

310.020 Regulations Governing Application of Tenure

Bd. Min. 3-17-72, p. 36,281; Revised Bd. Min. 6-27-80, p. 38,132; Amended Bd. Min. 9-12-80; Amended Bd. Min. 10-30-87, 6-19-92, 3-18-93, 9-28-01, 2-5-15.

The following regulations, under which the Board intends to exercise the powers vested in it, govern the application of the principle of tenure at the University of Missouri, but these regulations shall not impair, or be taken to waive, any powers now or hereafter vested in the Board under the Constitution and laws of the State of Missouri. At the same time, the Board recognizes that matters relating to faculty status are primarily a faculty responsibility. Recommendations in matters of appointment, reappointment, nonreappointment, promotion, tenure, and dismissal shall be by the appropriate faculty through established procedures, followed by action by administrative officers, with final determination by the appointing authority. For allegations of harassment or discrimination, including sexual harassment, against a faculty member, the procedures are found in Section 600.030: Resolution Process for Resolving Complaints of Sexual Harassment under Title IX, and Section 600.040: Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Faculty Member or Student or Student Organization, and when applicable, Section 310.060: Procedures in Case of Dismissal for Cause.

Deleted: , Sexual Misconduct and other Forms of Discrimination

- A. **Classes of Academic Staff Appointments** -- Academic staff appointments are those in which the principal responsibilities are teaching, research, extension, academic service, or any combination thereof. There shall be only two classes of academic staff appointments, designated as such: regular and nonregular.
1. **Regular** -- A regular appointment requires full-time service by the holder thereof and must carry full-time pay from the University, except as provided in Section B.2.a. Special exception may be made for licensed physicians on the staff of the Harry S. Truman Veterans Administration Hospital who can be recommended for regular academic appointment in the University of Missouri-Columbia School of Medicine by the Dean of said School if endorsed by the Chancellor of the Columbia campus. In so doing the School of Medicine assumes full responsibility for the tenure status of the individual physician. There shall be only three titles of rank for regular appointments, designated as such: Professor, Associate Professor, and Assistant Professor. The holder of a regular appointment either is tenured or, unless notified of nonreappointment or terminal appointment, is considered to be working toward tenure.
 2. **Nonregular** -- All other academic staff appointments are nonregular. Nonregular appointments are either temporary (not to exceed seven years), part-time, or involve duties substantially different from those of faculty members holding regular appointments. The following sections illustrate the class of nonregular appointments.
 - a. Temporary appointments involving duties similar to those of regular appointees, such as Visiting Professor. The maximum number of consecutive annual appointments in this category shall be seven (7), unless funds for the position come from a project grant or contract.
 - b. Unless explicitly exempted under the above paragraph, all part-time or summer appointments. This category includes appointments such as

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Adjunct Professor or Clinical Professor and others of like nature, where the holder does not have full-time responsibilities or pay associated with that title. This category also includes certain academic appointments for persons having primary appointments of an administrative nature.

- c. Appointments to positions involving duties substantially different from those of regular appointees, such as academic field staff appointments in Extension; Lecturer, Assistant Instructor, Instructor, Research Assistant, Research Associate, Graduate Research Assistant, Graduate Teaching Assistant, Extension Assistant, Extension Associate, Student Assistant, and others of like nature; coaches of intercollegiate athletics. Titles in this category shall not include Professor, Associate Professor, and Assistant Professor, but may be modifications thereof.

B. Types of Appointments

1. Within the class of regular appointments, there shall be two types: regular term appointments and continuous appointments. Within the class of nonregular appointments, there shall be one type: nonregular term appointments.
 - a. **Regular Term Appointments** -- Regular term appointments begin at a specified date and terminate at a specified date. Such appointments are usually for a period of one academic year, but may be for a longer or shorter period, except that no single term appointment shall be for a period longer than three years. Regular term appointments are subject to the maximum probationary period described in Section 310.020 C and D. Faculty members on regular term appointments are to be considered as reappointed for the succeeding year unless appropriately notified under Section 310.020 F.
 - b. **Continuous Appointments** -- Continuous appointments are regular appointments that begin at a specified date but have no specified date of termination. Such appointments shall be deemed to exist in a given department or school on a specific campus. Unless a continuous appointment is subsequently acquired in another unit, no faculty member shall lose, by an approved change in duties or administrative unit, a continuous appointment already acquired. No faculty member shall lose a continuous appointment already acquired if granted a leave of absence with subsequent resumption of duties. In circumstances in which the interest of the University may be better served thereby, a continuous appointment already acquired may be changed, upon request of the faculty member, from full-time to part-time status.
 - c. **Nonregular Term Appointments** -- Nonregular term appointments begin at a specified date and terminate at a specified date. Such appointments are usually for a period of one academic year but may be for a longer or shorter period, except that no single term appointment shall be for a period longer than three years. No number of nonregular term appointments shall create any presumption of a right to reappointment on term or continuous basis, subject to the limitations described in Section 310.020 A.2.
2. **Administrative Functions** -- The administrative functions and titles of administrators shall be distinct and severable from their functions, titles, and status, if any, as appointees to the academic staff. The academic appointments of persons whose primary responsibilities are administrative may be regular or nonregular depending upon the particular circumstances, but the academic

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appointment must be made through established procedures for such appointments and its terms made explicit prior to the start of the appointment. An initial appointment may be made for both administrative functions and academic staff duties.

C. Tenure

1. Faculty members on continuous appointments shall have tenure, subject to dismissal only for cause, retirement for age in accordance with Board retirement regulations, or termination because of formal discontinuance of a program or department of instruction. Adequate cause for dismissal shall be related, directly and substantially, to the faculty member's fitness or performance in the professional capacity of teacher or researcher. Cause for dismissal may include but is not limited to the following:
 - a. Conviction of a felony or other crime involving moral turpitude during the period of employment by the University of Missouri which is related, directly and substantially, to the faculty member's academic fitness or performance in the professional capacity of teacher or researcher.
 - b. Professional incompetence in the performance of academic responsibilities.
 - c. Intentional and habitual neglect of duty in the performance of academic responsibilities, provided that a written warning and a reasonable opportunity to correct the behavior have been given.
 - d. Severe research misconduct, academic irresponsibility, or other default of academic integrity in the performance of academic responsibilities.
 - e. Willful misrepresentation of material matters in applying to the University of Missouri for employment which are related, directly and substantially, to the faculty member's fitness or performance in the professional capacity of teacher or researcher.
 - f. Harassment or discrimination, including sexual harassment, in violation of the University's Anti-Discrimination Policies, as determined through the procedures in Sections 600.030, 600.040 and 310.060 of the Collected Rules and Regulations.
 - g. Due consideration shall be given to seniority in terms of academic rank and length of service in the event that certain continuous appointments must be terminated because of financial exigencies. Where termination of an appointment with tenure, or of a nontenured appointment before the end of the specified term, is based upon bona fide financial exigency or discontinuance of a program or department of instruction, faculty members shall be able to have the issues reviewed by the faculty, or by an appropriate faculty committee, with ultimate review of all controverted issues by the Board.
 - h. Before terminating an appointment for either of these reasons, the University will make every effort to place affected faculty members in other suitable positions. The faculty member whose appointment is terminated under the conditions of financial exigency or discontinuance of a program or department of instruction will be given notice not less than that prescribed in Section 310.020 F.2; and no position within the same administrative unit for which the released faculty member is qualified will be filled by a replacement within a period of three years, unless the released faculty member has been offered reappointment and a reasonable time within which to accept or decline it.
2. Appointees to the academic staff under term appointments, either regular or nonregular, are subject to termination prior to expiration of the stated term

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only for cause or under extraordinary circumstances because of financial exigencies or discontinuance of a program or department of instruction. Term appointments for Non-Regular and Regular, Untenured faculty may be terminated prior to expiration of the stated term pursuant to [Sections 600.030: Resolution Process for Resolving Complaints of Sexual Harassment under Title IX or Section 600.040: Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against a Faculty Member or Student or Student Organization](#). An appointment with tenure may be terminated pursuant to [Section 600.030 or Section 600.040](#) and Section 310.060: Procedures in Case of Dismissal for Cause.

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3. Termination of an appointment with tenure, or of a probationary or special appointment before the end of the period of appointment, for medical reasons, will be based upon clear and convincing medical evidence that the faculty member cannot continue to fulfill the terms and conditions of the appointment. The decision to terminate will be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position and to respond to the evidence. If the faculty member so requests, the evidence will be reviewed by the Faculty Committee on Tenure before a final decision is made. (See also University benefit programs--optional long-term disability income protection.)
 4. The relieving of any person of administrative functions shall not impair any existing tenure status as an appointee to the academic staff.
- D. **The Probationary Period** -- The purpose of a probationary period is to allow reasonable time for faculty members to establish their academic performance and for their departments to evaluate performance and potential performance in the long-range future in order to validate recommendations for continuous or terminal appointments. The following rules and guidelines are applicable to determination of the probationary period and creditable previous service of persons with experience prior to the start of a regular appointment at this University.
1. Beginning with appointment to the rank of full-time Assistant Professor or higher rank, the total probationary period of term appointments will not exceed six years (including within this six-year period full-time creditable service in all institutions of higher education), except that if after a term of probationary service of more than three years in one or more institutions, a faculty member is appointed at a campus of the University of Missouri, it may be agreed in writing that there shall be a probationary period at that campus not to exceed three years. In no case will the conditions established in this section cause the probationary period at a campus of this University to be longer than prescribed in Section 310.020 E. In all cases the probationary period will be indicated on the appointment form. The probationary period will be followed either by continuous appointment or a one-year terminal appointment.
 2. In general, credit will be allowed for previous experience on a full-time academic staff appointment at the rank of Assistant Professor or higher at this University or any other institution of higher education. Because some academic appointments at this and other institutions of higher education carry responsibilities substantially different from the prospective appointment at this University, there may be circumstances in which previous service should not be credited as a part of the maximum probationary period. If this is

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determined to be the case, it must be agreed to prior to this appointment and reflected in the probationary period indicated on the appointment form.

3. If the appointee has had a substantial period of previous service, the decision whether or not to recommend continuous appointment should be made as soon as reasonably feasible. The initial appointment may be a continuous appointment. A regular term appointment of a person who currently holds such an appointment in the same field at this University, or has held one during the preceding year, shall be deemed to be a reappointment, a change in appointment, or a connected appointment, and not a new or initial appointment.
 4. In computing service to be credited within the probationary period, the following rules shall apply:
 - a. Years of service shall be computed in terms of academic years. Not more than one academic year of credit shall be allowed for services during any consecutive twelve-month period. Service for less than one academic year shall be excluded unless the faculty member and the appointing authority agree in writing to the inclusion at the time of the initial appointment.
 - b. Service on any nonregular appointment involving duties substantially different from duties on a regular appointment shall be excluded.
 - c. Service while on leave of absence without pay shall be excluded unless the faculty member and the appointing authority agree in writing to the inclusion at the time the leave is granted. Leaves of absence for scholarly purposes of one year or less generally should be included.
 - d. In allowing credit for service at this University or at another institution, fractions of an academic year shall be excluded where crediting such fraction would require decisions at times other than the normal period during the academic year when decisions are made as to recommendations or notices, even if such exclusion will have the effect of extending the probationary period beyond the normal maximum.
- E. **Regular Term Appointments and Reappointments** -- The following provisions apply to initial regular term appointments and reappointments. The provisions apply to persons without previous service and are modified by Section 310.020 D for persons with creditable previous service.
1. **Assistant Professor** -- Initial regular appointment at the rank of Assistant Professor shall be a term appointment. The maximum period on term appointment shall not exceed seven years. During the appointee's initial term, and during each succeeding term through the sixth year of service, the appropriate Dean or other administrative officer shall, after receiving recommendations from the appropriate faculty bodies, make one of the following recommendations, except that the recommendations 1.a and 1.b shall not be made during the appointee's sixth year of service.
 - a. To reappoint as Assistant Professor on a regular term appointment.
 - b. In exceptional cases, to promote to Associate Professor on term appointment. If such recommendation is effected, by proper appointment, Section 310.020 E.2 controls thereafter, except that the maximum period on term appointments shall not exceed seven years, and all of the service as an Assistant Professor shall be credited toward the seven-year maximum period.
 - c. To promote to Associate Professor on continuous appointment.

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- d. To reappoint as Assistant Professor on continuous appointment.
 - e. To reappoint as Assistant Professor on a terminal one-year term appointment, expressly stated to be such.
 - f. Not to reappoint, provided there has been due notice as stipulated in Section 310.020 F.2.
2. **Associate Professor** -- Initial regular appointment at the rank of Associate Professor normally shall be a term appointment but in exceptional cases may be a continuous appointment. The maximum period on term appointment shall not exceed five years. During the appointee's initial term, and during each succeeding term through the fourth year of service, the appropriate Dean or other administrative officer shall, after receiving recommendations from the appropriate faculty bodies, make one of the following recommendations, except that recommendation Section 310.020 E.2.a shall not be made during the appointee's fourth year of service:
- a. To reappoint as Associate Professor on continuous appointment.
 - b. To promote to Professor on continuous appointment.
 - c. To reappoint as Associate Professor on a terminal one-year appointment, expressly stated to be such.
 - d. Not to reappoint, provided there has been due notice as stipulated in Section 310.020 F.
3. **Professor** -- Initial regular appointment at the rank of Professor normally shall be a term appointment but may be a continuous appointment. The maximum period on term appointment shall not exceed four years. During the appointee's initial term and during each succeeding term through the third year of service, the appropriate Dean or other administrative officer shall, after receiving recommendations from the appropriate faculty bodies, make one of the following recommendations, except that recommendation Section 310.020 E.3.a shall not be made during the appointee's third year of service.
- a. To reappoint as Professor on a regular term appointment.
 - b. To reappoint as Professor on continuous appointment.
 - c. To reappoint as Professor on a terminal one-year term appointment, expressly stated to be such.
 - d. Not to reappoint, provided there has been due notice as stipulated in Section 310.020 F.
4. **Erroneous Term Appointments** -- Since the granting of tenure should be a deliberate act after considered evaluation of the appointee's past performance and potential performance in the long-range future, a good faith term appointment beyond the maximum permissible period on term appointments prescribed by Sections 310.020 D.1, 310.020 E.1,2, or 3 shall not confer tenure by default nor be considered a terminal appointment. Immediately upon the discovery of such an error the appointee or administrative officer shall notify the appointing authority and request that a determination be made as to the proper appointment.
- F. **Nonrenewal of a Regular Term Appointment**
1. When an appointee on regular term appointment is not recommended for reappointment, notice to that effect shall be given in writing to such appointee by an appropriate administrative officer in accordance with Section 310.070 by the deadline dates specified in Section 310.020 F.2. A timely terminal appointment expressly stated to be such shall be sufficient notice that the

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- appointee will not be recommended for reappointment at the end of the terminal period.
2. Notice shall be given as follows in the case of fiscal or academic year appointments. For appointments having other starting dates, comparable notice shall be given.
 - a. Not later than March 1 of the first year of service at this University, if the appointment expires at the end of the first year. Not later than December 20 of the second year of service at this University, if the appointment expires at the end of second year.
 - b. Thirty days prior to the first day of the terminal year of appointment where the terminal year is the third, or subsequent, year of service at this University.
 3. At the time of initial appointment, a faculty member should be informed of expectations about performance and of procedures generally involved in decisions affecting renewal and tenure. There should be provision for annual review of the faculty member's performance to be made by the immediate supervisor and communicated in writing, during the probationary period, to the faculty member according to generally accepted criteria with reference to the expectations discussed in the initial conference. During the probationary period, information should be given as to the time when decisions affecting renewal and tenure are ordinarily made, and there should be an opportunity to submit material which will be helpful to an adequate consideration of the faculty member's circumstances. In the event of a recommendation at any level for nonrenewal of a regular appointment or for a terminal appointment, the faculty member shall be informed and, upon request, shall be furnished with an explanation of that decision. The faculty member shall have an opportunity to request a reconsideration of the decision and to appeal the decision to the Chancellor. If the result of that appeal is not satisfactory to the faculty member, the faculty member may file a grievance under the Faculty Grievance Procedures (Section 370.010) in the event it is alleged:
 - a. That the decision resulted from inadequate consideration; or,
 - b. That the decision was based significantly on consideration violative of academic freedom; or,
 - c. That the decision was based significantly on considerations violative of governing policies on equal employment opportunity.Notwithstanding any explanation given, the burden shall rest upon the faculty member to prove the allegations contained in the grievance. In the event that the grievance panel finds probable cause of a violation of academic freedom, the matter shall proceed under the provisions of Section 310.060 except that the burden of proof remains with the appellant.
- G. An appointee to the academic staff on regular term appointment shall not subsequently be given a full-time nonregular term appointment to perform substantially the same type of duties in excess of a total period of service of seven years.