
FACULTY SENATE

SOUTHEAST MISSOURI STATE UNIVERSITY

FACULTY SENATE BILL 23-A-XX

Approved by the Faculty Senate
XXXXXX

BRIEF SUMMARY: This bill revises the “Academic Due Process” section of Chapter 2 in the Faculty Handbook to reflect that the Board of Governors has designated this duty to the university president.

REVISING PROCEDURES FOR ACADEMIC DUE PROCESS

BE IT RESOLVED THAT: Subject to the passage and approval of this bill, the section on “Academic Due Process” in Chapter 2 of the Faculty Handbook will be replaced by this bill.

TITLE OF BILL (Academic Due Process)

1 Academic Due Process

2 This statement deals with procedural standards and guides to be followed when the
3 fitness of either a tenured faculty member or a non-tenured faculty member, whose
4 term of appointment has not expired, is questioned. While it is necessary that certain
5 legal requirements be followed, the spirit and intent of establishing simple rules for
6 the protection of all parties that may be involved remain as the primary objective here.
7 These rules are designed to promote a sense of fair play and recognition of the mutual
8 rights, as well as obligations, of the parties.

9 Should the fitness of a faculty member be seriously questioned, it is the initial
10 responsibility of the department involved to deal with the issue. The chairperson is
11 responsible for convening the department, which will then elect a review committee
12 which is representative of the department faculty. This committee will study and make
13 recommendations to the department chairperson on questions concerning ethical
14 conduct and satisfactory performance of professional responsibilities.

15 Questions involving possible breach of ethics, failure to meet professional
16 responsibilities, and the like may be initiated at any level, either administrative or
17 faculty, and should be referred first to the department chairperson. The department
18 chairperson, after discussing the matter with the individual faculty member involved,

1 will refer the issue to the review committee if in their opinion there is substance to the
2 charges. Following the findings of the committee, the department chairperson will
3 submit a written report with their recommendation to the faculty member in question
4 and to the dean of the college for appropriate action.

5 If no agreement is reached and there remains a dispute, formal proceedings may be
6 invoked by the administration. Faculty members whose fitness is in controversy shall
7 be continued in their positions until removed by action of the ~~Board of Governors~~
8 ~~university president~~. Should such continuance constitute a clear and present danger,
9 either to the University, the students, the public, or to themselves, the faculty member
10 may be suspended by the President or the Provost until final action is taken by the
11 ~~Board of Governors-president~~. The faculty member's pay shall be continued unless
12 they are suspended or removed by the ~~Board of Governors-president~~.

13 Formal proceedings are those which are brought to the attention of the ~~Board of~~
14 ~~Governors-president~~ to inquire into the fitness of a faculty member. Such proceedings
15 are initiated by written charges, which must involve the incompetency of faculty
16 members, or their neglect or refusal to perform their duties, or their dishonesty,
17 drunkenness, or immoral conducts.

18 The written charges must also give notice that a hearing to consider the charges will
19 be held before the ~~Board of Governors-president~~ on a particular day and at a

20 certain time and place, that faculty members may be present with or without counsel,
21 and that they may produce witnesses or other evidence on their behalf at the hearing.

22 The notice and charge must be handed to faculty members personally, or it may be
23 sent to them by registered mail at their most recent address as listed in the University
24 Directory or other known location. If delivered personally, an affidavit of service must
25 be presented to the ~~Board of Governors-president~~ by the person who performed the
26 service. If service is had by mail, a return receipt properly signed by faculty members
27 or their agent for service shall be presented to the ~~Board of Governors-president~~. The
28 affidavit or return receipt must reveal that the faculty member received the charge and
29 notice at least ten (10) days before the hearing is conducted before the ~~Board of~~
30 ~~Governors-president~~. Should faculty members not be present for service or should
31 registered mail notice not be perfected, a hearing shall not be had until after thirty (30)
32 days service. Should faculty members or their attorney request additional time in
33 which to prepare their defense or to seek counsel, the ~~Board of Governors-president~~

1 may grant such additional time and continue or postpone the hearing to another day
2 and time.

3 The ~~President of the Board of Governors-president~~ shall conduct the hearing at the
4 time and place called for in the notice or at the postponed time if additional time is
5 requested. Such hearings shall not be public, and either party may ask that all
6 witnesses not be present while any person is testifying. The ~~President of the Board of~~
7 ~~Governors-president~~ shall administer an oath or affirmation to all persons who may
8 give evidence.

9 The formal legal rules of evidence need not be followed, and the ~~President of the~~
10 ~~Board of Governors-president~~ shall determine what evidence may or may not be
11 presented. The proper University administrative official or attorney shall present the
12 case against the faculty member, and such member or their attorney may have the
13 right to cross examine any witnesses testifying against them.

14 Faculty members may produce witnesses on their behalf, who may be cross examined.
15 They may also produce any other evidence which they may deem favorable to their
16 positions.

17 At any time during the proceedings, ~~any member of the Board of Governors-the~~
18 ~~president~~ may question any witness or call for a point of order of procedure to be
19 clarified.

20 After the testimony has been adduced and each side concluded its evidence, the ~~Board~~
21 ~~of Governors-president~~ shall retire and deliberate on the charges brought against the
22 faculty member.

23 The ~~Board of Governors-president~~ may determine that the charges are not properly
24 founded and, if so, shall so declare. If the ~~Board-president~~ decides that the charges
25 have merit, faculty members may be disciplined by the ~~Board-president~~, but no faculty
26 members shall be removed except for incompetence, neglect or refusal to perform
27 their duties, dishonesty, drunkenness, or immoral conduct. The findings and
28 conclusions of the ~~Board of Governors-president~~ shall be in writing and delivered to
29 faculty members or their attorney.

30 In the event the ~~Board of Governors-president~~ desires, it may appoint a committee of
31 five faculty members to investigate any complaint concerning a member of the
32 faculty. It is assumed that when any complaint has to do with the competency of a

1 faculty member, the ~~Board of Governors-president~~ shall appoint the faculty committee
2 to investigate the same. Such committee may hold a hearing concerning any charges
3 lodged against the faculty member and shall follow the same procedure set out for the
4 ~~Board of Governors-president~~ when a hearing is conducted before that body. Such
5 committee when appointed, after making an investigation and conducting a hearing,
6 shall recommend to the ~~Board of Governors-president~~ either that the complaint is or is
7 not well-founded, and if the finding is that the complaint is well-founded, shall
8 recommend to the ~~Board-president~~ disciplinary action, including the possible
9 suspension or expulsion of the faculty member. Upon the receipt of the committee
10 recommendation, the ~~Board-president~~ shall make the final decision on the complaint.
11 In any such case, the faculty member shall have the right of appeal from the
12 recommendation of the faculty committee. Should such appeal be taken, the procedure
13 before the ~~Board of Governors-president~~ outlined above shall be followed.

14 Approved by Faculty Senate, bill 75-A-01; Approved by Board of Regents November
15 1997

16
17 ***

Action	Date
Introduced to Senate	03/29/2023
Second Senate Meeting	
Faculty Senate Vote	
President's Review	
Board of Regents Approval	
Posted to Faculty Handbook	

18