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

BOARD OF CURATORS

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

BOARD OF CURATORS MEETING – PUBLIC SESSION

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

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

Also Present
Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy Harmon, Secretary of the Board of Curators
Miss Amy G. Johnson, Student Representative to the Board of Curators
Mr. Stephen C. Knorr, Vice President for University Relations
Dr. Betsy Rodriguez, Vice President for Human Resources
Dr. Cheryl B. Schrader, Chancellor for Missouri University of Science and Technology
Dr. Robert W. Schwartz, Chief of Staff
Ms. Jennifer Hollingshead, Chief Communications Officer, UM System
Media representatives

General Business

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

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

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

Academic, Student and External Affairs Committee
David L. Steward, Chairman
David R. Bradley
Ann K. Covington
Pamela Q. Henrickson
Amy Johnson, Student Representative

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

Compensation and Human Resources Committee
Donald L. Cupps, Chairman
David R. Bradley
Don M. Downing
John R. Phillips

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

Governance, Resources and Planning Committee
David R. Bradley, Chairman
Pamela Q. Henrickson
John R. Phillips
Wayne Goode, ex officio

Tim Wolfe, ex officio

Roll call vote:

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

The motion carried.

Resolution for Executive Session of the Board of Curators Meeting

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

- **Section 610.021(1), RSMo**, relating to matters identified in that provision, which include legal actions, causes of action or litigation, and confidential or privileged communications with counsel; and
- **Section 610.021(2), RSMo,** relating to matters identified in that provision, which include leasing, purchase, or sale of real estate; and
- **Section 610.021(3), RSMo**, relating to matters identified in that provision, which include hiring, firing, disciplining, or promoting of particular employees; and
- **Section 610.021(12), RSMo,** relating to matters identified in that provision, which include sealed bids and related documents and sealed proposals and related documents or documents related to a negotiated contract; and
- **Section 610.021 (13), RSMo**, relating to matters identified in that provision, which include individually identifiable personnel records, performance ratings, or records pertaining to employees or applicants for employment; and
- **Section 610.021 (17), RSMo**, relating to matters identified in that provision, which include confidential or privileged communications between a public governmental body and its auditor.

Roll call vote of the Board:

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

The motion carried.

A meeting of the Audit Committee was convened at 11:41 A.M. and recessed at 11:45 A.M.

The public session of the Board of Curators meeting recessed at 11:45 A.M. on Thursday, April 11, 2013.

EXECUTIVE SESSION

A meeting of the University of Missouri Board of Curators was convened in executive session at 11:50 A.M., on Thursday, April 11, 2013, in the Silver and Gold Room of the Havener Center on the Missouri University of Science and Technology campus, Rolla, Missouri, pursuant to public notice given of said meeting. Curator Wayne Goode, Chairman of the Board of Curators, presided over the meeting.

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

Also Present
Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy Harmon, Secretary of the Board of Curators
Miss Amy G. Johnson, Student Representative to the Board of Curators

Vice President Krawitz joined the meeting.

Audit Committee – Executive Session

Performance Review of Independent Auditors, UM – No action was taken.

There being no further business to come before the Audit Committee, the meeting was recessed at 12:00 P.M.

General Business

[236]Property Easement, UMSL – this item is excluded from the minutes and will be given public notice upon completion of the matter.

General Counsel's Report and advice on legal issue – presented by General Counsel Owens.

The executive session of the Board of Curators meeting recessed at 1:35 P.M.

PUBLIC SESSION

A meeting of the University of Missouri Board of Curators was reconvened in public session at 1:47 P.M., on Thursday, April 11, 2013, in St Pat's Ballroom A&B of the Havener Center on the Missouri University of Science and Technology campus, Rolla, Missouri, pursuant to public notice given of said meeting. Curator Wayne Goode, Chairman of the Board of Curators, presided over the meeting.

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

Also Present
Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy Harmon, Secretary of the Board of Curators
Miss Amy G. Johnson, Student Representative to the Board of Curators
Dr. Gary Allen, Vice President for Information Technology
Dr. Brady J. Deaton, Chancellor, University of Missouri
Dr. Thomas F. George, Chancellor for University of Missouri – St. Louis

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

General Business

Review of Consent Agenda – no discussion

Approval of 2014 Board of Curators Meeting Calendar

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

PROPOSED 2014 BOARD OF CURATORS MEETING CALENDAR

DAYS	DATES	LOCATION
Thursday-Friday	January 30-31	UM - Columbia
Thursday-Friday	April 10-11	Missouri S&T
Thursday-Friday	June 19-20	Columbia, Missouri
Friday	July 25	1-2 hour TelePresence
Thursday-Friday	October 2-3	UM – Kansas City
Thursday-Friday	December 11-12	UM – St. Louis

Roll call vote:

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

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

The motion carried.

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

Finance Committee

Chairman Downing provided time for discussion of committee business.

Information

1. Preliminary Fiscal Year 2014 Budget, UM (information and slides on file)
2. Debt Capacity Study, UM (information and slides on file)
3. Project Design, Benton Stadler Science Complex Addition and Renovation, UMSL (information on file)
4. Physical Facilities Quarterly Report, UM (information on file)

Audit Committee

Chairwoman Henrickson provided time for discussion of committee business.

Information

1. Fiscal Year 2012 A-133 Audit Report and NCAA Agreed Upon Procedures Reports, UM (information and slides on file)
2. Fiscal Year 2013 External Audit Scope, UM (information and slides on file)
3. Internal Audit Quarterly and Follow-up Reports, UM (information and slides on file)

Compensation and Human Resources Committee

Curator Cupps provided time for discussion of committee business.

Action

1. Approval, Employee Assistance Program (EAP) Expansion, UM

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

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

Roll call vote of Board of Curators:

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

The motion carried.

Academic, Student and External Affairs Committee

Curator Steward provided time for discussion of committee business.

Information

1. University Relations Report (information on file)

An eLearning update was also presented by Vice President Graham (information on file).

The public session of the Board of Curators meeting recessed at 4:40 P.M.

BOARD OF CURATORS MEETING – EXECUTIVE SESSION

A meeting of the University of Missouri Board of Curators was reconvened in executive session at 4:50 P.M., on Thursday, April 13, 2013, in the Silver and Gold Room of the Havener Center on the Missouri University of Science and Technology campus, Rolla, Missouri, pursuant to public notice given of said meeting. Curator Wayne Goode, Chairman of the Board of Curators, presided over the meeting.

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

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

General Business – Executive Session

Vice President Graham joined the meeting.

Curators' Teaching Professor Emeritus: William B. Bondeson, MU

It was recommended by Chancellor Brady Deaton, endorsed by President Timothy M. Wolfe, recommended by the Academic, Student and External Affairs Committee, moved by Curator Downing, and seconded by Curator Covington, that the following action be approved:

> that upon the recommendation of Chancellor Brady Deaton it is recommended that Professor William B. Bondeson be named to the position University of Missouri Curators' Teaching Professor Emeritus, effective and backdated to September 1, 2011.

Campus recommendation materials are on file in the office of Academic and Student Affairs, UM System.

Roll call vote of Board:

Curator Bradley voted yes.
Curator Covington voted yes.
Curator Cupps voted yes.

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

The motion carried.

Vice President Graham excused himself from the meeting.

University President's Report to the Board of Curators on contracts and personnel – presented by President Wolfe.

Emeritus Title for Chancellor Brady J. Deaton

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

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

Roll call vote of the Board:

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

The motion carried.

Litigation Report – presented by General Counsel Owens.

The Board of Curators meeting recessed at 5:40 P.M. on Thursday, April 11, 2013.

Reception and Dinner for Board of Curators, President and General Officers (by Invitation)
6:30 – 8:30 P.M.

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

BOARD OF CURATORS MEETING – PUBLIC SESSION

Missouri S&T Faculty Senate Breakfast and Presentation
8:00 – 8:45 A.M.
Friday, April 12, 2013
Topic: Innovation, Discovery, Scholarship at Missouri S&T
Location: St. Pat's Ballroom C, Havener Center, Missouri University of Science and Technology campus

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

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

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

Dr. Betsy Rodriguez, Vice President for Human Resources
Dr. Cheryl B. Schrader, Chancellor for Missouri University of Science and Technology
Dr. Robert W. Schwartz, Chief of Staff
Ms. Jennifer Hollingshead, Chief Communications Officer, UM System
Media representatives

General Business

Board Chairman's Report – Hybrid Energy Systems presented by Joseph D. Smith, Ph.D., Wayne and Gayle Laufer Chair of Energy at Missouri S&T.

UM System President's State of the University Address – presented by President Wolfe (slides on file)

President Wolfe gave remarks regarding improvements made system-wide in improving graduation rates, affordability and quality and education funding.

Campus Strategy Statements, Themes and Levers – presenters included Chancellor Brady Deaton, University of Missouri; Chancellor Thomas George, University of Missouri – St. Louis; Chancellor Leo Morton, University of Missouri – Kansas City; and Chancellor Cheryl Schrader, Missouri University of Science and Technology.

The Chancellors presented final strategy statements and discussed emerging trends, innovative tactics, new approaches and the meaning of best in class for their respective campuses. Vice President Krawitz presented the strategy statement for the University of Missouri System.

Consent Agenda

It was endorsed by President Wolfe, moved by Curator Bradley and seconded by Curator Downing, that the following items be approved by consent agenda:

1. Minutes, January 31-February 1, 2013 Board of Curators Meeting
2. Minutes, January 31-February 1, 2013 Board of Curators Committee Meetings
3. Degrees, Spring Semester 2013 for all campuses
4. Collected Rules & Regulations revision, 100.030, Copyright Regulations, UM
5. Transition Assistance Program Extension, UM
6. Sole Source, License Renewal, Academic Analytics, UM

7. Approval of Spinal Cord Injuries and Congenital or Acquired Disease Processes Research Program Proposal
8. Collected Rules & Regulations revisions, section 310.015 Procedures for Review of Faculty Performance
9. Collected Rules & Regulations revisions, 320.035 Policy and Procedures for Promotion and Tenure
10. Collected Rules & Regulations revisions, 320.090 Emeritus Designation
11. New Collected Rule & Regulation 145.030, Non-Debt Derivatives Policy, UM
12. Collected Rules and Regulations revision, 300.010, Faculty Bylaws of the University of Missouri-Columbia

1. Minutes, January 31 - February 1, 2013 Board of Curators meeting – as provided to the curators for review and approval.

2. Minutes, January 31 – February 1, 2013 Board of Curators Committee meetings – as provided to the curators for review and approval.

3. Degrees, Spring Semester 2013 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 Spring Semester 2013, are approved, and that the lists of said students who have been awarded degrees and certificates be included in the records of the meeting.

4. Collected Rules and Regulations revision, 100.030, Copyright Regulations, UM –

100.030 Copyright Regulations
Chapter 100: Patent and Copyright Law

Bd. Min. 2-19-71, p. 35,527; Revised Bd. Min. 5-4-84; Revised Bd. Min. 9-27-02, Amended 11-29-07; Amended 6-11-10; Amended 7-23-10; Amended 4-12-13.

The following policy is intended to foster the traditional mission of a University to encourage the creation, preservation, and dissemination of knowledge. This policy is intended to clarify and protect the respective rights of the University, its students, faculty, staff, and other employees, by establishing policies governing the ownership, use, and rights to income of copyrightable materials.

A. Coverage of Policy

1. In conjunction with the University Conflict of Interest Regulations 330.015 and the University Patent Regulations 100.020 as they may be amended from time to time, this policy governs the rights and responsibilities of University employees, students, and of any other persons using University facilities or resources in the creation of original works of authorship subject to protection by copyright law. The faculty will continue to hold copyright for traditionally accepted intellectual property that is developed in their roles as teachers and scholars subject to the provisions of section 2 herein. These include, but are not limited to such materials as books, workbooks, study guides, monographs, articles, and other works including music and performances, whether embodied in print, electronic format, or in other media.

2. The University will own the copyright in materials that are:

    a. commissioned for its use by the University; or

    b. created by employees if the production of the materials is a specific responsibility of the position for which the employee is hired; or

    c. sponsored works, which are works resulting from internal grants (work created as a result of an agreement between the University and the creator(s) of the work) and external grants (work created as a result of an agreement between an external sponsor and the University). This provision does not apply to grants to perform research where the production of copyrightable materials is ancillary to the purpose of the grant. Employees continue to own the copyright to scholarly and other publications that present the findings of research, subject to the provisions of subsection 2 herein; or

    d. created with the use of substantial University resources which are specifically provided to support the production of copyrightable materials.

        (1) If substantial University resources will be used in the development of educational materials, a written agreement between the author and University setting forth the terms of

            (a) copyright ownership and

            (b) division of net income from external sale, and

            (c) use, revision and maintenance shall precede the use of said resources. Limited secretarial support, uses of the library for which special charges are not normally made, and the staff member's own time except as covered by subsections 2.a. and 2.b. herein shall not be considered substantial University resources.

(2) In the unusual circumstance in which the said materials were developed with substantial University resources without an agreement the University may, in its discretion, claim copyright ownership and/or a share of royalties.

3. Faculty, staff, and other employees must notify the University prior to entering into a contractual agreement in which royalties or other forms of remuneration are involved related to materials as defined in section A.2. The Chancellor on each campus shall designate an individual or unit who is responsible for receipt of said notifications.

4. Copyrightable software, except software included in mediated courseware, owned by the University pursuant to section A.2. herein, shall be submitted to the Office of Technology and Special Projects (OTSP) for review and evaluation. The OTSP shall have the sole discretion to decide whether to proceed with the copyright registration and/or the commercialization of the work. Should the department subsequently require the assistance of OTSP, the parties shall negotiate an agreement as provided in section E.4.b.

5. In general, students of the University of Missouri will be entitled to own any copyrightable works made during their enrollment as a student of the University and will generally not be required to assign his or her ownership to the University; provided, however, the foregoing general rule does not apply and the student will be required to assign his or her ownership interest to the
University in any circumstance in which the student is a University employee, provided such copyrightable work was created in the course of the student-employee's service to the University.

   Without limiting the language of the foregoing general rule or the language of the foregoing exceptions to the general rule, the following are examples of fact situations in which the University will not claim ownership of copyrightable work made by a student of the University:

   a. The copyrightable work was created by a student as part of a University class project using no greater University resources than those generally available to all other students within the class or than those available to the student as part of his/her enrollment with the University.

   b. The copyrightable work was created by a student as part of a University approved student competition using no greater University resources than those generally available to all other students within the competition or than those available to the student as part of his/her enrollment with the University. The student shall be entitled to receive any monetary or other prize awarded to the student for his/her performance under such competition in accordance with the rules of the competition and such prize shall not be considered compensation whereby such student would be considered an employee solely based upon receipt of such prize.

c. The copyrightable work was created by a student as part of a University approved extracurricular activity, using no greater University resources than those generally available to all other students participating in the activity or than those available to the student as part of his/her enrollment with the University.

d. The copyrightable work was created by a student on his/her own free time, outside of any University class or sponsored activity, and using no greater University resources than those generally available to all other students as part of their enrollment with the University.

e. The student is a full-time student receiving compensation for services rendered to the University which services are unrelated to research or investigation and are unrelated to the creation of computer software.

6. The Chancellor on each campus shall designate an individual or unit who is responsible for implementing reasonable procedures designed to make students aware of Section 100.030A.5 and to provide one or more avenues for students to receive information regarding the University's interpretation of the student's rights and obligations with respect to the creation of copyrightable works.

7. Notwithstanding anything herein to the contrary, to the extent any University employee whose primary appointment is non-academic creates or contributes to any copyrightable software, including any source or object code, documentation, or other copyrightable work that is part of or associated with such software, and such employee's work is within the scope of his or her employment with the University or otherwise constitutes "work made for hire" of the University in accordance with applicable law, all ownership and other rights of such employee associated with such copyrightable software shall belong to the University, without restriction, and such employee shall not be deemed the author of or have any further ownership or rights in or with respect to such copyrightable software pursuant to any other provision in this policy or otherwise. This paragraph shall not apply to any rights of any employee whose primary appointment is academic (as generally defined in University Regulation 310.020.A) or any student (unless such student is a University employee and such copyrightable software was created in the course of the student-employee's service to the University, as described above), which shall be governed by the remainder of this policy, in accordance with its terms, and applicable law.

B. Interpretation and Administration of Policy
1. The Patent and Copyright Committee as described in section 100.020 E. will be advisory in interpretation and future revisions of this policy. The final decision on interpretation and application of this policy shall be made by the Chancellor's designee.
2. No interpretation or application of this policy shall serve as a precedent in later cases.

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

C. Ownership and Use of University Name

1. This policy should strengthen and protect the reputation and academic standing of the University and its faculty, staff, and students. Unless otherwise agreed pursuant to Section A, when the name of the University is associated with any intellectual property, other than the identification of the creator as a faculty, staff, or student of the University, the ownership shall be vested in The Curators of the University of Missouri, a public corporation, and shall display the following symbol and notice: © Copyright (year) by The Curators of the University of Missouri, a public corporation.

   If the registration of the copyright is deemed appropriate by the author(s) and department/area(s), the application for registration with the United States Copyright Office shall be processed through the Office of the Vice President for Academic Affairs.

2. Faculty, staff, other employees, students, department/areas, and schools of the University may not use the name of the University to imply University sponsorship of creative materials when there is no University sponsorship or approval and may not license or otherwise commercially exploit a course, course content or courseware whose copyright is held by the University without the approval of the appropriate dean, or on campuses with no schools or colleges, the Provost and chief academic officer as well as other signatories as indicated by the Board of Curators.

D. Policy on Use of Materials

1. If any of the conditions described in section A.2. are applicable and conditions of A.4. are not applicable, then subject to the following exceptions delineated in subsections D.2. - D.4., the use of materials by any unit of the University of Missouri requires approval only of the unit primarily responsible for the said materials.

2. As long as the author or producer of copyright materials remains a member of the staff of the University:
   a. The author's approval shall be required for each instance of use of the materials internal to the University other than the uses for which the materials were developed, except as allowed in the agreement between the author and the University reached pursuant to Section A.

b. The author may require revision of the materials prior to any instance of internal University use other than the use for which the materials were developed. If the University does not accept the required revision, the author may ask that the materials be withdrawn from use. The University may assign its respective rights in such copyright to the author, subject to a written agreement between the University and the author relating to further internal or external use of materials and division of income from any subsequent use of the materials.

3. In the event that the author should cease employment with the University, the University shall retain the right to make internal use of the copyrighted materials without the author or producer's consent. In such event, the author shall retain a non-exclusive license to use the work for her/his own non-commercial, educational purposes only, but shall not have the right to distribute, sell, or sublicense the work to a third party.

4. Licensing or sale of copyrighted materials for external use shall be preceded by a written agreement between the University and author or producer specifying the conditions of use, and including provisions protecting the right of the author or producer to revise the materials periodically, or to withdraw them from use in the event revision is not made.

E. Payments to the Author or Producer for Production and Use of Materials Described in A.2. Herein

1. The University acknowledges that the ownership of intellectual property and the sharing of economic returns on such property are related. Therefore, when the University solely holds the intellectual property rights pursuant to section A.2., the revenues will be shared among the creators and used for the common good to support the mission of the University.
2. Payment by the University to the author or producer of intellectual property for its production normally will take place through the reduction of the author's or producer's normal work load. However, staff members on nine-month academic appointments may receive summer grants and salaries for the production.

3. Payment by the University to the author or producer of intellectual property for its internal use and revision:
   a. The author or producer of University-sponsored intellectual property materials shall not receive compensation, other than regular compensation from the University, for the normal internal use of these materials, except when such compensation is negotiated at the time of initial commission.

   b. If the use of materials by units of the University other than the unit to which the author or producer belongs involves an extension of the normal duties of the author or producer in supervising use or managing revisions, and if

appropriate release time cannot be budgeted as part of the regular assigned instructional duties of the author or producer, the appropriate instruction unit of the University may recommend payment to the author or producer for revisions according to University policy on extra compensation.

4. The University with the assistance of those designated by the Chancellor in sections A.3. and B.3. will provide appropriate services to license works covered by this policy. The University and the author will develop a written agreement, which will be approved by the President (or her/his designate), specifying the division of net income (net after sales and distribution costs) between the author or producer and the University. The following general principles shall be reflected in the agreement:
    a. Fifty (50) percent of the net income derived from the external use of University-owned educational materials shall go to the departments, areas, or units responsible for their production, and fifty (50) percent to the authors or producers.

    b. The University may enter into agreements for dividing the net income on some other basis, if special circumstances attend the production, use, or licensing of these materials.

5. The University may administer funds provided by non-University agencies (such as the Federal Government) under contract or grant to pay for staff time, services, or materials intended to produce copyrightable intellectual property. In such cases, the University may enter into agreements with such agencies recognizing their rights, in whole or part, to the ownership of the materials produced and to the net income from their use. In negotiating agreements with non-University agencies for the production, it shall be the policy of the University that the author or producer of the materials is entitled to a reasonable share of the income from use, if any, and to reasonable participation in determining the conditions of use. The University shall inform staff members applying for support from non-University agencies for the production of intellectual property materials as to the rights reserved to such agencies under the agreements required between these agencies and the University.

F. Protection and Liability

1. Protection -- In the event of unauthorized use of University-owned materials described in section A.2., if the University decides not to act, the author or producer may initiate action and the University shall assign to her/him such rights as are necessary for her/him to pursue redress. If such action is started by the University, acting alone or in concert with the author or producer, all costs of such action (including attorney's fees) shall be borne by the University. All proceeds in excess of such costs shall be shared equally by the University and the author or producer, or if there is an agreement as provided in accordance with that agreement.

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

5. Transition Assistance Program Extension, UM –

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

University Of Missouri

Transition Assistance Program
For Administrative, Service & Support Employees
March 1, 2009

Introduction

The Transition Assistance Program provides short term temporary income and benefits to employees subject to involuntary layoff. Transition assistance applies to all Administrative, Service and Support employees. Individuals not covered by HR 117 Layoff do not have seniority and preferential hiring rights. Other layoff provisions remain in effect. The following transition assistance program will apply to layoffs occurring between March 1, 2009 and June 30, 2014.

Eligibility

All regular Administrative, Service and Support employees (as defined in HR 101 Employee Status) who have successfully completed their probationary period are eligible for transition assistance. Employees whose positions are discontinued because of a reduction in the workforce are eligible for transition assistance, regardless of funding source. Non-regular (as defined in HR 101 Employee Status) and probationary employees are not eligible.

In some cases, it may be several weeks between the time the employee is notified of layoff and the actual date of layoff. To qualify for transition assistance, the employee must continue to perform his or her duties in a satisfactory manner after notice of layoff

and prior to the effective date of the layoff. If the employee refuses to accept transfer or assignment to a comparable regular University position, the employee loses his or her right to transition assistance. In addition, the employee is not eligible for transition assistance if any of the following events occur prior to the effective date of layoff or, once commenced, is not eligible for the continuation of transition assistance if any of these events occur prior to the end of transition assistance: 1) death 2) retirement 3) termination, 4) receipt of Long-Term Disability (LTD) benefits or 5) acceptance of another regular benefit eligible position within the University. In order for an employee to be eligible to receive transition assistance payment, the employee is required to sign the University of Missouri Transition Assistance Payment Agreement and Release.

Notice

Employees will be given a minimum of two weeks written notice of layoff because of a workforce reduction. At the University's option, such employees may receive two weeks' pay (prior to transition assistance payments) in lieu of notice. Issuance of layoff notice must be coordinated through campus Human Resource Services.

Transition Pay

An eligible employee will receive one week of pay (minimum of 4 weeks; maximum of 26 weeks) for every year of continuous regular employment, immediately prior to layoff. For regular employees who have a contract with a specified end date, transition pay shall not exceed the amount the employee would have earned through the contract end date. Transition payments will be made in accordance with the employee's regular pay schedule. Such payment and the employee's repayment obligations shall be in accordance with the University of Missouri Transition Assistance Payment Agreement and Release and shall not begin until the effective date of the agreement.

Transition Benefits

All eligible Administrative, Service and Support employees with a minimum of five years of continuous regular employment with the University (including those not covered under HR 117 Layoff), immediately prior to layoff, will be placed on a layoff leave of absence for one year from the effective date of layoff. All eligible Administrative, Service and Support employees with less than five years of continuous regular employment with the University (including those not covered under HR 117 Layoff), immediately prior to layoff, will be placed on a layoff leave of absence for three months from the effective date of layoff, provided, however, the layoff leave of absence may not exceed a contract end date, if any. During the layoff leave of absence, the employee will be eligible to participate in the University's benefit programs (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.

Employees placed on layoff leave of absence are required to notify campus Human Resource Services if they obtain employment outside the University and/or if they become eligible for coverage under other benefit programs as a result of such employment. Participation in the University's benefit programs will not be continued if the employee becomes eligible for coverage under other benefit programs as a result of employment outside the University.

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

Outplacement Services

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

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

That the University of Missouri System renew a four-year licensing agreement with Academic Analytics in the amount of $1,026,608.

7. Approval of Spinal Cord Injuries and Congenital or Acquired Disease Processes Research Program Proposal -

Spinal Cord Injuries And Congenital Or Acquired Disease Processes Research Program

Proposal Recommended For Funding
2013

Enhancing Histone Acetylation to Promote Axon Regeneration in the Injured Spinal Cord

Valeria Cavalli
Department of Anatomy and Neurobiology
Washington University School of Medicine

Total funding recommended: $250,000

8. Collected Rules and Regulations revisions, section 310.015 Procedures for Review of Faculty Performance –

Collected Rules and Regulations 310.015
Procedures for Review of Faculty Performance

Chapter 310: Academic Tenure Regulations

Bd. Min. 1-19-01; Amended 11-29-07; Amended 4-12-13.

A. **Non-Regular and Untenured, Regular Faculty.** The performance of all non-regular and untenured regular faculty is to be reviewed annually by the appropriate unit supervisor (e.g., department chair, dean, director, etc.) The review should cover the performance for the past year and plans for the coming year. Written evaluations are expected and must be provided to non-regular faculty members where there are concerns about substantial shortcomings in performance. Annual evaluations of untenured faculty members during the probationary period must follow the faculty bylaws governing tenure for each campus (300.010 Faculty Bylaws of the University of Missouri-Columbia; 300.020 Faculty Bylaws of the University of Missouri-Kansas City; 300.030 Faculty Bylaws of the University of Missouri-Rolla; and 300.040 Faculty Bylaws of the University of Missouri-St. Louis.)

B. **Tenured Faculty Members.** Tenured faculty have proven their ability to contribute significantly in their discipline and to work independently and productively in their field. In this document we affirm and strongly defend the importance of tenure at the University of Missouri. By fostering creativity and protecting academic freedom, tenure safeguards faculty from unfair dismissal based on arbitrary or discriminatory practices, thus encouraging the constant search for truth that is the hallmark of the University. Under this policy or any other university policy, academic tenure should be revoked only with just cause, and may only be done in accordance with the Collected Rules and Regulations of the University, section 310.020.C.1. However, tenure does not protect faculty from the consequences of not performing satisfactorily their duties to the University. It is in the best interest of the faculty as a whole to ensure that each faculty member contributes fully to the institution throughout that individual's career.

1. *Performance Review of Tenured Faculty Not Holding Full-Time Administrative Positions*
    a. The tenured faculty of each department or unit will develop and publish minimum standards for overall satisfactory performance.

b. Every tenured faculty member, including those with part-time administrative positions, will submit a signed annual report describing her/his activities in research, teaching and service. The annual report will be reviewed by the chair. In this document the term chair will be used to mean the appropriate unit director (e.g., chair, unit administrator, area coordinator, etc.) or evaluation committee of the unit following normal unit practices. Chairs will be reviewed annually by the dean, or on campuses with no schools or colleges, the Provost according to the standards described in B.1.a. Using the standards described in B.1.a, the activities of the faculty member will be rated as satisfactory or unsatisfactory in research, teaching and service, and an overall evaluation of satisfactory or unsatisfactory will be provided. The faculty member will receive this information in a written evaluation. If the overall evaluation is unsatisfactory, there must be a face-to-face discussion of the evaluation between the faculty member and the chair. The faculty member will sign the written evaluation to acknowledge its receipt and may provide a written response to the evaluation. A copy of this signed evaluation will be provided to the faculty member by the chair within a month after the faculty member has signed the evaluation.

c. At five-year intervals a tenured faculty member will resubmit the annual reports and evaluation statements for the past five years, with a concise summary statement of research, teaching, and service activities for the five-year period, and a current curriculum vita to the chair or evaluation committee of the unit. The first five- year review will be done five years after the tenure decision or the last formal review of the faculty member for promotion to associate professor/full professor. Faculty hired with tenure will be reviewed five years after they are hired.

d. Based on the five-year report, the chair will evaluate the faculty member's performance as satisfactory or unsatisfactory. The five- year evaluation process will be complete with a satisfactory evaluation. If the evaluation is unsatisfactory, then the five-year report will be sent to the appropriate established committee of the department/unit, typically the one that reviews faculty for tenure and promotion. The departmental committee of faculty peers will perform its own full review of the performance of the faculty member over the five-year period and provide an independent assessment of the performance of the faculty member. The five- year evaluation process will be complete if the departmental committee judges the performance of the faculty member to be satisfactory.

(1) *Committee Membership*

(a) The evaluation committee may be appointed, elected, or otherwise designated in accordance with the established department, school, or college procedures as long as the procedures are in compliance with the Curators' rules and regulations. If other than tenured faculty members are included on the committee, only those who are tenured faculty members in the department may participate in the evaluation, except in circumstances described in Section 310.015.B.1.d(1)(b) below which permits others described therein to participate. Committee members may only evaluate faculty members who are at their current rank or below.

(b) If there are not enough tenured faculty members within the primary department to comprise a committee of three, a special committee shall be formed by the dean, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs. The special committee should be formed by the addition of tenured faculty member(s) from a closely related department or field and/or tenured faculty member(s) from a closely related department or field on other UM campuses, or faculty members(s) emeriti from the primary department in accordance with established procedures and/or retired faculty from the primary department who are part of an established recognition program according to Collected Rules and Regulations of the University, Section 310.075.B. The retired or emeriti faculty serving on the committee shall not be greater than 50% of the committee membership. The committee shall serve as the department-level committee.

e. In the event that both the chair and the departmental committee determine the performance of a faculty member to be unsatisfactory for the five-year period, the report will be forwarded to the appropriate dean, or on campuses with no schools or colleges, to the Vice Provost for Academic Affairs. The dean or Vice Provost for Academic Affairs will review the report and provide an assessment of the performance of the faculty member. The five-year evaluation process will be complete if the dean, or on campuses with no schools or colleges, the Vice Provost for Academic Affairs judges the performance of the faculty member to be satisfactory.

f. At every level of review, the faculty member will be provided with a copy of any written report that is part of these proceedings and

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

2. *Formulation of Development Plan and Assessment of Progress*
    a. If a two-thirds majority of the members of the committee of the department/unit and the dean, or on campuses with no schools or colleges, the Vice Provost for Academic Affairs, consider the performance of the faculty member to be unsatisfactory, a plan for professional development will be written. This plan will be developed by the faculty member, the department/unit committee or a designated subcommittee, a mutually agreed upon mediator from outside the department, and the chair of the department/unit. This development plan will have clear and attainable objectives for the faculty member and may include a reallocation of the faculty member's effort and a commitment of institutional resources to the plan. This plan will be signed by the faculty member, the chair or unit administrator, the mediator, and the dean, or on campuses with no schools or colleges, the Vice Provost for Academic Affairs. The development phase will begin when the necessary resources as described in the development plan are provided.
    b. A faculty member who has received an overall unsatisfactory five-year evaluation by the chair, the departmental committee, and the dean, or on campuses with no schools or colleges, the Vice Provost for Academic Affairs may not appeal the process of developing a professional plan. If the faculty member is not satisfied with the plan that has been developed, he/she may appeal to the next administrative level for help in the formulation of an acceptable development plan.
    c. A faculty member with a plan for professional development will submit an annual progress report to the chair for three successive years after the plan has been initiated. The chair will review the report and provide a written annual evaluation on the progress of the faculty member toward the objectives stated in the development plan. If the chair finds satisfactory progress for any two of the three years, then the process will cease and the faculty member will begin a new five-year cycle.
    d. If the chair does not find satisfactory progress in two of the three years of the development plan, the chair will provide the annual reports and evaluations to the department/unit committee and the mediator. If the department/unit committee that includes the mediator finds satisfactory progress in two of the three years of the development plan, the process ceases and the faculty member will begin a new five-year cycle.
    e. If both the chair and the department/unit committee that includes the mediator do not find satisfactory progress in two of the three years of the development plan, the chair will provide annual reports and evaluations to the dean or on campuses with no schools or colleges, the Vice Provost for Academic Affairs. If the dean or Vice Provost for Academic Affairs finds satisfactory progress in two of the three years of the development plan, the process ceases and the faculty member will begin a new five-year cycle.
    f. If the chair, the department/unit committee that includes the mediator, and the dean, or on campuses with no

schools or colleges, the Vice Provost for Academic Affairs do not find satisfactory progress in two of the three years, then the five-year evaluations plus the three years of progress reports and evaluations by the chair on the development plan will be forwarded to the campus committee on Tenure and Promotion and to the Provost or Vice Chancellor for Academic Affairs. Each will review the reports and will recommend separately to the Chancellor that: 1) an additional two-year development plan be written and implemented in consultation with the faculty member and the originating departmental committee, or 2) the faculty member be considered for dismissal of cause proceedings (see section 3.)

g. Any faculty member may request participation in a formal development plan (as described in 2a) after two or more consecutive unsatisfactory annual evaluations. In addition, chairs will strongly encourage faculty who have had three consecutive unsatisfactory annual evaluations to participate in a development plan.

3. *Dismissal for Cause*

a. If it is deemed by the Chancellor that the performance of the faculty member during the periods covered in section 2 constitutes sufficient grounds for termination for cause, dismissal for cause may be initiated and if initiated will proceed in accordance with the procedures for dismissal for cause described in section 310.060.

b. This procedure for review and development of faculty performance does not substitute for the dismissal for cause procedures stated in section 310.060.

c. Notwithstanding the provisions of section 310.015 B.2.f above, this procedure does not impose additional requirements upon the University prior to initiating dismissal for cause procedures as stated in section 310.060.

C. **Full-Time Tenured Administrators** -- In the event that a full-time administrator leaves her/his administrative position to become a full-time active tenured faculty member of a department, the normal annual departmental review process would be used to establish any discrepancy between the current abilities of the administrator and expectations concerning performance based on minimum departmental standards. If there is a discrepancy between current ability and departmental standards, a development plan funded by the administration should be considered for the administrator prior to her/his returning to the department.

9. Collected Rules and Regulations revisions, 320.035 Policy and Procedures for Promotion and Tenure

Collected Rules and Regulations 320.035

Policy and Procedures for Promotion and Tenure

Chapter 320: Employment and Termination

Executive Order No. 6A, 6-9-92, Amended 9-2-92. Revised 7-31-97, 08-10-05, 09-27-05, 07-14-08, 4-21-11, 4-12-13.

A. Procedures

1. Initiation of Recommendations

a. A recommendation to consider a faculty member for promotion in academic rank or award of continuous appointment shall be initiated by the department chairperson or the appropriate departmental or school promotion and tenure committee. In units having departments, the first review of recommendation shall be by the departmental promotion and tenure committee. In divisions without departments, first review is by the divisional promotion and tenure committee, which shall transmit its recommendations to the dean of the school or college, or on campuses with no schools or colleges the provost/vice chancellor for academic affairs. If the candidate holds a joint appointment between two departments or schools or colleges, the primary department, school or college (University of Missouri, Collected Rules and Regulations 320.080) bears the responsibility for recommendation for promotion in academic rank or award of continuous appointment. However, the non-primary department, school or college may prepare a recommendation which shall be included as part of one file pertaining to promotion or continuous appointment under the direction of the primary department. All recommendations shall be forwarded with supportive documentation including teaching evaluations, evidence of research, scholarly activity, and service.

b. Consideration for award of continuous appointment and promotion to the rank of associate professor normally occurs after a probationary period not to exceed six years, as described in the Academic Tenure Regulations (University of Missouri Collected Rules and Regulations, 310.020). Candidates who are not recommended for promotion to associate professor should not be recommended for continuous appointment. Conversely, while there may be some cases in which an exceptional record warrants promotion to associate professor prior to the awarding of tenure, it should be kept in mind that to make such a promotion seems almost certainly to hold out the promise of tenure. Normally, recommendations for promotion to associate professor and for tenure are made simultaneously.

c. The promotion and tenure committees may be appointed, elected, or otherwise designated in accordance with the established

department, school, or college procedures as long as the procedures are in compliance with the Curators' rules and regulations. If other than tenured faculty members are included on the committee, only those who are tenured may participate in making a recommendation for a candidate seeking tenure, except in the case of faculty members emeriti serving on the committee as allowed in section 320.035.A.1.d.

d. If other than tenured professors are on the committee to consider a candidate for promotion to professor, only the tenured professors and professors emeriti, as allowed below, may participate in making a recommendation for a candidate seeking promotion to professor. If, in the discretion of the dean, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, there is not an adequate number of tenured professors within the primary department, a special promotion and tenure committee shall be formed by the addition of tenured professor(s) from a closely related department, and/or tenured professor(s) from a closely related department on the other UM campuses, and/or professor(s) emeriti from the primary department in accordance with established procedures. The emeriti faculty serving on the committee shall have attained the rank of professor with tenure, and the number shall not be greater than 50% of the committee membership. This committee shall serve as the department-level committee and shall then make a recommendation for candidate(s) seeking promotion to professor.

e. Prior to the deliberations of the promotion and tenure committee, all tenured members of that department or school holding the same rank as or higher rank than that of the candidate (or, in larger departments or schools, all tenured members of the particular academic field holding the same rank as or higher rank than that of the candidate) shall be given the opportunity to provide written and signed comments to the promotion and tenure committee regarding the candidate being considered.

f. The promotion and tenure committee may solicit whatever additional information its members deem appropriate, from within and outside the University, to evaluate the candidate under consideration in the areas of teaching, research, and service.

g. An annual report of promotion and tenure actions approved by the chancellor shall be submitted by the chancellor to the president.

2. Review by the School or College Dean or on campuses with no schools or colleges, the Provost/Vice Chancellor for Academic Affairs

   a. Upon receipt of the recommendations from the promotion and tenure committee or the department chairpersons, the dean, or director, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, here and after when appropriate, shall review all such recommendations. The dean may

consult with members of the faculty individually or in a group and may confer with others.

b. The critical questions that should be addressed during review by the dean or director, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, are as follows:
   (1) Is the candidate qualified to be promoted or to be placed on continuous appointment?
   (2) If more than one person is being considered for a single position, is the candidate the best qualified among those being considered to fill this tenured position?

c. The dean, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, should solicit whatever additional information is deemed appropriate for making an independent evaluation and recommendation.

d. In making recommendations at the department and the school or college or campus levels, each committee, chairperson and dean, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, should keep the above two questions clearly in mind.

e. The dean/director, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, shall then forward all recommendations to the chancellor, including a written statement of evaluation and recommendation for each candidate.

3. Review by the Chancellor

   a. The chancellor is assisted in the review of recommendations for promotion and tenure by a campus-wide promotion and tenure advisory committee. The committee may be appointed, elected, or otherwise designated in accordance with the established campus procedures. This committee reviews all recommendations for promotion and continuous appointment and advises the chancellor on the following matters:
   (1) The adequacy of the criteria used at the department, school, and college level;
   (2) The qualifications of the individuals recommended; and
   In making a final recommendation to the chancellor, the committee will answer the two critical questions in A.2.b.

4. Evaluation and Notification Process

   a. In the promotion and continuous appointment process, the final decisions are made by the chancellor. Recommendations by committees, chairpersons, deans, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, are not binding on the chancellor.

   b. When a recommendation for continuous appointment cannot be substantially supported, a negative recommendation should be made at the earliest possible time by the first level of review. To insure fair and timely review of all actions, committees,

chairpersons, deans, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs, shall communicate their recommendations to candidates under consideration and give each candidate a reasonable time to submit written rebuttal to the recommendation so that both recommendation and rebuttal may be forwarded to the next level of review.

B. Policies

1. General Philosophy—As one of the nation's leading teaching and research institutions, the University of Missouri maintains high standards in recruiting, promoting, and awarding tenure to faculty members. While specific criteria for judging the merits of individual faculty may vary among units, there must be no variation in standards. The University will continue to strengthen its standards in all disciplines. Satisfaction of minimum criteria at the college, school, or department levels is not sufficient to insure promotion or continuous appointment.
   The University seeks faculty members who are genuinely creative scholars and inspired teachers and who are dedicated to the pursuit of knowledge and its transmission to others. These high standards are to be observed in the recruitment, promotion, and tenuring of faculty members. All persons and committees making recommendations regarding promotion and tenure will consider the candidate's demonstrated ability to meet these standards. Outstanding intellectual qualities as reflected in teaching and scholarship are the primary criteria for recommendation for promotion and tenure. Additional criteria include professionally-oriented, service contributions and service to a faculty member's department, school, college, and the University. Because the faculty has a special role in the decisions of the University, service to the University and its numerous units is expected of every faculty member; but such service shall not substitute for teaching and scholarship in matters of promotion and tenure.
2. Special Policy Considerations
   a. Sustained Contributions Essential—The essential factors in consideration of candidates for promotion and tenure will be documented merit in the traditional areas of teaching, research, and service and the degree to which contributions are comprehensively substantiated and represent sustained efforts.
      Candidates for promotion and tenure should demonstrate sustained merit and contributions over an extended period of time. Recommendations for promotion and/or tenure before the sixth year should be rare and restricted to truly exceptional cases. Early recommendations for promotion and/or tenure should not be made primarily on the basis of market conditions which make it appear that a faculty member might accept an offer elsewhere.
   b. The Role of Research and Other Scholarly Contributions—Productivity in research and other scholarly activities is the most distinguishing characteristic of the faculty of the University,

setting it apart from all other public institutions in the state. Research by University faculty not only generates new knowledge but also results in teaching which is up-to-date and intellectually stimulating. The University expects faculty members to be engaged in scholarly or creative activities appropriate to their disciplines. Recommendations for promotion or tenure involving cases in which such activities are not at the highest level will be approved only in very rare cases where the documented evidence for teaching (including extension) and/or service contributions is exceptionally compelling.

A recommendation for promotion and/or tenure must include supporting evidence that the individual's contributions have had an impact on the discipline; that is, the research should have made a significant contribution to knowledge that is recognized by professional colleagues. One common method of documenting such impact is through outside evaluations by authorities in the field. The most relevant letters of evaluation usually are written by disinterested experts recognized nationally and internationally for their own achievements. Because they may be biased, letters from former students, departmental colleagues, research collaborators, or former mentors should be used sparingly; when such letters are submitted, an explanation of the personal relationship should be included. Evidence of effective and sustained research and creativity must be presented. Quantity can be a consideration but quality must be the primary one.

Evidence of favorable judgment by colleagues includes publication in journals where expert evaluation is required for acceptance; favorable review of books, appointments or awards that require evaluation of professional competence; election to office in learned societies; and receipt of fellowships. Frequent citation by other scholars also provides evidence of good research. Good researchers often are invited to serve as editors of journals, members of site visit teams or in other evaluative functions of the scholarly work of their peers. Any evidence of such contributions should be emphasized in promotion and tenure recommendations. Research grants awarded, programs initiated, and other research in progress or research findings submitted for publication all represent activities that are expected of faculty members recommended for promotion and/or tenure.

Although faculty committees on promotion and tenure have the first responsibility for evaluating the quality of the work of a candidate for tenure or promotion, it is within the scope of the department chairpersons', deans', vice chancellors'/provost's, and chancellor's responsibilities to gather confirming evidence of scholarly competence by seeking the comments of other scholars within and outside the University.

c. The Role of Teaching, including Extension—Teaching includes, besides classroom and laboratory instruction, many activities that require professional knowledge and that directly contribute to the academic advancement of students; for example: academic advising, supervision of junior staff, creative redesign of courses, including courses offered through telecommunications and the Internet; liaison with teachers outside the University, off-campus teaching, and preparation of teaching materials, including textbooks.

Teaching of all faculty members shall be evaluated annually. Among the most useful kinds of evaluative evidence are testimony of chairpersons and deans, especially when based on student interviews covering several semesters, comments of colleagues who are well acquainted with the teaching performance of the candidate, achievement of students, and the quality of teaching materials prepared by the staff member. Evaluations based on classroom visitations by departmental peers can help to document the teacher's efforts to reach or maintain a given level of quality.

A significant element in the evaluation of teaching is the overall judgment of students, and each unit, department, school, and college is responsible for obtaining such information on all staff members, particularly those recommended for promotion. Questionnaires developed at the college or school level in cooperation with the faculty committees on promotion and tenure may be used for this purpose, or a similar procedure can be followed which is designed to reflect comprehensive student judgment concerning teaching qualities. Data from questionnaires should be buttressed by interpretation and comparative data. Simple numerical summaries of evaluations are not sufficient to judge teaching ability. Faculty members whose records consistently reflect poor teaching will normally not be recommended for promotion.

Other indicators may be used to point out good teaching. Good teachers receive public recognition in a variety of ways. Students, both individually and through organizations, seek them out more often. Such teachers make more innovative contributions in courses, sometimes whole curricula. Their students demonstrate achievement in learning. They often serve on more student activity committees and carry heavier advising loads. They are known for their enthusiasm and involvement in the education of students. Evidence which documents such contributions is strongly encouraged.

Extension and continuing education activities represent an extension of the teaching and research functions of the institution. Faculty engaged in this mission will be evaluated by the same criteria applied to other faculty. Outstanding performance in

extension leads to special recognition of faculty by groups, individuals, and organizations. These faculty members develop innovative curricula, adapt research findings to everyday needs of citizens, serve on committees and boards, and use innovative ways of enhancing learning by part-time students. They are sought out by others for advice and counsel and are known for their enthusiasm, competence and interest in helping individuals solve problems and learn.

In unusual circumstances, tenure may be recommended for demonstrated excellence in teaching, even in the absence of significant published research. Qualifications for teaching and scholarship are, however, very closely related. The faculty member who does not keep current with developing knowledge in the field or who is not constantly searching for new insights cannot be an effective classroom teacher. Graduate as well as undergraduate instruction is a responsibility of the faculty of the University; a continuing interest in, and a capacity for, creative scholarship by a faculty member is essential to effective instruction for undergraduate as well as graduate students. A faculty member who lacks the qualifications to teach advanced students ordinarily will not be recommended for promotion to senior ranks.

d. The Role of Service—Opportunities for service contributions abound and can take many forms. Service may occur within a discipline, through national, regional, and state organizations, or in the community at large; it may also occur in an administrative unit, such as the home department, school, or college, or on the campus. However, an uncritical list of such activities provides little support for the recommendations. A case should be made for the impact and quality of the individual's contributions. There should be evidence that the individual's efforts and judgment are held in high regard. Evidence of unusual service contributions, however, cannot by itself be sufficient grounds for a recommendation for promotion and/or tenure. It must be supported by significant additional evidence of contributions in teaching and research.

e. Importance of New Talent—Recruitment and subsequent development of new faculty members are important ways in which an educational institution renews itself. Fresh ideas and new perspectives provide the stimulation on which a university thrives, and every effort should be made to secure them through the recruitment, development, and evaluation processes. Departments which recruit their own graduates for regular faculty positions risk making a commitment which is inimical to the long-range interests of the department and, hence, the University. Such appointments should be discouraged; and in those cases where such appointments have been made, the tenure and promotion

documentation should demonstrate clearly that the individual meets the University's standard criteria.

f. Promotion to Professor—A person recommended for promotion to the rank of professor should have significant accomplishments, especially in the area of research and scholarly activity, beyond those justifying the rank of associate professor. Years of service alone do not justify advancement. Rather, sustained contributions during a career to research, scholarship, and teaching are necessary. A person to be considered for promotion to professor should be a scholar who has achieved national distinction.

g. Persons with Special Duties—In some cases, individuals on regular academic appointments have responsibilities substantially different from the usual mix of teaching and research duties (including extension). Campuses should examine such cases and seek where appropriate to change the appointment to nonregular or to administrative, service, and support. Such persons should not normally be considered for continuous academic appointment.

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

Collected Rules and Regulations 320.090
Emeritus Designation

Chapter 320: Employment and Termination

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

A. **Rule** -- The procedure for granting the title of "Professor Emeritus/Emerita" or "Associate Professor Emeritus/Emerita" shall originate with the retiring faculty member's department. The appropriate title shall be granted to any member of the Faculty on regular appointment in good standing at the time of his or her retirement, who
   1. Holds the rank of professor or associate professor and has been a member of the Faculty for at least fifteen years; or has held the rank of professor in the Faculty for at least five years;
   2. Has indicated the desire to receive emeritus status; and
   3. Whose contributions to the department and the University are recognized as meritorious as determined by majority vote of the tenured members of the department, such determination then being transmitted by letter to the Chancellor.

B. **Exceptions**
   1. A retiring member of the Faculty who is not covered by the above rule who has been recommended by majority vote of the tenured members of the faculty of the department and by the Dean of the faculty member's school or college, or on campuses with no schools or colleges, by the

Provost may be awarded an emeritus designation by the Chancellor when the faculty member

a. has retired in good standing;
b. has indicated the desire to receive emeritus status; and
c. his or her contributions to the department and the University are recognized as meritorious.

2. For purposes of this section, full-time members of the Medical Faculty may be considered to be on regular appointment and hence eligible under the above rules and exceptions for appointment to the emeritus designation.

C. Members of the Faculty who have received the title of emeritus shall continue as members (non-voting, except with regard to votes on promotion and tenure recommendations by qualified professors emeriti who are serving on a special promotion and tenure committee or committees related to procedures for review of faculty performance under circumstances described in section 320.035A.1.c. and section 320.035A.1.d. or section 310.015B.1.d.(1)(a) and section 310.015B.1.d.(1)(b) respectively of the Collected Rules and Regulations) of the campus Faculty; and their names shall appear in the list of Officers of Instruction and Administration in the University catalog. Persons retiring from the University who do not receive the title of emeritus shall receive no title designation.

11. New Collected Rule and Regulation 145.030, Non-Debt Derivatives Policy, UM

Collected Rules and Regulations 145.030
Non-Debt Derivatives Policy

Chapter 145: Debt and Derivatives

Adopted 4-12-13.

A. **Introduction** - This policy is designed to provide a framework for the management of risk associated with non-debt derivative instruments and similar hedging activities utilized by the University and its component units in connection with:

1. the purchase of fuel, electricity, natural gas, animal feed, livestock, agricultural products or other commodities ("commodities") used in the ordinary course of the University's lawful operations; and/or,
2. transactions in commodities for educational or research purposes or programs and/or service activities of the University provided in the ordinary course of its lawful operations.

This policy shall be applicable to option contracts, hedges, forward purchase agreements and similar derivative agreements (individually a "Contract",

"Agreement" or "Derivative Transaction", and collectively "Contracts", "Agreements" or "Derivative Transactions"). This policy is intended to be compliant with Section 108.170(7)(3) of the Revised Statutes of Missouri, as amended from time to time, to the extent, if any, that such section is applicable to the University.

B. **Authorities** – The Board of Curators of the University of Missouri has the ultimate authority to determine the proper means for the management and oversight of the University's non-debt derivatives. Through this policy, the Board delegates certain specific authorities and responsibilities with respect to the management and oversight of non-debt derivatives, which it has determined to be appropriate as described herein.

Subject to the Guidelines contained in Section D of this policy, the authority to approve the usage of Derivative Transactions as defined in this policy is hereby delegated by the Board to the Vice President for Finance and Administration or her/his designee.

C. **Responsibilities** – The Vice President for Finance and Administration or her/his designees are responsible for the following:

1. Implement and monitor the Non-Debt Derivative Policy.
2. Review the Non-Debt Derivative Policy on an annual basis, with policy amendments submitted to the Board of Curators as necessary.
3. Maintain accurate records and monitor compliance with any requirements for non-debt derivatives.
4. Establish procedures to monitor the financial exposure and other risks associated with Derivative Transactions subject to this policy.

D. **Guidelines** - The following non-exclusive list provides certain guidelines that the University will follow in the evaluation and approval of Derivative Transactions as defined in this policy:

1. *Legality* - Any proposed Contract must comply within the legal constraints imposed by state laws, University resolutions, and existing covenants, board resolutions, indentures and other contracts.

2. *Permitted Purposes and Corresponding Limitations*

a. Derivative Transactions may be used to manage the cost to the University and its component units of purchasing commodities used in the ordinary course of the University's operations. Options, futures contracts and similar Agreements entered into pursuant hereto shall be limited in the financial risk to the University to the amount paid or invested by the University.

The maximum aggregate notional amount (i.e., amount at risk) of any outstanding Agreements entered into pursuant to this purpose shall not exceed $500,000 at any point in time, without Board approval.

b. Derivative Transactions may also be used as an educational tool in connection with University course offerings, research and/or University Extension programs. Such Transactions shall be utilized for the purpose of instructing students and program participants in the use of such Transactions, and the management and minimization of risk.

The maximum aggregate notional amount (i.e., amount at risk) of Agreements entered into pursuant to this authority shall not exceed: (i) as to Agreements which the University has established a funded reserve account related thereto funded from participant fees or contributions, the amount of such reserves, or (ii) as to Agreements without a funded reserve as set forth in clause (i), the aggregate amount of any outstanding Agreements entered into pursuant to this purpose shall not exceed $100,000 at any point in time, without Board approval.

3. *Mitigation of Risk Factors* - The University recognizes that certain risks will be assumed if it enters into a Derivative Transaction. Potential risks could include counterparty risk, termination risk, collateralization risk, basis risk and bankruptcy risk. In its consideration of whether or not to enter into a Derivative Transaction, and in the actual entrance into such a Derivative Transaction if so determined, the University shall consider recommended practices with respect to the use of derivative products similar to the relevant recommended practices published by the Government Finance Officers Association, if any.

E. **Exclusions -** Nothing in this policy shall be applied or interpreted to diminish or alter the special or general power the University may otherwise have under any other provisions of law to use derivative instruments and engage in hedging activities other than Derivative Transactions covered by this Policy as defined in Section A. Furthermore, this policy shall not be interpreted to govern or limit transactions and agreements governed by the University's Debt and Derivatives policies and/or Investment policies or, in the case of transactions not derivative in nature between the University and supplier or purchaser of commodities, the University's general regulations applicable to the procurement or sale of goods and services.

12. Collected Rules and Regulations revision, 300.010, Faculty Bylaws of the University of Missouri-Columbia, MU

Collected Rules and Regulations 300.010
Faculty Bylaws of the University of Missouri-Columbia

Chapter 300: Faculty Bylaws

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).
*****(Hereafter referred to as UMC. Also, when "Faculty" is used alone, it is meant to refer to the UMC Faculty, unless otherwise specified.)

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

2. All colleges and schools that are headed by a Dean who reports to the Provost for academic affairs shall be entitled to voting representation.

3. The minimum T/TT number of representatives on the council shall be 25 and the maximum shall be 30. Four additional representatives on the council shall be NTT Faculty.

4. Representatives for T/TT faculty shall be allocated to a college or school on the basis of the total number of T/TT faculty members of the UMC Faculty within the college or school. The determination of the number of T/TT faculty representatives shall be made on November 1 of each academic year, and the number so determined shall govern representation for the next academic year. A qualified T/TT representative who has a joint appointment in two or more colleges or schools shall be assigned to the college or school in which he devotes the largest percentage of his time. If the assignment cannot be made on this basis, the council shall make the assignment, first having consulted with the T/TT faculty member to the extent feasible. Representation of the various colleges and schools shall be based upon persons holding the three eligible ranks listed in the most recent UMC general catalog. Emeritus Professors and any academic titles other than Professors, Associate Professors, Assistant Professors, will not be included in the computations, with the exception that retired professors on continued service will be counted.

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

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

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

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

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

7. Full-time ranked NTT faculty campus-wide will elect four members of Faculty Council, one each from the categories of teaching, research, clinical and extension. UMC NTT faculty shall determine the election procedures for the election of NTT representatives and shall report these to the Faculty Council. Every qualified NTT Faculty member is eligible for election to and service on the Council and only NTT faculty shall vote in election of NTT Faculty Council representatives. As defined in the Faculty Council Rules of Order, NTT faculty representatives are not eligible for service on the Faculty Council Board of Tenured or Tenure-Track faculty, which votes on matters specific to tenure or tenured/tenure track (T/TT) faculty.

8. 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 he 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.

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 substances 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 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 Chairman, 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 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 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 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 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.

Roll call vote of the Board:

Curator Bradley voted yes.

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

The motion carried.

Good and Welfare

Draft June 13-14, 2013 Board of Curators meeting agenda – no discussion (on file)

University Naming Rights – Chairman Goode led a discussion regarding possible amendments to Collected Rule and Regulation 110.080, Naming of University Buildings, Locations and Other Major Facilities. General Counsel Owens will develop a draft amendment for the Board's consideration at a future meeting.

Resolution, Medicaid Expansion

It was recommended by Chairman Goode, moved by Curator Downing and seconded by Curator Phillips, that the following resolution be approved:

Board of Curators Resolution

WHEREAS, the University of Missouri System operates a number of health care facilities; and

WHEREAS, MU Health Care provided over $50 million in uncompensated care last year; and

WHEREAS, MU Health Care would stand to receive substantially increased revenue should an agreement be reached to provide health care to the Missouri citizens who currently receive care for which MU Health Care receives no compensation; and

NOW, THEREFORE BE IT RESOLVED, that the University of Missouri Board of Curators urges our state leaders to come together in open dialogue, discuss, negotiate and reach a solution that fits Missouri values.

Roll call vote:

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

The motion carried.

It was moved by Curator Covington and seconded by Curator Henrickson, that the meeting of the Board of Curators, April 11-12, 2013, be adjourned.

Roll call vote:

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

The motion carried.

There being no other business to come before the Board of Curators, the meeting was adjourned at 1:20 P.M. on Friday, April 12, 2013.

Respectfully submitted,

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

Approved by the Board of Curators on June 14, 2013.