increases. The faculty member will divest of all on-campus responsibilities or assigned duties during the sabbatical period. University funds will not be authorized to cover costs associated with travel while on sabbatical unless those costs were explicitly included in the sabbatical application, do not exceed the departmental allowance, and were explicitly approved as part of the sabbatical request. The retention of an office is determined on a case-by-case basis among the Dean, the Department Chair, and the faculty member.

~~[Time for Applications. Application for sabbatical leave should generally be transmitted to the proper administrative authorities at least nine months prior to the beginning date of the requested leave.]~~

- ~~6.040.9. Eligibility. Leave provisions shall be applicable to all members of the regular faculty. Source: Resolutions of the Board dated September 8, 1969, and July 15-16, 1994-1987. Compilation: Article 5 Cross-reference: Sections 6.030, 10.010, and 10.040 of the Code]~~

6.060. Graduate Faculty. The graduate faculty policy of the University is set forth as follows.

- 6.060.1. Graduate Courses, Research, and Advisement. Except as herein provided, only members of the graduate faculty will teach graduate courses, direct graduate research, and serve as academic advisers for graduate students.
- 6.060.2. Criteria for Appointments. Faculty members [~~must have the following~~] should meet at

least three of the following four qualifications for appointment to the graduate faculty:

1. Possess a terminal degree or exhibit professional competence that provides a special expertise to teach courses and direct research at the graduate level;
2. Show evidence of ~~[research]~~ scholarly productivity in the past five years, such as ~~[research]~~ articles in ~~[reputable]~~ peer-reviewed journals, servng as a peer-reviewer or serving on an editorial board, demonstrated external funding, presentation of ~~[juried]~~ papers before professional audiences, or demonstrated exhibits of proficiency in such fields as creative arts or music;
3. Show evidence of professional development in the past five years, such as maintaining ~~[Maintain]~~ membership in at least one learned society or association of his or her discipline. [-
4. ~~Attend regularly]~~ or attending meetings, lectures, or conferences of organizations or learned societies in ~~[his or her]~~ their discipline and
4. Show evidence of ~~[willingness and]~~ ability to direct thesis work ~~[and]~~, scholarship, or independent study at the graduate level or to serve on thesis committees.

6.060.3. Appointment Procedure. When a faculty member becomes eligible for appointment to the graduate faculty, the faculty member's Department Chair may recommend the faculty member for such appointment. ~~[Such a recommendation first will be submitted to the other members of the faculty member's academic department for review and comment.]~~ Following such ~~[review]~~ recommendation, the Dean of the faculty member's School will ~~[submit the]~~ review and make recommendation to the Executive Vice President for Academic Affairs and Provost for review and comment. The Executive Vice President for Academic Affairs and Provost will submit the recommendation to the President of the University for decision. The Department Chair or Dean may withdraw the recommendation at any time during the various reviews. The ~~[decision of the]~~ President of

the University will make the decision on behalf of the University to appoint or not to appoint the recommended faculty member to the graduate faculty [~~will be a final decision on behalf of the University~~].

Source: Resolutions of the Board dated February 17, 2007, April 12, 2014 and October 10, 2014

- 6.060.4. Term of Appointments. Appointment to the graduate faculty by the President of the University normally will be for a term of five years, or until the next [~~periodical review of the graduate program for the faculty member's school, whichever is the shorter period of time.~~] periodic review of all graduate faculty appointments. The Graduate Faculty members serve at the will of the President. Graduate Faculty appointment may be discontinued at any point prior to the normal term by the President upon recommendation of the Executive Vice President for Academic Affairs and Provost.
- 6.060.5. Periodic Review. [~~The need for graduate faculty members in each department will be reviewed periodically on a rotational basis among the schools, with each school being reviewed at least once in every five-year period by the Executive Vice President for Academic Affairs and Provost.~~] The Executive Vice President for Academic Affairs and Provost will initiate the review of graduate faculty appointments at least once in every five-year period. [~~Based upon the results of the review,~~] The Department Chair will submit recommendations for new appointments or reappointments to the graduate faculty, and the recommendations will be processed in accordance with the appointment procedure set forth above in this section.

Source: Resolutions of the Board dated February 17, 2007, April 12, 2014 and October 10, 2014.

- 6.060.6. Temporary Service. A faculty member who is not a member of the graduate faculty may [~~be given~~] teach occasional graduate courses or serve on graduate committees after

receiving special permission [by] from the Executive [VPAA] Vice President for Academic Affairs and Provost [to teach occasional graduate courses, but such special permission may not be granted for more than two semesters in any five-year period] upon the request of the Dean.

Source: Resolutions of the Board dated November 6, 1987 and April 12, 2014

- 6.070. [~~Adjunct Faculty. Adjunct or honorary academic titles may be accorded by the President of the University to faculty or staff members of other colleges, universities, institutions, or agencies with which the University has cooperative arrangements. Such adjunct or honorary faculty members are not compensated by the University for such positions, but may be given incidental privileges and benefits by the President.~~]

~~Source: Established practice~~

- 6.080.] Emeritus Recognition. Full-time faculty and staff members holding [~~academic rank are~~] faculty status may be honored upon their retirement by designation of emeritus status if they [~~are in good standing and~~] have accumulated the equivalent of ten years of satisfactory service at the University. Faculty members who were administered serious discipline during their employment at the University or who are under current investigation could be denied emeritus status. The Provost seeks the recommendation of the Dean for each eligible faculty member regarding award of emeritus status. Such status is accorded by the President of the University to the recipients at appropriate times and places.

Source: Resolution of the Board dated September 8, 1969 1987 Compilation: Article 3c

Source: By Resolution of the Board dated August 15, 2009, Chapter 6 was amended by repealing the chapter in its entirety and enacting in lieu thereof a new Chapter 6.

**TABLE 1**

Fiscal Year 2022 State Appropriation Request for Operating Funds

Appropriation Base (after restrictions) for FY2021	\$35,262,199
New Requests for FY2022	
Core Restoration	\$ 5,148,313
Nursing Program Expansion	\$ 929,810
Cooperative Community College Program Investments	\$ 275,000
Additional Maintenance and Repair Funds	\$ 3,250,000
Total New Requests	\$ 9,603,123
TOTAL FY2022 FUNDING REQUEST (FY2021 appropriation + new)	\$44,865,322

TABLE 2

The state appropriations request for FY2022 includes two components: the Core Operating request based on FY2021 actual appropriations and the new requests for FY2022. Requests beyond the core are typically referred to as Decision Items or New Investments.

1. Funding for Core Operations: State Request \$35,262,199
The funding priority is to maintain the existing base. These funds provide 43% of the Education and General budget for FY2021, and they are crucial to meeting the institution's mission.
2. New Requests for FY2022 \$ 9,603,123
 - A. Core Restoration \$ 5,148,313
Restoration of the core reductions that resulted from the COVID-19 pandemic is the top priority. Based on the July budget instructions from the Missouri State Office of Administration's Office of Budget and Planning and updated state revenue forecasts, the Coordinating Board for Higher Education (CBHE) may consider an additional increase for institutions to restore funding to FY20 original levels.
 - B. Nursing Program Expansion \$ 929,810
Each year Truman is forced to deny hundreds of qualified applicants' entry into its Nursing Program due to limited program capacity. Truman is requesting funding to expand this important, and popular program. This increase creates the capacity to provide 20 additional BSN degrees per year. Included in this request are funds for additional faculty and associated operating expenses.
 - C. Cooperative Community College Program Investments \$ 275,000
Truman currently has a cooperative program with Moberly Area Community College (TruMACC) designed to make the transfer process more seamless for transfer students. This request would extend the program to additional community colleges, and it includes adding staff at these campuses to facilitate a student-centered transfer process.
 - D. Maintenance and Repair: Protecting Investments \$ 3,250,000
Truman has over 1 million square feet of state-funded buildings, and additional funds are needed to maintain campus facilities. Based on projected FY2020 building replacement costs of \$235 million, and the generally accepted standard of 2% of replacement costs, Truman needs \$4.7 million annually for maintenance and repair. Due to reduced state support, the current maintenance and repair budget (\$400,000) is well below historical needs. Additional state funding would allow Truman to make significant progress towards improving its campus (including repurposing existing space to accommodate growth in specific academic programs).



LOCAL CAPITAL BUDGETS FOR FISCAL YEAR 2021

Local State Funds Capital Budget – FY 2021

No funds available to transfer.

Auxiliary Funds Capital Budget – FY2021

For FY2021 the primary funding source for the Auxiliary Funds Capital Budget is the FY2020 operating carry-over from the auxiliary enterprises. The operating carry-over, and auxiliary interest income, total was \$643,017.

Funds from the Student Union Building (\$89,306) and Student Recreation Center (\$405,381) will be set aside for use in these facilities. Surplus funds from the Residence Hall System totaling \$148,330 will be available for projects within the housing system. This was made possible by the \$1.1 million of federal CARES funds applied toward lost housing revenues due to refunds to students.

All proposed project expenditures will come before the Board of Governors following the usual procedures and will be subject to individual Board approval.