

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



BOARD OF CURATORS

Minutes of the Board of Curators Meeting  
June 21-22, 2018  
Columbia, Missouri

**BOARD OF CURATORS MEETING – PUBLIC SESSION**

A meeting of the University of Missouri Board of Curators was convened in public session at 8:30 A.M., on Thursday, June 21, 2018, in Columns Room 208 C, D & E of the Reynolds Alumni Center on the University of Missouri-Columbia campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator David L. Steelman, Chair of the Board of Curators, presided over the meeting.

Present

The Honorable Julia G. Brncic  
The Honorable Darryl M. Chatman  
The Honorable Maurice B. Graham  
The Honorable Jeffrey L. Layman  
The Honorable John R. Phillips  
The Honorable Phillip H. Snowden  
The Honorable David L. Steelman  
The Honorable Jon T. Sundvold

The Honorable Jamie L. Farmer was absent.

Also Present

Dr. Mun Y. Choi, President  
Mr. Stephen J. Owens, General Counsel  
Ms. Cindy Harmon, Secretary of the Board of Curators  
Ms. Courtney Lauer, Student Representative to the Board of Curators  
Dr. C. Mauli Agrawal, Chancellor, University of Missouri – Kansas City  
Dr. Alexander Cartwright, Chancellor for University of Missouri-Columbia  
Ms. Marsha Fisher, Interim Associate Vice President for Human Resources  
Dr. Mark McIntosh, Vice President for Research and Economic Development  
Mr. Ryan D. Rapp, Vice President for Finance  
Dr. Marshall Stewart, Vice Chancellor, Extension and Engagement

Ms. Christine Holt, Chief of Staff, UM System  
Mr. Christian Basi, Director of Media Relations  
Media representatives

## **General Business**

### Resolution for Executive Session of the Board of Curators Meeting

It was moved by Curator Graham and seconded by Curator Sundvold, that there shall be an executive session with a closed record and closed vote of the Board of Curators meeting June 21-22, 2018 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 identifiable personnel records, performance ratings, or records pertaining to employees or applicants for employment.

Roll call vote of the Board:

Curator Brncic voted yes.  
Curator Chatman voted yes.  
Curator Farmer was absent for vote.  
Curator Graham voted yes.  
Curator Layman voted yes.  
Curator Phillips voted yes.  
Curator Snowden voted yes.  
Curator Steelman voted yes.  
Curator Sundvold voted yes.

The motion carried.

### **Health Affairs Committee**

Mr. Ron Ashworth joined the meeting as a member of the Health Affairs Committee

Information:

Quarterly Financial Update (written report only) – (information on file)

No questions were presented from the Board.

MU Health Quarterly Compliance Report – presented by Jennifer May (slides and information on file)

Proposed Amendment, Collected Rules and Regulations 440.040, University Physicians Medical Practice Plan – presented by Dr. Ted Choma (slides on file)

Update - Recommendation for MU Health Boards Structure and Meetings – presented by President Choi and Mr. Robert Hess (slides on file)

Minutes, April 12, 2018 Health Affairs Committee Meeting – approved as presented to the Committee.

The public session of the Board of Curators meeting recessed at 9:30 A.M. on Thursday, June 21, 2018.

### **Board of Curators Meeting – Executive Session**

A meeting of the University of Missouri Board of Curators was convened in executive session at 9:45 A.M., on Thursday, June 21, 2018, in the Columns Room 208 C, D & E of the Reynolds Alumni Center on the University of Missouri-Columbia campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator David L. Steelman, Chair of the Board of Curators, presided over the meeting.

#### Present

The Honorable Julia G. Brncic  
The Honorable Darryl M. Chatman  
The Honorable Jamie L. Farmer  
The Honorable Maurice B. Graham

The Honorable Jeffrey L. Layman  
The Honorable John R. Phillips  
The Honorable Phillip H. Snowden  
The Honorable David L. Steelman  
The Honorable Jon T. Sundvold

Also Present

Dr. Mun Y. Choi, President  
Mr. Stephen J. Owens, General Counsel  
Ms. Cindy Harmon, Secretary of the Board of Curators  
Ms. Courtney Lauer, Student Representative to the Board of Curators

**Health Affairs Committee – Executive Session**

Mr. Ron Ashworth joined the meeting as a member of the Health Affairs Committee.

Others who joined the meeting included Chancellor Cartwright, Mr. Jonathon Curtright (by phone), Vice President Rapp, Mr. Robert Hess, Dr. Steve Whitt, Mr. Mike Blair, Dr. Ted Choma and Ms. Jeri Doty.

Report on personnel, contract items and legal advice – presented by Mr. Robert Hess, Ms. Doty, Mr. Curtright and President Choi

No action taken by the Board.

Chancellor Cartwright, Mr. Jonathon Curtright, Mr. Robert Hess, Dr. Whitt, Mr. Blair, Dr. Choma and Ms. Jeri Doty excused themselves from the meeting.

**General Business**

Legal advice for personnel matter – presented by General Counsel Owens and Vice President Fischer

No action taken by the Board.

Report on personnel and contract matters – presented by President Choi

No action taken by the Board.

The executive session of the Board of Curators meeting recessed at 10:27 AM on Thursday, June 21, 2018.

**10:30 A.M. Meeting by invitation for the Board of Curators, President and Intercampus Faculty Council**  
Columns A&B, Reynolds Alumni Center

**12:15 P.M. Luncheon by invitation for the Board of Curators, President, General Officers and Intercampus Staff Advisory Council Members**  
Great Room, Reynolds Alumni Center

**2:00 P.M. Reconvened Public Session**

A meeting of the University of Missouri Board of Curators was reconvened in public session at 2:00 P.M., on Thursday, June 21, 2018, in Columns Room C, D & E of the Reynolds Alumni Center on the University of Missouri - Columbia campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator David L. Steelman, Chair of the Board of Curators, presided over the meeting.

Present

The Honorable Julia G. Brncic  
The Honorable Darryl M. Chatman  
The Honorable Jamie L. Farmer  
The Honorable Maurice B. Graham  
The Honorable Jeffrey L. Layman  
The Honorable John R. Phillips  
The Honorable Phillip H. Snowden  
The Honorable David L. Steelman  
The Honorable Jon T. Sundvold

Also Present

Dr. Mun Y. Choi, President  
Mr. Stephen J. Owens, General Counsel  
Ms. Cindy Harmon, Secretary of the Board of Curators  
Ms. Courtney Lauer, Student Representative to the Board of Curators  
Dr. C. Mauli Agrawal, Chancellor, University of Missouri – Kansas City  
Dr. Gary K. Allen, Vice President for Information Technology  
Dr. Alexander Cartwright, Chancellor for University of Missouri-Columbia  
Mr. Jonathan Curtright, Chief Executive Officer, MU Health  
Ms. Marsha Fisher, Chief Human Resources Officer  
Dr. Thomas F. George, Chancellor for University of Missouri-St. Louis  
Dr. Steven W. Graham, Senior Associate Vice President for Academic Affairs  
Dr. Chris Maples, Interim Chancellor for Missouri University of Science and Technology  
Dr. Mark McIntosh, Vice President for Research and Economic Development  
Dr. Kevin G. McDonald, Chief Diversity Officer  
Ms. Michelle M. Piranio, Interim Chief Audit Executive

Mr. Ryan D. Rapp, Vice President for Finance  
Dr. Marshall Stewart, Vice Chancellor, Extension and Engagement  
Ms. Christine Holt, Chief of Staff, UM System  
Mr. Christian Basi, Director of Media Relations  
Media representatives

### **General Business**

Student Representative to the Board of Curators Report – presented by Courtney Lauer  
(information only)

Ms. Lauer reported on student leader activities for each campus.

### **Consent Agenda**

It was endorsed by President Choi, moved by Curator Brncic and seconded by Curator Phillips, that the following items be approved by consent agenda:

#### **Consent Agenda**

1. Minutes, April 12-13, 2018 Board of Curators Meeting
  2. Minutes, April 12-13, 2018 Board of Curators Committee Meetings
  3. Minutes, May 21, 2018 Special Board of Curators Meeting and Committee Meetings
  4. Degrees, Summer Semester 2018 for all campuses
  5. June 2018 Security Resolution
  6. Amendment to Collected Rules and Regulations Section 490.020 Medical, Professional and Patient General Liability, UM
  7. Amendment, Collected Rules and Regulations Section 300.040, Faculty Bylaws of the University of Missouri – St. Louis, UMSL
  8. Project Approval, Medical Science Building – Research Vivarium Upgrades and Maintenance, MU
  9. Naming Opportunity, MU
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1. Minutes, April 12-13, 2018 Board of Curators Meeting – as provided to the curators for review and approval.
  2. Minutes, April 12-13, 2018 Board of Curators Committee Meetings - as provided to the curators for review and approval.

3. Minutes, May 21, 2018 Special Board of Curators Meeting – as provided to the curators for review and approval.

4. Degrees, Summer Semester 2018 for all campuses –

that the action of the President of the University of Missouri System in awarding degrees and certificates to candidates recommended by the various faculties and committees of the four University of Missouri System campuses who fulfill the requirements for such degrees and certificates at the end of the Summer Semester 2018, shall be approved, and that the lists of said students who have been awarded degrees and certificates be included in the records of the meeting.

5. June 2018 Security Resolution –

#### Resolution

The Curators of the University of Missouri agree that the following individuals occupying the designated offices shall constitute a Security Executive Committee with full authority and responsibility for the negotiation, execution and administration of Department of Defense, or User Agency classified contracts as described in DoD 5520.22-M, “National Industrial Security Program”:

The members of this Security Executive Committee have been processed for a personnel security clearance for access to classified information up to the level of the facility security clearance granted to this institution, as provided for under the aforementioned security program.

Once the following personnel complete all the requirements for a Department of Defense Top Secret personnel security clearance, they too will become full voting members of the Security Executive Committee.

- President, University of Missouri System, Mun Y. Choi, Ph.D.
- Curator, University of Missouri System (TBD)
- Chancellor, University of Missouri-Columbia, Alexander N. Cartwright, Ph.D.
- Provost, University of Missouri-Columbia (TBD)
- Chancellor Designate, University of Missouri-Kansas City, C. Mauli Agrawal, Ph.D.
- Provost, University of Missouri-Kansas City, Barbara A. Bichelmeyer, Ph.D.

- Interim Chancellor, Missouri University of Science and Technology, Christopher G. Maples, Ph.D.
- Provost, Missouri University of Science and Technology, Robert J. Marley, Ph.D.

The Security Executive Committee is hereby delegated all of the Board's duties and responsibilities pertaining to the protection of classified information under classified contracts of the Department of Defense or User Agencies awarded to the Curators of the University of Missouri.

The following officers and members of the University of Missouri Board of Curators shall not be required, shall not have, and can be effectively excluded from access to all classified information in the possession of the Curators of the University of Missouri, and do not occupy positions that would enable them to affect adversely the policies and practices of the Curators of the University of Missouri in the performance of classified contracts for the Department of Defense or User Agencies awarded to the Curators of the University of Missouri, and need not be processed for a personnel security clearance:

All members of the Board of Curators, except the designated member of the Security Executive Committee:

- Julia G. Brncic
- Darryl M. Chatman
- Jamie L. Farmer
- Maurice B. Graham
- Jeffrey L. Layman
- John R. Phillips
- Phillip H. Snowden
- David L. Steelman
- Jon T. Sundvold

Officers:

- General Counsel, Stephen J. Owens, J.D.
- Vice President for Research and Economic Development, Mark McIntosh, Ph.D.
- Vice President for Finance and CFO, Ryan Rapp
- Vice President for Human Resources, Marsha Fischer
- Vice President for Information Technology, Gary K. Allen, DVM, Ph.D.
- Chancellor, University of Missouri-St. Louis, Thomas F. George, Ph.D.
- Chief of Staff, Christine Holt



6. Amendment, Collected Rules and Regulations Section 490.020 Medical, Professional and Patient General Liability, UM –

**Collected Rules and  
Regulations Benefit  
Plans**

**Chapter 490: Defense and Protection**

**490.20 Medical, Professional and Patient General Liability**

Bd. Min. 2-24-78, Amended Bd. Min. 5-26-78, Amended Bd. Min. 7-27-79;  
Revised 1-21-98; Revised 10-1-98, Amended Bd. Min. 11-22-02; Revised 1-31-  
14; Revised 12-11-14; Revised 6-21-18.

**A. Article I: Definitions -- As used herein:**

1. **Plan** -- The term "Plan" shall mean the University of Missouri Medical Professional and Patient General Liability Plan.
2. **Employer** -- The term "Employer" shall mean The Curators of the University of Missouri, a public corporation, including all its campuses, divisions, branches and parts and also including subsidiaries and affiliates of the University that are designated for coverage under this Plan by the Assistant Vice President.
3. **Injury** -- The term "injury" shall mean physical damage to or destruction of tangible property, bodily or mental injury, sickness or disease, including death, to which the Plan applies and resulted from an "occurrence" while the Plan was in effect. The term "injury" shall not be deemed to mean intentional torts.
4. **Damages** -- The term "damages" shall mean any monetary consideration due a claimant, including but not limited to money, services, waiver of amounts payable from patients and any other similar consideration approved pursuant to the Plan or the amount of a final judgment awarded by a court of competent jurisdiction.
5. **Covered Person** -- The term "covered person" shall mean any person or organization designated in the Covered Persons provision of the Plan.
6. **Occurrence** -- The term "occurrence" shall mean an "incident", including continuous or repeated exposure to conditions, which results in an "injury" neither expected nor intended from the standpoint of the covered person and/or neither expected nor intended from the standpoint of the claimant.
7. **Incident** -- The term "incident" shall mean any happening which is

not consistent with the routine or commonly practiced care of a patient, including an accident or a situation which might result in an accident. An incident is also an actual or alleged injury arising out of the rendering or failure to render professional services by a "covered person" or by any person for whose acts or omissions the "covered person" is legally responsible, which resulted from or was attendant to a therapeutic or diagnostic procedure. Also included as an incident is a claim by or on behalf of a "patient" that there was a failure to obtain an informed consent from a person or entity with the legal authority to provide such consent. An incident shall also include a claim of negligence in regard to the handling of or performing post-mortem examinations on human bodies or animal bodies.

8. **Director** -- The term "Director" shall mean the Director of Insurance and Risk Management, or the successor position thereto by whatever name it is entitled, a UM position.
9. **Medical Facility** -- The term "medical facility" shall mean any hospital, Student Health Service, School of Medicine, School of Dentistry, School of Pharmacy, School of Nursing, College of Veterinary Medicine and any other similar facilities owned or operated by the "Employer" approved for coverage by the "Assistant Vice President" or a facility to which "covered persons" have been assigned by the "Employer" or at which "covered persons" rendered professional services with the permission of the "Employer" where the health care and treatment of persons or animals are performed.
10. **Employee** -- Except as otherwise provided in this paragraph, the term "employee" shall mean a person whose services are secured by written agreement by "Employer" at a "medical facility" or a person employed by "Employer" at a "medical facility" or who has administrative or supervisory authority with respect to a "medical facility" or personnel thereof and at the time of an "occurrence" was in the performance of his or her regularly assigned duties as determined by the appropriate person having supervisory authority of the employee, including the performance of attending to emergency medical care (commonly known as Good Samaritan Service) and incidental and non-continuing medical service with the permission of the appropriate person having supervisory authority of the employee and shall also include non-employee volunteers rendering service at such "medical facility" as well as enrolled students of the University of Missouri pursuing courses of instruction at or under the direction or auspices of the "medical facility". The term "employee" shall not include medical residents employed by Employer as part of the residency program at the

University of Missouri - Kansas City School of Medicine so long as professional liability coverage is provided to those medical residents by an entity other than the Employer or health care professionals jointly employed by Employer at the University of Missouri- Kansas City School of Medicine and any entity other than Employer.

11. **Plan Territory** -- The term "Plan Territory" shall mean:
  - a. the United States of America (including its territories and possessions), Puerto Rico and Canada;
  - b. international water or airspace, provided the injury or damage does not occur in the course of travel or transportation to or from any place not included in a. above, or
  - c. anywhere in the world if:
    - i. the injury or damage arises out of:
      - (1) goods or products made or sold by the University or covered persons in the territory described in a. above, or
      - (2) the activities of any covered person permanently domiciled in the territory described in a. above, though temporarily outside such territory, and
    - ii. the original suit for damages because of any such injury or damage is brought within the United States of America (including its territories and possessions), Puerto Rico or Canada.
12. **Incident and Claim Review Committee** -- The term "Incident and Claim Review Committee" (ICRC) shall mean any group or committee established at or for a "medical facility" and whose responsibilities under the "Plan" are to review incidents occurring at a "medical facility", resulting claims or suits brought, including recommendations on settlements of such claims or suits.
13. **Gender** -- Persons described or referred to in the masculine gender include females and persons described or referred to in the feminine gender include males.
14. **Patient** -- The term "patient" shall mean an animal or a natural person who is in or on the premises of a "medical facility" or in transit when in the care of a "covered person", for the purpose of receiving professional care or services rendered directly or indirectly by the "medical facility" or by a "covered person".
15. **Assistant Vice President** -- The term "Assistant Vice President" shall mean the Assistant Vice President for Management Services,

or the successor position thereto by whatever name it is entitled, a UM System position.

**B. Article II: Effective Date** -- The effective date of the Plan shall be July 1, 1978.

**C. Article III: Covered Persons** -- Each of the following is a covered person under the Plan to the extent set forth below:

- The Employer and any of Employer's administrative personnel;
  - Individual members of the Board of Curators of the University of Missouri and the Board of Curators of the University of Missouri; and
  - All employees.
1. Coverage shall not extend to a covered person while in the exercise of his duties where an occurrence is within the provisions of the Federal Tort Claims Act as provided in 38 USC4116 or any other federal legislation or program. In the event the covered person does not come under the provisions of said Federal Tort Claims Act, the covered person shall come under the provisions of the Plan.
  2. Coverage shall not extend to medical residents employed by Employer as part of the residency program at the University of Missouri - Kansas City School of Medicine so long as professional liability coverage is provided to those medical residents by an entity other than the Employer or to health care professionals jointly employed by Employer at the University of Missouri-Kansas City School of Medicine and any entity other than Employer.
  3. The coverage afforded applies separately to each covered person against whom claim is made or suit is brought, except with respect to the limits of the Plan's liability.

**D. Article IV: Coverage Agreement**

1. The Employer, based on the provisions of the Plan and from the Plan Trust will pay on behalf of the covered person all sums which the covered person shall become legally obligated to pay as damages because of injury to the person or property of a patient arising out of the operations of a medical facility or because of injury arising out of the rendering of or failure to render, while the Plan is in effect, professional services by the covered person, or by any person for whose acts or omissions such covered person is legally responsible, performed in the practice of the individual covered person's profession including service by the individual covered person as a member of a formal accreditation or similar professional board or committee of a medical facility or professional society.

2. The Employer shall have the right and duty to defend any suit seeking such damages against the covered person, even if any or all of the allegations of the suit are groundless, false or fraudulent, and may make such investigation and such settlement of any claim or suit as it deems expedient, but the Employer shall not be obligated to pay any claims or judgment or to defend any suit after the applicable limit of the Plan's liability has been exhausted by payment of judgments or settlements. In the event that a claim or suit is being defended at the time the applicable limit of the Plan's liability becomes exhausted, such defense shall continue as provided by Employer.
3. In the event that any covered person elects to employ his own legal counsel (see ARTICLE VI below) and declines legal counsel provided by Employer, there is no obligation under the Plan to pay any sum such covered person may become legally obligated pay, unless payment of settlement or judgment is approved by the Assistant Vice President (see ARTICLE VII below).
4. The Employer, upon the approval of the Assistant Vice President and General Counsel or their designees, may provide the defense of any disciplinary, licensure or similar administrative proceeding brought against a covered person by a federal, state, or local government agency, subject to the following conditions and restrictions:
  - a. The proceeding must arise from the rendering or failure to render professional services to a patient which would otherwise be covered under the Plan.
  - b. Either:
    - (1) The proceeding must be filed during or subsequent to the Employer's defense of the covered person in a claim for damages arising from the same acts or omissions as such claim; or
    - (2) The Employer, at its sole discretion, must determine a claim for damages is likely to be made against the covered person as a result of the same act or omission.
  - c. The covered person shall submit:
    - (1) A brief description of the circumstances surrounding the incident giving rise to the administrative proceeding;
    - (2) Documentation to verify that the named individual was acting within the scope of his or her official duties at the time of the incident; and
    - (3) A copy of the summons or petition served on the named

individual or any other information concerning the proceeding.

- d. The Assistant Vice President and General Counsel or their designees have determined that the named individual was acting in good faith and within the scope of his/her employment or authority and that the rendering or failure to render professional services did not arise out of malfeasance or willful or wanton action or neglect of duty.
- e. In determining whether to approve the defense of a disciplinary, licensure, or similar administrative proceeding, the Assistant Vice President and General Counsel or their designees may request a recommendation regarding coverage from the chief administrative officer or dean of the respective Medical Facility or their designees.
- f. The employer will not pay more than Fifty Thousand and No/100 Dollars (\$50,000.00) on behalf of a Covered Person for any single proceeding. Furthermore, the Employer will not pay more than One Hundred Thousand and No/ 100 Dollars (\$100,000.00) on behalf of a Covered Person for all such proceedings covered under this program.
- g. The Employer will not pay any fines, penalties, or other costs incurred by or assessed against the Covered Person as a result of any such proceeding.

**E. Article V: Exclusions** -- The Plan does not apply:

- 1. To bodily injury to any employee of the Employer arising out of and in the course of his employment by the Employer;
- 2. To any obligation for which the Employer or any carrier as his insurer may be held liable under any workmen's compensation law, unemployment compensation law or disability benefits law, or under any similar law;
- 3. To medical residents employed by Employer as part of the residency program at the University of Missouri - Kansas City School of Medicine so long as professional liability coverage is provided to those medical residents by an entity other than the Employer or to health care professionals jointly employed by Employer at the University of Missouri-Kansas City School of Medicine and any entity other than Employer.
- 4. To the Nuclear Energy hazard as follows:
  - a. Under any Liability coverage, to bodily injury or property

damage;

(1) With respect to which a covered person under the Plan is also an insured under a nuclear energy liability policy issued by Nuclear Energy Liability Insurance Association, Mutual Atomic Energy Liability Underwriters or Nuclear Insurance Association of Canada, or would be an insured under any such policy but for its termination upon exhaustion of its limit of liability; or

(2) Resulting from the hazardous properties of nuclear material and with respect to which (a) any person or organization is required to maintain financial protection pursuant to the Atomic Energy Act of 1954, or any law amendatory thereof, or (b) the covered person is, or had the Plan not been established, would be, entitled to indemnity from the United States of America, or any agency thereof, under any agreement entered into by the United States of America, or any agency thereof, with any person or organization.

b. Under any Medical Payments Coverage, or under any Supplementary Payments provision relating to first aid, to expenses incurred with respect to bodily injury resulting from the hazardous properties of nuclear material and arising out of the operation of a nuclear facility by any person or organization.

c. Under any Liability Coverage, to bodily injury or property damage resulting from the hazardous properties of nuclear material, if

(1) The nuclear material (a) is at any nuclear facility owned by, or operated by or on behalf of, a covered person or (b) has been discharged or dispersed therefrom;

(2) The nuclear material is contained in spent fuel or waste at any time possessed, handled, used, processed, stored, transported or disposed of by or on behalf of a covered person; or

(3) The bodily injury or property damage arises out of the furnishing by a covered person of services, materials, parts or equipment in connection with the planning, construction, maintenance, operation or use of any nuclear facility, but if such facility is located within the United States of America, its territories or possessions or

Canada, this exclusion (3) applies only to property damage to such nuclear facility and any property thereat.

- d. The provisions of Section 490.020 E.4.a, b and c above notwithstanding, this exclusion shall not apply to any covered person as respects his liability for injury arising from the treatment in a medical facility; provided however, this exclusion shall apply if such injury is otherwise covered by any other policy of insurance of the Employer and such other policy of insurance was in effect and the covered person under the Plan was a covered person under such other policy of insurance at the time of the occurrence.

**5. As used in this exclusion:**

- a. "**Hazardous properties**" include radioactive, toxic or explosive properties;
- b. "**Nuclear material**" means source material, special nuclear material or byproduct material;
- c. "**Source material**", "special nuclear material", and "byproduct material" have the meanings given them in the Atomic Energy Act of 1954 or in any law amendatory thereof;
- d. "**Spent fuel**" means any fuel element or fuel component, solid or liquid, which has been used or exposed to radiation in a nuclear reactor;
- e. "**Waste**" means any waste material (1) containing byproduct material and (2) resulting from the operation by any person or organization of any nuclear facility included within the definition of nuclear facility under paragraph (1) or (2) thereof;
- f. "**Nuclear facility**" means
  - (1) Any nuclear reactor,
  - (2) Any equipment or device designed or used for (a) separating the isotopes of uranium or plutonium, (b) processing or utilizing spent fuel, or (c) handling, processing or packaging waste,
  - (3) Any equipment or device used for the processing, fabricating or alloying of special nuclear material if at any time the total amount of such material in the custody of the insured at the premises where such equipment or device is located consists of or contains more than 25 grams of plutonium or uranium 233 or any



combination thereof, or more than 250 grams of uranium 235,

(4) Any structure, basin, excavation, premises or place prepared or used for the storage or disposal of waste,

(5) And includes the site on which any of the foregoing is located, all operations conducted on such site and all premises used for such operations.

g. "**Nuclear reactor**" means any apparatus designed or used to sustain nuclear fission in a self-supporting chain reaction or to contain a critical mass of fissionable material;

h. "**Property damage**" includes all forms of radioactive contamination of property.

#### **F. Article VI: Legal Services**

1. The furnishings of all legal services, including legal defense, shall be the responsibility of the Employer through its General Counsel. Required legal services may be provided by the General Counsel and his staff, or if outside legal counsel and services are needed, such may be engaged by the General Counsel.
2. Any covered person may request the employment of outside counsel, including recommending the desired counsel or law firm. Such request must be made in writing and forwarded through the ICRC to the General Counsel for consideration.
3. In the event a covered person desires, in addition to the legal services provided above through the General Counsel to employ legal counsel of his choice, such employment of legal counsel shall be at the covered person's expense. In the event that the covered person elects to employ his own legal counsel to assist the General Counsel or counsel hired by the General Counsel, the right to make all decisions in regard to the defense of the claim or suit shall remain the rights and the duty of the Employer and its General Counsel.

#### **G. Article VII: Claims Adjustment**

1. All claims adjustment activities shall be deemed to be carried out for the sole and only purpose of assisting the Office of the General Counsel in defending potential legal action, causes of action or litigation against the Employer or any covered person, and shall be closed meetings, records and votes.
2. Procedures for claims adjustment, including claim payments, denials and suit settlements shall be as determined by the Assistant Vice President and shall include the duties of a medical facility Risk Manager of the ICRC and the Office of the General Counsel.

3. Since under the Plan written consent or approval in claim or suit settlement will not be required from an employee, input from any employee should be made to the ICRC.
4. The Assistant Vice President and the Director, shall after consultation with the General Counsel or his designee, notify the Director of the disposition to be made of each claim or suit. The Director will notify the medical facility Risk Manager of the disposition. The Risk Manager will be responsible for notifying the ICRC and other appropriate parties.

#### **H. Article VIII: Payment of Claims and Suits**

1. Subject to the provisions of ARTICLE VII and IX, the payment of the claims and suit judgments from the Trust Fund will be on certification to the Trustee by the Director.
2. Payments from a Trust Fund will be made in the order that claims or suit final judgments become payable, without regard to claim reserves previously established, date of incident, date of claim demand or date suit was filed.
3. The amount for a specific claim or suit judgment that can be paid from the Trust Fund will be determined by the Director based on the balance of the Trust Fund on the day such claim or suit judgment is payable. Any deficiency in the Trust Funds which would not permit full payment of such claim or suit judgment shall not impose any liability on the Employer.

#### **I. Article IX: Limits of Liability**

1. The Plan's Limits of Liability are as follows:
  - \$7,500,000 per occurrence and \$15,000,000 annual aggregate;
  - or the balance of the Trust Fund (see ARTICLE XI) as of the day a claim or suit final payment is due, whichever is less. Claim reserves will not be encumbered against the Trust Fund.

#### **J. Article X: Plan Funding** -- The Board of Curators instructs the administration to fund the Plan under the following guidelines:

1. The funding of the Plan shall be determined by the Board of Curators based on actuarial projections of an independent actuary employed by the Employer.
2. The level of amount of funding shall be sufficient to support or pay for actuarially projected costs of claims and Plan expenses such as claims adjustment, loss prevention and legal defense.
3. The amount of contribution to the fund will, within applicable fiscal

constraints of HEW reimbursement regulations, consider the lag between the time a claim arises and when payment is to be made.

4. To the extent that it can be actuarially projected, the level of funding for each medical facility for the period July 1, 1978 through June 30, 1979, shall be based on each facility's previous claim experience as modified and trended to account for anticipated current year incidents and cost, including shock- losses as actuarially determined.
5. Second and subsequent year funding levels determination shall include, where appropriate, the factors outlined in Section 490.020 J.4, but in addition will include the actuarial review of claim reserves established for each medical facility. Based on this review and the cost-trending to determine the estimated ultimate claim cost of each reserve and the anticipated year(s) in which payment or payments would be due, the level of funding for each medical facility will be determined.
6. The Director will advise the appropriate fiscal office(s) of the required level of funding, as determined above, for each medical facility in order that such amounts can be transferred to the Trust Fund.
7. To the extent that it can be determined by means of the above procedures, each medical facility will be ultimately charged only for its share of Plan expenses and the claim costs for which each medical facility is responsible and incurs.
8. The Medical Practice Income Plan, as the same has been approved and adopted by the Board of Curators, shall for the sole and only purpose of contributions and level of funding under this ARTICLE X and the possible return of contributions under paragraph 1 of ARTICLE XI (Section 490.020 K.1), be considered as a medical facility.

#### **K. Article XI: Trust Fund**

1. The Plan fund and all additions thereto shall be set aside and dedicated as a Trust Fund and so shall remain as long as any claim or expense payable under the Plan or any changes adopted thereto prior to its termination, may be outstanding and may become payable. Such Trust Fund shall be use solely for the purpose of payment of such claims and expenses and not be subject to diversion for any other purpose by the Board of Curators so long as said Trust shall exist. It is the intent of the Board of Curators that upon termination of the trust all funds not needed as specified above shall be returned proportioned to the various accounts of the University

from which contributions were made.

2. The Plan fund shall be held by the Employer as Trustee or a bank or other financial institution as Trustee. Selection of the Trustee shall be by the Vice President for Finance and Administration, upon the recommendation of the General Counsel and approved by the Board of Curators.
3. The Plan Trust Fund shall be the sole source of all payments authorized by the Plan and in no circumstances shall any other funds of the Employer, any member of the Board of Curators individually, employees of the Employer or any other covered persons of the Plan be liable or responsible therefor.
4. Employer's General Counsel shall prepare the required Trust Agreement and shall have same properly executed after the approval of the Board of Curators.

#### **L. Article XII: Miscellaneous Provisions**

1. **Covered Person's Duties in the Event of Occurrence, Claim or Suit** -- Upon the covered person becoming aware of an incident in which the covered person is involved resulting in any alleged injury to which the Plan applies, written notice containing particulars sufficient to identify the injured person and covered person and also reasonable obtainable information with respect to the time, place and circumstances thereof, and the names and addresses of the injured and of available witnesses, shall be given by or for the covered person to the Director as soon as practical.

If claim is made or suit is brought against a covered person, the covered person shall forward to the Director every demand, notice, summons or other process received by him or his representative as soon as possible.

The covered person shall cooperate with the Employer and, upon the Employer's request, assist in making settlements, in the conduct of suits and enforcing any right of contribution or indemnity against any person or organization who may be liable to the covered person because of injury or damage with respect to which coverage is afforded under the Plan; and the covered person shall attend hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses. The covered person shall not, except as his own cost, voluntarily make any payment, assume any obligation or incur any expense. Failure of the covered person to cooperate with the Employer shall constitute a waiver of the coverage provisions provided by the plan.

2. **Action Against the Plan** -- No action shall be maintained by a

covered person against the Employer unless, as a condition precedent thereto, there shall have been full compliance with all of the terms of the Plan, not until the amount of the Plan's obligation to pay shall have been finally determined either by final judgment against the covered person or by written agreement of the Employer and the Claimant.

No person or organization shall have any right under the Plan to join the Employer as a party to any action against the covered person to determining the covered person's liability, nor shall the Employer be impeded by the covered person or his legal representative. Nothing in the Plan shall be construed as a waiver of any governmental immunity of the Employer, the Board of Curators of the University of Missouri nor any of its employees in the course of their official duties.

**3. Other Insurance of Covered Person** -- The coverage afforded by the Plan is primary coverage, except when stated to apply in excess of or contingent upon the absence of other insurance. When this coverage is primary and the covered person has other insurance which is stated to be applicable to the loss on an excess or contingent basis, the amount of the Plan's payment shall not be reduced by the existence of such other insurance.

When both the Plan and other insurance apply to the loss on the same basis, whether primary, excess or contingent, the Plan shall not be liable for a greater proportion of the loss than that stated in the applicable contribution provision below:

- a. **Contribution by Equal Shares** -- If all of such other valid and collectible insurance provides for contribution by equal shares, the Plan shall not be liable for a greater proportion of such loss than would be payable if the Plan and the insurance covering each covered person contributes an equal share until the share of each equals the lowest applicable limit of liability under any one policy or Plan or the full amount of the loss is paid, and with respect to any amount of loss not so paid the Plan and remaining insurance on covered persons then continue to contribute equal shares of the remaining amount of the loss until the Plan and each insurance policy on such covered person has paid its limit in full or the full amount of the loss is paid.
- b. **Contribution by Limits** -- If any of such other insurance does not provide for contribution by equal shares, the Plan shall not be liable for a greater proportion of such loss than the applicable limit of liability under the Plan for such loss bears

to the total applicable limit of liability of the Plan and all valid and collectible insurance against such loss.

4. **Subrogation** -- In the event of any payment under the Plan, the Employer shall be subrogated to all the covered person's rights or recovery therefor against any person or organization and the covered person shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights. The covered person shall do nothing after loss to prejudice such rights. Any such recovery by the Employer shall be used to adjust the next annual contribution to the Trust Fund from the medical facility on whose behalf the subrogation was effected.
5. **Changes in the Plan** -- All changes in the Plan subsequent to the first approval of the Plan by the Board of Curators on the date appearing on the Plan cover page, shall be prepared by the Assistant Vice President and forwarded to the ICRC for review and recommendation. After approval as to legal form by the General Counsel, the Assistant Vice President will submit the changes to the President of the Board of Curators. Changes shall become effective on the date fixed by the Board of Curators.
6. **Assignment** -- The interest hereunder of any covered person is not assignable. If the covered person shall die or be adjudged incompetent or cease for any reason to be a covered person under the Plan, this coverage shall thereupon terminate, but shall cover the covered person's legal representative as the covered person with respect to damages previously incurred and to which this Plan applies.
7. **Cancellation** -- The Plan may be canceled by the Employer effective July 1 of any year, with notice of such cancellation being given to all covered persons at least ninety (90) days prior to the effective date of such cancellation.
8. **Plan Territory** -- The coverages provided by the Plan apply only to an occurrence within the Plan territory and then only when claim is made and suit is brought within the United States of America, its territories, or possessions, Puerto Rico or Canada.
9. **Plan Review** -- As of June 30, 1979, and each year thereafter that the Plan remains in effect, the Assistant Vice President will submit an evaluation report of the Plan to the President of the University. The report shall contain, but not be limited to, the following:
  - a. Adequacy of coverage;
  - b. Funding levels commensurate with desired limits of liability and actual claim experience;

- c. Investment income earned; and
- d. Plan changes under consideration. The ICRC may submit a report to the Assistant Vice President covering any or all of the above parts or covering any other part of the Plan, including recommended changes of the Plan.

10. **Plan Constitutionality** -- In the event that any part of the Plan is held to be unconstitutional or otherwise declared illegal, the other parts of the Plan will remain in full force and effect.

7. Amendment, Collected Rules and Regulations Section 300.040, Faculty Bylaws of the University of Missouri – St. Louis, UMSL –

#### Chapter 300: Faculty Bylaws

### **300.040 Faculty Bylaws of the University of Missouri - St. Louis**

Bd. Min 3-19-71; Amended 10-12-73; 2-18-77; 12-15-78; 6-18-82; 2-11-83; 6-24-83; 5-4-84; 5-3-85; 7-29-88; 3-10-89; 6-22-90; 5-3-91; 1-29-92; 5-8-92, 5-6-93; 3-29-94; 3-24-95; 4-25-96; 5-29-97; 10-16-98; 5-27-99; 3-23-00; 9-28-01; 12-01-05; 12-15-06; 06-06-08, 12-10-10; 11-21-13; 4-10-15; 6-26-15; 10-7-16; 6-21-18.

#### **A. PURPOSE OF GOVERNING PRACTICES**

The purpose of these Bylaws is to establish a body that represents the voice of the Faculty and to establish an effective vehicle for the needs and concerns of the Faculty to be presented for discussion and debate. These Bylaws assume that Faculty may participate in academic decision processes. The right of the Faculty to organize and to carry out the responsibilities and functions delegated to them by the Board of Curators (Board) is recognized in Section 10.030.D.2 of the Collected Rules and Regulations of the University of Missouri.

#### **B. FACULTY**

1. **Membership** - The Faculty of the University of Missouri-St. Louis shall consist of the President, the Chancellor, tenured and tenure-track faculty, and all full-time, ranked, non-tenure track (NTT) faculty with professorial designation, and others elected by the Faculty. Elected members so designated by the Faculty shall be non-voting members of the Faculty. Campus-wide faculty votes on issues specific to tenure or tenured/tenure track (T/TT) faculty will be restricted to T/TT faculty.

2. **Faculty Rights**

- a. **Academic Rights** -- Each faculty member has the right to freedom of inquiry, discourse, teaching, research and publication, as well as the responsibilities correlative with this right.

- b. Civil Rights** -- The constitutional rights of the Faculty members shall be preserved.
  - c. Employment Rights** -- Faculty members shall have rights consistent with their continuous appointment or term appointment (during the term), except for cause, retirement or financial exigencies.
  - d. Notification of Appointment or Changes Thereto** -- Faculty members shall be notified of their appointments and workload, or any changes thereto, as much in advance of the beginning of institutional responsibilities as possible (as stated in the Board's Rules and Regulations).
  - e. Right to be Kept Informed** -- The Faculty shall be kept informed of actions and activities of committees and executive officers, and of other occurrences that pertain to the University of Missouri-St. Louis. When possible, such information shall be made available to the Faculty before being made available to the general public.
- 3. Responsibilities** -- The Faculty of the University of Missouri-St. Louis shall bear primary responsibility for recommending and implementing educational policy, particularly in areas of curriculum, degree requirements, methods of instruction, research, requirements for admission, student affairs, and faculty status. The Faculty may also make recommendations to the Chancellor and other persons or offices concerning general policy matters affecting the University.
- 4. Authority** -- The faculty's authority, as delegated by the Board of Curators, is of three types: primary and direct, in which the Faculty has essential decision-making authority; shared, in which the Faculty participates with others; and advisory, in which the Faculty counsels with the person or offices with ultimate decision-making authority. (On those matters requiring multi-campus coordination, the Faculty shall act through its appropriate bodies, [UM System 300.040.B.5.](#))
- a. Primary and Direct Authority** -- The UMSL faculty has essential decision-making authority in matters directly affecting the educational program of UMSL, including but not limited to:
    - (1) Articulation and maintenance of standards of academic performance -- this includes but is not limited to guidelines for appropriate research, service, and scholarships; requirements for graduation; and related matters.
    - (2) Development and approval of courses of instruction and of curricula.
    - (3) Development and approval of procedures governing educational support programs on the UMSL campus.
    - (4) Formulation of criteria determining professional standing of faculty -- including but not limited to such matters as tenure, promotion, termination, guidelines for responsibility, faculty standing with regard to graduate faculty membership and doctoral dissertation supervision.
    - (5) Determination of an appropriate faculty committee structure.
    - (6) Determination of minimum admission requirements.
    - (7) Selection of awardees for academic scholarships.
  - b. Shared Authority** -- The UMSL faculty has shared authority by which it participates cooperatively with other persons or offices in matters such as:
    - (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, such as required professional licensure.

**c. Advisory Authority** -- The UMSL 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 that facilitate academic program excellence.
- (6) Use of facilities for program activities.
- (7) Application of criteria affecting promotion, tenure and termination.
- (8) Structure of academic departments and units.

**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 separate schools, colleges, or such other parallel units as may be created from time to time, and to the Faculty Senate within the University of Missouri-St. Louis. The actions of the Senate, in those areas in which they have delegated authority, shall be deemed final unless challenged within 10 days. Such challenge shall require a petition signed by at least twenty-five (25) faculty members from at least two parallel units calling for a review by the Faculty of a particular Senate action.

- 5. Meetings** - The Faculty of the University of Missouri-St. Louis shall meet at least twice each year and at such additional times as the President, Chancellor, or the Faculty itself may determine. Upon written request of at least twenty-five (25) members of the Faculty, the Chancellor shall call a meeting within two weeks.
  - a. The President, or in the President's absence, the Chancellor, or in the Chancellor's absence, a member of the Faculty designated by the Chancellor shall preside at each faculty meeting.
  - b. A quorum shall consist of at least ten (10) percent of the voting members of the Faculty representing at least two parallel units when business described in the published agenda is being considered. When other items of business not described in the published agenda are being considered, a quorum shall consist of at least fifty (50) percent of the voting members representing at least two parallel units.
  - c. Notice of all meetings of the Faculty shall be sent to each member of the Faculty at least five school days prior to the meeting. Such notice includes the agenda for the meeting.
  - d. Proceedings in Faculty meetings shall be in accordance with the rules set forth in the most recent edition of Robert's Rules of Order except where otherwise provided for in these Bylaws or the regulations of the University of Missouri-St. Louis.
  - e. Official minutes shall be kept and made available to each member of the Faculty within a week of the meeting.
- 6. The Intercampus Faculty Council** - Three campus representatives will serve on the Intercampus Faculty Council. Two of the three shall be elected by the University of

Missouri-St. Louis Faculty to serve three-year staggered terms so that no more than one of the two elected members will be replaced or reelected in any year. The Senate Chairperson shall serve as the third member of the Intercampus Faculty Council.

**7. Campus Standing Committees –**

**a. Grievance Resolution Panel (GRP)** – The Panel shall perform the responsibilities prescribed by the Collected Rules and Regulations of the University of Missouri (370.010.C.1), “Academic Grievance Procedure.” The role of the GRP is to address grievances brought by faculty members. The panel should consist of a senior administrator appointed by the Chancellor and two tenured faculty members, and two alternate faculty members. The faculty members will be chosen by the Faculty Senate after consultation with the Chancellor or the Chancellor’s designee. Members shall serve two-year staggered renewable terms.

**b. Degree Revocation Committee** – In accordance with 220.025, this committee shall have jurisdiction to consider any case in which revocation of a degree, diploma and/or certificate is proposed. The Committee shall be called the Campus Degree Revocation Committee. Four (4) members of the Campus Degree Revocation Committee and an alternate to serve in the event one of the four (4) members cannot serve, shall be appointed annually by the Chancellor after consultation with the Faculty Council or Faculty Senate. Each of the members of the Committee and the alternate shall be a faculty member on continuous appointment at the rank of Professor or Associate Professor. In the event that the Chancellor approves the initiation of the procedures for revocation of a degree, diploma and/or certificate, the Chancellor shall appoint a fifth member of the Campus Degree Revocation Committee, who shall also be a faculty member at one of the campuses of the University of Missouri System on continuous appointment at the rank of Associate Professor or Professor and who shall be from the same discipline or a related discipline as the department faculty who recommended the award of the degree, diploma and/or certificate, but who shall not be a faculty member in such department. The Campus Degree Revocation Committee shall elect a Chair from among its five (5) members.

**C. STUDENT BODY**

- 1. Membership** - The student body of the University of Missouri-St. Louis shall consist of all persons who are officially enrolled as regular full-time or part-time students in the University of Missouri-St. Louis.
- 2. Responsibilities** - The student body shall have the responsibility to participate in the recommending and implementing of educational policy, particularly in the areas of academic and student affairs. The student body may, through its official representatives, make recommendation to the Vice Provost for Student Affairs or the Chancellor concerning general policy matters affecting the University of Missouri-St. Louis.

**D. STAFF**

- 1. Membership** – Non-academic staff members participate in shared governance through The UMSL Staff Association, whose membership includes all benefits eligible administrative, service and support staff of the University of Missouri-St. Louis.
- 2. Responsibilities** - The staff of the University of Missouri-St. Louis, through its official representatives, shall have the responsibility of considering methods and means by which employment conditions may be improved and the operating efficiency of the University of

Missouri-St. Louis increased; receiving and considering matters concerning working conditions; making such recommendations that it deems appropriate, and communicating problems of mutual concern to the University of Missouri-St. Louis administration.

**E. FACULTY SENATE OF THE UNIVERSITY OF MISSOURI-ST. LOUIS**

(Hereinafter referred to as Senate)

1. **Responsibilities** - The Faculty Senate is the legislative and policy-making body of the Faculty. It carries out the responsibilities of the Faculty (see UM System 300.040 B.3) not reserved by the Faculty as a body or specifically delegated to the University Assembly (Section 300.040 E). The Senate, as a representative faculty voice, shall advise the chancellor and the UMSL faculty on questions of UMSL policy submitted by either to the Senate. It may also initiate recommendations concerning changes in UMSL policy for consideration and appropriate action by the chancellor or UMSL faculty.
2. **Delegation of Authority**
  - a. Since the authority of the Senate is delegated to it by the Faculty, it is subject to over-rule by the Faculty.
  - b. All authority delegated by the Senate to committees or individuals is subject to revocation by the Senate.
3. **Committees of the Senate** - In their deliberations the committees shall, when appropriate, consult with the Chancellor or other administrative officers; with representatives of the separate schools, colleges, and other parallel units which may be created from time to time; with departments and concerned faculty; and with students and student organizations. Committee recommendations shall be made to the Senate or to the appropriate administrative officer.

The Senate shall establish the following standing committees:

**a. Committee on Committees** - The Committee on Committees shall be responsible for nominating for election all faculty members of the committees of the Senate and the University Assembly. The chair of the Committee shall be a faculty Senator.

**b. Steering Committee of the Faculty Senate and University Assembly** (hereinafter referred to as the Steering Committee) - The Steering Committee shall consist of the Senate Chairperson, who shall serve as Chairperson of the Steering Committee, the Chancellor, the Secretary of the Senate, and three elected Senators. Chairs of Senate and Assembly Committees will be asked to attend Steering Committee meetings when their committees have items for the agenda of the next Senate or Assembly meeting. It shall be the responsibility of the Steering Committee:

- (1) To call regular and special meetings of the Senate and Assembly and to prepare the agenda prior to each meeting.
- (2) To coordinate the work and activities of the Senate and Assembly and of Senate and Assembly committees.
- (3) To meet regularly and frequently with the Chancellor to discuss matters of policy concerning the University of Missouri-St. Louis.
- (4) As an agency of the Senate and Assembly, to maintain avenues of communication with the Faculty and student body of the University of Missouri-St. Louis, with campus administrative officers and the governing board of the University.
- (5) To establish all guidelines for elections for membership in the Senate and

Assembly and to supervise said elections.

**c. Committee on Curriculum and Instruction** - The Committee shall have general responsibility for recommending to the Senate policies and procedures in the area of curriculum and instruction. It shall also recommend policies regarding graduation requirements, special honors programs, and academic publications such as catalogs and schedules of courses.

(1) The Committee also shall regularly recommend to the Senate the calendar of the University. It shall recommend policies relating to schedules of classes and final examination schedules. Departures from calendars and examination schedules will be recommended by this Committee.

(2) New degrees and degree programs proposed by the separate schools, colleges, and such other parallel units as may be created from time to time, shall be submitted by the appropriate dean or equivalent to the Committee for recommendation to the Senate.

(3) Curricular additions and changes will be sent by the appropriate dean or equivalent to the Committee to be examined for overlap and duplication. In the absence of overlap and/or duplication, such proposals will be reported to the Senate.

**d. Committee on Appointments, Tenure, and Promotion** - The Committee shall consist of full professors holding a tenure appointment. There shall be one member on the Committee elected from each of the parallel units. There shall also be two members elected at large from the campus. The Committee shall elect a chairperson from among its members.

(1) Initial academic appointments to the University of Missouri-St. Louis recommended as tenure appointments shall be submitted by the Department or Division concerned through the Dean or equivalent of the appropriate school, college, or other parallel unit. The Dean or equivalent shall forward the Department's or Division's recommendations with the Dean's or equivalent's own recommendations for approval or disapproval.

After consideration, the Committee on Appointments, Tenure, and Promotion shall submit its recommendations to the Chancellor.

(2) Tenure recommendations for Faculty holding term appointments, and recommendations for promotion above the rank of assistant professor, shall be made in accordance with the procedure outlined above.

(3) It shall be the responsibility of this Committee together with the appropriate administrative officers, to establish, develop, and maintain in all areas of the University the highest standards of faculty quality.

**e. Committee on Promotion of Non-Tenure Track Faculty** – The Committee shall consist of eligible faculty holding the rank of Teaching Professor, Clinical Professor, Extension Professor, or Research Professor and at least one full professor. There shall be one member on the Committee elected from each of the parallel units. There shall also be two faculty members elected at large from the campus. The Committee shall elect a chairperson from among its members.

(1) The Dean or equivalent shall forward the Department's or Division's recommendations with the Dean's (or equivalent) own recommendation for approval or disapproval of promotion to the Committee. After consideration, the Committee shall submit its

recommendation to the Chancellor.

(2) Promotion recommendations will be made in accordance with procedures determined by the Committee, consistent with the *Collected Rules and Regulations of the University of Missouri*.

(3) The committee shall use standards created by the academic units and shall not create additional campus-wide standards.

(4) It shall be the responsibility of this Committee, together with the appropriate administrative officers, to establish, develop, and maintain in all areas of the University the highest standards of faculty quality.

**f. Committee on Research** - The Committee shall consist of two panels, one meeting in the fall semester and the other meeting in the spring semester.

(1) The Fall and Spring panels shall meet in the fall to elect a committee chairperson for each panel, to clarify program objectives, to coordinate deadlines, and to set guidelines for research proposals and awards. Thereafter, the panels shall meet during their semester of service to advise and make recommendations on:

(a) Competitions for internal grant funds, including financial support during the summer and during research leaves, support for research assistants, grants for equipment and supplies, and funds for travel to research locations, and

(b) Nominations for campus, University, and external research awards that are available campus-wide.

(2) Each panel shall also meet after completing its work in order to review procedures and develop recommendations for the following year's committee to consider.

(3) The committee chairperson shall vote only as a member of the panel to which he/she has been elected.

(4) Panel members are ineligible to receive funding and awards under the jurisdiction of the panel on which they serve during the period of their service on the panel. The committee chairperson is ineligible to receive funding and awards under the Committee's jurisdiction during the entire year of his/her service as chairperson.

**g. Committee on University Libraries** - The Committee shall advise the Dean of Libraries on policy issues, including budgetary issues; serve as liaison between the libraries and the University community via the Senate; advise the University administration about policies and recommendations adopted by the Senate or the Committee; and consider any matter referred by the Senate, the Dean of Libraries, or any member of the campus community.

**h. Committee on Faculty Teaching and Service Awards** - The Committee shall formulate and publish guidelines for campus-wide teaching and service awards; solicit nominations for these awards as well as University and external teaching and service awards; and recommend candidates to the Chancellor. Members of the Committee are ineligible to receive awards under the Committee's jurisdiction during the entire period of their service on the Committee.

**i. Committee on the Assessment of Educational Outcomes** - The Committee shall have the general responsibility of making recommendations concerning policies in the area of assessment of educational outcomes and related matters. The Committee shall also regularly review and advise on policies and procedures in this area and recommend changes when appropriate.

- j. Committee on Research Policy** - The Committee on Research Policy shall be responsible for recommending and reviewing policy in the areas of research and research administration.
- k. Academic Advisory Committee** - The Committee shall have the general responsibility of making recommendations to the Vice Chancellor for Academic Affairs on academic issues affecting the University, including recommending general policies and procedures governing the evaluation of academic instruction and advisement.
- l. Committee on Bylaws and Rules for the Faculty Senate and University Assembly** –  
The Committee shall:  
(1) Receive all proposals for changes to the Bylaws and the Collected Rules and Regulations, review proposed changes to the Bylaws and the Collected Rules and Regulations, and initiate the process of Bylaws changes as smoothly and infrequently as possible.  
(2) Recommend interpretation of the Bylaws and Collected Rules and Regulations upon the written request of the Senate Chairperson, and report its conclusions to the Senate.  
(3) Compile and maintain a current set of Senate and Assembly Operating Rules, consider changes in Operating Rules, and report recommendations regarding Operating Rules to the Senate.
- m. Committee on Research Misconduct** - The Committee shall perform the responsibilities prescribed by the Collected Rules and Regulations of the University of Missouri (420.010), "Research Misconduct."
- n. Committee on Issues of Tenure Removal** - The Committee shall conduct hearings in removal cases or in disputed cases involving tenure rights and status as provided for in the Academic Tenure Regulations of the University of Missouri. This committee is referred to as the Campus Faculty Committee on Tenure in the Academic Tenure Regulations (310.050). Grievances by faculty members shall be handled through the Academic Grievances Procedure.
- o. Oversight Committee** - The Committee shall perform the responsibilities prescribed by the Collected Rules and Regulations of the University of Missouri (370.010.C.11), "Academic Grievance Procedure." The role of the Oversight Committee is to monitor the grievance process as neutral observers and provide feedback on the process to the Faculty Senate, the Faculty, and the Provost's and Chancellor's offices.
- p. Ad hoc Committees** - As the need arises, the Senate shall establish or recommend to the Chancellor establishment of ad hoc committees.  
Ad hoc Senate Committees shall be established through Senate approval of nominees selected by the Senate Committee on Committees or by nomination from the floor of the Senate. The faculty composition for each ad hoc committee shall be determined by the Senate.
- q. University-Wide and Statewide Committees** - Reports from University-wide and statewide committees may be presented to the Senate. Whenever possible, representatives of the University of Missouri-St. Louis serving on University-wide and/or statewide committees should advise the Senate Steering Committee if a report to the Senate is necessary.

**F. UNIVERSITY ASSEMBLY OF THE UNIVERSITY OF MISSOURI-ST. LOUIS**  
(Hereinafter referred to as Assembly)

1. **Membership** - The voting members of the Assembly shall consist of the elected members of the Senate; the President; the Chancellor; the Vice Chancellor for Academic Affairs; the Dean of the Graduate School; the Vice Provost for Student Affairs; student representatives equal in number to one-third of the Faculty members of the Assembly; two members of the adjunct faculty; and three staff members, including the President of the Staff Association. Non-voting members shall consist of vice chancellors and vice provosts not already included, deans of all colleges and schools (whether or not their faculties are represented), the Dean of Libraries, and the President of the Student Government Association.
2. **Responsibilities** - The Assembly provides a forum for many of the major stakeholders of the University, including administrators, faculty, staff and students, to work together. The Assembly may exercise those responsibilities of the Faculty (see Section 300.040 B.3) that are delegated by the Faculty as a body.
3. **Meetings and Officers** - The Assembly shall meet regularly every other month during the academic year or in special meetings as called by the Steering Committee of the Senate and the Assembly (hereinafter referred to as the Steering Committee). The Steering Committee shall call a special meeting of the Assembly on request of the Chancellor or of any five members of the Assembly. Proceedings in Assembly meetings shall be in accordance with the rules set forth in the most recent edition of Robert's Rules of Order. A quorum shall consist of a majority of elected representatives.
  - a. The elected officers of the Assembly shall be the same as those for the Senate.
  - b. The Chairperson, or in the Chairperson's absence a voting member of the Assembly designated by the Chairperson, shall be the presiding officer at each meeting of the Assembly.
4. **Committees of the Assembly** - All members of the eligible faculty, Administration, and Staff shall be eligible to serve on Assembly committees. Students who satisfy the eligibility requirements for service on the Assembly shall also be eligible to serve on Assembly committees. The standing committees of the Assembly shall be elected each year at the second organizational meeting of the Senate.

The Assembly shall establish the following standing committees:

- a. **Administrator Evaluation** - The Committee shall annually conduct an evaluation of administrators on the UM-St. Louis campus.
- b. **Budget and Planning Committee** – This Committee makes recommendations to the Faculty Senate, the Chancellor and the Vice-Chancellor for Administration and Finance on matters concerning the long-range vision of the campus; plans to fulfill this vision; and budgetary matters as a consequence of the vision. This includes, but is not limited, to significant matters of a budgetary nature, and policies and priorities for strategic action plans. The Committee studies the Campus budget, keeps informed of its preparation and status, and consults with and advises the Chancellor on significant matters pertaining to budgetary affairs.
- c. **Committee on Recruitment, Admissions, Retention, and Student Financial Aid** –  
The Committee shall:
  - (1) Monitor processes associated with recruitment, admissions, retention, and student financial aid and facilitate reporting to the Assembly.
  - (2) Recommend policies and procedures to the Assembly, the Dean of Enrollment, the Director of Student Retention Services, and the Director of Student Financial Aid regarding

recruitment, admissions, retention, and student financial aid.

(3) Facilitate discussion with administrators and students on policies and procedures regarding scholarships, advisement and appeals.

- d. Committee on Student Affairs** - The Committee on Student Affairs shall be responsible for recommending and reviewing policy in the areas of non-academic regulations and student services, and for advising the Vice Provost for Student Affairs. The responsibilities of the Committee may be exercised by subcommittees established in any of the above areas. Faculty and staff members with administrative responsibilities in these areas shall be members of the subcommittees dealing in those areas. This charge does not contradict nor supersede the explicit charge of any of the other standing committees of the Assembly.
- e. Committee on Student Publications** - The Committee on Student Publications shall be responsible for recommending and reviewing policy concerning student publications which are directly funded by the University. This charge does not contradict nor supersede the explicit charge of any of the other standing committees of the Assembly.
- f. Committee on Physical Facilities, Space, and General Services** - The Committee shall have the general responsibility for recommending to the Assembly policies and procedures in the areas of campus facilities and general services. It shall act in an advisory and fact-finding capacity for the planning of physical facilities, review and report priority matters relating to maintenance, construction, and support services to the Assembly, and review and process complaints and suggestions regarding physical facilities and services. The Committee shall be responsible for formulating long-range space recommendations including the type and amount of space needed, and priorities. Proposals for a long-term or campus-wide nature will be brought to the Assembly for discussion, debate, and ultimate recommendation to the Chancellor. Allocation of existing unused space will be recommended to the Chancellor by the Committee and reported to the Assembly.
- g. Committee on Information Technology** – The Committee shall be responsible for general policy issues regarding campus information technology.
- h. Ad hoc Committees** - As the need arises, the Assembly shall establish or recommend to the Chancellor establishment of ad hoc committees. Ad hoc Assembly committees shall be established through Assembly approval of nominees selected by the Senate/Assembly Committee on Committees or by nomination from the floor of the Assembly. The composition for each ad hoc committee shall be determined by the University Assembly.

## **G. AMENDMENTS**

1. Proposed changes to these Bylaws shall be submitted to, or initiated by, the Bylaws and Rules Committee, which will follow the relevant procedures outlined above (D.2.I) and then provide them in written form to the Senate or Assembly as appropriate. The appropriate body shall then recommend passage or rejection of the proposed amendment(s) by majority vote. Upon passage of an amendment by the Senate or Assembly, the Chancellor shall submit the proposed change to the Faculty of the University of Missouri-St. Louis for a vote at the Spring Faculty Meeting. Bylaw changes recommended by the Senate or Assembly shall be adopted by a majority of votes cast by the Faculty. Any



amendments or modifications shall be presented by the Chancellor through the President to the Board of Curators for its approval before becoming effective.

2. Senate Operating Rules may be amended by majority vote of the Senate.
3. Assembly Operating Rules may be amended by majority vote of the Assembly.
  
8. Project Approval, Medical Science Building – Research Vivarium Upgrades and Maintenance, MU

That the project be approved for the Medical Science Building – Research Vivarium Upgrades and Maintenance project, University of Missouri-Columbia.

Funding for the project budget is from:

Campus Reserve Funds	\$12,900,000
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9. Naming Opportunity, MU

That the MU School of Music building be named the Jeanne and Rex Sinquefield Music Center.

The motion carried unanimously (9-0) by voice vote with no abstentions.

Board of Curators standing committee meetings were convened at 2:14 P.M. and recessed at 4:32 P.M. on Thursday, June 21, 2018. Committee actions were presented to the full Board for action following each Committee vote.

### **Finance Committee**

Curator Brncic provided time for discussion of committee business.

Administrative Review Update – presented by Vice President Rapp (slides on file for this information item)

Approval of Fiscal Year 2019 Operating Budget, UM – presented by Vice President Rapp (information on file)

It was recommended by the respective Chancellors, endorsed by President Mun Y. Choi, recommended by the Finance Committee, moved by Curator Brncic and seconded by Curator Phillips, that the following recommendations be approved:

- that the President of the University System be authorized to develop the FY 19 budgets in accordance with the attached planning assumptions and financial summaries, which include the allocation of FY 19 state appropriations less 3.0% statutory withholdings.
- that the President of the University System be authorized to: (a) make required changes to working capital and reserve funds and (b) make supplemental allocations within the funds available to the several campuses and programs, such allocations to be made on the basis of priority and need. The President will report periodically to the Board of Curators any material changes in sources and uses of current funds;
- that the operating budget for FY 19 and allocation as stated herein can be modified as necessary by the President to bring the same into harmony with the state appropriations as finally approved by the governor and any withholdings in excess of those shown above.

The motion carried unanimously (9-0) by voice vote with no abstentions.

Fiscal Year 2020 State Appropriations Request for Operations, UM – presented by Vice President Rapp (information on file)

It was recommended by Vice President Ryan Rapp, endorsed by President Mun Y. Choi, recommended by the Finance Committee, moved by Curator Brncic and seconded by Curator Sundvold, that the following recommendations be approved:

The President is authorized to file a request for state appropriations for operations as follows:

- (1) Funding the Core Operations of \$416.8 million;
- (2) Continuing the Greenley Research and Project Lead the Way line items at \$0.5 million;
- (3) Submit a new request for Performance Funding increase of 5% or \$20.8 million; the President has the authority to adjust this amount as he deems appropriate. Any material deviation will be reviewed with the Board;
- (4) Submit Other Curator Programs Requests which includes core funding of \$7.0 million and new requests of \$1.2 million; and
- (5) Submit requests in Accordance with Legislative Requirements of \$8.1 million.

The motion carried unanimously (9-0) by voice vote with no abstentions.

### **External Affairs, Marketing and Advancement Committee**

Chair Farmer provided time for discussion of committee business.

Advancement Report – University of Missouri – Kansas City – presented by Mr. Jay Wilson (slides on file for this information item)

Advancement Report – University of Missouri – St. Louis – presented by Mr. Martin Leifeld (slides on file for this information item)

### **Compensation and Human Resources Committee**

Curator Phillips provided time for discussion of committee business.

New Collected Rules and Regulations Section 350.051, Layoff and Transition Assistance; Amendment to the Collected Rules and Regulations, Section 350.050; Layoff; and Extension of Transition Assistance Program – presented by Senior Associate Vice President Fischer (information on file)

It was recommended by Associate Vice President and Chief Human Resources Officer Marsha Fischer, endorsed by President Choi, recommended by the Compensation and Human Resources Committee, moved by Curator Phillips and seconded by Curator Brncic, that the following action be approved:

New Collected Rules and Regulations Section 350.051, Layoff and Transition Assistance as set forth below (and as on file with the minutes of this meeting);

Amendment to the Collected Rules and Regulations Section 350.050, Layoff, as set forth below (and as on file with the minutes of this meeting); and

Extension of Transition Assistance Program as set forth in the attached (and as on file with the minutes of this meeting).

The motion carried unanimously (9-0) by voice vote with no abstentions.

### **NEW Collected Rule and Regulation - 350.051 Layoff and Transition Assistance**

#### **I. Summary**

Conditions may arise that result in the reduction of the university work force, including but not limited to lack of funds, lack of work, or reorganization. This rule addresses principles and benefits involved in layoffs, including eligibility for transition assistance pay, layoff leave of absence and associated benefits. All layoffs are subject to approval by the appropriate campus, hospital or system Office of Human Resources.

## **II. Definition**

A. Layoff is defined as the cessation of regular employment due to a reduction in force for a period of one year or more.

## **III. Eligibility**

To be eligible for layoff leave of absence and transition assistance pay, an employee must fall within the positions described below and must satisfactorily complete all other requirements as identified in this rule, including completion of the required agreement.

### **A. Positions Eligible**

The following types of employees may be eligible for layoff leave of absence with associated benefit coverage and transition assistance pay regardless of the funding source of their salaries, unless they are excluded as stated below.

1. Regular Administrative, Service and Support employees who have satisfactorily completed their probationary period; and
2. Employees on full-time academic staff appointments as defined in Section 310.020.A of these Collected Rules and Regulations (including Non-Tenure Track Faculty as defined in Section 310.035 of these Collected Rules and Regulations, full-time unranked non-regular faculty, and other full-time non-regular academic appointments).

### **B. Positions Not Eligible**

The following types of employees are not eligible for layoff leave of absence or transition assistance pay. In cases of doubt, the System Chief Human Resources Officer will determine whether an employee falls within categories listed below, after consultation with campus/hospital chief human resources officers and provosts as appropriate.

1. Regular academic staff appointments as defined in Section 310.020.A.1 of these Collected Rules and Regulations (i.e., tenured and tenure-track appointments);

2. Adjunct appointments;
3. Employees on full-time academic staff appointments who have been given one year or more notice of non-renewal;
4. Benefit-eligible positions in which a principle purpose of the position is the education, training, or learning of the employee, such as fellows, interns, residents, and post-doctoral positions;
5. Non-benefit-eligible positions; and
6. Any other position determined by the System Chief Human Resources Officer not to be eligible because the nature of the appointment is not consistent with the expectation or purposes of layoff benefits.

C. Other Eligibility Requirements

1. To be eligible for a layoff leave of absence and transition assistance pay, eligible employees must submit a completed *University of Missouri Layoff and Transition Assistance Agreement* to the appropriate campus, hospital or system Office of Human Resources within thirty (30) calendar days after written notice of layoff.

The content and form of the *University of Missouri Layoff and Transition Assistance Agreement* will be approved by the System Chief Human Resources Office and the Office of the General Counsel.

2. If any of the following circumstances occur prior to or during the layoff leave of absence, the employee no longer will be eligible to receive transition assistance payments or layoff leave of absence and associated benefits coverage.
  - a. Failure to submit completed *University of Missouri Layoff and Transition Assistance Agreement* by the established deadline;
  - b. Failure to perform duties in a satisfactory manner after layoff notification through the effective date of the layoff;
  - c. Receipt of Long Term Disability (LTD) benefits;
  - d. Acceptance of a full-time benefit-eligible University of Missouri position;
  - e. Retirement; or
  - f. Death.

**IV. Layoff Leave of Absence and Benefit Coverage**

- A. Upon layoff, an eligible employee will be placed on a layoff leave of absence. The length of layoff leave of absence is determined as follows:
1. Eligible employees with less than five (5) years of continuous regular employment with the University immediately prior to layoff, will be placed on a layoff leave of absence for three (3) months from the effective date of layoff.
  2. Eligible employees with a minimum of five (5) years of continuous regular employment with the University immediately prior to layoff will be placed on a layoff leave of absence for six (6) months from the effective date of layoff.
- B. During the layoff leave of absence, the eligible employee will be eligible to participate in the University's benefit programs (e.g. medical, dental, life, accidental death, and long-term disability). The University will continue to pay its portion of the benefit premiums during the layoff leave of absence.

**V. Transition assistance payment**

Eligible employees who are laid off will receive transition assistance pay. Eligible employees with four years of continuous benefit-eligible employment or less immediately prior to layoff will receive four (4) weeks of pay. Eligible employees with five or more years of continuous benefit-eligible employment immediately prior to layoff will receive one (1) week of pay for each year of continuous benefit-eligible employment immediately prior to layoff up to a maximum of twenty (20) weeks of pay. In no case will the transition assistance pay exceed \$50,000. Transition payments may be paid in accordance with an employee's regular pay schedule or in a lump sum payment at the discretion of the University.

**VI. Continuous Employment**

For purposes of calculating continuous employment under this rule, an employee who completes a nine-month academic appointment will be considered to have accrued one year of employment. Consecutive nine-month academic appointments will be considered as continuous employment. Additional summer months of employment by an employee on a nine-month academic appointment will not affect calculation of continuous employment under this rule.

**VII. Seniority**

- A. For employees on full-time academic staff appointments and regular Administrative, Service and Support employees, other than Service and Maintenance personnel subject to a union agreement, seniority consists of continuous employment in the same department. If relative length of employment among employees is equal, the employee with the greatest length of University employment is the most senior employee.
- B. For Service and Maintenance employees subject to a union agreement, see *Understanding of Policies, Article VIII, and Seniority*. The definition of seniority for service and maintenance employees as outlined in the *Understanding of Policies* is applicable only if the University has a signed agreement with the unions. If no agreement exists, the definition of seniority for regular Administrative, Service and Support employees will apply.
- C. All things being equal, job security shall be commensurate with an employee's seniority. If the abilities, skills, training, and other relevant qualifications to fill existing positions are considered equivalent among affected employees, the employee with the longest seniority will be retained and the employee with the shortest seniority will be the first to be laid off. The University reserves the right in any given instance, to determine if an employee possesses the relevant qualifications such as ability, training, and skill to fill the position.
- D. Seniority accrues from the first day of regular employment. Seniority should not impact employment decisions for regular employees until the completion of the probationary period. Employees laid off retain seniority accumulated to the date of layoff, for a period not to exceed six months. An employee who is laid off retains seniority for a period of six months from the effective date of the layoff but does not continue to accrue seniority during the layoff leave of absence. In the event an employee who is notified of a layoff or who has been laid off transfers to another department, the employee continues to maintain seniority in the department where the layoff occurred for a period of six months from the effective date of the layoff or the transfer, whichever occurs first. During a work-related injury or military leave of absence, an employee continues to accrue seniority.

### **VIII. Recall**

The University shall, in its sole discretion, after a reduction in force, determine the occasion and the advisability of recall of part or all of the laid off employees. The University shall consider seniority, ability, and qualifications, as well as the nature of the jobs for which the employees will be recalled.

### **IX. Refilling Eliminated Position**

- A. Positions which are eliminated due to layoff may not be filled for a minimum of one (1) year.
- B. If special circumstances occur which create good cause for the position to be filled sooner, approval must be granted by contacting the appropriate campus, hospital or system Office of Human Resources.

**X. Service credit**

The period of leave of absence is excluded in computing length of service under the University of Missouri Retirement, Disability, and Death Benefit Plan; however, the leave of absence does not constitute an interruption of service. A layoff leave of absence does not count toward vesting in the University of Missouri Retirement, Disability and Death Benefit Plan.

**XI. Application in the Event of Discontinuance of Programs or Departments of Instruction**

In the event that an employee is laid off in connection with the discontinuance of a program or a department under Section 320.150 of these Collected Rules and Regulations, the employee will:

- A. Be eligible to receive transition assistance pay if the employee meets all eligibility requirements stated in this rule; and
- B. Receive the leave of absence and benefits stated in Section 320.150 and will not receive layoff leave of absence or associated benefit coverage under the terms of this rule, notwithstanding any provision to the contrary.

**XII. Effective date**

- A. The provisions of this rule will apply with respect to layoffs of eligible employees on full-time academic staff appointments with an effective layoff date of August 30, 2018 or later.
- B. The provisions of this rule will apply with respect to layoffs of regular Administrative, Service and Support employees with an effective date of layoff of January 1, 2019 or later.



### **350.050 Layoff**

Bd. Exec. Comm. Min. 2-19-67, p. 2,163; Amended Bd. Min. 9-7-79; 7-22-83; 7-27-84; 7-26-85; 9-26-97; 6-5-09; 6-21-18.

Layoff is defined as the cessation of regular employment due to a permanent or temporary reduction in force. Employees laid off due to a reduction in force retain seniority accumulated to the date of layoff, for a period not to exceed one year. All things being equal, job security shall be commensurate with an employee's seniority. If the abilities, skills, training, and other relevant qualifications to fill existing positions are considered equivalent among affected employees, the employee with the longest seniority will be retained and the employee with the shortest seniority will be the first to be laid off.

The University reserves the right in any given instance, to determine if an employee possesses the relevant qualifications such as ability, training, and skill to fill the position.

**A. Seniority** -- For regular Administrative, Service and Support employees, other than Service and Maintenance personnel, seniority consists of continuous service in the same department. If relative service among employees is equal, the employee with the greatest University service is the most senior employee. For Service and Maintenance employees, see *Understanding of Policies, Article VIII, Seniority*. The definition of seniority for service and maintenance employees as outlined in the *Understanding of Policies* is applicable only if the University has a signed agreement with the unions. If no agreement exists, the definition of seniority for regular Administrative, Service and Support employees will apply.

**B. Retention and Accrual** -- Seniority accrues from the first day of regular employment. Seniority should not impact employment decisions for regular employees until the completion of the probationary period. An employee who is laid off retains his/her seniority for a period of one year from the effective date of the layoff but does not continue to accrue seniority during the layoff leave of absence. In the event an employee who is notified of a layoff or who has been laid off transfers to another department, he/she continues to maintain seniority in the department where the layoff occurred for a period of one year from the effective date of the layoff or the transfer, whichever occurs first. During a work-related injury or military leave of absence, an employee continues to accrue seniority.

**C. Recall** -- The University shall, in its sole discretion, after a reduction in force, determine the occasion and the advisability of recall of part or all of the laid off

employees. The University shall consider seniority, ability, and qualifications, as well as the nature of the jobs for which the employees will be recalled.

**D. Hiring Preference** -- Employees retain preferential hiring rights in the department in which they have been laid off. "Hiring preference" within a department shall mean that if laid off departmental employees meet the stated qualifications the department may only consider the laid off employee(s) and other benefit eligible employees in the same department for openings in that department. "Department" is defined as an organizational entity that has fiscal, programmatic and administrative responsibilities for employees.

**E. Eligibility** -- Regular Administrative, Service and Support employees who have satisfactorily completed their probationary periods are covered by this policy with the exception of executive and managerial employees.

**F. Benefits** -- Eligible employees with a minimum of five (5) years of continuous regular employment with the University immediately prior to layoff will be placed on a layoff leave of absence for one (1) year from the effective date of layoff. Eligible employees with less than five (5) years of continuous regular employment with the University immediately prior to layoff, will be placed on a layoff elave of absence for three (3) months from the effective date of layoff. During the layoff leave of absence, the employee would be eligible to participate in the University's benefit programs. The University will continue to pay its portion of the benefit premiums during the layoff leave of absence.

**G. Service Credit** -- The period of leave of absence is excluded in computing length of service under the University of Missouri Retirement, Disability, and Death Benefit Plan; however, the leave of absence does not constitute an interruption of service. A layoff leave of absence does not count toward vesting in the University of Missouri Retirement, Disability and Death Benefit Plan.

**H. Effective Date** -- The provisions of this rule apply with respect to layoffs of eligible Regular Administrative, Service and Support employees with an effective date of layoff of December 31, 2018 or earlier. Layoffs of Regular Administrative, Service and Support employees with an effective date of layoff of January 1, 2019 or later will be governed by Section 350.051 of these Collected Rules and Regulations.

Amendment to the Collected Rules and Regulations 340.030, Sick Leave – presented by Senior Associate Vice President Fischer (information on file)

## **Collected Rules and Regulations**

### **Personnel**

#### **Chapter 340: Employee Absences**

##### **340.030 Sick Leave**

Bd. Min. 7-16-58, p. 13,307; Bd. Min. 6-28-68; amended 9-17-76; amended 9-7-79, amended Bd. Min. 7-30-82, effective 9-1-82; Bd. Min. 7-15-86; Bd. Min. 3-11-94; amended Bd. Min. 9-26-97; amended Bd. Min. 7-17-98; amended Bd. Min. 7-19-02; amended Bd. Min. 7-23-04; amended Bd. Min. 10-23-09, amended Bd. Min 9-13-13; amended Bd. Min. 6-21-18.

##### **A. Sick Leave**

The university provides paid sick leave to eligible employees to encourage time off to care for one's own health, and the health of immediate family members. The following sick leave applies to Regular Administrative, Service and Support employees and certain non-regular academic employees as approved by the Chancellor and President

##### **B. Accruals**

1. Sick leave is accrued from the first day of eligible employment
2. Eligible employees accrue sick leave at the rate of 12 working days per year accrued over each pay period.
3. Credit for sick leave accumulates during vacations, sick leave, excused absence with pay and any leave of absence without pay granted for an on-the-job injury compensable under Workers' Compensation. Credit does not accumulate when an employee is receiving shared leave. Sick leave accruals will be available to the employee only after returning to work in regular status.

##### **C. Using Sick Leave**

1. Sick leave is available for use once it is accrued, subject to appropriate supervisory approval.
2. Eligible employees may use accrued sick leave to cover absences related to:
  - a. the employee's own illness, injury, pregnancy, or preventative care; or
  - b. an immediate family member's illness, injury, pregnancy, or preventative care.
3. Eligible employees also may use accrued sick leave subject to limits stated below to cover absences related to:

- a. the placement of an adoptive or foster child in the employee's home or care of that child within twelve (12) months after placement; or
- b. the care of an employee's child within twelve (12) months after birth.
- c. When used in these instances, the amount of accrued sick leave plus all other forms of paid leave (e.g., vacation, personal) used by an employee may not exceed 480 hours for each instance of placement and associated care of child or care of child after birth. This 480 hour limit will apply on a basis of 100% full-time equivalence and will be reduced on a pro-rata basis for an employee working on a basis of 75 percent – 99 percent full-time equivalence. In instances where both parents are eligible employees, each will have a 480 hour limit.

**D. Separation of Employment–**

Upon separation of employment, employees will not receive payment for any unused accumulated sick leave

- E. Retirement --** Employees will receive additional creditable service in calculating retirement benefits for all unused accumulated sick leave, subject to the terms of the applicable retirement plan. Sick leave credit is allowed only upon retirement, and does not apply to deferred vested benefits.

The motion carried unanimously (9-0) by voice vote with no abstentions.

Amendment to the Collected Rules and Regulations Section 340.060, Personal Days –  
presented by Senior Associate Vice President Fischer (information on file)

**Collected Rules and Regulations**  
**Personnel**  
**Chapter 340: Employee Absences**

**340.060 Personal Days**

Bd. Min. 7-30-82, effective 9-1-82; Bd. Min. 7-15-86; Amended 9-26-97; Amended Bd. Min. 7-17-98; Amended Bd. Min. 7-19-02; Amended Bd. Min. 9-13-13; Amended Bd. Min. 6-21-18.

- A. Eligible Employees --** Regular Administrative, Service and Support employees and certain non-regular academic employees as approved by the Chancellor and President will be granted four personal days each year. The year will be calculated using the employee's beginning employment date. Personal days are to be used at the employee's discretion, subject to supervisory review and approval. Personal days must be taken before the end of the anniversary year and accumulation

beyond the year is not permitted.

The motion carried unanimously (9-0) by voice vote with no abstentions.

### **Audit Committee**

Chairman Graham provided time for discussion of committee business.

Internal Audit and Consulting Annual Report, UM – presented by Interim Chief Audit Executive Piranio (slides on file for this information item)

Fiscal Year 2019 Risk Assessment and Internal Audit Plan, UM – presented by Interim Chief Audit Executive Piranio (slides and information on file)

It was recommended by Vice President Rapp, endorsed by President Choi, recommended by the Audit Committee, moved by Curator Graham, seconded by Curator Phillips, that the attached Fiscal Year 2019 Risk Assessment and Internal Audit Plan be approved.

The motion carried unanimously (9-0) by voice vote with no abstentions.

The public session of the Board of Curators meeting recessed at 4:32 P.M.

### **Board of Curators Meeting – Executive Session**

A meeting of the University of Missouri Board of Curators was reconvened in executive session at 4:45 P.M., on Thursday, June 21, 2018, in the Donrey Media Room 211 of the Reynolds Alumni Center on the University of Missouri - Columbia campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator David L. Steelman, Chair of the Board of Curators, presided over the meeting.

#### Present

The Honorable Julia G. Brncic  
The Honorable Darryl M. Chatman  
The Honorable Jamie L. Farmer  
The Honorable Maurice B. Graham

The Honorable Jeffrey L. Layman  
The Honorable John R. Phillips  
The Honorable Phillip H. Snowden  
The Honorable David L. Steelman  
The Honorable Jon T. Sundvold

Also Present

Dr. Mun Y. Choi, President  
Mr. Stephen J. Owens, General Counsel  
Ms. Cindy Harmon, Secretary of the Board of Curators  
Ms. Courtney Lauer, Student Representative to the Board of Curators

**Consent Agenda – Executive Session**

It was endorsed by President Choi, moved by Curator Graham and seconded by Curator Snowden, that the following items be approved by consent agenda:

**Consent Agenda**

Action

1. Hibbs Chairs and Professorships Certification, MU
2. Judy Wall, Curators' Distinguished Professor Emeritus, MU
3. Susan Feigenbaum, Curators' Distinguished Teaching Professor Emeritus, UMSL

1. Hibbs Chairs and Professorships Certificates, MU –

That the President of the Board of Curators is authorized to sign a certification that the holders of each chair and professorship, established pursuant to the April 3, 2002 will of Sherlock Hibbs, are dedicated and articulate disciples of the free and open market economy (the Ludwig von Mises Austrian School of Economics), as supported by the documentation provided by the holders thereof, Dean Ajay Vinzé, and Chancellor Alexander N. Cartwright.

The full report is on file in the UM System Academic Affairs Office.

2. Judy Wall, Curators' Distinguished Professor Emeritus, MU –

That upon the recommendation of Chancellor Cartwright it is recommended that Professor Judy Wall be named to the position University of Missouri Distinguished Professor Emerita, effective 04/12/2018.

3. Susan Feigenbaum, Curators' Distinguished Teaching Professor Emeritus, UMSL  
That upon the recommendation of Chancellor George it is recommended that Professor Susan K. Feigenbaum be named to the position University of Missouri Curators' Distinguished Teaching Professor Emeritus, effective 09/01/2018.

Roll Call Vote of the Full Board:

Curator Brncic was absent for vote.  
Curator Chatman voted yes.  
Curator Farmer voted yes.  
Curator Graham voted yes.  
Curator Layman voted yes.  
Curator Phillips voted yes.  
Curator Snowden voted yes.  
Curator Steelman voted yes.  
Curator Sundvold voted yes.

The motion carried.

### **General Business**

Chancellor Cartwright joined the meeting.

President's Report on Personnel Matters – presented by President Choi and Chancellor Cartwright.

No action taken by the Board.

The Board of Curators meeting recessed at 5:55 P.M. on Thursday, June 21, 2018.

### **University of Missouri System Awards Reception, Dinner and Program (by invitation)**

6:00 – 8:30 P.M.

Thursday, June 21, 2018

Hosted by: The University of Missouri System Board of Curators and President Choi

Location: Stotler Lounge, Memorial Student Union, University of Missouri Campus

### **President's Awards Honorees:**

Thomas Jefferson Award – Mark Pope, University of Missouri – St. Louis

Student Entrepreneur Award – Barbara Anne Doheny, University of Missouri – Columbia  
C Brice Ratchford Award – Randall D. Smith, University of Missouri – Columbia  
President’s Award for Community Engagement – Mary Kay O’Malley, University of Missouri – Kansas City  
President’s Award for Cross-Cultural Engagement – Jannette Berkley-Patton, University of Missouri – Kansas City  
President’s Award for Leadership – Susan Brownell, University of Missouri – St. Louis  
President’s Award for Service – Bill Wiebold, University of Missouri – Columbia  
President’s Award for Early Career Excellence – James D. Schiffbauer, University of Missouri – Columbia  
President’s Award for Sustained Career Excellence – Sajal K. Das, Missouri University of Science and Technology  
President’s Award for Innovative Teaching – Nicolas Ali Libre, Missouri University of Science and Technology  
President’s Award for Economic Development – Anthony J. Luppino, University of Missouri – Kansas City  
President’s Award for Intercampus Collaboration – Lisa M. Dorner, University of Missouri – Columbia and Kim H. Song, University of Missouri – St. Louis

## **BOARD OF CURATORS MEETING**

### **RECONVENED PUBLIC SESSION**

A meeting of the University of Missouri Board of Curators reconvened in public session at 8:45 A.M., on Friday, June 22, 2018, in Columns Ballroom C, D & E of the Reynolds Alumni Center on the University of Missouri - Columbia campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator David L. Steelman, Chair of the Board of Curators, presided over the meeting.

#### Present

The Honorable Julia G. Brncic  
The Honorable Darryl M. Chatman  
The Honorable Jamie L. Farmer  
The Honorable Maurice B. Graham  
The Honorable Jeffrey L. Layman  
The Honorable John R. Phillips  
The Honorable Phillip H. Snowden  
The Honorable David L. Steelman



The Honorable Jon T. Sundvold

Also Present Also Present

Dr. Mun Y. Choi, President  
Mr. Stephen J. Owens, General Counsel  
Ms. Cindy Harmon, Secretary of the Board of Curators  
Ms. Courtney Lauer, Student Representative to the Board of Curators  
Dr. C. Mauli Agrawal, Chancellor, University of Missouri – Kansas City  
Dr. Gary K. Allen, Vice President for Information Technology  
Dr. Alexander Cartwright, Chancellor for University of Missouri-Columbia  
Mr. Jonathan Curtright, Chief Executive Officer, MU Health  
Ms. Marsha Fisher, Chief Human Resources Officer  
Dr. Thomas F. George, Chancellor for University of Missouri-St. Louis  
Dr. Steven W. Graham, Senior Associate Vice President for Academic Affairs  
Dr. Chris Maples, Interim Chancellor for Missouri University of Science and Technology  
Dr. Mark McIntosh, Vice President for Research and Economic Development  
Dr. Kevin G. McDonald, Chief Diversity Officer  
Ms. Michelle M. Piranio, Interim Chief Audit Executive  
Mr. Ryan D. Rapp, Vice President for Finance  
Dr. Marshall Stewart, Vice Chancellor, Extension and Engagement  
Ms. Christine Holt, Chief of Staff, UM System  
Mr. Christian Basi, Director of Media Relations  
Media representatives

**General Business**

University of Missouri Board Chair Report – presented by Chair Steelman

The Board Chair spoke about the importance of shared governance and the Curator's support of University leadership.

University of Missouri System President's Report – presented by President Choi (slides on file for this information item)

The President presented achieving excellence together.

Information Technology Annual Report – presented by Vice President Allen (slides on file for this information item)

Critical Issue Discussion – The University Task Force – discussion led by University Task Force Chair Chatman (slides on file)

Task Force Chair Chatman provided a report of accomplishments made and overview of proposed ideas developed since the April 2018 Board of Curators meeting. The University community was invited to participate in an input session during the meeting.

Further discussion is planned for the July 26-27, 2018 Board of Curators development session in Springfield, Missouri.

No action taken by the Board.

### **General Business**

#### Good and Welfare

Draft September 20-21, 2018 Board of Curators meeting agenda – no discussion (on file)

The public session of the Board of Curators meeting adjourned at 11:00 A.M. on Friday, June 22, 2018.

### **Executive Session**

A meeting of the University of Missouri Board of Curators was reconvened in executive session at 11:05 A.M., on Friday, June 22, 2018, in the Donrey Media Room 211 of the Reynolds Alumni Center on the University of Missouri – Columbia campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator David L. Steelman, Chair of the Board of Curators, presided over the meeting.

#### Present

The Honorable Julia G. Brncic  
The Honorable Darryl M. Chatman  
The Honorable Jamie L. Farmer  
The Honorable Maurice B. Graham  
The Honorable Jeffrey L. Layman  
The Honorable John R. Phillips  
The Honorable Phillip H. Snowden  
The Honorable David L. Steelman  
The Honorable Jon T. Sundvold

#### Also Present

Dr. Mun Y. Choi, President  
Mr. Stephen J. Owens, General Counsel  
Ms. Cindy Harmon, Secretary of the Board of Curators

Ms. Courtney Lauer, Student Representative to the Board of Curators

### **Compensation and Human Resources Committee – Executive Session**

Vice President Rapp, Chief Human Resources Officer Fischer and Interim Chief Audit Executive Piranio joined the meeting.

Annual Performance Review, Interim Chief Audit Executive, Michelle Piranio – presented by Curator Phillips

It was recommended by the Compensation and Human Resources Committee, moved by Curator Phillips and seconded by Curator Brncic, that based on the review of the performance of Interim Chief Audit Executive, Michelle Piranio for the period July 1, 2017 through June 30, 2018, the Board of Curators approves that the base salary of Michelle Piranio be increased by 2%, effective September 1, 2018.

Roll call vote of Board of Curators:

Curator Brncic voted yes.  
Curator Chatman voted yes.  
Curator Farmer voted yes.  
Curator Graham voted yes.  
Curator Layman voted yes.  
Curator Phillips voted yes.  
Curator Snowden voted yes.  
Curator Steelman voted yes.  
Curator Sundvold voted yes.

The motion carried.

### **General Business**

Report on Personnel and Contracts – presented by Chair Steelman

No action taken by the Board.

Chancellor Cartwright joined the meeting.

President's Report on Personnel Matters, continued – presented by President Choi and Chancellor Cartwright.

No action taken by the Board.

General Counsel's Report and Litigation Report – presented by General Counsel Owens

Legal Advice and Contracting with Husch Blackwell – presented by General Counsel Owens

General Counsel Owens reported on contracting with Curator Phillip's law firm, Husch Blackwell. At the Board's meeting on February 1, 2013, the Board discussed the effect of Curator Phillips joining the Board and whether the University could or should continue to enter into new contracts with the Husch firm. After reviewing state law and University rules, the Board concluded that no actual conflict of interest existed, but in an abundance of caution decided that the University should not enter into new contracts with Husch Blackwell while Curator Phillips was simultaneously a member of the firm and the Board of Curators. At the June 22, 2018 meeting, the Board discussed whether its previous restriction applies when Husch is a successful bidder in response to a University issued RFP.

The Board's Conflict of Interest rules provide a safe harbor for contracts that are awarded after competitive bidding. CRR 10.090.A.4 states "that such prohibition [on contracting] shall not apply if the goods or services are donated to the University or if the contract is entered into in conformity with the University's rules and regulations pertaining to acquisition of goods or services, the University's competitive bidding processes, if applicable, and after compliance with all applicable conflict of interest statutes and policies." Thus, the Board's conflict of interest rules permit otherwise conflicted parties to contract with the University when the contract goes through the competitive bid process. Based on this rule, the Board felt the Husch firm should be able to contract with the University while Curator Phillips is on the Board if the contract is entered into in conformity with the University's rules and regulations pertaining to acquisition of goods or services or the University's competitive bidding processes, if applicable.

Mr. Owens reminded the Board that since the time of the Board's decision in January 2013, his son has joined the Husch firm. After discussion, the Board agreed that if Mr. Owens or the Office of General Counsel wants to enter into a contract with the Husch firm while his son is employed there, Mr. Owens should obtain approval of the Board Chair or the Chair's designee before entering into the contract.

It was moved by Curator Graham and seconded by Curator Sundvold, that the meeting of the Board of Curators, June 21-22, 2018, be adjourned.

Roll call vote of the Board:

Curator Brncic was absent for vote.

Curator Chatman voted yes.

Curator Farmer was absent for vote.

Curator Graham voted yes.

Curator Layman voted yes.

Curator Phillips voted yes.

Curator Snowden voted yes.

Curator Steelman voted yes.

Curator Sundvold voted yes.

The motion carried.

There being no other business to come before the Board of Curators, the meeting was adjourned at 2:00 P.M. on Friday, June 22, 2018.

Respectfully submitted,



Cindy S. Harmon  
Secretary of the Board of Curators  
University of Missouri System

Approved by the Board of Curators on September 20, 2018