
FACULTY SENATE

SOUTHEAST MISSOURI STATE UNIVERSITY

FACULTY SENATE BILL 23-A-XX

Approved by the Faculty Senate
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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 university president.
8 Should such continuance constitute a clear and present danger, either to the
9 University, the students, the public, or to themselves, the faculty member may be
10 suspended by the President or the Provost until final action is taken by the president.
11 The faculty member's pay shall be continued unless they are suspended or removed
12 by the president.

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

17 The written charges must also give notice that a hearing to consider the charges will
18 be held before the president on a particular day and at a

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

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

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

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

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

14 At any time during the proceedings, the president may question any witness or call for
15 a point of order of procedure to be clarified.

16 After the testimony has been adduced and each side concluded its evidence, the
17 president shall retire and deliberate on the charges brought against the faculty
18 member.

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

25 In the event the president desires, it may appoint a committee of five faculty members
26 to investigate any complaint concerning a member of the faculty. It is assumed that
27 when any complaint has to do with the competency of a faculty member, the president
28 shall appoint the faculty committee to investigate the same. Such committee may hold
29 a hearing concerning any charges lodged against the faculty member and shall follow
30 the same procedure set out for the president when a hearing is conducted before that
31 body. Such committee when appointed, after making an investigation and conducting
32 a hearing, shall recommend to the president either that the complaint is or is not well-
33 founded, and if the finding is that the complaint is well-founded, shall recommend to

1 the president disciplinary action, including the possible suspension or expulsion of the
2 faculty member. Upon the receipt of the committee recommendation, the president
3 shall make the final decision on the complaint. In any such case, the faculty member
4 shall have the right of appeal from the recommendation of the faculty committee.
5 Should such appeal be taken, the procedure before the president outlined above shall
6 be followed.

7 Approved by Faculty Senate, bill 75-A-01; Approved by Board of Regents November
8 1997

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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	

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