

300.010 Faculty Bylaws of the University of Missouri-Columbia

Bd. Min. 11-22-74; Amended Bd. Min. 2-15-80 and 4-25-80; Amended Bd. Min. 1-31-91; 6-6-08; Amended 6-17-11; Amended 4-12-13.

- A. **The Faculty Bylaws** for the University of Missouri-Columbia as approved by the faculty on November 14, 1974 (a copy of which is on file with the Secretary), be approved, subject to the following:
1. That the Bylaws are subject to all rules and regulations of the Board of Curators.
 2. That any amendment of the Bylaws shall be submitted to the Board of Curators for approval before becoming effective.
 3. This action be printed as part of the printed Bylaws.
- B. **Membership** -- The University of Missouri-Columbia* faculty shall consist of the president, chancellor, all persons with regular academic appointments, and all full-time, ranked non-tenure track (NTT) faculty with professorial designation. Campus-wide faculty votes on issues specific to tenure or tenured/tenure track (T/TT) faculty will be restricted to T/TT faculty.
*(Hereafter referred to as UMC. Also, when "faculty" is used alone, it is meant to refer to the UMC faculty, unless otherwise specified.)
- C. **Faculty Rights, Ethics, Responsibilities and Authority**
1. **Rights**
 - a. **Academic Rights** -- Faculty members have the right to freedom of inquiry, discourse, research, publication and teaching. These rights are accompanied by their correlative responsibilities as noted in 300.010.C.1 and C.2 in this section (Also Ref: Sections 310.010-310.070).
 - b. **Civil Rights** -- Faculty members do not relinquish any of their constitutional rights by virtue of employment with the University of Missouri (Ref: Sections 330.020, 330.030 and 90.050).
 - c. **Employment Rights** -- Faculty members have rights consistent with their continuous appointment or term appointment. These include the right to be notified as early as possible of their appointments and conditions of contract renewal (Ref: Sections 310.010-310.070).
 - d. **Right to be Kept Informed** -- The faculty has the right to be informed of actions and activities of committees and executive officers of the campus and of the University-wide system, including those related to budget matters, as well as decisions of other bodies which affect UMC. Where possible, this

information shall be made available to the faculty before being made available to the general public.

2. **Professional Ethics and Academic Responsibilities** -- The professor, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognizes the special responsibilities placed upon him/her. His/her primary responsibility to his/her subject is to seek and to state the truth as he/she sees it. To this end he/she devotes his/her energies to developing and improving his/her scholarly competence. He/she accepts the obligation to exercise critical self-discipline and judgment in using, extending and transmitting knowledge. He/she practices intellectual honesty. Although he/she may follow subsidiary interests, these interests must never seriously hamper or compromise his/her freedom of inquiry.
 - a. **As a teacher**, the professor encourages the free pursuit of learning in his/her students. He/she holds before them the best scholarly standards of his/her discipline. He/she demonstrates respect for the student as an individual, and adheres to his/her proper role as intellectual guide and counselor. He/she makes every reasonable effort to foster honest academic conduct and to assure that his/her evaluation of students reflects their true merit. He/she respects the confidential nature of the relationship between professor and student. He/she avoids any exploitation of students for his/her private advantage and acknowledges significant assistance from them. He/she protects their academic freedom.
 - b. **As a colleague**, the professor has obligations that derive from common membership in the community for scholars. He/she respects and defends the free inquiry of his/her associates. In the exchange of criticism and ideas he/she shows due respect for the opinions of others. He/she acknowledges his/her academic debts and strives to be objective in his/her professional judgment of colleagues. He/she accepts his/her share of faculty responsibilities for the governance of his/her institution.
 - c. **As a member of his/her institution**, the professor seeks above all to be an effective teacher and scholar. Although he/she observes the stated regulations of the institution, provided they do not contravene academic freedom, he/she maintains his/her right to criticize and seek revision. He/she determines the amount and character of the work he/she does outside his/her institution with due regard to his/her paramount responsibilities within it. When considering the interruption or termination of his/her service he/she recognizes the effect of his/her decision upon the program of the institution and gives due notice of his/her intentions.
 - d. **As a member of his/her community**, the professor has the rights and the obligations of any citizen.

He/she measures the urgency of those obligations in the light of his/her responsibilities to his/her subject, to his/her students, to his/her profession, and to his/her institution. When he/she speaks or acts as a private person he/she avoids creating the impression that he/she speaks or acts for his/her college or university. As a citizen engaged in a profession that depends upon freedom for its health and integrity, the professor has a particular obligation for promoting conditions of free inquiry and to further public understanding of academic freedom. Further, the faculty accepts the responsibility of monitoring its own members if accepted standards of professional responsibility are abrogated (Section 300.010.L of these Bylaws).

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

meeting of the faculty or by mail ballot.

- Appointing special committees (whose members need not be members of the Faculty Council) to report to the Faculty Council

(b) The authority to amend these Bylaws is not delegated.

(c) The delegation shall not affect the prerogatives of individual faculty members nor of individual faculties

(4) Any member of the faculty may request any matter to be placed on the agenda of the Faculty Council and may request to be allowed to appear before the Faculty Council. Such requests may be made either through his/her representatives or the chairperson of the Faculty Council.

(5) Meetings of the Faculty Council shall be open to members of the faculty

(6) The actions of the Council, in those areas in which it has delegated authority, shall be deemed final unless challenged within 10 days. Such challenge shall require a petition signed by 25 faculty members from at least three divisions calling for a review by the faculty of a particular council action.

(7) The Faculty Council shall report its actions to the faculty either at a meeting of the faculty or in the Faculty Bulletin.

D. Meetings

1. The faculty shall meet at times determined by it or when called by the chancellor. Upon written request of twenty (20) members of the faculty addressed to the chancellor, a meeting shall be called within fifteen (15) days of receipt by the chancellor.
2. Reasonable notice (preferably one week minimum) shall be given by the chancellor to all members of the faculty of the time and place of all faculty meetings.
3. Fifty (50) members of the faculty representing at least three (3) academic divisions shall constitute a quorum.
4. The agenda for faculty meetings shall be determined jointly by the chairperson of the Faculty Council on UMC Policy and the chancellor.
5. Any item of new business not included on the distributed agenda of a faculty meeting will require either a 50 percent vote of approval of those present to be considered at the next faculty meeting or, to be enacted at the meeting at which it is introduced, two-thirds vote of approval of those present.

E. Faculty Organization

1. The authority of the faculty as delegated by the Board of Curators shall include the responsibilities set forth in Section 300.010.C. In order to perform these functions, the faculty takes cognizance of the consequences of its size and complexity and therefore delegates specific policy making and coordinating functions to representative bodies. The main representative body shall be a Faculty Council.
2. The Faculty Council is established as the elected representative body of the faculty. It shall act for the general faculty on all matters within the framework of the policies expressed in these Bylaws and shall function in accordance with the specifications formulated in Section 300.010.C. The Faculty Council shall have the right to delegate some of its operation tasks to an executive committee and/or its officers.
3. The Faculty as a whole shall approve all policies which involve a modification or change of the principles set forth in these Bylaws. The faculty further may review decisions and actions by the Faculty Council provided that a petition requesting such action has been signed by at least 25 faculty members representing at least three divisions of the campus.
4. There shall be a Graduate Faculty organization. It shall develop its own criteria for membership, organizational structure, its own obligations and rights providing they are consonant with the philosophy and principles of the federal faculty Bylaws. The Graduate Faculty shall determine the functions of the Graduate Faculty Senate. The Graduate Faculty shall set standards for graduate education on the campus, provided they meet at least the minimum standards established by the general faculty.
5. Divisional faculties are established in the various academic divisions. They shall develop policies adapted to their specific needs, but standards of performance must not be set below those established by the general faculty.
6. Establishment of new divisions shall entitle them to representation where divisional representation is designated in these Bylaws or otherwise deemed appropriate.

F. Faculty Participatory Authority and Functions in Campus Governance

1. Participatory authority and functions of the faculty are expressed through faculty involvement in the campus committee structure including those committees which govern academic and administrative matters affecting the campus, faculty and students. The faculty participates in the selection of administrative officers. The faculty participates in the monitoring of administrative and academic operating procedures. These participatory functions of the faculty are articulated as follows:
 - a. The faculty, through its elected representative structure, the Faculty Council, nominate faculty members to participate in a specially designated body currently called the University Assembly which is charged with advising the chancellor on matters

mutually affecting all constituencies of the University (faculty, students, administration, and non-academic employees), and nominating members to campus-wide standing committees. The participation of the UMC faculty in this Assembly will represent faculty participation to the extent that the domains of faculty primary and direct authority are not infringed upon.

- b. An Academic Regulations Committee shall be established consisting of representatives of the Faculty Council (which may be the Executive Committee) and campus administration. This committee will assume responsibility for the development and monitoring of campus standard operating guidelines which, after approval by the Faculty Council, administration, and students where appropriate, shall be published as "Academic Regulations Manual." These guidelines will cover the academic schedule of studies and examinations, calendar, academic procedures and policies and campus governance and shall be consonant with these Bylaws. This committee will meet regularly to monitor these guidelines and to coordinate the need for modification and changes.
 - c. The Faculty Council will nominate faculty members to participate in ad hoc committees, including Search and Screening Committees for campus administrators and academic officers.
2. The faculty representatives to the University Assembly and the Academic Regulations Committee will report to the Faculty Council at appropriate intervals.

G. Faculty Participation in University-wide Governance

1. The faculty shall participate in education policy determination about those matters which are University-wide; some of these will be parallel to those issues in which the faculty exercises shared authority at the campus level (Section 300.010.C.3.a). The faculty's responsibility in these matters shall be exercised through mechanisms such as:
 - a. The Intercampus Faculty Council on which the UMC faculty shall have representatives designated by the UMC Faculty Council.
 - b. The University Doctoral Council to which the UMC Graduate Faculty shall elect its members.
 - c. Ad hoc and standing University-wide committees to which the faculty (often acting through its elected campus body, the Faculty Council) shall designate its members.
 - d. Intercampus committees concerned with cooperation in educational and research activities within the respective disciplines.

H. Faculty Council on UMC Policy

1. **Representative Faculty Voice:** A Faculty Council shall be composed of faculty members who shall be elected by the several divisional faculties as hereinafter provided. The Faculty Council shall have certain delegated authority to act on behalf of the General Faculty (Section 310.010.C.3.c of these Bylaws). In addition, the Council, as a representative faculty voice, shall advise the chancellor and the UMC faculty on questions of UMC policy submitted by either to the Council, and may initiate recommendations concerning changes in the UMC policy for consideration and appropriate action by the chancellor or UMC faculty.

2. **Academic Unit Selections:** All colleges and schools that are headed by a dean who reports to the provost for academic affairs shall be entitled to voting representation. For the purposes of Academic Unit Selections MU Libraries will be collectively treated as a school entitled to voting representation.

3. **Allocation of Representatives:** Faculty Representatives shall be allocated to a college or school on the basis of the total number of full-time ranked faculty members of the UMC faculty within the college or school. The determination of the number of full-time ranked faculty representatives shall be made on November 1 of each academic year, and the number so determined shall govern representation for the next academic year. A full-time ranked representative who has a joint appointment in two or more colleges or schools shall be assigned to the college or school in which the representative devotes the largest percentage of the representative's time. If the assignment cannot be made on this basis, the Council shall make the assignment, first having consulted with the representative to the extent feasible. Representation of the various colleges and schools shall be based upon persons holding eligible ranks listed in the most recent UMC general catalog. Emeritus professors will not be included in the computations, with the exception that retired professors on continued service will be counted.

Each college or school shall be entitled to representation at a basic ratio of one representative for each fifty (50) full-time ranked faculty members or majority fraction thereof (26-49), and in particular as follows: one (1) representative for 1-75; two (2) representatives for 76-125; and so on for each additional fifty (50) full-time ranked faculty or major fraction thereof. Notwithstanding the basic ratio, no school or college is entitled to more than eight representatives.

In the event the number of full-time ranked faculty members changes to the point where the basic ratio would give less than 30 or more than 35 representatives, the Council by a finding recorded in its minutes shall adjust the ratio to produce not less than 30 and not more than 35 representatives.

Deleted: <#>The minimum T/TT number of representatives on the Council shall be 25 and the maximum shall be 30. Four additional representatives on the Council shall be NTT faculty.¶

Deleted: <#>for T/TT faculty

Deleted: <#>T/TT

Deleted: <#>T/TT

Deleted: <#>T/TT

Deleted: <#>he/she

Deleted: <#>his/her

Deleted: <#>T/TT faculty member

Deleted: <#>the three

Deleted: <#>and any academic titles other than professors, associate professors, assistant professors

Deleted: T/TT

Deleted: T/TT

Deleted: T/TT

Deleted: of one to 50

Deleted: 25

Deleted: 30

Deleted: 25

Deleted: 30

Deleted: T/TT faculty

4. Minimum Number of T/TT and NTT Representatives: The minimum number of T/TT faculty representatives on the Council shall be four, and the minimum number of NTT faculty representatives on Council shall be four. If, as the result of academic unit selections of representatives, fewer than four NTT faculty or four T/TT faculty are included in the makeup of Faculty Council on September 15 of any year, Faculty Council shall organize and hold a special election of the respective full-time ranked NTT or T/TT faculty to achieve the minimum. Only full-time ranked NTT faculty will vote in a special election for an NTT representative; Only full-time ranked T/TT faculty will vote in a special election for a T/TT representative.

The selected representatives will be added to the Faculty Council in addition to those chosen by the academic unit selections, and their addition may increase the size of Faculty Council to more than 35 full-time faculty ranked faculty representatives. Representatives elected in special elections will serve regular three-year terms.

5. Limitation on Administrative Members: Members of the UMC faculty who hold administrative positions with the rank of assistant dean or higher, or equivalent positions regardless of the title, are ineligible for election or service. Only those eligible to serve on the Faculty Council as full-time ranked faculty are eligible to vote for full-time ranked representatives on the Council.

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

7. T/TT Matters: As defined in the Faculty Council Rules of Order, NTT faculty representatives are not eligible for service on the Faculty Council Board of Tenured or Tenure-Track Faculty, which votes on matters specific to tenure or tenured/tenure track (T/TT) faculty.

8. Term of Office: The regular term of office for a member shall be three years beginning on the first day of the fall semester. No member shall serve more than two terms in succession, but a member may serve any number of discontinued terms, and even though the member has served two terms in succession may from time to time serve two more terms in succession after a break in service. Terms of less than three years, whether of one or two years duration or fraction thereof shall count the same as a three-year term.

Deleted: <#>T/TT Faculty Council representatives must be elected from among the T/TT faculty members of the UMC faculty.

¶
Every T/TT faculty member of the UMC faculty is eligible for election to and service on the Council: Provided, however, that m

Deleted: <#>T/TT

Deleted: <#>T/TT

Deleted: T/TT

Deleted: T/TT

Deleted: Full-time ranked NTT faculty campus-wide will elect four members of Faculty Council, one each from the categories of teaching, research, clinical and extension. UMC NTT faculty shall determine the election procedures for the election of NTT representatives and shall report these to the Faculty Council. Every NTT faculty is eligible for election to and service on the Council and only NTT faculty shall vote in election of NTT Faculty Council representatives.

Deleted: ¶

Deleted: he/she

I. Officers of the Faculty

1. The chairperson of the general faculty shall be the chancellor. The vice chairperson of the faculty shall be the chairperson of the Faculty Council. Ordinarily, the chairperson shall preside at faculty meetings, but determination of who shall preside will be guided by

the nature of the business at hand. The vice chairperson shall preside at meetings of the general faculty in the absence of the chairperson, or at other times when so designated by the chairperson.

2. The secretary of the faculty shall be a member of the general faculty and shall be appointed by the Faculty Council. The secretary shall keep minutes of all faculty meetings and shall distribute copies of the same to all members of the general faculty, and shall provide copies of the agenda of all faculty meetings to all members of the faculty prior to any faculty meeting. (By Faculty Council action October 21, 1982, the recorder of Faculty Council shall be secretary of the faculty, with the technical assistance of the registrar; the minutes of the general faculty meetings shall be reviewed, approved and distributed to all faculty in the same manner as the minutes of the Faculty Council meetings.)
3. A parliamentarian shall be appointed by the chairperson from among members of the faculty.

J. Designation of Faculty Representatives

1. The Faculty Council shall monitor faculty representation on all committees where such representation is required by the Bylaws and on other committees where faculty representation is appropriate.
2. Faculty-originated appointments to campus and university committees may be challenged by a signed petition calling for a campus-wide election from at least 25 members of the faculty representing at least three divisions of UMC. The Faculty Council shall vote on such petition, and if approved, shall initiate a campus-wide election.

K. Faculty Tenure Committee

1. The University of Missouri-Columbia Faculty Committee on Tenure shall be composed of members elected by the faculty of colleges and schools that are headed by deans who report to the provost for academic affairs. The faculty of each such college or school shall be entitled to have one single elected member of the University of Missouri-Columbia Faculty Committee on Tenure at any given time.
2. Faculty of each college or school shall, at a regular meeting during the second semester in each academic year, elect one of its members to membership on the University of Missouri-Columbia Faculty Committee on Tenure to serve for the following academic year, and also elect an alternative member, who shall serve in the event the regular committee member is unable to serve. If a faculty fails to elect during the second semester, or a vacancy in its representation occurs after it has elected, a later election may be conducted. Elections of members and alternate members shall be reported to the provost of academic affairs who shall cause the names of the members, alternate members and officers of the committee to be published in the same manner as the membership of the Faculty Council on University Policy.
3. At the inception of a hearing before the committee, the respondent and the relator may challenge members present (including alternate members and the chairperson and secretary) for cause. A

member challenged for cause is entitled to be present during the hearing on the challenge but he/she, the relator and respondent, shall withdraw from the meeting during the vote on the challenge. If a challenge for cause of the chairperson is sustained, the secretary shall act as chairperson. If neither the chairperson nor the secretary is present after action on challenges for cause, the committee shall elect a chairperson pro tempore to preside at the hearing.

4. As prescribed by Sections 310.010-310.070, University of Missouri Collected Rules and Regulations, at least ten members of the committee or their alternates must be present to constitute a quorum at a meeting to elect a permanent chairperson or secretary and at the inception of a hearing. For the purposes of acting on challenges and conducting a hearing after the disposition of challenges, seven members of the committee, or their alternates, shall constitute a quorum. If, during the course of a hearing, the number of members, or their alternates, not previously removed by challenge, are present. The relator and the respondent shall be given opportunities to challenge for cause members or their alternates who were not present from the inception of the hearing and to request that such members or alternates listen to or read the taped or stenographic record of any portion of the hearing at which they were not present.

L. Procedures Governing the Disposition of Charges of Faculty Irresponsibility

1. **Basis for the Article** -- This faculty has affirmed its commitment to the principles of academic freedom repeatedly, and has recognized that academic freedom implies also academic and professional responsibility and obligations. In support of this recognition the faculty has accepted the American Association of University Professors' statement of ethical standards (1966) and other standards pertaining to specific duties. (Ref: Section 300.010.C of these Bylaws; Section 420.010 Research Dishonesty) Following the principle that a faculty should monitor its own members, Section 300.010.L establishes appropriate procedures for dealing with cases of alleged violation of professional responsibility.
2. **Definition of Faculty Member and Teacher**
 - a. The term "faculty member" as used in this article means a person holding a regular or non-regular academic staff position at the rank of instructor or above.
 - b. The term "teacher" as used in this article means a person other than a "faculty member" who holds an academic staff position.
3. **Purpose and Limits of the Article** -- This article shall govern the filing and disposition of charges alleging breaches of professional ethics or commission of irresponsible acts made against UMC faculty members and teachers. No portion of this article shall be deemed to amend or affect Section 10 of the Academic Tenure Regulations, March 10, 1950, or any revision thereof; nor shall this

article be construed to affect adversely the rights which any person may have under the University Tenure Regulations.

4. **Initiation and Transmission of a Charge** -- A charge of unethical or irresponsible action may be brought against a faculty member or teacher by a person or group of persons associated with the University, such as a student, faculty member, teacher, administrator, or board member.
 - a. The charge must be submitted in writing and signed by the person or persons making the charge. The charge must specify the act or acts which allegedly constitute unethical or irresponsible action, and must be supported by pertinent details such as time(s), the act(s) was/were committed, specific place(s) where the act(s) occurred, names of witnesses who are able to support the charge, the conditions under which the alleged act(s) occurred, and any additional relevant information.
 - b. The charge shall be transmitted promptly to the UMC provost for academic affairs, whose office shall ascertain the extent to which the charge describes the act(s) that allegedly constitutes unethical or irresponsible action, and determine that all necessary details have been supplied. The provost shall discuss the substance of the charge with the accuser(s) to assure further that the facts and nature of the charge are understood clearly. Once the provost has verified the procedural adequacy of the charge, he/she shall forward it promptly to the dean of the division in which the accused faculty member or teacher has his/her academic appointment.
 - c. Upon receipt of the signed, written charge against a faculty member or teacher employed within his/her division, the dean shall consult with the accused's department chairperson, in those divisions with more than one department. They shall review the charge for adequacy of procedural detail. If in their opinions, the charge is vague or insufficiently detailed, they shall so inform the provost in writing and return the charge to him/her with a request for clarification, or addition of information, and resubmission.
 - d. If in the opinions of the divisional dean and the department chairperson the charge is properly described, the department chairperson, or dean in those divisions without departments, as soon as possible, shall provide the accused with a full copy of the charge, including the name of the person, or persons, making the charge.
5. **Action by the Department Chairperson (or Divisional Dean)** -
 - The department chairperson shall discuss the alleged violation informally with the accused and with the accuser, meeting them either together or separately, or both, and shall attempt to reconcile differences and find a solution acceptable to all persons

involved.

- a. If an acceptable solution is found, this shall be reported by the chairperson in writing to the divisional dean along with any explanation and justification. A copy of the report shall be furnished the accused. If an acceptable solution is not found, the department chairperson shall report this fact in writing to the divisional dean along with such comments as he/she considers appropriate. A copy of this report shall be supplied to the accused. In addition, the chairperson shall provide the accused with a written statement of his/her recommendations for disposition of the charge and shall describe the rights of the accused to an informal hearing.
- b. If the divisional dean agrees with the acceptable solution and the provost for academic affairs concurs, this shall end the matter and the accused shall be so informed. If the divisional dean or the provost for academic affairs does not agree with the acceptable solution or if no acceptable solution was reached, the matter may be referred back to the department chairperson for further negotiation, or the procedures under Section 300.010.L.6 shall be followed.
- c. In those divisions having only one department, the divisional dean shall take the steps set out in Section 300.010.L.5 and shall report to the provost for academic affairs.
- d. The department chairperson or the divisional dean shall be disqualified from action under Section 300.010.L.5 if he/she is the accuser or the accused and in such case the respective department or division shall elect a chairperson pro tem to act instead.

6. Informal Hearing Before Peers at the Department or Divisional Level -- If a resolution of the charge is not reached under the provisions of Section 300.010.L.5, the divisional dean shall inform the accused in writing of his/her recommendations for disposition of the charge, and shall describe the rights of the accused to an informal hearing. The accused may request in writing an informal hearing at either the department level (in divisions with more than one department) or the divisional level, but not both. If no written request is made by the accused within ten (10) school days, or if he/she waives in writing the informal hearing, the procedures of Section 300.010.L.7 shall be followed.

- a. After a written request for an informal hearing, such hearing shall be held by a committee designated for this function according to the following procedure:
 - (1) A Department Committee on Faculty Responsibility shall be established annually according to normal procedures in the structuring of committees in the department. If the accused or the accuser is a

member of the committee, he/she is disqualified from the committee for that case. If the accused is a teacher, the department committee must be adjusted to include peers of the same academic rank, in proportion to the department roster. In small departments, same-level peers may be appointed from related departments by mutual consent of the accused and the department chairperson. The chairperson shall supply the accused with a written report of the membership of the Department Committee on Faculty Responsibility.

(2) For the Divisional Committee on Faculty Responsibility, a panel of 13 faculty members and a special panel of five teachers shall be named annually by the Divisional Policy Committee. In any case where the accused or the accuser is a member of the panel, he/she shall be replaced by a substitute appointed by the Divisional Policy Committee.

(a) When the accused is a faculty member, the divisional dean will strike three names and then the accused will strike three names from the panel of faculty members and the remaining seven faculty members will constitute the committee.

(b) When the accused is a teacher, five members of the panel of Faculty members will be removed by lot from the panel and replaced by the members of the special panel of teachers. From the resulting panel of 13 the divisional dean will strike three names and then the accused will strike three names and the remaining seven members will constitute the committee.

(c) The Divisional Committee on Faculty Responsibility, once constituted, shall organize itself. The divisional dean shall supply the accused with the names of the members of the Divisional Committee on Faculty Responsibility.

- b. The committee (department or division) shall investigate the charge and shall offer the accused and the accuser an opportunity to state their positions and to present testimony and other evidence relevant to the case. The accused shall have access to all information considered by the committee and the names of all persons giving evidence against him/her. The hearing shall be informal and the accused and the accuser at their option may be present during the hearing. Other persons shall not be present except while giving testimony or other evidence.
- c. After completion of the hearing the committee shall meet in closed session and after deliberation prepare a written report. This report (including a minority

report, if any) shall be transmitted to the divisional dean and a copy transmitted promptly to the accused. This report shall be limited to one of the following:

- (1) The charge is unfounded or there is insufficient reason to believe the accused has violated professional ethics or acted irresponsibly, and the matter should be dropped without prejudice to the accused. The justification for this conclusion must be included.
- (2) There is sufficient reason to believe the accused has acted unethically or irresponsibly, and
 - (a) If the accused is a faculty member, the matter should be referred for a formal hearing. No recommendation as to sanction should be made but an assessment of the seriousness of the alleged violation, including whether it is serious enough that termination of appointment should be considered, shall be made.
 - (b) If the accused is a teacher, a recommendation as to the appropriate sanction shall be made. The justification for this conclusion must be included.

7. Action by the Divisional Dean and the Provost for Academic Affairs

- a. **If the accused is a faculty member and no request for an informal hearing was made**, the divisional dean with the concurrence of the provost for academic affairs shall either:
 - (1) Dismiss the charge, in which case the matter is closed without prejudice to the accused, or
 - (2) Refer the matter to the Campus Committee on Faculty Responsibility without any recommendation as to sanction, in which case the procedures of Section 300.010.L.8 shall be followed. If the provost for academic affairs does not concur, he/she may take either of the above actions on his/her own motion.
- b. **If the accused is a faculty member**, after receiving the recommendation of the department or divisional Committee on Faculty Responsibility, the divisional dean with the concurrence of the pProvost for academic affairs shall either:
 - (1) Dismiss the charge, in which case the matter is closed without prejudice to the accused, or
 - (2) Refer the matter to the Campus Committee on Faculty Responsibility with or without a recommendation as to sanction, in which case the procedures of Section 300.010.L.8 shall be followed, or
 - (3) Recommend that the accused's appointment be terminated, in which case the matter shall be

governed by the Academic Tenure Regulations and no further proceedings under this Article shall be taken. If the provost for academic affairs does not concur, he/she may take any of the above actions on his/her own motion. If the action of the divisional dean or the provost for academic affairs differs from the conclusion reached by the department or divisional Committee on Faculty Responsibility, a statement of reasons shall be given. Notification of the action with the statement of reasons shall be transmitted promptly to the accused.

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

8. Formal Hearing before Campus Committee on Faculty Responsibility

- a. **If the matter is referred for a formal hearing** before the Campus Committee on Faculty Responsibility, the accused may, within seven school days after notification of the referral, waive in writing the hearing before the Campus Committee. If the hearing is waived and no informal hearing under Section 300.010.L.6 has been held, the matter shall be returned to the divisional dean who may then recommend termination of appointment as under Section 300.010.L.7.b, or any other action he/she considers appropriate. If he/she does not recommend termination of appointment, or if the informal hearing has been held, the procedures of Section 300.010.L.9 shall be followed.
- b. **For the Campus Committee** on Faculty Responsibility, the Faculty Council shall name annually a panel of thirteen (13) faculty members. If the accuser of any person who has engaged in the investigation of the case is a member of the panel, he/she shall be disqualified and a replacement shall be appointed by the Faculty Council. When a case is referred to the Campus Committee on Faculty Responsibility, the provost for academic affairs will strike three (3) names from the panel; then the accused will strike three (3) names from the panel; the remaining seven (7) members will constitute the committee. The formal hearing shall be conducted

according to the following procedures:

(1) The provost for academic affairs shall convene the committee. The committee shall elect a chairperson who shall preside. The provost for academic affairs shall present the case. Generally accepted principles and procedures of administrative due process shall govern the conduct of the hearing. The hearing shall not necessarily be limited by the rules of evidence applied in civil or criminal judicial proceedings. Both the committee and the provost for academic affairs may receive the advice of counsel.

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

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

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

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

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

9. **Review by the Chancellor** -- The chancellor shall, on written request of the accused or of the provost for academic affairs filed within seven days from the notification of the decision of the Campus Committee on Faculty Responsibility, or may, on his/her motion without the filing of an appeal, review the case and affirm, modify, or reverse the decision or remand it to the committee for rehearing. If the chancellor accepts an appeal or otherwise formally reviews the case, he/she shall notify the provost for academic affairs and the accused, and shall afford them an opportunity to make written submissions or suggestions concerning the disposition of the appeal on review. If the chancellor reverses or modifies the decision of the committee, he/she shall set forth in writing a statement of his/her decision and the reasons therefor, and shall furnish a copy of his/her statement to the accused and to have accepted the committee's decision as the final disposition of the case. If the chancellor is absent from the campus or for any reason is unable to act throughout the review period, he/she may designate a deputy (not the provost for academic affairs) to discharge this function for him/her, or in case of need the president may be requested by the provost for academic affairs or the chairperson of the Campus Committee on Faculty Responsibility to name a deputy to exercise the chancellor's authority in the case. After action by the chancellor, any further appeal by the accused shall be confined to the general right of all members of the University to petition the president and the Board of Curators.
10. **Charges Against Administrators** -- This Article shall cover charges of unethical or irresponsible actions against administrators in their teaching capacities. If a charge is filed against a divisional dean in his teaching capacity, the case shall be referred to the provost for academic affairs and the Campus Committee on Faculty Responsibility without action or recommendation at the departmental or divisional level. If a charge is filed against the provost for academic affairs in his/her teaching capacity, the charge shall be in the hands of the chancellor and the Campus Committee on Faculty Responsibility. Charges of unethical or irresponsible actions against administrators in their capacity as administrators involve procedures beyond the scope of this Article. However, in such cases, the chancellor may seek the assistance and advice of the department, divisional or Campus Committee on Faculty Responsibility.
11. **General Provisions** -- Successful operation of these procedures depends upon the integrity, good faith and cooperation of all persons involved. Circumvention of these procedures by the imposition of penal sanctions under the guise of purely administrative actions must be avoided. Both faculty and administrators in carrying out their duties should keep in mind the goal of dealing with cases promptly and fairly with due regard for the interests of the accused and the University. The following guidelines and principles will be expected to characterize the monitoring of Faculty responsibility through all formal and informal proceedings:

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

M. **Revision of Bylaws** -- Revisions of these Bylaws may be proposed by Faculty Council. Proposed revisions shall be presented and discussed at a meeting of the general faculty or a faculty forum. As soon as possible after the general faculty meeting or faculty forum, all faculty members will be notified of the proposed revision and provided access to a ballot. Ballots will be tabulated by a committee of Faculty Council within two weeks following completion of voting. A simple majority of the votes submitted will be required for approval. Results of the vote will be reported to Faculty Council and then all faculty members as soon as feasible. Revisions become effective upon approval by the Board of Curators.