



Board of Curators

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August 18, 2017

Dr. Galen Suppes
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Dr. Elizabeth G. Lobo
Dean of the College of Engineering
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Dear Dr. Suppes and Dean Lobo:

Thank you for appearing before the Board on August 15, 2017 to present your arguments on Dr. Suppes's appeal of the decision to dismiss him for cause. Under the University's rules, when considering Dr. Suppes's appeal, the Board must "either sustain the decision of the Hearing Committee or return the proceedings to the Committee with specific objections." (CRR 310.060.D.4) Set out below is the Board's decision to sustain the Hearing Committee's decision.

MU Interim Chancellor Hank Foley appointed Dean Elizabeth Lobo to act as Relator in bringing a charge of dismissal for cause against Dr. Suppes, a tenured MU faculty member. After investigation, Dean Lobo, acting as the Relator, brought a charge for dismissal to the MU Faculty Committee on Tenure, a committee of 12 tenured faculty members ("Hearing Committee" or "Committee"). The original charge was dated September 2, 2016. The charge was amended on October 17, 2016, and again on March 8, 2017. The March 8 charge was titled "Second Amended Charge for Dismissal of Professor Galen Suppes for Cause." The Second Amended Charge set forth ten counts. Even though it was filed before the Second Amended Charge, Dr. Suppes' Requests/Motions and Answer dated December 8, 2016, were treated as the response to the Second Amended Charge and, to the extent the Second Amended Charge added new material, Dr. Suppes was considered to have denied that material.

The Hearing Committee received evidence for over 50 hours during 9 sessions between December 14, 2016 and April 17, 2017. During the hearings, the Relator presented 8 witnesses in person, 10 witnesses through affidavit, and introduced an additional 74 exhibits; and the Respondent presented 10 witnesses in person and introduced 63 exhibits. The Board appreciates the Committee's diligent work on this matter.

After hearing the evidence, the Hearing Committee voted on each charge. A majority of the members found the evidence was sufficient to support the charge for 9 of the 10 charges; it found the evidence was insufficient to support one of the charges. The Hearing Committee's findings and recommendation are contained in a May 15, 2017 report from the Chair of the Committee, MU Law Professor R. Wilson Freyermuth. The report's Executive Summary summarizes the Committee's finding on each charge as follows:

"As per CRR Section 310.060.B.9, the Committee is convinced by the evidence in the record considered as a whole that the following counts of the Second Amended Charge have been sustained:

- Count 1: Intimidation, Harassment, and/or Bullying of Students
Committee Vote: **11 yes, 1 no**
- Count 2: Exploitation and/or Coercion of Students
Committee Vote: **12 yes, 0 no**
- Count 3: Severe and Habitual Neglect of Teaching Duties
Committee Vote: **11 yes, 1 no**
- Count 4: Insubordination Regarding Treatment of Students
Committee Vote: **10 yes, 2 no**
- Count 5: Intimidation, Harassment, Bullying and/or Creation of a Hostile Work Environment for Faculty and Staff
Committee Vote: **12 yes, 0 no**
- Count 6: Intimidation and/or Harassment of Chairs
Committee Vote: **11 yes, 1 no**
- Count 7: Intentional Violation of the University's Intellectual Property Rules and Regulations
Committee Vote: **9 yes, 3 no**
- Count 8: Insubordination Regarding Violations of the University's Intellectual Property Rules and Regulations
Committee Vote: **9 yes, 3 no**
- Count 9: Other Misconduct Related to Research
Committee Vote: **9 yes, 3 no**

The Committee was not convinced by the evidence in the record considered as a whole that the following count of the Second Amended Charge has been sustained:

- Count 10: Abuse of the Dismissal for Cause Process and Related Misconduct
Committee Vote: **0 yes, 12 no**

The Committee notes that Counts 7, 8, and 9 arise out of the same facts that also underlie the litigation between the University and the Respondent in *Curators of the University of Missouri v. Galen J. Suppes and Homeland Technologies, LLC*, which is currently pending before the Circuit Court of Boone County, Missouri. For this reason, the Committee made two separate determinations with regard to whether the allegations of the Second Amended Charge justify the Respondent's dismissal for cause.

Recommendation 1: The Committee is convinced by the evidence in the record considered as a whole that Counts 1 – 6, by themselves warrant the Respondent's dismissal for cause.

Committee Vote: 12 yes, 0 no

Recommendation 2: The Committee is convinced by the evidence in the record considered as a whole that Counts 1 – 9 warrant the Respondent's dismissal for cause.

Committee Vote: 12 yes, 0 no"

The Hearing Committee's decision was communicated to Interim Chancellor Garnett Stokes. Under the University's procedures, the Hearing Committee's decision is a recommendation to the Chancellor, who is to give "due consideration to the findings and recommendations of the Committee." In a May 25, 2017 letter, Interim Chancellor Stokes notified the parties that "after giving due consideration to the findings and recommendations of the Committee, in accordance with the provisions of Section 360.060.D.1 of the CRR, I concur with the Committee" and she dismissed Dr. Suppes's appointment and employment with the University.

Dr. Suppes appealed the decision to the President. In his decision dated July 12, 2017, President Choi correctly noted:

Tenure is vitally important to the functioning and flourishing of an academic research university. As stated in Section 310.010 of the University's Collected Rules and Regulations, "[t]enure is indispensable to the success of an institution of higher education in fulfilling its obligations to the common good."

At the same time, tenure is not an absolute or unqualified right and tenured faculty are expected to uphold the standards of the University. Indeed, given the trust placed in them, it is not inappropriate for the public to expect tenured faculty members to hold themselves to these standards.

Faculty members who are tenured have the right to be free from dismissal without cause. Section 310.010. Adequate cause for dismissal must be directly and substantially related to the faculty member's fitness or performance in the professional capacity of teacher or researcher. (p. 2)

Dr. Galen Suppes
Dean Elizabeth Lobo
August 18, 2017
Page 4

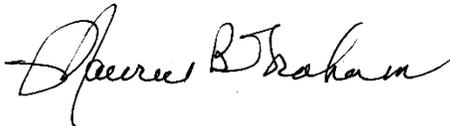
Applying this standard to the appeal documents and the record of the case, President Choi affirmed the decision of the Hearing Committee.

Dr. Suppes appealed to the Board of Curators, for what amounts to a fourth review of the charges against him. He filed written arguments to the Board, as the Respondent, and Dean Lobo, as the Relator, filed a written argument to his appeal. The Board granted Dr. Suppes's request to appear before the Board and on August 15, 2017, both parties appeared and presented oral argument pursuant to a sequence and allocation of time suggested by Dr. Suppes. As previously mentioned, when considering Dr. Suppes's appeal, the Board must "either sustain the decision of the Hearing Committee or return the proceedings to the Committee with specific objections." (CRR 310.060.D.4) After consideration of the faculty Hearing Committee's decision, and the arguments of the parties, the Board sustains the decision of the Hearing Committee.

The Board appreciates the parties' participation and cooperation in the appeal.

Sincerely,

The University of Missouri Board of Curators



By:

Maurice B. Graham, Chair

cc via email:

Members of the Board
President Mun Choi
Chancellor Alexander Cartwright
Secretary Cindy Harmon
General Counsel Steve Owens
Attorney George Smith
Attorney Ian Cooper