



UNIVERSITY OF MISSOURI-ROLLA

Academic Council

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FACULTY HANDBOOK
(Proposed revision of)

I. INTRODUCTION

Membership in the academic profession carries with it special responsibilities. The faculty conduct regulations set forth in this document serve as a reminder of the variety of obligations assumed by all members of the profession.

II. PROFESSIONAL DUTIES AND RESPONSIBILITIES

A. Teaching

1. Definition of Responsibility -- The classroom teaching function includes preparing for classes, preparing examinations, grading, and attending to student office visitations. These tasks consume much more time than the actual teaching in the classroom. The professor is obliged to meet his/her regularly scheduled classes and to offer pertinent subject materials which are outlined in the course descriptions contained in the University's catalog. A key variable that also must be recognized in the performance and conduct of regularly scheduled classes is that material presented is relevant to the course. The final goal of a collective classroom situation is the fullest expression of ideas and knowledge culminating in a graduate who is an educated, discerning and responsible citizen.

2. Professional Protection -- As a professional in the classroom, faculty shall be allowed the widest latitude possible in their choice of teaching methods and of modes of presentation to the students. They shall be assured that they have freedom of inquiry in their subject field and the right to exercise critical judgment in presenting that subject material. This freedom includes the assignment of pertinent academic and/or research activities which the students might perform in other than regularly scheduled classes.

B. Research

1. Definition of Responsibility -- Although research is less structured than teaching in terms of a commitment to meeting at a specific time, it is no less rigorous in its demands. Research should involve graduate and/or undergraduate students because it is a vital teaching device as well as a search for new

Attachment IV.A

knowledge. Research may involve academic staff only, with a goal of increased knowledge placing it as a proper function of university life. Research may be basic or applied, laboratory-oriented or done entirely at the desk or in the library. In addition, research may involve federal, state or private funding; a professor as the principal investigator, or senior researcher, will usually have the responsibility for drafting proposals as well as the responsibility for expenditure of resources on successful proposals. The necessity for the maintenance of high ethical standards is self-evident. Misconduct and dishonesty violate the sanctity of truth and must be prevented.

Research dishonesty refers to any conduct that is intended to mislead or communicate falsely research data or results, or which communicates such data or results in reckless disregard of their false or misleading character. Illustrations of research dishonesty include, but are not limited to, the following:

- a. Deliberately false or misleading statements or publications concerning research data or results.
 - b. Intentional or reckless distortion or misinterpretation of research data or results.
 - c. Use of research methods which the researcher knows to be unreliable or highly likely to produce unreliable results, unless appropriately explained in publications and reports of the research.
 - d. Release of research data or scholarly efforts of other persons, and representing them as one's own or failing to give appropriate credit to their source.
2. Professional Protection -- Consistent with standing University of Missouri policy in personnel matters, and the provisions of these regulations, every reasonable effort shall be made to preserve the confidentiality of all proceedings related to the investigation and hearing of an accusation of research dishonesty. Notwithstanding this provision, the Chancellor shall determine when it is necessary for information concerning allegations of research dishonesty to be shared with appropriate organizations.

Attachment IV.A

Sharing of knowledge with the academic community, professional colleagues, and the general public should be the natural culmination of research. Faculty are assured that they have freedom to share their knowledge through the publication of books or articles, through public seminars at the local, regional, and national levels, or through such media as television and radio.

C. Service

1. University Service

a. Definition of Responsibility

- (1) Membership on departmental, college, or university committees has been a traditional faculty responsibility which leads to participation in university governance and the interchange of views and ideas.
- (2) Participation in faculty meetings from the departmental through the university levels is another service rendered by the faculty.
- (3) Membership in professional societies and participation in regional, national, and international meetings are other avenues of university service.
- (4) Faculty may also serve as advisors to various types of student organizations.
- (5) Faculty may also help to form and administer smaller and more efficient units within larger departments.

b. Professional Protection -- Faculty shall be free to perform any service that is within his/her competency.

2. Public Service

a. Definition of Responsibility

- (1) Faculty may participate in the establishment of contacts with the world of commerce and industry.

Attachment IV.A

(2) Faculty may be available to high school students and their counselors through requests from high schools and individual parents of high school students.

(3) Extension work in which the University seeks to provide the general public with a continuing opportunity through short courses, conferences, and credit courses is another service performed by the faculty.

b. Professional Protection -- Faculty shall be free to perform any service that is within his/her competency.

D. Professional Development -- Conscientious faculty members will spend considerable effort on the improvement of their capabilities. This can be done through self-study, attendance at short courses, sabbatical leaves, research effort, and participation in professional meetings, etc.

E. Consulting -- Another area of faculty activities is that of personal consulting. If such consulting is commensurate with the standing and dignity of the university, and if the time commitment is such that it does not interfere with properly assigned university duties, it should be encouraged as an activity beneficial both to the individual and to the University.

III. FACULTY CONDUCT REGULATIONS

A. Introduction -- The University is governed by rules and regulations which safeguard its functions, and at the same time, protect the rights and freedoms of all members of the academic community. The conduct regulations outlined here are based on the principle of peer judgment; the faculty are best qualified to judge the behavior of other faculty members. Every attempt has been made to formulate regulations that are fair, impartial, and in keeping with the concept of academic freedom and the tenure regulations of the University.

The regulations and procedures, outlined below, concern only the faculty of the University and may not be employed by students or persons not of the university faculty.

B. The Committee on Faculty Conduct

1. A Committee on Faculty Conduct consists of one regular member and one alternate member from every academic department. These members are elected by the respective departments. Members of this Commit-

Attachment IV.A

tee shall be elected from the eligible Professors on continuous appointment. If there are no eligible Professors within the electoral unit, then the members shall be elected from the eligible Associate Professors.

2. Persons who devote more than fifty percent of their time to administrative duties shall not be eligible for membership on this Committee. Neither the regular member nor the alternate may simultaneously serve as a member of the Tenure Committee.
3. The Chancellor of the campus shall appoint from among the members of the Committee a Chairperson pro tempore, who, if a meeting is necessary, shall call the first meeting of the Committee, at which time the Committee shall elect from among its members a Chairperson and a Secretary to serve at the pleasure of the Committee. At least two-thirds of the members, or their alternates, must be present to constitute a quorum for the conduct of any business of the Committee including the conduct of the hearings referred to in these regulations.
4. The term of regular Committee members is three years. No regular Committee members may serve more than two consecutive three-year terms. The terms of regular Committee members shall be staggered. Alternate Committee members shall serve for one year.

C. When a question arises concerning an alleged violation by a member of the faculty of a rule or regulation of the University, its schools, colleges or departments, the following procedures will be observed:

1. Initiation and Transmission of Allegation(s) of Faculty Misconduct
 - a. All allegation(s) of faculty misconduct must be submitted in writing by the person(s) making the allegation(s) to the Dean of the academic unit in which the accused faculty member is located.
 - b. The Dean to whom a written allegation(s) of misconduct is submitted shall promptly provide the Vice Chancellor for Academic Affairs, the accused faculty member and the Chairperson of the Department in which the accused faculty member is located with a copy of the written allegation(s).

Attachment IV.A

2. Investigation of Allegation(s) of Faculty Misconduct

a. Unless the Vice Chancellor for Academic Affairs dismisses the allegation(s) of faculty misconduct as frivolous, the Dean shall, within five working days following receipt by the Dean of the written submission of an allegation(s) of faculty misconduct, appoint an Ad Hoc Committee consisting of three faculty members, none of whom shall be members of the Standing Committee referred to in Section III.B hereof, to investigate the allegation(s). In naming the members of the Committee, the Dean should take into consideration their knowledge of the academic area under investigation. The Dean shall turn over to the Committee all information in her/his possession related to the allegations(s).

b. The Ad Hoc Committee shall investigate the allegation(s) of faculty misconduct and prepare a written report setting forth its findings and conclusions regarding each allegation. The Ad Hoc Committee shall submit its written report along with all documents considered by the Committee to the Dean and the Vice Chancellor for Academic Affairs within forty-five days of its appointment unless for good cause additional time is allowed by the Vice Chancellor for Academic Affairs to complete the investigation and report. The Vice Chancellor shall provide the accused faculty member with a copy of the Ad Hoc Committee's report.

3. Informal Conference -- Upon receiving the report of the Committee, the Vice Chancellor for Academic Affairs shall notify the accused faculty member that he/she may request an informal conference with the Vice Chancellor to discuss the allegation(s) and the Committee's report. Said informal conference should occur within seven days after receipt of the Committee's report by the Vice Chancellor for Academic Affairs.

4. Decision Not to Proceed With Formal Charge

a. If the Vice Chancellor for Academic Affairs determines not to file a formal charge of misconduct against the accused faculty mem-

Attachment IV.A

ber, he/she shall notify in writing the accused faculty member, the Dean of the academic unit in which the accused faculty member is located and the Chairperson of the Department in which the accused faculty member is located of the decision not to proceed with a formal charge. The Vice Chancellor for Academic Affairs shall also provide copies of the written notification referred to above, to other individuals and organizations mutually agreed upon by the Vice Chancellor for Academic Affairs and the accused faculty member.

- b. The Vice Chancellor for Academic Affairs shall maintain all documents and other records pertaining to the allegation(s) of misconduct and the investigation thereof for a period of five (5) years from the date of the decision not to proceed with the filing of a formal charge of faculty misconduct.

5. Formal Proceedings

- a. Definitions: In the procedures established under these Sections the following definitions shall apply.

- (1) Respondent shall refer to the faculty member against whom Charges are filed.

- (2) Relator shall refer either to the Vice Chancellor for Academic Affairs or to such person or persons as may be designated from time to time by the Vice Chancellor for Academic Affairs to represent the Vice Chancellor for Academic Affairs in the formal proceedings against a Respondent.

- b. Statement of Charges; Request for Hearing; Answer

- (1) The Respondent shall be notified in writing by the Relator of the allegation(s) of misconduct and the basis therefore, stated with reasonable particularity and called the Charge, and of the right to a hearing by the appropriate Faculty Committee together with a membership roster of the Com-

mittee. If the Respondent desires a hearing, the Respondent shall give written notice of this request to the Relator within fourteen consecutive calendar days from the receipt of formal notice of the Charge. The Respondent shall also send copies of this request for hearing to the Chairperson of the Committee. The Relator shall thereupon file a copy of the Charge with the Chairperson of the Committee. Failure by the Respondent to make a timely written request for a hearing shall constitute a waiver of the Respondent's right to a hearing before the Committee, and the Vice Chancellor for Academic Affairs shall proceed to make her/his report and recommendation to the Chancellor regarding disposition of the matter.

- (2) The Respondent shall file a written Answer to the Charge with the Chairperson of the Committee within seven consecutive calendar days after Respondent makes his/her written request for a hearing. Respondent shall also send a copy of his/her Answer to the Relator. Such Answer shall specifically admit or deny the allegation(s) contained in the Charge. A failure to answer or to deny an allegation of fact in the Charge may be considered by the Committee as an admission of such fact.

c. Hearing by Committee

- (1) If the Respondent makes a timely written request for a hearing by the Committee, the Chairperson shall notify in writing the Respondent and the Relator of the date, time and place of hearing before the Committee, which shall be within a reasonable time but not more than thirty (30) consecutive calendar days after the date of the receipt of the request for hearing.
- (2) Any request for continuance shall be made by the Respondent or Relator in writing to the Chairperson, who shall

Attachment IV.A

have discretionary authority to continue the hearing upon determining that the request is timely and made for good cause.

- (3) In accordance with standing university policy in personnel matters, such hearings shall not be open to the public. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by the Relator, the Respondent, or the Committee, will be avoided until the proceedings have been completed, including final appeal.

- d. Conduct of Hearing -- The Chairperson shall preside at the hearing, call the hearing to order, call the roll of the Committee in attendance, ascertain the presence or absence of the Respondent and the Relator, read the notice of hearing, read the Charge and Answer, verify the notice of the Charge to the Respondent, report any continuances requested or granted, establish the presence of any adviser or counselor of either party, call to the attention of the Respondent and Respondent's adviser any special or extraordinary procedures to be employed during the hearing, and permit the Respondent to suggest or object to procedures. Formal rules of evidence shall not be required. The burden of demonstrating an adequate case in support of the allegation(s) contained in the Charge shall be with the Relator.

(1) Opening Statements

- (a) The Relator shall make opening remarks outlining the general nature of the case. Such remarks shall not be considered as evidence.
- (b) The Respondent may also make an opening statement to the Committee about the Charge, either at this time or at

Attachment IV.A

the conclusion of the Relator's presentation, at the Respondent's election. Such remarks shall not be considered as evidence.

(2) Relator's Evidence

(a) Relator's witnesses are to be called and identified and evidence or written statements or reports introduced as appropriate.

(b) The Committee may question witnesses or examine evidence at the conclusion of the Relator's presentation. Respondent may question the Relator or witnesses.

(3) Respondent's Evidence

(a) Respondent's witnesses are to be called and identified and evidence or written statements or reports introduced as appropriate.

(b) The Committee may question witnesses or examine evidence at the conclusion of Respondent's presentation. Relator may question the Respondent or witnesses.

(4) Rebuttal Evidence -- The Committee shall permit the Relator or the Respondent to offer any matter in rebuttal of the other's presentation.

e. Rights of Committee -- The Faculty Committee shall have the right:

(1) To determine the relevancy and admissibility of any evidence offered at the hearing.

(2) To permit a stipulation of agreed facts by the Relator and the Respondent.

Attachment IV.A

- (3) To permit the incorporation in the record by reference of any document, affidavit or other exhibit produced and desired to be incorporated in the record by the Relator or the Respondent.
- (4) To question witnesses or evidence introduced by either the Relator or the Respondent at any time.
- (5) To call additional witnesses.
- (6) To dismiss any action or permit informal disposition at any stage of the proceeding if agreed to by Relator and Respondent.
- (7) To permit at any time amendment of the Charge or Answer so as to include matters which may come to the attention of the Committee before final determination of the case, provided, however, that in such event the Committee shall grant to the Respondent or the Relator such time as the Committee may determine reasonable under the circumstances to answer or explain such additional matters.
- (8) To dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the Chairperson of the Committee.
- (9) To have present a legal adviser to the Committee, who shall be designated by the General Counsel of the Board of Curators.

f. Parties' Rights Upon Hearing

- (1) A Relator appearing before the Faculty Committee for a hearing pursuant to formal notice of a Charge shall have the right:
 - (a) To be present at the hearing, which right may be waived by failure to appear.

Attachment IV.A

- (b) To have present any legal or other adviser or counselor and to consult with such adviser or counselor during the hearing.
 - (c) To present evidence by witnesses and by properly identified written statements or reports in support of the Charge.
 - (d) To hear or examine evidence presented by the Respondent.
 - (e) To question witnesses present and testifying for Respondent.
 - (f) To make any statement to the Committee in support of the Charge.
 - (g) To be informed in writing of the findings and conclusions of the Committee on the Charge.
- (2) A Respondent appearing before the Faculty Committee for a hearing pursuant to formal notice of a Charge shall have the right:
- (a) To be present at the hearing, which right may be waived by failure to appear.
 - (b) To have present any legal or other adviser or counselor and to consult with such adviser or counselor during the hearing.
 - (c) To present evidence by witnesses and by properly identified written statements or reports for any defense the Respondent desires.
 - (d) To hear or examine evidence presented to the Committee.

Attachment IV.A

- (e) To question witnesses present and testifying at the hearing.
- (f) To make any statement to the Committee in mitigation or explanation of the conduct in question.
- (g) To be informed in writing of the findings and conclusions of the Committee on the Charge.

g. Other Procedural Questions

- (1) Procedural questions which arise during the hearing and which are not covered by these general rules shall be determined by the Chairperson, whose ruling shall be final unless the Chairperson shall present the question to the Committee at the request of a member of the Committee, in which event the ruling of the Committee by majority vote shall be final.
- (2) General Rules of Decorum -- The following general rules of decorum shall be adhered to:
 - (a) All requests to address the Committee shall be made to the Chairperson.
 - (b) The Chairperson shall rule on all requests and points of order and may consult with the Committee's legal adviser prior to any ruling. The Chairperson's ruling shall be final and all participants shall abide thereby unless the Chairperson shall present the question to the Committee at the request of a member of the Committee, in which event the ruling of the Committee by majority vote shall be final.

Attachment IV.A

- (c) An adviser or counselor shall be permitted to address the Committee and to question witnesses. An adviser or counselor may request clarification of a procedural matter or may object on the basis of procedure at any time by addressing the Chairperson after recognition.
 - (3) A taped or stenographic record of the hearing shall be taken. The notice, exhibits, hearing record and the findings and determination of the Committee shall become the "Record of the Case," shall be filed in the Office of the President of the University, and shall be available only for official purposes, and for the purpose of appeal be accessible at reasonable times and places both to the Relator and the Respondent. The "Record of the Case" shall be maintained for a period of five (5) years. In the event of an appeal, no new evidence shall be taken in the case, but the appellate authority may remand the matter for further evidence to the Committee. Either party may have any such record reduced to writing for the purposes of appeal.
6. Determination by Committee -- After the adjournment of the hearing the Committee shall make its findings and determinations by majority vote in executive session out of the presence of the Relator and Respondent. Separate findings and conclusions are to be made as to each count of the Charge. Promptly after the hearing and, in any event, within ten consecutive days after receipt of the record, the Committee shall make its findings and conclusions in writing and transmit them to the Chancellor, to the Relator, and to the Respondent forthwith.
7. Determination by Chancellor and Right of Appeal
- a. The Chancellor shall make a determination in the matter after giving due consideration to the findings and conclusions of the Committee. The Chancellor shall notify the Relator and Respondent in writing of

Attachment IV.A

his/her determination and disposition. If the Chancellor determines that the termination of a Respondent is warranted, he/she must refer the matter to the Faculty Committee on Tenure for disposition pursuant to the Academic Tenure Regulations of the University, and the proceedings hereunder shall cease.

- b. The Respondent or Relator may appeal the decision of the Chancellor to the President by filing a written notice of appeal with the President within seven consecutive calendar days after receiving notice of the decision of the Chancellor. A copy of the Notice of Appeal shall simultaneously be given by the Respondent to the Relator and Chancellor or by the Relator to the Respondent and Chancellor. The appealing party may file a written argument confined to the issues and evidence previously submitted and contained in the record of the case for consideration by the President. Such memorandum must be filed with the Notice of Appeal, and the President may request a reply to such memorandum by the Respondent or Relator. The President shall have the discretionary right to grant extensions of time.
 - c. The President shall review the record of the case and the appeal documents and may affirm, reverse, or remand the case for further proceedings.
8. Notice -- Any notice required under these Procedures may be given:
- a. By delivering such notice in person.
 - b. By certified mail addressed to the last address currently on record with the administrative unit within which the faculty member is employed. Failure of any faculty member to have a current correct address on record with the administrative unit within which he/she is employed shall not be construed to invalidate such notice. If served by certified mail, and the party is thereafter required to act or initiate some proceedings within a prescribed period after service, three days shall be added to the prescribed period.

Attachment IV.A

IV. SUMMARY

Implicit in the professional status of the university professor are a set of responsibilities. Reasonable people may disagree with what these professional responsibilities may be, but it is imperative that professional standards be promulgated by the faculty of the University of Missouri and that the capacity for self-discipline in the enforcement of responsibilities be established.

The administration and faculty of the University must guarantee integrity and professionalism in all their endeavors. Both parties must promote and continually strive to improve the educational process, whether in the classroom, or laboratory, or in a wider learning situation. No outside intrusion shall be permitted to interfere with this process, and the rights and privileges of both the faculty and the students must be preserved.