

New Collected Rules and Regulations Standards of Faculty Conduct at the University of Missouri

Background:

The University of Missouri Academic Officers working with the University of Missouri's Intercampus Faculty Council (IFC) drafted a new Collected Rule and Regulation pertaining to the standard of faculty conduct. This new policy has been fully vetted with the respective campus faculty councils, the General Officers of the University, and the Office of the General Counsel and is being forwarded to the UM System Board of Curators for final approval.

Proposed addition to the Collected Rules and Regulations:

The following is a brief summary of the standards of faculty conduct draft addition:

- A Faculty Member at the University of Missouri assumes an obligation 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.
- Previously the University has not provided clear guidance or specific policies on how to address concerns when standards of conduct are violated. This new Collected Rule provides a clear process and suggested remedies when these issues arise.

Recommendation:

The University of Missouri Academic Officers and Intercampus Faculty Council, in collaboration with the Office of the Vice President for Academic Affairs, Research and Economic Development recommend that this addition be approved by the Board of Curators.

CRR 330.110 Standards of Faculty Conduct

A. General

A Faculty Member at the University of Missouri assumes an obligation 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.

B. Jurisdiction

1. Jurisdiction of the University of Missouri generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to, the imposition of sanctions under the Standards of Faculty Conduct against Faculty Members for conduct occurring in other settings, including off-campus, (1) in order to protect the physical safety of students, employees, visitors, patients 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.
2. The Standards of Faculty Conduct applies to all Faculty Members, as defined in Section 330.110.D.1 below, at the University of Missouri. This process does not apply to conduct by academic administrators when they are acting in their administrative, at-will role. Except as noted in Section 330.110.C below, the Standards of Faculty Conduct is in addition to and does not limit other processes and procedures for addressing conduct and employment issues, including but not limited to Research Misconduct (Section 420.010), Procedures in Case of Dismissal for Cause (Section 310.060) and Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against a Faculty Member (Section 600.040). A final decision on the merits in another disciplinary process precludes subsequent initiation of the Standards of Faculty Conduct process for the same allegations of inappropriate conduct.

C. Statement of Nondiscrimination and Process for Alleged Violation of the University's Anti-Discrimination Policies

The University of Missouri prohibits discrimination on the basis of race, color, national origin, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, gender expression, age, disability, protected veteran status, and any other status protected by applicable state or federal law. The University's Anti-Discrimination Policies include the

Equal Employment/Educational Opportunity Policy located at Section 600.010 of the Collected Rules and Regulations and the Sex Discrimination, Sexual Harassment and Sexual Misconduct in Employment/Education Policy located at Section 600.020 of the Collected Rules and Regulations. Alleged violations of the University's Anti-Discrimination Policies are within the jurisdiction of the applicable Equity Resolution Process, including Section 600.040 of the Collected Rules and Regulations, and not subject to enforcement through the Standards of Faculty Conduct.

D. Statement of Professional Ethics

(Excerpted with modification from the UM-Columbia Bylaws and the AAUP Redbook Statement of Professional Ethics)

1. Faculty Members recognize the special responsibilities placed upon them. Their primary responsibility as scholars is to state the truth as they see it. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although Faculty Members may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.
2. As teachers, Faculty Members encourage the free pursuit of learning in their students. They uphold the best scholarly and ethical standards of their disciplines. Faculty Members demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Faculty Members make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students accurately reflect the merit of each student's work. They avoid exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect academic freedom.
3. Faculty Members neither invidiously discriminate against nor harass colleagues. They respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own. Faculty Members acknowledge intellectual pluralism and strive to be objective in their professional judgment of colleagues. Faculty Members accept their share of responsibilities for the governance of their institutions.
4. As members of an academic institution, Faculty Members seek to be effective teachers and scholars. Faculty Members observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, and maintain their right to criticize and seek revision. Faculty Members give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering taking leaves of absence, permanently departing the university to pursue other opportunities, or other actions that could interrupt or end their service, Faculty Members recognize the effect of their decision upon the program of the institutions and give all due notice possible of their intentions out of respect for their colleagues.

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

E. Definitions

1. Faculty Member. For purposes of Section 330.110, Faculty Member includes all regular and non-regular academic staff appointments as defined in Sections 310.020 and 310.035 of the Collected Rules and Regulations.
2. Respondent. Respondent is the Faculty Member alleged to have committed Inappropriate Conduct.
3. Complainant. The Complainant is the University student, staff, administrator or faculty member who files a Complaint. Within five (5) business days from the final decision, Complainant will receive notice that the process has concluded and at what stage (Informal Resolution, Dean Decision, Provost Review and Decision or Appeal to the Chancellor).
4. Complaint. Complaints must be in writing and identify the alleged Inappropriate Conduct by the Respondent.
5. Informal Resolution. Informal Resolution is the preliminary efforts made to resolve the Complaint through discussions or facilitated dialogue in the unit where the Respondent has a primary academic appointment.
6. Investigator. The Provost selects the Investigator who will be the campus ombudsperson or other appropriate individual as determined by the Provost.
7. Dean. Dean as listed throughout the policy is the Dean where the Respondent has a primary academic appointment.
8. Faculty Panel. The Faculty Panel consists of three tenured professors appointed by the Faculty Council/Senate Chair from outside of the academic unit in which the Respondent has a primary academic appointment. The Faculty Panel members may be chosen from the standing Grievance Resolution Panel.

F. Inappropriate Conduct

Inappropriate Conduct for which Faculty Members could be subject to sanctions includes but is not limited to the actions below:

1. 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.
2. Violation of Professional Ethics, as set forth in Section 330.110.D above, and professional guidelines that apply to the field of the Faculty member. Faculty

Members have a special obligation to adhere to such professional ethics and responsibilities as these form the basis for the academic reputation of the University.

3. 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.
4. Neglecting or refusing to perform reasonable assigned teaching duties, or quitting duties without due notice in accordance with the Collected Rules and Regulations.
5. Intentional and habitual neglect of duty in the performance of academic responsibilities.
6. 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.
7. Forgery, alteration, misuse of University documents, records, or identification, or knowingly furnishing false information to the University.
8. The illegal or unauthorized possession or use of firearms, explosives, other weapons or hazardous chemicals.
9. Conviction of a felony that is clearly related to performance of University duties or academic activities.

G. Filing a Complaint

1. The Complaint must be in writing and identify the alleged Inappropriate Conduct by the Respondent.
2. The Provost of each campus will maintain an easily accessible form for the submission of a Complaint of Inappropriate Conduct.
3. The Complaint is delivered to the Dean.
4. If a Dean is the Respondent because of conduct relating to the Faculty appointment, the Complaint is delivered to the Provost. The Provost shall then serve the role described for the Dean for all further actions described below, and the Provost's recommendations will be delivered to the Chancellor.

H. Informal Resolution

1. Informal Resolution is the preliminary efforts made to resolve the Complaint through discussions or facilitated dialogue in the unit where the Respondent has a primary academic appointment.
2. The Dean coordinates Informal Resolution.

3. Informal Resolution should typically be concluded within ten (10) business days of the Dean's receipt of the Complaint.
4. Any Informal Resolution should be documented in writing and filed with the Dean.

I. Investigation

1. If an Informal Resolution is not reached, the Dean will provide to the Respondent a copy of the Complaint and a written notice that an investigation will be conducted ("Notice of Investigation"). The Notice of Investigation shall contain sufficient information to inform the Respondent of the alleged inappropriate conduct being investigated.
2. Within five (5) business days from receipt of the Notice of Investigation, the Respondent may provide a response to the Complaint ("Response") to the Dean.
3. The Dean will forward the Complaint, the Response if provided and any notes from the Informal Resolution Process to the Investigator.
4. The Provost selects the Investigator, who will be the campus ombudsperson or other appropriate individual as determined by the Provost.
5. The Investigator may interview the Complainant, the Respondent and witnesses and gather written documents or other relevant information.
6. The investigation shall typically be complete within ten (10) business days.
7. The Investigator prepares a written investigation report, which will provide a summary of the information gathered and attach a copy of the Complaint and the Response. The investigation report and attachments are sent to the Dean and the Respondent.

J. Dean Decision

1. The Dean shall review the Complaint, any Response and the investigation report.
2. The Dean will meet with the Respondent typically within five (5) business days of receiving the investigation report unless the Respondent refuses to meet.
3. The Dean may but is not required to meet with Complainant.
4. The Dean will make a decision as to whether or not the Respondent is responsible for Inappropriate Conduct.
5. If the Dean finds that the Respondent is responsible for Inappropriate Conduct, the Dean will decide the appropriate sanctions.
6. The Dean will notify Respondent of the decision of responsibility and if applicable, sanctions typically within ten (10) business days of receipt of the investigation report.
7. If the sanction is suspension, the Dean will forward a copy of the decision to the Faculty Panel and Provost.

K. Faculty Panel Review

1. The Faculty Panel consists of three tenured professors appointed by the Faculty Council/Senate Chair from outside of the academic unit in which the Respondent

has a primary academic appointment. The Faculty Panel members may be chosen from the standing Grievance Resolution Panel.

2. Any sanction for suspension, paid or unpaid, will be reviewed by a Faculty Panel.
3. The Faculty Panel sends a recommendation to the Provost stating either the Panel's agreement or disagreement with the suspension and the grounds for the Panel's recommendation within twenty (20) business days of receiving the Dean's decision.

L. Provost Review and Decision

1. All decisions by the Dean for suspension, paid or unpaid, will be automatically sent to the Provost for review and decision.
2. For all decisions for sanctions other than suspension, Respondent may request review and decision by the Provost by sending the request for reconsideration to the Provost within five (5) business days of receipt of the decision letter.
3. The Provost shall review the Complaint, the Response if any, the investigation report, the decision by the Dean and Faculty Panel recommendation, if applicable.
4. The Provost may but is not required to meet with the Respondent, the Complainant and the Dean.
5. The Provost may affirm, modify or reverse the Dean's decision of Inappropriate Conduct and/or Sanctions.
6. The decision by the Provost will be sent the Respondent and the Dean typically within five (5) business days of receiving all applicable information.

M. Sanctions

The following sanctions may be imposed upon Respondent found to have committed Inappropriate Conduct. Multiple sanctions maybe imposed for any single violation. Sanctions include but are not limited to:

1. **Warning.** A notice in writing to the Respondent and included in the Respondent's personnel file indicating that there is a finding of Inappropriate Conduct.
2. **Loss of Privileges.** Denial of specified privileges of Respondent for a designated period of time. This may include but is not limited to suspending travel privileges and/or payment of travel or conference expenses, restricting use of laboratories or offices, limiting contact with students, or suspending access to teaching or research assistance or grant accounts, service on University committees or representation of the University on official business. The loss of privileges sanction may not be applied in manner to create a constructive suspension.
3. **Education or Training.** Respondent may be required to complete education or training.

4. Restitution. Compensation by Respondent for loss, damage or injury to the University or University property. This may take the form of appropriate service and/or monetary or material replacement.
5. Suspension. Separation of the Respondent from the University for a definite period of time, after which the Respondent is eligible to return. Conditions for return should be specified. Suspension may be with or without salary (full or partial) for a period not to exceed one-half of the individual's normal appointment period. During the suspension period, health and retirement benefits shall be maintained.
6. Referral to the Chancellor to consider/initiate dismissal for cause as detailed in Section 310.060 of the Collected Rules and Regulations.

N. Appeal to the Chancellor

1. Respondent may appeal the decision by the Provost to the Chancellor, by filing an appeal stating the grounds or reasons for appeal in detail within five (5) business days after receipt of notification of the decision. The appeal shall be limited to the following grounds:
 - a. A procedural error occurred that significantly impacted the outcome of the finding or sanctions, e.g. substantiated bias or material deviation from established procedures.
 - b. To consider new evidence, unavailable during the original resolution process or investigation that could substantially impact the original findings or sanction.
 - c. The sanction falls outside the range typically imposed for this offense, or for the cumulative disciplinary record of Respondent.
2. Within five (5) business days of receipt of the appeal from Respondent, the Chancellor shall provide a copy of the appeal to the Provost.
3. Within five (5) business days of receiving a copy of the appeal, the Provost may file a response to the appeal.
4. Within ten (10) business days of receiving the Provost's response to the appeal, the Chancellor shall provide a determination in writing to Provost and Respondent. The Chancellor can affirm, modify or reverse the decision of the Provost.
5. The determination of the Chancellor is final and not subject to further review under the Academic Grievance Procedure in Section 370.010 of the Collected Rules and Regulations.
6. Status during appeal – The Respondent may petition the Chancellor in writing for permission to stay the imposed sanction pending final determination of the appeal. The Chancellor may permit the stay of sanctions under such conditions as may be designated pending completion of the appeal, provided such continuance will not seriously disrupt the University or constitute a danger to the health, safety or

welfare of members of the University community. If a stay is granted, any final sanctions imposed shall be effective from the date of the final decision.

O. Complainant

Within five (5) business days from the final decision, Complainant will receive notice that the process has concluded and at what stage (Information Resolution, Dean Decision, Provost Decision or Appeal).

P. Notice

Except for the decisions by the Dean and Provost and the determination by the Chancellor, all communication including notices, request for reconsideration and appeal may be sent via University e-mail only. The Dean's decision and when applicable the Provost's Decision and the Chancellor's determination shall be sent to the Respondent via both e-mail and registered mail.

Q. Extensions of Time

For good cause, the Chancellor or Provost may grant reasonable extensions of time for any of the proposed time deadlines in the Standard Faculty of Conduct.

R. Behavior during Process

1. All individuals involved in the Standards of Faculty Conduct process should keep the matters confidential and only share the information with those who have legitimate educational or business need to know. This rule shall not preclude the placement of notes in the record of a Respondent that may be used for subsequent action in determining ongoing professional misconduct, grievances, or other University proceedings.
2. Nothing in this rule shall be construed as interfering with the ability of any University member to contact law enforcement when necessary.
3. All University employees must be truthful in providing testimony during this process, and all non-testimonial evidence must be genuine and accurate.
4. All participants, including the Complainant and Respondent, are expected to conduct themselves in a professional manner.
5. False reporting is making an intentional false Complaint as opposed to a report or accusation, which, even if erroneous, is made in good faith. False reporting is a serious offense that would be a breach of professional ethics and subject to appropriate disciplinary action.

S. Reporting Data

Campus level statistical data, including the types and numbers of complaints and findings of Inappropriate Conduct, as well as sanctions imposed, shall be reported annually to the Intercampus Faculty Council for transmission to each campus Faculty Senate/Council.

T. Records

Records of complaints and decision will be kept by the Unit in which the Respondent has a primary academic appointment. The "Record of the Case in the Section 330.110 Process" will include, if applicable, the Complaint, the Response, the investigation report, the decision by the Dean, the recommendation by the Faculty Panel, the decision by the Provost and the determination by the Chancellor. The Record of the Case in the Section 330.110 Process will be kept for a minimum of seven (7) years following final solution.