

DRAFT

Standard of Faculty Conduct

A faculty member at the University assumes an obligation to behave in a manner compatible with the University's function as an educational institution and voluntarily enters into a community of high achieving scholars. These expectations have been established in order to protect a special environment conducive to research, teaching, learning, and service that fosters integrity, personal and professional growth, a community of scholarship, academic success, and responsible citizenship. Faculty members are expected to adhere to community standards in accordance with the University's mission and expectations. The Standard of Faculty Conduct is meant to provide a progressive discipline procedure that will allow departments to address problems quickly before they become disruptive to the academic unit.

Application – The Standard of Faculty Conduct applies to all faculty members at the University of Missouri. For purposes of Section _____, Faculty Member includes all regular and non-regular academic staff appointments as defined in Section 310.020 and 310.035 of the Collected Rules and Regulation. This Standard is to be applied when a violation of these standards of conduct are noted, and may lead to additional hearings, sanctions, or penalties under existing processes and procedures. For purposes of this process, the term “respondent” is used for the Faculty member who may be facing consequences due to violations of this Standard, and “complainant” for the person filing a complaint. A complainant may be any member of the University community, defined as the Students, Staff, Administration, and Faculty of the University, including any official visitors to the University. This Standard should not be used for issues arising from Administrative interaction with Faculty- those cases should be handled through the Grievance process (enter CRR). The Standard of Faculty Conduct is in addition to and does not limit other processes and procedures within the CRRs including (list all CRRs that are applicable, including Research Misconduct, Grievance, Title 9, etc.).

1. Statement of Professional Ethics

- a. Faculty Members recognize the special responsibilities placed upon them. Their primary responsibility as scholars is to state the truth as they see it. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although Faculty Members may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.
- b. As teachers, Faculty Members encourage the free pursuit of learning in their students. They uphold the best scholarly and ethical standards of their discipline. Faculty Members demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Faculty Members make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students accurately reflect the merit of each student's work. They avoid exploitation, harassment, or discriminatory treatment of students. They

acknowledge significant academic or scholarly assistance from them. They protect academic freedom.

- c. Faculty Members neither discriminate against nor harass colleagues. They respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own. Faculty Members acknowledge intellectual pluralism and strive to be objective in their professional judgment of colleagues. Faculty Members accept their share of responsibilities for the governance of their institutions.
 - d. As members of an academic institution, Faculty Members seek to be effective teachers and scholars. Faculty Members observe the stated regulations of the institutions, provided the regulations do not contravene academic freedom, and maintain their right to criticize and seek revision. Faculty Members give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering taking leaves of absence, permanently departing the university to pursue other opportunities, or other actions that could interrupt or end their service, Faculty Members recognize the effect of their decision upon the program of the institutions and give all due notice possible of their intentions out of respect for their colleagues.
 - e. As members of their community, Faculty Members have the rights and obligations of other citizens. Faculty Members measure the urgency of these obligations in light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, Faculty Members have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.
 - f. *[Excerpted with modification from the UM-Columbia Bylaws and the the AAUP Redbook Statement of Professional Ethics].*
2. **Inappropriate conduct** for which Faculty Members could be subject to sanctions includes but is not limited to the following actions:
- a. Any behavior deemed to be potentially criminal in nature should be reported to law enforcement authorities. No part of the Collected Rules and Regulations shall be construed as interfering with the ability of any University member to contact law enforcement when necessary.
 - b. Violating university rules, regulations, policies or procedures including but not limited to those related to conduct of academic duties and those governing the use of university funds and university facilities.
 - c. Violation of the University's Anti-Discrimination Policies. The University's Anti-Discrimination Policies include the Equal Employment/Education Opportunity Policy located at Section 320.010 of the Collected Rules and Regulations and the Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy located at Section 600.020 of the Collected Rules and Regulations. Violation of the University's Anti-Discrimination Policies are

within the jurisdiction of the applicable Equity Resolution Process, including Section 600.040 of the Collected Rules and Regulations, and not addressed through the Standard of Faculty Conduct.

- d. Violation of Professional Ethics, not covered by Research Misconduct outlined in Section 420.010 of the Collected Rules and Regulations, such as violations of professional ethics and responsibilities set out in items 1.a-1.e above. Faculty Members have a special obligation to adhere to such professional ethics and responsibilities, as these form the basis for the academic reputation of the University.
- e. Threats, intimidation, harassment, physical abuse or any other conduct that endangers the health or safety of any person, or interferes with a person's ability to perform university duties including teaching, research, administration, or other university activities, including public service functions on or off campus; this includes behavior directed towards faculty, staff, students or visitors.
- f. Neglecting or refusing to perform reasonable assigned academic duties, or quitting duties without due notice.
- g. Willfully attempting to or actually damaging, destroying, taking, or misappropriating property owned by the University, a member of the University community, or a campus visitor, or any property used in connection with a university function or approved activity, or unauthorized use of university facilities.
- h. Forgery, alteration, or misuse of University documents, records or identification, or knowingly furnishing false information to the University.
- i. Misuse of computing resources in accordance with University policy.
- j. The illegal or unauthorized possession or use of firearms, explosives, other weapons, or hazardous chemicals.
- k. Conviction in a court of law for a felony that is clearly related to performance of University duties or academic activities.

3. Process

- a. Complaints of Inappropriate Conduct brought against a Faculty Member, as defined above, should be brought to the Dean of the respondent. Complaints must be in writing and should explicitly identify the inappropriate conduct being alleged. If a Dean is the respondent, because of behavior results from their Faculty appointment and not administrative behavior, the complaint will be delivered to the Provost and the Provost replaces the Dean for all further actions defined below- and recommendations will be delivered to the Chancellor.
- b. Preliminary efforts may be made to resolve the complaint through informal discussions in the unit where the Faculty Member carries out his/her primary professional duties. The Dean should coordinate such activities. Informal discussions should be concluded within ten(10) business days of the initial complaint. Any resolution should be documented in writing and filed with the Dean of the academic unit where the faculty member whom a complaint was registered against resides. The complainant will be also notified of any resolution in writing.
- c. If informal discussion does not resolve the violation, the Dean will provide written notice that an investigation will be preformed, and allow the respondent

five (5) business days from the close of the informal discussions to write a rebuttal of the allegations. The Dean will forward the original complaint, the respondents response, and any notes from the informal efforts to resolve the complaint to an investigator. The investigation will be conducted by the campus ombudsperson. The investigator will gather all data as appropriate. A determination of fact will be made as to whether or not the complaint was justified and supported by evidence. The investigation shall complete within ten (10 business days).

- d. The Dean where the respondent holds an appointment shall review the complaint, the results of any investigation, any response made to the complaint, and the statements made during any meetings on the matter. The Dean will make a determination as to whether or not the Faculty Member is responsible for Inappropriate Conduct, and whether one or more of the sanctions in Section 3.e (below) are recommended. The Dean's review, should take no more than five (5) business days. If, in the Dean's opinion, sanctions are NOT justified, the matter terminates, and the complainant and the respondent are notified of the resolution of the matter. If a determination is made that the respondent is responsible for Inappropriate Conduct, the Dean will notify them of the determination and sanctions via mail. As part of the Dean's communication to the respondent, the findings of the investigation will be provided.
- e. If the Faculty Member is found responsible for Inappropriate Conduct, as defined above, applicable sanctions may include, but are not limited to the following:
 - i. Warning. A notice in writing to the Faculty Member and included in the Faculty Member's personnel file that there is a finding of Inappropriate Conduct.
 - ii. Loss of Privileges. Denial of specified privileges of the Faculty Member for a designated period of time. This may include but is not limited to suspending travel privileges and/or payment of travel or conference expenses, restricting use of laboratories or offices, limiting contact with students; or suspending access to teaching or research assistance or grant accounts, service on university committees, or representation of the University on official business.
 - iii. Education or counseling. The Faculty Member may be assigned to completion of education or counseling that is meant to correct noted deficiencies in carrying out educational duties. The faculty workload may be altered until this education or counseling is completed.
 - iv. Restitution. Compensation by the Faculty Member for loss, damage, or injury to the University or University property. This may take the form of appropriate service and/or monetary or material replacement.
 - v. Suspension. Separation of the Faculty Member from the University for a definite period of time, after which the Faculty Member is eligible to return. Conditions for return should be specified. Suspension may be with or without salary (full or partial) for a period not to exceed one-half of the individual's normal appointment period. During the suspension period, health and retirement benefits shall be maintained.
 - vi. Any recommendations for suspension, paid or unpaid, will be reviewed by a faculty panel consisting of three tenured professors appointed by the Faculty Council/Senate Chair from outside of the academic unit in which

the respondent resides. These faculty members should be drawn from the standing Grievance Resolution Panel. This panel must complete the review within twenty (20) business days of being assigned.

- vii. Referral of the issues to the Chancellor pursuant to 310.060 of the Collected Rules & Regulations, Procedures in Case of Dismissal for Cause.
- f. If the respondent does not agree with the decision of the Dean, the respondent informs the Dean within five (5) business days, and all materials are forwarded to the Provost.
- g. The Provost will review the recommended finding of Inappropriate Conduct and sanctions and make a final determination within five (5) business days of receiving the recommendation. The Dean shall meet with the respondent and explain the finding and sanctions and make arrangements to implement the sanctions within five (5) business days of receiving the written recommendation of the Provost. The finding of Inappropriate Conduct and sanctions will be documented in writing and added to the personnel file.

4. Right of Appeal

- a. When a respondent has received a sanction for a finding of Inappropriate Conduct under this Standard of Faculty Conduct, the respondent may appeal such decision to the Chancellor -by filing written notice of appeal stating the grounds or reasons for appeal in detail within five (5) business days after receipt of notification of the decision. The appeal shall be limited to the following grounds:
 - 1) A procedural error occurred that significantly impacted the outcome of the finding or sanctions, e.g., substantiated bias or material deviation from established procedures.
 - 2) To consider new evidence, unavailable during the original resolution process or investigation that could substantially impact the original finding or sanction.
 - 3) The sanctions fall outside the range typically imposed for this offense, or for the cumulative disciplinary record of the Faculty Member.
- b. Upon written request of the respondent, the Chancellor will review the case and affirm, modify, or reverse the decision. If the Chancellor accepts an appeal or otherwise formally reviews the case, he/she shall notify the Provost and the respondent within five (5) business days, and shall afford them an opportunity to make written submissions or suggestions concerning the disposition of the appeal on review (to take no more than five (5) business days).
- c. Once the Chancellor receives any information from the Provost or respondent, the Chancellor shall notify the Provost and the respondent, in writing, of the decision on the appeal within ten (10) business days. The action of the Chancellor shall be final and is not subject to further review under the Academic Grievance Procedure in Section 370.010 of the Collected Rules and Regulations. At the conclusion of the process the complainant will be informed that a resolution has been reached.
- d. Status during Appeal -- The respondent may petition the Chancellor in writing for permission to stay the imposed sanction pending final determination of appeal. The Chancellor may permit the stay of sanctions under such conditions as may be designated pending completion of appellate procedures, provided

such continuance will not seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the university community. In such event, however, any final sanctions imposed shall be effective from the date of the final decision.

5. Behavior parties during process
 - a. All parties involved should exercise all due caution in discussing the matter, and should as much as possible keep the matter confidential. This confidentiality shall not extend to notes placed in the record of a respondent that may be used for subsequent action in determining ongoing professional misconduct, grievances, or any other action under the applicable CRRs noted in the application section of this CRR.
 - b. All University employees must be truthful in providing testimony during this process and all non-testimonial evidence must be genuine and accurate.
 - c. All participants, including the respondent, are expected to conduct themselves in a professional manner.
 - d. Repeatedly filing complaints that are found to be baseless after investigation will be considered a breach of professional ethics.
 - e. Breaches of these behavioral norms may be the basis for a personnel action against the uncooperative individual

6. Reporting of data
 - a. Campus level statistical data, including the types and number of findings of Inappropriate Conduct and sanctions, will be reported annually to the Interfaculty Council for transmission to each campus Faculty Senate/Council.