

UNIVERSITY OF MISSOURI
Columbia . Kansas City . Rolla . St. Louis



BOARD OF CURATORS

Minutes of the Board of Curators Meeting
April 11-12, 2013
Havener Center, Missouri University of Science and Technology
Rolla, Missouri

A meeting of the University of Missouri Board of Curators was convened in public session at 11:37 A.M., on Thursday, April 11, 2013, in St Pat's Ballroom A&B of the Havener Center on the Missouri University of Science and Technology campus, Rolla, Missouri, pursuant to public notice given of said meeting. Curator Wayne Goode, Chairman of the Board of Curators, presided over the meeting.

Present

The Honorable David R. Bradley
The Honorable Ann K. Covington
The Honorable Donald L. Cupps
The Honorable Don M. Downing
The Honorable Wayne Goode
The Honorable Pamela Q. Henrickson
The Honorable John R. Phillips
The Honorable David L. Steward

Also Present

Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy Harmon, Secretary of the Board of Curators
Miss Amy G. Johnson, Student Representative to the Board of Curators
Mr. Stephen C. Knorr, Vice President for University Relations

Approval of Board of Curators Executive Committee and Board Standing Committee
Appointments, 2013

It was recommended by Chairman Goode, moved by Curator Downing and seconded by Curator Steward, that the following Board of Curators Executive Committee and Standing Committees appointments be approved for 2013:

Executive Committee

Wayne Goode, Chairman
Don M. Downing
Pamela Q. Henrickson

Academic, Student and External Affairs Committee

David L. Steward, Chairman
David R. Bradley
Ann K. Covington
Pamela Q. Henrickson
Amy Johnson, Student Representative

Audit Committee

Pamela Q. Henrickson, Chairwoman
Donald L. Cupps
Don M. Downing
John R. Phillips
David L. Steward

Compensation and Human Resources Committee

Donald L. Cupps, Chairman
David R. Bradley
Don M. Downing
John R. Phillips

Finance Committee

Don M. Downing, Chairman
Ann K. Covington
Donald L. Cupps
David L. Steward
Amy Johnson, Student Representative

Governance, Resources and Planning Committee

David R. Bradley, Chairman
Pamela Q. Henrickson
John R. Phillips
Wayne Goode, ex officio

Tim Wolfe, ex officio

Roll call vote:

Curator Bradley voted yes.

Curator Covington voted yes.

Curator Cupps voted yes.

Curator Downing voted yes.

Curator Goode voted yes.

Curator Henrickson voted yes.

Curator Phillips voted yes.

Curator Steward voted yes.

The motion carried.

Resolution for Executive Session of the Board of Curators Meeting

It was moved by Curator Steward and seconded by Curator Downing, that there shall be an executive session with a closed record and closed vote of the Board of Curators meeting, on April 11 and 12, 2013 for consideration of:

Section 610.021(1), RSMo, relating to matters identified in that provision, which include legal actions, causes of action or litigation, and confidential or privileged communications with counsel; and

Section 610.021(2), RSMo, relating to matters identified in that provision, which include leasing, purchase, or sale of real estate; and

Section 610.021(3), RSMo, relating to matters identified in that provision, which include hiring, firing, disciplining, or promoting of particular employees; and

Section 610.021(12), RSMo, relating to matters identified in that provision, which include sealed bids and related documents and sealed proposals and related documents or documents related to a negotiated contract; and

Section 610.021 (13), RSMo, relating to matters identified in that provision, which include individually identified personnel

Dr. Steven Graham, Senior Associate Vice President for Academic Affairs
Mr. Stephen C. Knorr, Vice President for University Relations
Ms. Natalie "Nikki" Krawitz, Vice President for Finance and Administration
Mr. Leo E. Morton, Chancellor of University of Missouri – Kansas City
Dr. Michael F. Nichols, Vice President for Research and Economic Development
Dr. Betsy Rodriguez, Vice President for Human Resources
Dr. Cheryl B. Schrader, Chancellor for Missouri University of Science and Technology
Dr. Robert W. Schwartz, Chief of Staff
Ms. Jennifer Hollingshead, Chief Communications Officer, UM System
Media representatives

General Business

Review of Consent Agenda no discussion

Approval of 2014 Board of Curators Meeting Calendar

It was recommended by Chairman Goode, endorsed by President Wolfe, moved by Curator Steward and seconded by Curator Henrickson, that the proposed 2014 Board of Curators meeting calendar be approved as follows:

PROPOSED 2014 BOARD OF CURATORS MEETING CALENDAR

DAYS

DATES

LOCATION

Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

Board of Curators standing committee meetings were convened at 1:52 P.M. and concluded at 4:40 P.M. on Thursday, April 11, 2013. Committee actions were presented to the full Board for action following each Committee vote.

Finance Commi /m-5(ae4(e)4(C]TETBT1 0 0 1 28.037533.5 Tm(F)JFT EMC /P MCID 101ETBT

It was recommended by Vice President Rodriguez, endorsed by President Wolfe, recommended by the Compensation and Human Resources Committee, moved by Curator Cupps and seconded by Curator Phillips,

that the Employee Assistance Program currently being utilized by MU, MU Health Care and UM System employees be expanded to provide services to Missouri S&T, UMSL, and UMKC employees as described in the action summary; and that the program be funded by the Health and Welfare budget.

Roll call vote of Board of Curators:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward voted yes.

The motion carried.

Academic, Student and External Affairs Committee

Curator Steward provided time for discussion of committee business.

Information

1.

Present

The Honorable David R. Bradley
The Honorable Ann K. Covington
The Honorable Donald L. Cupps
The Honorable Don M. Downing
The Honorable Wayne Goode
The Honorable Pamela Q. Henrickson
The Honorable John R. Phillips
The Honorable David L. Steward

Also Present

Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy Harmon, Secretary of the Board of Curators
Miss Amy G. Johnson, Student Representative to the Board of Curators
Dr. Betsy Rodriguez, Vice President for Human Resources

General Business – Executive Session

Vice President Graham joined the meeting.

It was recommended by Chancellor Brady Deaton, endorsed by President
Timothy M. Wolfe

Curator Downing voted yes.
Curator Goode voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Steward was absent.

The motion carried.

Vice President Graham excused himself from the meeting.

_____ and personnel
presented by President Wolfe.

Emeritus Title for Chancellor Brady J. Deaton

It was recommended by President Timothy M. Wolfe, moved by Curator Downing, and seconded by Curator Covington, that the following action be approved:

that the title of Chancellor Emeritus be bestowed to Brady J. Deaton upon retirement in recognition of his service as Chancellor of the University of Missouri.

Roll call vote of the Board:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Downing voted yes.
Curator Goode voted yes.

Thursday, April 11, 2013
Hosted by Chancellor Cheryl B. Schrader
Location: McNutt Hall Commons, Missouri University of Science and Technology
campus, Rolla, Missouri

BOARD OF CURATORS MEETING – PUBLIC SESSION

Missouri S&T Faculty Senate Breakfast and Presentation

8:00 – 8:45 A.M.

Friday, April 12, 2013

Topic: Innovation, Discovery, Scholarship at Missouri S&T

Technology campus

A meeting of the University of Missouri Board of Curators reconvened in public session at 9:10 A.M., on Friday, April 12, 2013, in Center on the Missouri University of Science and Technology campus, Rolla, Missouri, pursuant to public notice given of said meeting. Curator Wayne Goode, Chairman of the Board of Curators, presided over the meeting.

Present

The Honorable David R. Bradley
The Honorable Ann K. Covington
The Honorable Donald L. Cupps
The Honorable Don M. Downing
The Honorable Wayne Goode
The Honorable Pamela Q. Henrickson
The Honorable John R. Phillips
The Honorable David L. Steward

Also Present

Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy Harmon, Secretary of the Board of Curators
Miss Amy G. Johnson, Student Representative to the Board of Curators
Dr. Gary Allen, Vice President for Information Technology
Dr. Brady J. Deaton, Chancellor, University of Missouri
Dr. Thomas F. George, Chancellor for University of Missouri – St. Louis
Dr. Steven Graham, Senior Associate Vice President for Academic Affairs
Mr. Stephen C. Knorr, Vice President for University Relations
Ms. Natalie "Nikki" Krawitz, Vice President for Finance and Administration
Mr. Leo E. Morton, Chancellor of University of Missouri – Kansas City
Dr. Michael F. Nichols, Vice President for Research and Economic Development

Dr. Betsy Rodriguez, Vice President for Human Resources

Dr. Cheryl B. Schrader, Chancellor for Missouri University of Science and Technology

(2)

3. Written agreements developed pursuant to section A.2.d. for holders of academic appointments shall first be approved by the chair, then the dean, and finally the Chancellor's designee.
4. Written agreements developed pursuant to section A.2.d. for holders of

2. Liability -- Before any use is made of University-owned materials described in section A.2., all authors, producers, and contributors shall warrant that they are the sole owners of their respective contributions and that the work does not infringe any copyright, violate any property rights, or contain any libelous unlawful material.
5. Transition Assistance Program Extension, UM

That the Transition Assistance Program for Administrative, Service & Support Employees be extended through June 30, 2014. This program, originally approved by the Board of Curators in February 2009, was effective March 1, 2009 and was to remain in place until June 30, 2010. Due to the continued budget situation, the Board granted an extension of the program through June 30, 2011, through June 30, 2012, and again through June 30, 2013. With continued fiscal constraints, it is proposed that the following program be extended through June 30, 2014.

and prior to the effective date of the layoff. If the employee refuses to accept transfer or assignment to a comparable regular University position, the employee loses his or her right to transition assistance. In addition, the employee is not eligible for transition assistance if any of the following events occur prior to the effective date of layoff or, once commenced, is not a/-149(a TJEfo)-13mm islnTJEfo eee(nsit3mm)(te)-1374or transi to Tm[a]4(s

Employees placed on layoff leave of absence are required to notify campus Human Resource Services if they obtain employment outside the University and/or if they become eligible for coverage under other benefit programs as a result of such employment. Part the employee becomes eligible for coverage under other benefit programs as a result of employment outside the University.

The qualifying event date for COBRA eligibility is the first of the month following the effective date of the layoff leave of absence. The COBRA benefit period will run concurrently with the layoff leave of absence. Once the layoff leave of absence has expired, COBRA benefits can continue, with full costs paid by the individual, for the remainder of the COBRA eligibility period allowed (not to exceed 18 months in total). The Faculty and Staff Benefits Office will mail information on COBRA benefits, including the timeframe for COBRA election.

Outplacement Services

Outplacement services, such as resume preparation, help in developing job search strategies and interviewing skills will be made available to an employee through campus Human Resource Services, which will also provide contact information for the appropriate Division of Employment Security.

6. Sole Source, License Renewal, Academic Analytics, UM

Board of Curators Meeting

will have the right of appeal of any evaluations, decisions, or recommendations to the next level of the process.

2. *Formulation of Development Plan and Assessment of Progress*
 - a. If a two-thirds majority of the members of the co

schools or colleges, the Vice Provost for Academic Affairs do not find satisfactory progress in two of the three years, then the five-year evaluations plus the three years of progress reports and evaluations by the chair on the development plan will be forwarded to the campus committee on T

Policy and Procedures for Promotion and Tenure

department, school, or college procedures as long as the
procedures are in complian

- consult with members of the faculty individually or in a group and may confer with others.
- b. The critical questions that should be addressed during review by the dean or director, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, are as follows:
 - (1) Is the candidate qualified to be promoted or to be placed on continuous appointment?
 - (2) If more than one person is being considered for a single position, is the candidate the best qualified among those being considered to fill this tenured position?
 - c. The dean, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, should solicit whatever additional information is deemed appropriate for making an independent evaluation and recommendation.
 - d. In making recommendations at the department and the school or college or campus levels, each committee, chairperson and dean, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, should keep the above two questions clearly in mind.
 - e. The dean/director, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, shall then forward all recommendations to the chancellor, including a written statement of evaluation and recommendation for each candidate.
3. Review by the Chancellor
- a. The chancellor is assisted in the review of recommendations for promotion and tenure by a campus-wide promotion and tenure advisory committee. The committee may be appointed, elected, or otherwise designated in accordance with the established campus procedures. This committee reviews all recommendations for promotion and continuous appointment and advises the chancellor on the following matters:
 - (1) The adequacy of the criteria used at the department, school, and college level;
 - (2) The qualifications of the individuals recommended; andIn making a final recommendation to the chancellor, the committee will answer the two critical questions in A.2.b.
4. Evaluation and Notification Process
- a. In the promotion and continuous appointment process, the final decisions are made by the chancellor. Recommendations by committees, chairpersons, deans, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, are not binding on the chancellor.
 - b. When a recommendation for continuous appointment cannot be substantially supported, a negative recommendation should be made at the earliest possible time by the first level of review. To insure fair and timely review of all actions, committees,

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documentation should demonstrate clearly that the individual

- f. **Promotion to Professor** A person recommended for promotion to the rank of professor should have significant accomplishments, especially in the area of research and scholarly activity, beyond those justifying the rank of associate professor. Years of service alone do not justify advancement. Rather, sustained contributions during a career to research, scholarship, and teaching are necessary. A person to be considered for promotion to professor should be a scholar who has achieved national distinction.
- g. **Persons with Special Duties** In some cases, individuals on regular academic appointments have responsibilities substantially different from the usual mix of teaching and research duties (including extension). Campuses should examine such cases and seek where appropriate to change the appointment to nonregular or to administrative, service, and support. Such persons should not normally be considered for continuous academic appointment.

10. Collected Rules and Regulations revisions, 320.090 Emeritus Designation, UM

**Collected Rules and Regulations 320.090
Emeritus Designation**

Chapter 320: Employment and Termination

Bd. Min. 12-6-68, p. 34,190; Amended Bd. Min. 3-17-87; Amended 12-16-94, Amended 11-29-07, Amended 6-17-11, 4-12-13.

- A. **Rule** -- The procedure for granting the title of "Professor Emeritus/Emerita" or "Associate Professor Emeritus/Emerita" shall originate with the retiring faculty member's department. The appropriate title shall be granted to any member of the Faculty on regular appointment in good standing at the time of

campus and of the University-wide system, including those related to budget matters, as well as decisions of other bodies which affect UMC. Where possible, this information shall be made available to the Faculty before being made available to the general public.

2. **Professional Ethics and Academic Responsibilities** -- The Professor, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognizes the special responsibilities placed upon him/her. His/her primary responsibility to his/her subject is to seek and to state the truth as he/she sees it. To this end he/she devotes his/her energies to developing and improving his/her scholarly competence. He/she accepts the obligation to exercise critical self-discipline and judgment in using, extending and transmitting knowledge. He/she practices intellectual honesty. Although he/she may follow subsidiary interests, these interests must never seriously hamper or compromise his/her freedom of inquiry.

a. **As a teacher**, the Professor encourages the free pursuit of learning in his/her students. He/she holds before them the best scholarly standards of his/her discipline. He/she demonstrates respect for the student as an individual, and adheres to his/her proper role as intellectual guide and counselor. He/she makes every reasonable effort to foster honest academic conduct and to assure that his/her evaluation of students reflects their true merit. He/she respects the confidential nature of the relationship between professor and student. He/she avoids any exploitation of students for his/her private advantage and acknowledges significant assistance from them. He/she protects their academic freedom.

b. **As a colleague**, the Professor has obligations that derive from common membership in the community for scholars. He/she respects and defends the free inquiry of his/her associates. In the exchange of criticism and ideas he/she shows due respect for the opinions of others. He/she acknowledges his/her academic debts and strives to be objective in his/her professional judgment of colleagues. He/she accepts his/her share of Faculty responsibilities for the governance of his/her institution.

c. **As a member of his/her institution**, the Professor seeks above all to be an effective teacher and scholar. Although he/she observes the stated regulations of the institution, provided they do not contravene academic freedom, he/she maintains his/her right to criticize and seek revision.

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decision upon the program of the institution and gives due notice of his/her intentions.

- d. **As a member of his/her community**, the Professor has the rights and the obligations of any citizen. He/she measures the urgency of those obligations in the light of his/her responsibilities to his/her subject, to his/her students, to his/her profession, and to his/her institution. When he/she speaks or acts as a private person he/she avoids creating the impression that he/she speaks or acts for his/her college or university. As a citizen engaged in a profession that depends upon freedom for its

- (1) Development and articulation of students' rights and responsibilities.
 - (2) Determination of an appropriate academic calendar.
 - (3) Selection of awardees for honorary degrees.
 - (4) Application of criteria affecting professional standing of Faculty.
- c. **Advisory Authority** -- The UMC Faculty has advisory authority and responsibility with other persons or offices in matters such as:
- (1) Budget and resource allocation.
 - (2) Planning, including capital expenditures and physical facilities.
 - (3) Selection of departmental, divisional, campus, and university-level administrators.
 - (4) Determination of the campus standing committee structure.
 - (5) Development and implementation of general business procedures which facilitate academic program excellence.
 - (6) Use of facilities for program activities.
 - (7) Application of criteria affecting promotion, tenure and termination.
- d. **Faculty Delegation of Authority** -- The Faculty, recognizing that handling matters through meetings of the Faculty is cumbersome, that attendance at such meetings varies, and that it is often difficult to have complete discussion of issues at such meetings, may delegate its authority to the Faculty Council. Such delegation, if made, shall be in accord with and subject to the following provisions:
- (1) The delegation shall be made by majority vote of the Faculty by mail ballot or at a regular meeting of the Faculty. The delegation may be for a specific period (not less than one academic year) or for an indefinite period. However, the delegation may be withdrawn at any time by specific action of the Faculty.
 - (2) The delegation shall not prevent the calling of meetings of the Faculty under the provisions of Section 300.010 C. Regular meetings of the Faculty shall be held at least once a semester.
 - (3) The delegation shall give the Faculty Council authority to act for the Faculty and, except as provided below, to take such actions as the Faculty could take.
 - (a) This authority shall include but not be limited to:
 - Proposing revisions of the Bylaws to be submitted to the Faculty for adoption.
 - Referring any matter to the Faculty either by calling a meeting of the Faculty or by mail ballot.

1. The authority of the Faculty as delegated by the Board of Curators shall include

- a. The Faculty, through the Faculty Senate, shall have the authority to:

- c. Ad hoc and standing University-wide committees to which the Faculty (often acting through its elected campus body, the Faculty Council) shall designate its members.
- d. Intercampus committees concerned with cooperation in educational and research activities within the respective disciplines.

H. Faculty Council on UMC Policy

1. A Faculty Council shall be composed of Faculty members who shall be elected by the several divisional faculties as hereinafter provided. The Faculty Council shall have certain delegated authority to act on behalf of the General Faculty (Section 310.010 C.3.c of these Bylaws). In addition, the Council, as a representative Faculty voice, shall advise the Chancellor and the UMC Faculty on questions of UMC policy submitted by either to the Council, and may initiate recommendations concerning changes in the UMC policy for consideration and appropriate action by the Chancellor or UMC Faculty.
2. All colleges and schools that are headed by a Dean who reports to the Provost for academic affairs shall be entitled to voting representation.
3. The minimum T/TT number of representatives on the council shall be 25 and the maximum shall be 30. Four additional representatives on the council shall be NTT Faculty.
4. Representatives for T/TT faculty shall be allocated to a college or school on the basis of the total number of T/TT faculty members of the UMC Faculty within the college or school. The determination of the number of T/TT faculty representatives shall be made on November 1 of each academic year, and the number so determined shall govern representation for the next academic year. A qualified T/TT representative who has a joint appointment in two or more colleges or schools shall be assigned to the college or school in which he devotes the largest percentage of his time. If the assignment cannot be made on this basis, the council shall make the assignment, first having consulted with the T/TT faculty member to the extent feasible. Representation of the various colleges and schools shall be based upon persons holding the three eligible ranks listed in the most recent UMC general catalog. Emeritus Professors and any academic titles other than Professors, Associate Professors, Assistant Professors, will not be included in the computations, with the exception that retired professors on continued service will be counted.

Each college or school shall be entitled to representation at a basic ratio of one representative for each fifty T/TT faculty members or majority fraction thereof (26-49), and in particular as follows: one (1) representative for 1-75; two (2) representatives for 76-125; and so on for each additional fifty (50) qualified T/TT faculty members or major fraction thereof.

In the event the number of qualified T/TT faculty members changes to the point

where the basic ratio of one to 50 would give less than 25 or more than 30 representatives, the council by a finding recorded in its minutes shall adjust the ratio to produce not less than 25 and not more than 30 T/TT faculty representatives.

5. T/TT Faculty Council representatives must be elected from among the qualified T/TT faculty members of the UMC Faculty.

Every qualified T/TT faculty member of the UMC Faculty is eligible for election to and service on the Council: Provided, however, that members of the UMC Faculty who hold administrative positions with the rank of Assistant Dean or higher, or equivalent positions regardless of the title, are ineligible for election or service. Only those eligible to serve on the Faculty Council as T/TT faculty are eligible to vote for T/TT representatives on the Council.

6. The T/TT faculty of each college or school shall determine the election procedures for the election of its T/TT representative or representatives and shall report these to the Faculty Council. Election shall be by secret ballot. In those divisions that have two or more representatives, terms shall be staggered.

7. Full-time ranked NTT faculty campus-wide will elect four members of Faculty Council, one each from the categories of teaching, research, clinical and extension. UMC NTT faculty shall determine the election procedures for the election of NTT representatives and shall report these to the Faculty Council. Every qualified NTT Faculty member is eligible for election to and service on the Council and only NTT faculty shall vote in election of NTT Faculty Council representatives. As defined in the Faculty Council Rules of Order, NTT faculty representatives are not eligible for service on the Faculty Council Board of Tenured or Tenure-Track faculty, which votes on matters specific to tenure or tenured/tenure track (/MC9(r)-31 180.02 383.1de wil180.02 295.85 Tm{4g}9(g)11(er4(o)(n)11(t)

3. **Purpose and Limits of the Article** -- This article shall govern the filing and disposition of charges alleging breaches of professional ethics or commission of irresponsible acts made against UMC Faculty members and teachers. No portion of this article shall be deemed to amend or affect Section 10 of the Academic Tenure Regulations, March 10, 1950, or any revision thereof; nor shall this article be construed to affect adversely the rights which any person may have under the University Tenure Regulations.

4. **Initiation and Transmission of a Charge** -- A charge of unethical or irresponsible action may be brought against a Faculty member or teacher by a person or group of persons associated with the University, such as a student,

- a. After a written request for an informal hearing, such hearing shall be held by a committee designated for this function according to the following procedure:
 - (1) A Department Committee on Faculty Responsibility shall be established annually according to normal procedures in the structuring of committees in the department. If the accused or the accuser is a member of the committee, he/she is disqualified from the committee for that case. If the accused is a teacher, the department committee must be adjusted to include peers of the same academic rank, in proportion to the department roster. In small departments, same-level peers may be appointed from related departments by mutual consent of the accused and the department Chairperson. The Chairperson shall supply the accused with a written report of the membership of the Department Committee on Faculty Responsibility.
 - (2) For the Divisional Committee on Faculty Responsibility, a panel of 13 Faculty members and a special panel of five teachers shall be named annually by the Divisional Policy Committee. In any case where the accused or the accuser is a member of the panel, he/she shall be replaced by a substitute appointed by the Divisional Policy Committee.
 - (a) When the accused is a Faculty member, the Divisional Dean will strike three names and then the accused will strike three names from the panel of Faculty members and the remaining seven Faculty members will constitute the committee.
 - (b) When the accused is a teacher, five members of the panel of Faculty members will be removed by lot from the panel and replaced by the members of the special panel of teachers. From the resulting panel of 13 the Divisional Dean will strike three names and then the accused will strike three names and the remaining seven members will constitute the committee.
 - (c) The Divisional Committee on Faculty Responsibility, once constituted, shall organize itself. The Divisional Dean shall supply the accused with the names of the members of the Divisional Committee on Faculty Responsibility.
- b. The Committee (department or division) shall investigate the charge and shall offer the accused and the accuser an opportunity to state their positions and to present testimony and other evidence relevant to the case. The accused shall have access to all information considered by the committee and the names of all persons giving evidence against him/her. The hearing shall be informal and the accused and the accuser at their option may be present during the hearing. Other persons shall not be present except while giving testimony or other evidence.

- c. After completion of the hearing the committee shall meet in closed session and after deliberation prepare a written report. This report (including a minority report, if any) shall be transmitted to the divisional dean and a copy transmitted promptly to the accused. This report shall be limited to one of the following:
 - (1) The charge is unfounded or there is insufficient reason to believe the accused has violated professional ethics or acted irresponsibly, and the matter should be dropped without prejudice to the accused. The justification for this conclusion must be included.
 - (2) There is sufficient reason to believe the accused has acted unethically or irresponsibly, and
 - (a) If the accused is a Faculty member, the matter should be

and no further proceedings under this Article shall be taken.

If the Provost for Academic Affairs does not concur, he/she may take any of the above actions on his/her own motion. If the action of the Divisional Dean or the Provost for Academic Affairs differs from the conclusion reached by the Department or Divisional Committee on Faculty Responsibility, a statement of reasons shall be given.

Notification of the action with the statement of reasons shall be transmitted promptly to the accused.

- c. **If the accused is a teacher**, after receiving the report of the Department or Divisional Committee on Faculty Responsibility, or if the informal hearing was not requested, the Divisional Dean shall dispose of the case. Notification of his/her disposition with a statement of reasons shall be transmitted promptly to the accused. The Divisional Dean's decision is subject to review by the Provost for Academic Affairs who may accept an appeal from the teacher or review the case on his/her own motion.

8. **Formal Hearing before Campus Committee on Faculty Responsibility**

- a.

evidence applied in civil or criminal judicial proceedings. Both the committee and the Provost for Academic Affairs may receive the advice of counsel.

(2) The committee and the accused shall receive from the Provost for Academic Affairs prior to the hearing copies of all reports and recommendations in the case, the text of the original charge, the name(s) of the accuser(s) and the names of the witnesses.

(3) The accused shall have the right to be present at the hearing, to have counsel of his/her choice present with him/her at the hearing, to address the committee at any reasonable time upon request, to offer and present evidence, to examine all documents offered at the hearing and challenge their validity or admissibility, to question all witnesses, and to have his/her counsel perform any and all of these acts in his/her behalf. After the termination of the proceedings and completion of the committee's report, the accused shall receive promptly a transcript of the proceedings at University expense.

- c. **Following the hearing**, the Campus Committee on Faculty Responsibility shall meet in closed session and, after deliberation, shall prepare a written report which shall include findings of fact (including whether the accused committed the acts mentioned in the charge), a determination of whether the accused's acts constitute a significant violation of professional ethics or responsibility, and the recommendation of specific sanctions or actions to be taken in the case. If the committee's recommendations differ from those made by the Divisional Dean, the report shall include the reasons for the difference. The report (including a minority report, if any) shall be transmitted promptly to the accused.

(1) If the committee recommends termination of appointment and the Provost for Academic Affairs concurs; or if the Provost for Academic Affairs recommends termination of appointment, the matter shall be governed by the Academic Tenure Regulations and no further proceedings under this Article shall be taken.

(2) If termination of appointment is not recommended, the report shall be transmitted to the Chancellor and the procedures of Section 300.010 L.9 shall be followed.

9. **Review by the Chancellor** -- The Chancellor shall, on written request of the accused or of the Provost for Academic Affairs filed within seven days from the notification of the decision of the Campus Committee on Faculty Responsibility, or may, on his/her motion without the filing of an appeal, review the case and affirm, modify, or reverse the decision or remand it to the committee for rehearing. If the Chancellor accepts an appeal or otherwise formally reviews the case, he/she shall notify the Provost for Academic Affairs and the accused, and

shall afford them an opportunity to make written submissions or suggestions concerning the disposition of the appeal on review. If the Chancellor reverses or modifies the decision of the committee, he/she shall set forth in writing a statement of his/her decision and the reasons therefor, and shall furnish a copy of his/her statement to the accused and to have accepted the committee's decision as the final disposition of the case. If the Chancellor is absent from the campus or for any reason is unable to act throughout the review period, he/she may designate a deputy (not the Provost for Academic Affairs) to discharge this function for him/her, or in case of need the President may be requested by the Provost for Academic Affairs or the Chairperson of the Campus Committee on Faculty Responsibility to name a deputy to exercise the Chancellor's authority in the case. After action by the Chancellor, any further appeal by the accused shall be confined to the general right of all members of the University to petition the President and the Board of Curators.

10. **Charges Against Administrators** -- This Article shall cover charges of unethical or irresponsible actions against administrators in their teaching capacities. If a charge is filed against a divisional dean in his teaching capacity, the case shall be referred to the Provost for Academic Affairs and the Campus Committee on Faculty Responsibility without action or recommendation at the departmental or divisional level. If a charge is filed against the Provost for

- c. Protection of the accuser against recriminations when a charge is made in good faith.
- d. Confidentiality of all aspects of responsibility hearings.
- e. Caution in the dissemination of information concerning disposition of a case.
- f. Promptness in conducting each step of the investigation, consistent with fairness in time allowed for preparation. Seven to fourteen days in which the University is in session are reasonable lower and upper limits for each action, with extensions possible for good cause.
- g. Assurance to all parties involved of adequate notification of meetings and scheduling at times and places convenient to the persons involved.
- h. Freedom of the accused against sanctions prior to completion of these procedures. In a serious case where the continuation of duties by an accused would disrupt the educational process or would create a serious threat to lives and property, the Chancellor may suspend the accused without loss of pay, on good cause shown and incorporated into written findings delivered to the accused.
- i. The rights of the accused to waive any or all of the peer judgment steps in these procedures and to negotiate a settlement with appropriate administrative officers at any time.
- j. The right and desirability of the Divisional Dean, after receiving a committee report (or in the absence of such a report where a hearing has been waived), to request and receive from the department Chairperson communications concerning the disposition of the case prior to the Divisional Dean's taking action; and the similar right of the Provost for Academic Affairs to communicate with the Divisional Dean and the department Chairperson.

M. Revision of Bylaws -- Revisions of these Bylaws may be proposed by Faculty Council. Proposed revisions shall be presented and discussed at a meeting of the General Faculty or a faculty forum. As soon as possible after the General Faculty meeting or faculty forum, all faculty members will be notified of the proposed revision and provided access to a ballot. Ballots will be tabulated by a committee of Faculty Council within tcomsriversity is in cBT is 4(o 7/Lang (ey)11(

Curator Covington voted yes.

Curator Cupps voted yes.

Curator Downing voted yes.

