

MICHIGAN STATE UNIVERSITY

FACULTY HANDBOOK

The MSU Faculty Handbook is distributed by the Office of the Provost to executive managers, individuals appointed in the tenure system and the librarian continuous appointment system and to all academic departments/schools. Additionally, the Faculty Handbook is accessible on the Internet through the World Wide Web at <http://www.msu.edu>. Select "Information for Faculty and Staff," then "Faculty Handbook" under the heading "Policies, Procedure, Reports and Documents". (Questions about the Internet should be directed to the Computer Lab at 353-1800.)

Office of the Provost
September, 1996

Michigan State University

Office of the Provost

September 1996

Revisions/Additions to the Faculty Handbook

Enclosed please find a complete replacement copy of the Faculty Handbook, which includes revisions and additions to the previous version. Major revisions/additions include:

1. Conflict of Interest in Employment (page 22). This statement replaces the Employment of Relatives policy. It broadens and clarifies the definition of "relative" and encompasses the faculty role in rendering advice on employment decisions.
2. Adjunct and Clinical Appointments (page 30). Revised to allow appointments for a maximum period of three years.
3. Implementation Practices (page 45). Revised to clarify information required for requests to extend the tenure system probationary appointment period.
4. Statement on University Distinguished Professor (page 103).
5. Statement on Faculty Relationship with Student-Athletes (page 119).
6. Guidelines for Potential Conflicts of Interest Pertaining to Applications for NSF and PHS Research Support (page 134).
7. Revised Interim Procedures Concerning Allegations of Misconduct in Research and Creative Activities (page 150).

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I. INTRODUCTION

FOREWORD

The *Faculty Handbook* provides information to help you as a faculty/academic staff member of Michigan State University. You will find most of the policies, regulations and procedures of the University either contained here in their entirety or referenced. Those which are not totally included because of their length or because they are peripheral to the faculty/academic staff mission can be found in other University publications. The following documents are general sources of information that may be of use to faculty and academic staff:

1. The *Faculty Handbook* contains employment policies for faculty and academic staff. It is available from your department secretary, or Academic Personnel Records, 355-1526. It is also accessible through Gopher by making the following menu selections: "Information for the MSU Community," "Information for Faculty and Staff," "Faculty Handbook."
2. The *Bylaws for Academic Governance* are available from your department secretary, or the Office of the Secretary for Academic Governance, 355-2337.
3. The *Faculty and Staff Directory* contains: telephone numbers, administrative and academic organization of MSU, members of the Board of Trustees, members of university committees, campus map, etc. and is available from your department secretary, or from Room 64 Administration Building, 353-0720.
4. The *Academic Programs* section of the University catalog contains: description of academic programs, mission statement, President's statement, honorary and professional organizations, etc. and is available from your department secretary, or from Room 64 Administration Building, 353-0720.
5. The *Board of Trustees Policy Manual* contains all policies approved by the Board of Trustees of Michigan State University. It is available from the Office of the Secretary of the Board of Trustees, 353-4647, or in college offices.
6. The *Bylaws of the Board of Trustees* are available from the Office of the Secretary of the Board of Trustees, 353-4647.
7. *Ordinances of Michigan State University* are available for viewing at the Department of Public Safety, 355-1830; or at the Reference Desk in the main Library.
8. *Spartan Life*, the student handbook and resource guide contains: student legislative and judicial procedure, Academic Freedom for Students at MSU, Graduate Student Rights and Responsibilities, student regulations, etc. and is available from Student Affairs and Services, 355-8286.
9. The *Manual of Business Procedures* contains information regarding proper University business procedures. It is available from your department secretary.

Wherever possible, dates of adoption and sources have been included for University policies and regulations. For policies approved by the Board of Trustees, the original approval date and the date of the most recent amendment is provided. Dates of other actions by the Board on a particular policy may be found in the *Board of Trustees' Policy Manual* which is available in all college offices or from the Office of the Secretary of the Board of Trustees.

The Faculty Handbook will be updated by the addition of supplements or the substitution of revised pages in the future. New pages and supplements for all faculty/academic staff will be delivered through departmental offices. It will be the responsibility of the department chairperson/school director to maintain an updated copy to which faculty/academic staff may refer.

The responsibility for distributing information about changes rests with the Office of the Provost. Questions regarding content should first be addressed to your departmental chairperson or the director of your school.

DISCLAIMER

The Michigan State University Faculty Handbook contains University policies, procedures, and other information in effect as of the date of issuance (see date at the bottom of each Faculty Handbook page). Any subsequent changes in policies, procedures, or other information are effective as of the date of action or issuance by the appropriate University body even though such changes have not been distributed as revisions or additions to the Michigan State University Faculty Handbook. Revisions of, or additions to, the Faculty Handbook will be issued regularly (usually annually) to deans, chairpersons, and directors and to individual tenure system faculty and others holding appointments in other continuing academic personnel appointment systems to which the Faculty Handbook is applicable. In the interim, every effort will be made to communicate revisions and additions to deans, directors, and chairpersons for communication to faculty and academic staff members.

SERVICES AND OPPORTUNITIES

Listed below are some of the services and opportunities which are widely used by faculty and academic staff.

<u>Service/Opportunity</u>	<u>University Office</u>	<u>Telephone¹</u>
Emergencies	Police and Public Safety	911 or 355-2221
Art	Kresge Art Museum	355-7631
Benefits	Benefits Office	353-4434
Bookstore	MSU Bookstore	355-3450
Chapel	Alumni Memorial Chapel	355-3464
Child Care	Spartan Village Center	353-5154
	Child and Family Care	432-3745
	Resources	
Nursery School	Laboratory Preschool, Family Ecology	355-1900
Computer Services	Computer Laboratory	353-1800
Credit Union	MSU Federal Credit Union	353-2280
Dining On-Campus	International Center	355-4550
	Kellogg Center	432-4000
	Union	355-3492
	Owen Graduate Center	355-5007
Education	Lifelong Education	355-0138
Faculty Folk Club	Faculty Folk Club	Phone directory
Gardens	Beal Botanical Garden	355-9582
	Hidden Lake Gardens	431-2060
	Kellogg Biological Station	353-9445
	MSU Horticultural	355-0348
	Demonstration Gardens	

¹Telephone numbers are occasionally changed; please verify the number listed in the *Faculty Staff Directory*

<u>Service/Opportunity</u>	<u>University Office</u>	<u>Telephone</u>
Grievance	Faculty Grievance Office	353-8884
Health Care	Clinical Center	353-3000
Hotel Services	Kellogg Center	432-4000
Housing On-Campus	University Apartments	355-9550
Housing Off-Campus	Student Affairs and Svcs	355-8303
Library Services	Library	353-8700
Lost and Found	Union Building	355-3497
Media Services	Instructional Media Ctr	353-3918
Minority Organizations	Office for Affirmative Action Compliance and Monitoring	353-3922
Museum	Museum	355-2370
Music	School of Music	353-5340
Newspapers	Fac./Staff News-Bulletin State News	355-2285 355-3447
Parking-Vehicle, Bicycle	Police and Public Safety Vehicle Office	355-8440
Payroll	Payroll Office	355-5010
Performing Arts	Wharton Center	432-2000
Personal Assistance	Employee Assist. Prgms	355-4506
Planetarium	Abrams Planetarium	355-4672
Printing Services	University Printing	355-6610
Psychological Clinic	Psychological Clinic	355-9564
Public Relations	Public Relations Office	353-7958
Publishing Services	MSU Press	355-9543
Radio	WKAR AM and FM Radio	355-6540
Recreation and Sports	Athletic Ticket Office Forest Akers Golf Crs Intramural Sports/ Recreative Serv.	355-1610 355-1635 355-5250
Research Services	Union Building	355-3460
Animal Care	Research Development Laboratory Animal Care Service	355-0306 353-5064
Safety	Radiation, Chem., Biological	355-0153
Television	WKAR TV	355-2300
Transportation	Physical Plant Automotive Services	353-5280
University Club	University Club	353-5111
Women's Organizations	Women's Resource Center	353-1635

MISSION STATEMENT

The following statement was approved by the Board of Trustees on June 24-25, 1982.

Michigan State University holds a unique position in the state's educational system. As a respected research and teaching university, it is committed to intellectual leadership and to excellence in both developing new knowledge and conveying that knowledge to its students and to the public. And as a pioneer land-grant institution, Michigan State University strives to discover practical uses for theoretical knowledge, and to speed the diffusion of information to residents of the state, the nation, and the world. In fostering both research and its application, this university will continue to be a catalyst for positive intellectual, social, and technological change.

Founded in 1855 as an autonomous public institution of higher learning by and for the citizens of Michigan, this institution was in 1863 designated the beneficiary of the Morrill Act endowment. It became one of the earliest land-grant institutions in the United States. Since 1863, Michigan State has evolved into an internationally esteemed university, offering a comprehensive spectrum of programs and attracting gifted professors, staff members, and students. The university seeks excellence in all programs and activities and this challenge for high achievement creates a dynamic atmosphere. At Michigan State University, instruction, research, and public service are integrated to make the institution an innovative, responsive public resource.

As the only land-grant institution in the state, Michigan State University is committed to providing equal educational opportunity to all qualified applicants; to extending knowledge to all people in the state; to melding professional and technical instruction with quality liberal education; to expanding knowledge as an end in itself as well as on behalf of society; to emphasizing the applications of information; and to contributing to the understanding and the solution of significant societal problems. Michigan State University's adherence to academic freedom and open scholarly inquiry supports these essential academic functions.

The university's land-grant and service mission first originated in the areas of agriculture and the mechanic arts. While these emphases remain essential to the purpose of Michigan State, the land-grant commitment now encompasses fields such as health, human relations, business, communication, education, and government, and extends to urban and international settings. The evolution of this mission reflects the increasing complexity and cultural diversity of society, the world's greater interdependence, changes in both state and national economy, and the explosive growth of knowledge, technology, and communications. Just as the focus on agriculture and the mechanic arts was appropriate when Michigan State University was founded, the wide range of instructional, research, and public service commitments that now characterize this university is essential today.

By 1964, the instruction, research, and public service activities at Michigan State University had achieved the high level of excellence necessary for membership in the Association of American Universities (AAU). Innovation and leadership in these three crucial areas and in the extension of knowledge to the state, the nation, and the world, are the hallmarks of this university. An excellent and diverse faculty insures the superior quality of academic programs, and contributes to the expansion of knowledge and its application in the public interest. Research and scholarship help preserve and enrich cultural and creative traditions, as well as contribute to the formulation of new knowledge. Graduate programs draw upon and support faculty research, extend the benefits of research, and educate students for professional careers. The established national and international reputation of the university is based upon the quality and distinctiveness of the research and scholarly activity of its faculty and students.

Research and public service are mutually enriching activities for both faculty and students, and contribute significantly to the high quality of both undergraduate and graduate instructional programs. Through research, faculty members enhance the scope and effectiveness of their teaching. Through public service, faculty validate past research findings and identify the need for new research and for modifications of curricula. Participating with faculty in research and service projects provides students with unique learning opportunities, and consequently improves the quality of both graduate and undergraduate education.

At the undergraduate level, the university offers strong, comprehensive programs in the liberal arts and sciences and in major professional areas which include a significant general education component. Michigan State University provides opportunities for students of varying interests, abilities, backgrounds, and expectations. Underlying all educational programs is the belief that an educated person is one who becomes an effective and productive citizen. Such a person contributes to society intellectually, through analytical abilities and in the insightful use of knowledge; economically, through productive application of skills; socially, through an understanding and appreciation of the world and for individual and group beliefs and traditions; ethically, through sensitivity and faithfulness to examined values; and politically, through the use of reason in affairs of state. Mindful of such purposes, Michigan State University is committed to graduating educated men and women with diverse backgrounds who are active learners, ready to assume the responsibilities of leadership wherever opportunities arise.

Michigan State University fulfills the fundamental purposes of all major institutions of higher education: to seek, to teach, and to preserve knowledge. As a land-grant institution, this university meets these objectives in all its formal and informal educational programs, in basic and applied research, and in public service. As an AAU institution, this university meets these commitments through its instructional and research programs. Through the excellence of its academic programs, the strength of its support services, and the range of its student activities, the university provides opportunities for the fullest possible development of the potential of each student and each citizen served, and enhances the quality of life and the economic viability of Michigan. Education of its citizens is the state's best investment in its future. Michigan State University has honored, and will continue to honor, this public trust.

The Constitution of the State of Michigan confers on the Board of Trustees the responsibility to develop a free and distinguished university and to promote the welfare of mankind through teaching, research and public service. The Board of Trustees exercises final authority and responsibility for University governance within the bounds fixed by the State Constitution.

In exercising its responsibility the Board delegates to the president, and through that person to the faculty, appropriate authority and jurisdiction over matters for which they are accountable to the Board. In other cases, for example, appointment, reappointment or promotion which involve the award of tenure, the Board does not delegate but instead looks to the faculty for recommendations. The specific powers delegated to the faculty are detailed in the Bylaws of the Board of Trustees.

The Board also has declared its intention to give due consideration to the opinions of students on matters directly related to their interest when they are expressed in a responsible manner.

It is important to specify the manner and process by which the faculty and students develop and communicate their views to the President and the Board. The Bylaws for Academic Governance are designed to provide an effective system for the participation of faculty and students in the development of policy on academic matters.¹

¹Bylaws for Academic Governance, Michigan State University, June 1993, Section 1.3.

II. ORGANIZATION

BOARD OF TRUSTEES

The Constitution of the State of Michigan provides that the Board of Trustees shall have general supervision and direction of the University. The eight members are elected from the state at large for a term of eight years, two being elected each even-numbered year. The president of the University is appointed by the Board and by constitutional provision is the presiding officer of the Board.

Generally, the Board meets monthly, except as otherwise provided by the Board. As provided by Michigan law, the Board establishes an annual calendar for its regular meetings; meetings are open to the public except for limited closed sessions. Items requiring Board action are due in the President's or Provost's office about three weeks before each Board meeting.

In addition to the president the following University officers are present at Board meetings: Provost, Vice President for Finance and Operations and Treasurer, Vice President for Research and Graduate Studies, Vice President for Student Affairs and Services, Vice President for University Development, Vice President for Governmental Affairs, General Counsel and Vice President for Legal Affairs, Vice President for University Relations, Vice President for University Projects, and Secretary of the Board. Five faculty members and four students selected by their respective constituencies also attend Board meetings.

ADMINISTRATIVE/ACADEMIC ORGANIZATION

The Organization of Michigan State University is updated annually and included in the *Faculty and Staff Directory*. (See the Foreword, for source of *Directory*.)

ACADEMIC GOVERNANCE

Preamble

The Constitution of the State of Michigan confers on the Board of Trustees the responsibility to develop a free and distinguished university and to promote the welfare of mankind through teaching, research and public service. The Board of Trustees exercises final authority and responsibility for University governance within the bounds fixed by the State Constitution.

In exercising its responsibility the Board delegates to the president, and through that person to the faculty, appropriate authority and jurisdiction over matters for which they are accountable to the Board. In other cases, for example, appointment, reappointment or promotion which involve the award of tenure, the Board does not delegate but instead looks to the faculty for recommendations. The specific powers delegated to the faculty are detailed in the *Bylaws of the Board of Trustees*.

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¹*Bylaws for Academic Governance*, Michigan State University, June 1993, Section 1.3.

The Faculty

The faculty of the University is defined in the *Bylaws of Academic Governance* as follows:

The "regular faculty" of Michigan State University shall consist of all persons appointed under the rules of tenure and holding the rank of professor, associate professor, assistant professor, or instructor, and persons appointed as librarians. In addition, the principal administrative officer of each major educational and research unit of the University shall be a member of the "regular faculty".

The "temporary faculty" of Michigan State University shall consist of all persons holding the rank of professor, associate professor, assistant professor, or instructor, but not appointed under the rules of tenure.¹

The faculty of the University is organized into units--most commonly departments but also schools, institutes, etc. Each department and unit is attached organizationally to at least one college; however, organizational attachment of units to two or more colleges is very common at MSU. The faculty of each college and unit has jurisdiction over its own internal academic affairs within University policy. Each college has an elective Advisory Council and each unit has an advisory committee. "Regular" faculty members holding appointments with the academic rank of professor, associate professor, assistant professor, or instructor constitute the voting faculty on internal matters in both the college and the department, and voting rights may be extended by unit bylaws to include temporary faculty, honorary faculty, specialists, lecturers, research associates, assistant instructors or adjunct faculty. Non-college faculty also participate in the governance system with a similar set of rights and responsibilities.

Student Participation in Academic Governance

The *Bylaws of the Faculty, 1968* provided for both undergraduate and graduate student participation in the Academic Council and certain faculty standing committees. In September, 1978, the Board of Trustees approved the *Bylaws for Academic Governance, 1978*, to replace the *Bylaws of the Faculty, 1968* and the *Bylaws for Academic Governance, 1975*. The 1978 Bylaws provided for student participation in academic governance and this involvement continues in the current Bylaws.

Each department, school, center, and institute that has academic responsibilities or whose work concerns either undergraduate or graduate students, and all colleges are charged to develop patterns for the significant involvement of its students in the decision making processes by which policy is formed. Each group is also required to define the extent of its student constituency. The students of such a constituency are responsible for selecting, according to patterns of their own choice, their representatives in the councils and committees to which they are party.

Academic Senate

The voting membership of the Academic Senate is composed of the regular faculty except for the president and the provost. Honorary faculty (visiting professors and emeriti professors) are members with voice but without vote. The Academic Senate acts on revisions to the *Bylaws for Academic Governance*, issues raised by the Academic Council, issues raised by the faculty, or other

¹*Bylaws for Academic Governance, Michigan State University, June 1993, Sections 1.1.1.1. and 1.1.1.2.*

significantly important educational issues the Senate itself wishes to consider. The Academic Senate also serves as a forum for dissemination of ideas and information between the faculty and the administration. The Academic Senate meets by call of the president or by call of the faculty members of the Steering Committee. The agenda for Senate meetings is prepared by the Steering Committee in consultation with the president and the provost.¹

Additionally, a convocation of University faculty is held each winter term on a date announced annually, to receive from the president a message on the state of the University.

Academic Council

The Academic Council is composed of the Faculty Council, the Appointed Council, designated members of the Associated Students of Michigan State University (ASMSU), designated members of the Council of Graduate Students (COGS), designated members of the Academic Council standing committees, the Steering Committee, the president, the provost, and designated ex-officio members. Ex-officio members are the Associate Provost, Vice President for Student Affairs and Services, the Vice President for Research and Graduate Studies, the Assistant Provost for Undergraduate Education and Academic Services, the Assistant Provost for Student Academic Support Services and Racial, Ethnic and Multicultural Issues, the Assistant Provost and Assistant Vice President for Academic Human Resources, the Vice Provost for Computing and Technology, the Assistant Provost for Graduate Education, the Vice Provost for University Outreach, the Vice Provost for Agriculture and Natural Resources, the Vice Provost for Human Health Programs, the Faculty Grievance Official, and the Ombudsman.

There are four sub-groups in the Academic Council. The Faculty Council is composed of the faculty representatives from the colleges, faculty representatives from the non-college faculty, the faculty members of the Steering Committee, faculty chairpersons of Academic Council standing committees, the president and the provost. The Appointed Council is composed of all deans of academic programs, the directors of the Honors College and Library, the director of the National Superconducting Cyclotron Laboratory, the president and the provost. The Associated Students of Michigan State University and the Council of Graduate Students are composed of student, faculty and administrative representatives according to their respective constitutions.¹

The functions of the Academic Council are to consider and act upon all matters brought before the group by the Steering Committee, the president, and the provost, and to provide a forum for the dissemination of information and exchange of views regarding University policy. Consultation upon matters related to the general welfare of the University is provided by the Academic Council. The president, or in the president's absence, the provost, presides at meetings of the Academic Council. The Secretary for Academic Governance is the secretary of the Academic Council. The Academic Council must meet at least once each month during the academic year and more often at the call of the president or Steering Committee. The agenda is prepared by the Steering Committee, in consultation with the president or the provost. Before each regularly scheduled meeting of the Academic Senate or the Academic Council, the Steering Committee holds a public meeting open to any member of the faculty or student body at which suggestions for agenda items are heard, thereby

¹The Secretary for Academic Governance is secretary to the Academic Senate, the Academic Council, the Faculty Council and the Academic Assembly of ASMSU. The Office of the Secretary provides staff support to the Academic Council and its committees, supervises elections to the Academic Council and its committees, and provides assistance to colleges and departments in the preparation and interpretation of unit bylaws for academic governance. The Office of the Secretary is located in Room 308 Olds Hall (355-2337).

providing the vehicle through which individual faculty members, students or faculty-student groups and other organizations may initiate action. The Steering Committee announces this meeting in the State News and the MSU News-Bulletin.

Most of the issues debated by the Academic Council are considered by its various standing committees: The University Committees on Academic Environment, Academic Governance, Academic Policy, Curriculum, Faculty Affairs, Faculty Tenure, Student Affairs and the University Graduate Council. For information about composition, procedures and functions of the various standing committees see Section 4 of the *Bylaws for Academic Governance*. Faculty and student members of the standing committees of the Academic Council are selected in accordance with the procedures specified in the *Bylaws for Academic Governance*.

Bylaws are an integral component of the governance system adopted in each academic unit. These documents describe faculty consultation and advisement in the units and normally describe reappointment, tenure and promotion procedures.

- Americans with Disabilities Act of 1990 prohibiting discrimination against individuals with disabilities.
- Michigan Handicappers' Civil Rights Act of 1976 prohibiting discriminatory practices, policies, and customs.
- Elliott-Larsen (Michigan) Civil Rights Act of 1976 prohibiting discriminatory practices, policies, and customs.
- Retirement Equity Act of 1984 providing greater pension equity for women and for all action in the employment of disabled and Vietnam-era veterans.
- Section 402 of the Vietnam Era Veterans Readjustment Act of 1974 requiring affirmative action in the employment of the handicapped.
- Sections 503 and 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of admission of students in health personnel training programs on the basis of gender.
- Titles VII and VIII of the Public Health Service Act prohibiting discrimination in the Equal Pay Act of 1963 (as amended) prohibiting discrimination in salaries on the basis of or gender.
- Age Discrimination in Employment Act of 1967 prohibiting discrimination in employment or activities receiving federal financial assistance.
- Age Discrimination Act of 1975 prohibiting discrimination on the basis of age in programs or gender.
- the provision of services and employment on the basis of race, color, religion, national origin, or gender.
- Titles VI and VII of the Civil Rights Act of 1964 (as amended) prohibiting discrimination in students and employees on the basis of gender.
- Title IX of the Higher Education Amendments of 1972 prohibiting discrimination against

The Board of Trustees has directed the establishment of the Anti-Discrimination Judicial Board (ADJB) to serve as its internal mechanism for the receipt, consideration, and resolution of complaints of alleged acts of discrimination as defined in the all-University policy entitled "MSU Anti-Discrimination Policy". Individuals who believe their rights have been infringed or that they have been discriminated against in violation of any applicable law or regulation may contact the Anti-Discrimination Judicial Board Office, telephone 353-3929, for information about the ADJB procedure.

III. UNIVERSITY POLICIES

EQUAL OPPORTUNITY AND NON-DISCRIMINATION

Michigan State University is committed to the principles of equal opportunity, non-discrimination and affirmative action. University programs, activities and facilities are available to all without regard to race, color, gender, religion, national origin, political persuasion, sexual orientation, marital status, handicap, height, weight, veteran status or age. The University is an Affirmative Action, Equal Opportunity Employer.

In carrying out this commitment, the University is guided by the policies adopted by the Board of Trustees and by applicable federal and state laws and regulations. Among these are:

- Executive Orders 11246 and 11375 prohibiting discrimination on the basis of race, color, religion, national origin or gender by institutions with federal contracts of over \$10,000.
- Title IX of the Higher Education Amendments of 1972 prohibiting discrimination against students and employees on the basis of gender.
- Titles VI and VII of the Civil Rights Act of 1964 (as amended) prohibiting discrimination in the provision of services and employment on the basis of race, color, religion, national origin or gender.
- Age Discrimination Act of 1975 prohibiting discrimination on the basis of age in programs or activities receiving federal financial assistance.
- Age Discrimination in Employment Act of 1967 prohibiting discrimination in employment on the basis of age.
- Equal Pay Act of 1963 (as amended) prohibiting discrimination in salaries on the basis of gender.
- Titles VII and VIII of the Public Health Service Act prohibiting discrimination in the admission of students in health personnel training programs on the basis of gender.
- Sections 503 and 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap in any program or activity receiving federal financial assistance and requiring affirmative action in the employment of the handicapped.
- Section 402 of the Vietnam Era Veterans Readjustment Act of 1974 requiring affirmative action in the employment of disabled and Vietnam-era veterans.
- Retirement Equity Act of 1984 providing greater pension equity for women and for all workers, their spouses and dependents.
- Elliott-Larson (Michigan) Civil Rights Act of 1976 prohibiting discriminatory practices, policies and customs.
- Michigan Handicappers' Civil Rights Act of 1976 prohibiting discriminatory practices, policies, and customs.
- Americans with Disabilities Act of 1990 prohibiting discrimination against individuals with disabilities.

The Board of Trustees has directed the establishment of the Anti-Discrimination Judicial Board (ADJB) to serve as its internal mechanism for the receipt, consideration, and resolution of complaints of alleged acts of discrimination as defined in the all-University policy entitled "MSU Anti-Discrimination Policy." Individuals who believe their rights have been abridged or that they have been discriminated against in violation of any applicable law or regulation may contact the Anti-Discrimination Judicial Board Office, telephone 353-3929, for information about the ADJB procedure.

The responsibility for overall coordination, monitoring and information dissemination about the University's program of equal opportunity, non-discrimination and affirmative action is assigned to the Office for Affirmative Action Compliance and Monitoring, telephone 353-3922.

MSU ANTI-DISCRIMINATION POLICY

The following policy was approved by the Board of Trustees on April 9, 1993.

Article I. Purpose

Michigan State University's scholarly community-building efforts occur within the context of general societal expectations, as embodied in the law. The University, consistent with its policies and governing law, promotes institutional diversity and pluralism through mechanisms such as affirmative action, within an over-arching strategy promoting equitable access to opportunity. The University's commitment to non-discrimination is the foundation for such efforts.

This policy states expectations for institutional and individual conduct. It applies to all University community members, including faculty, staff, students, registered student organizations, student governing bodies, and the University's administrative units, and to the University's contractors in the execution of their University contracts or engagements¹, with respect to the following:

1. All educational, employment, cultural, and social activities occurring on the University campus;
2. University-sponsored programs occurring off-campus, including but not limited to cooperative extension, intercollegiate athletics, lifelong education, and any regularly scheduled classes;
3. University housing; and
4. Programs and activities sponsored by student governing bodies, including their constituent groups, and by registered student organizations.

Article II. Prohibited Discrimination

Unlawful acts of discrimination or harassment are prohibited.

In addition, the University community holds itself to certain standards of conduct more stringent than those mandated by law. Thus, even if not illegal, acts are prohibited under this policy if they:

1. Discriminate against any University community member(s) through inappropriate limitation² of employment opportunity³, access to University residential facilities, or participation in educational, athletic, social, cultural, or other University activities on the basis of age, color, gender, handicapper status, height, marital status, national origin, political persuasion, race, religion, sexual orientation, veteran status, or weight⁴; or

¹This policy does not apply to the conduct of a contractor's internal affairs, nor does it apply to the conduct of contractual engagements to which the University is not a party.

²Limitations are inappropriate if they are not directly related to a legitimate University purpose.

³For purpose of this policy, "employment opportunity" is defined as job access and placement, retention, promotion, professional development, and salary.

⁴University ordinances, written regulations and policies, and published ADJB decisions approved by the President, provide guidance on the harassing acts prohibited by Section 2 and the discriminatory acts prohibited by Section 2.

2. Harass any University community member(s) on the basis of age, color, gender, handicapper status, height, marital status, national origin, political persuasion, race, religion, sexual orientation, veteran status, or weight.

These prohibitions are not intended to abridge University community members' rights of free expression or other civil rights.

Article III. Mediation and Adjudication

Mediation of claims and disputes, through consultation provided by offices serving the University, is encouraged¹.

Complaints under this policy may be submitted for non-disciplinary adjudication according to the provisions of the "Procedures of the Anti-Discrimination Judicial Board." Upon its review, the ADJB may recommend that appropriate disciplinary proceedings be initiated, if such has not already occurred. Disciplinary proceedings are governed by the documents listed in Appendix A.

Excepting the President and the General Counsel, any University community member may be named in a complaint.

¹Consultation with one or more of the following may be useful:

- the chairperson, director, or dean of the relevant unit,
- supervisory support personnel,
- the Women's Resource Center
- the Ombudsman,
- the Office of Minority Student Affairs,
- Student Life or Residence Halls Staff,
- Sexual Assault Crisis & Safety Education,
- faculty or staff academic advisors,
- the MSU Counseling Center, and
- the Faculty Grievance Official

APPENDIX A

The contracts, policy documents, and procedures listed below provide avenues for the consideration of disciplinary complaints or actions against the various members of the Michigan State University community.

Academic Freedom for Students at Michigan State University

**Bylaws of the Medical Staff, Colleges of Human and Osteopathic Medicine:
Michigan State University**

**MSU Extension Service Continuing Employment Policy and Dismissal
Hearing Procedure**

Dismissal of Tenured Faculty for Cause

Faculty Grievance Procedure

General Grievance Procedure for Non-Unionized Employees

Graduate Student Rights and Responsibilities

**Librarian Personnel Handbook of Policies, Procedures, and Practices:
Michigan State University**

Medical Student Rights and Responsibilities

Michigan State University collective bargaining agreements

Personnel Policies and Procedures Manual

"Minority" is defined by the Federal Inter-agency Committee on Education as one who is a member of one of the following groups: a. American Indian or Alaskan Native; b. Asian or Pacific Islander; c. Black (African-American); and d. Hispanic.

PROCEDURES OF THE ANTI-DISCRIMINATION JUDICIAL BOARD

The following procedure was approved by the Board of Trustees on April 9, 1993

Article I. Composition and Selection of the Anti-Discrimination Judicial Board

1. The Anti-Discrimination Judicial Board (ADJB) shall consist of at least fourteen individuals serving staggered terms, and shall include at least each of the following: two minority persons¹, five women, five men, and one handicapper. Membership shall comprise:
 - a. Three junior-status, undergraduate students selected by ASMSU. Each student shall serve for a term of two years.
 - b. One graduate student, to serve for a term of two years, selected by the Council of Graduate Students.
 - c. Four members selected by the University Committee on Academic Governance from the tenure system faculty and continuing appointment system specialists. Each such member shall serve for a term of three years.
 - d. Four individuals, to serve for terms of three years, selected by the Vice President for Finance and Operations from a slate comprised of two nominees from each recognized bargaining unit and two nominees from the non-unionized support employees.
 - e. Two individuals, to serve for terms of two years, appointed by the President.

All selectors shall strive to ensure membership diversity, being cognizant of the factors listed in Article II of the MSU Anti-Discrimination Policy. Additional Presidential appointments shall be made if necessary in any given year to ensure the minimum diversity of membership mandated above. When and if necessary, such appointees shall serve for two years.

No member of the ADJB shall serve more than two consecutive terms. All selecting groups and University officers are expected to give due consideration to the necessity for a diverse total membership.

2. Terms on the ADJB shall begin on August 15th. Thereafter, the ADJB shall select one of its members to serve as chairperson for the entire year. Vacancies during terms shall be filled in accord with these procedures. The chairperson shall appoint members of hearing panels, as provided herein.
3. The position of "ADJB Coordinator" shall be established, reporting to the President of Michigan State University. The ADJB Coordinator shall ensure the provision of appropriate staff support services for the ADJB and generally facilitate the efficient operation of the group. In addition, at all hearings and appeals, the ADJB Coordinator shall:
 - preside without vote to ensure consistency and equity in procedure;
 - provide the legal advice needed by the ADJB; and
 - draft majority and minority opinions for finalization and approval by the ADJB, at the request of the group's members.

Procedural rulings made by the ADJB Coordinator while presiding over hearings and appeals may be appealed in writing to the President, upon completion of the ADJB proceedings.

¹"Minority" is defined by the Federal Inter-agency Committee on Education as one who is a member of one of the following groups: a. American Indian or Alaskan Native; b. Asian or Pacific Islander; c. Black (African-American); and d. Hispanic.

Article II. Jurisdiction

1. The ADJB shall have jurisdiction only over those complaints filed by and pertaining to members of the University community which allege discrimination as defined in the all-University policy entitled "MSU Anti-Discrimination Policy".
2. A complaint filed with the ADJB must be filed within thirty (30) calendar days of the alleged discrimination. Either the ADJB Coordinator or the full ADJB by majority vote may waive the 30-day time limit for good cause shown. A complaint must simply, concisely and directly specify the time, place, and nature of the alleged discrimination, as well as the individual(s), group, or entity alleged to be responsible for the discrimination. The complaint must also contain a short and plain statement of the remedy sought.
3. The ADJB shall not proceed to consider any claim: (a) for which another procedure for final and binding adjudication is provided within the University by contract, unless both contracting parties agree to submit the matter to the ADJB or (b) which, based on the same set of facts, has been submitted for adjudication under the rules of another University procedure. However, when a complaint has been adjudicated under another University procedure, the ADJB may review such findings upon the written request of the complainant, to assure itself that any non-disciplinary matters relating to prohibited discrimination were satisfactorily addressed. If, in its judgment, such non-disciplinary matters were not adequately addressed, it may accept the complaint for further consideration on the basis of the non-disciplinary charges of discrimination only.
4. The ADJB shall have no jurisdiction respecting disciplinary charges against individuals, and no disciplinary sanctions shall be imposed through the procedures set forth herein. Alternative disciplinary channels exist for the consideration of such charges against any member of the University community. (See Appendix A.) On the basis of its non-disciplinary proceedings, the ADJB may recommend that separate, *de novo* disciplinary proceedings be initiated by relevant administrators for alleged violations of the "MSU Anti-Discrimination Policy" when such actions were known, or reasonably should have been known, to be prohibited by that policy.
5. The ADJB shall address all jurisdictional questions by a majority vote of the full Board. Immediate presidential review of jurisdictional decisions may be requested under Article IV by either party to a dispute.

Article III. Procedures

1. Initial Filing of a Complaint
 - a. When an individual files a complaint with the ADJB, the ADJB Coordinator shall refer the matter in writing to the chairperson of the ADJB, who shall appoint five voting members of a Hearing Panel to be convened and presided over by the ADJB Coordinator. The ADJB Coordinator shall provide a copy of the complaint to the party or parties against whom it is made.
 - b. A contested matter shall be heard without undue delay. The hearing and its record shall be closed unless both parties consent to an open hearing. The ADJB Coordinator shall give the parties reasonable notice of the hearing, which notice shall include:
 - i. A statement of the date, hour, place and nature of the hearing; (a hearing shall not be continued or adjourned except for good cause and in the discretion of the ADJB Coordinator);
 - ii. A copy of this policy and the general rules of conduct for hearings.

- c. The complainant is required to establish the basis for and produce evidence in support of the complaint. Complainants assume the burden of proof, which must be met by a preponderance of the evidence¹.
- d. After the complainant presents his/her case, the respondent shall present his/her case. Respondent may elect to forego answering a complaint.
- e. Parties may be accompanied by an advisor of their choice, who may provide private counsel to the party during a hearing but shall have no official voice in the proceeding. Advisors must be members of the faculty, staff, or student body of the University. Each party shall be responsible for the presentation of his/her own case. Each party shall have the opportunity to present witnesses, and to question witnesses presented by the other.
- f. The Hearing Panel shall render a decision in writing, without undue delay, and the ADJB Coordinator shall transmit copies of it promptly to the ADJB chairperson and the parties. The Panel's decision shall address all major questions raised. The recommended relief, if any, shall be tailored to remedy charges which have been substantiated. The decision shall state the name(s) of the prevailing party/ies and the party/ies against whom any complaints have been substantiated. The Panel shall carefully and clearly state its factual findings and the reasoning supporting its decision.

2. Appellate Procedures

- a. A party may appeal the decision of the Hearing Panel to the full ADJB by filing a written request with a short, written statement in support of the party's position on appeal with the ADJB Coordinator. The appeal shall be filed with 14 calendar days of receipt of the Panel's decision, and a copy shall be provided to the opposing party. The opposing party shall have 14 calendar days from receipt of the request in which to submit a written statement in support of its position on appeal.
- b. Appeals shall be based on the record established at the initial hearing and shall be limited to the following two issues:
 - (i) whether the evidence previously presented provides a reasonable basis for the resulting findings and recommended remedies (if any), and
 - (ii) whether specified procedural errors were so substantial as to effectively deny the appealing party fundamental fairness.
- c. The ADJB chairperson shall provide written notice to both parties of the scheduled hearing date.
- d. With the exception of the ADJB Coordinator, members of the initial Hearing Panel shall not participate in the appellate hearing or deliberations. An appellate quorum shall be necessary to hear any appeal and shall consist of a majority of those ADJB members who did not serve on the original Hearing Panel.

¹I.e., that which is more convincing, more credible, and of greater weight than contrary evidence.

- e. Parties may be accompanied by an advisor of their choice, who may provide private counsel to the party during an appeal but shall have no voice in the proceeding. Advisors must be members of the faculty, staff, or student body of the University. Each party shall be responsible for the presentation of his/her own appeal.
- f. The ADJB shall give each party the opportunity to present an oral argument, based on the record established at the initial hearing, in support of his/her position on appeal.
- g. The hearing shall be closed unless both parties consent to an open hearing.
- h. The ADJB's review on appeal shall be limited to the record established at the initial hearing, the Hearing Panel's decision, the written statements submitted by the parties, and the parties' oral arguments. Findings of fact by the Hearing Panel may not be overturned unless clearly erroneous.
- i. The ADJB shall render a decision without undue delay. The ADJB may affirm or reverse the Hearing Panel's decision in whole or in part and/or remand it to the original Hearing Panel for reconsideration. Recommended relief, if any, shall be tailored to remedy those charges which have been substantiated.

Article IV. Final Resolution

- 1. Decisions issued by the ADJB (including those of jurisdiction) and unappealed decisions of its Hearing Panels shall be forwarded to the President by the ADJB Coordinator in the form of a recommendation, without undue delay.
- 2. Within 30 calendar days, the President shall either concur with the decision and direct appropriate action to implement it, or for stated cause, shall overrule or modify the decision. When the President overrules or modifies a decision, he/she shall provide written reasons to the ADJB and to the parties.

Article V. The ADJB'S Advisory Function

The ADJB shall meet with the ADJB Coordinator regularly (at least once annually and no more than monthly at the discretion of the Board) to review and consider any policies or practices brought to its attention, which may have contributed to allegations of unlawful discrimination or harassment. The ADJB may meet with University administrators to obtain information regarding relevant policies and practices. Upon discussion and review, the ADJB may make such advisory operational recommendations to the President as it deems appropriate.

Article VI. Other Provisions

1. Time Limits

With the exception of the thirty-day filing deadline in Section II of Article II, all time limits set forth above shall be suspended during regularly scheduled vacations or semester breaks in the University's academic year. Summer semesters shall similarly be excluded from consideration when calculating time limits applicable to complaints brought by students not then enrolled.

2. Regular Reports

The ADJB Coordinator shall make annual reports to the President, who shall share them with the Board of Trustees and University community.

3. Assistance with Complaints

Individuals considering filing complaints with the ADJB may obtain advice and procedural assistance through the ADJB Coordinator and, as appropriate, the bodies listed in footnote #4 of Article III of the MSU Anti-Discrimination Policy.

HANDICAPPER AND VETERAN SELF-IDENTIFICATION

Each year, faculty and academic staff who have not identified their veteran and/or handicapper status are requested to complete a survey which requests this information. Participation in the survey is voluntary. In addition, every three years all faculty and academic staff are surveyed to allow each individual to update the information related to their veteran and/or handicapper status. Under state and federal laws, qualified individuals with a handicap have the right to request and receive reasonable accommodation.

The surveys are conducted by the Office of Academic Personnel Records. The data is used to evaluate MSU's efforts in providing equal access, promotional and equal employment opportunity to individuals in these groups.

POLICY ON SEXUAL HARASSMENT

The following policy was issued by the Office of the President on September 1, 1992.

Sexual harassment is reprehensible and will not be tolerated at Michigan State University. Such behavior subverts the mission of the University and threatens the careers, educational experience and well-being of students, faculty and staff.

The University prohibits sexually harassing behavior, including that made unlawful by Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 and the Elliott-Larsen Civil Rights Act. University policy and the law also prohibit retaliation against persons who report sexual harassment.

Confidentiality

To the extent permitted by law, the confidentiality of each party involved in a sexual harassment investigation, complaint or charge will be observed, provided it does not interfere with the University's ability to investigate the allegations or take corrective action.

Prohibited Acts

No member of the University community shall engage in sexual harassment. Persons who engage in sexual harassment are subject to disciplinary action, including dismissal for employees and/or suspension for students.

Sexual harassment is defined as unwelcome advances, requests for sexual favors or other behavior of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program or activity;
2. Submission to or rejection of such conduct is used as a basis for a decision affecting an individual's employment or participation in a course, program or activity; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or performance in a course, program or activity, or creating an intimidating, hostile or offensive environment in which one engages in employment, a course, a program or an activity.

Examples of Sexual Harassment

Sexual harassment encompasses any unwanted sexual attention. Examples of behavior encompassed by the above definition include, but are not limited to:

1. Physical assault;
2. Threats or insinuations which cause the victim to believe that sexual submission or rejection will affect his/her reputation, education, employment, advancement or any conditions which concern the victim's standing at the University;
3. Direct propositions of a sexual nature;
4. Subtle pressure for sexual activity, an element of which may be conduct such as unwelcome sexual leering;
5. Conduct (not legitimately related to the subject matter of the work, course, program or activity in which one is involved) intending to or having the effect of discomfoting and/or humiliating a reasonable person at whom the conduct is directed. This may include, but is not limited to, comments of a sexual nature or sexually explicit statements, questions, jokes or anecdotes, and unnecessary touching, patting, hugging or brushing against a person's body.

Depending upon the circumstances, any of the above types of conduct may be sexual harassment and subject to disciplinary action, even if that conduct only occurs once.

Seeking Assistance or Filing a Complaint

Students, faculty and staff who believe they are the victims of sexual harassment may seek information and assistance from the following areas:

- the chairperson, director or dean of the relevant unit
- supervisory support personnel
- the Women's Resource Center
- the Ombudsman
- Student Life or Residence Halls staff
- the MSU Counseling Center
- the Sexual Assault Crisis & Safety Education Program at the MSU Counseling Center
- faculty or staff academic advisors
- the Faculty Grievance Official
- the Anti-Discrimination Judicial Board Coordinator
- the Office of Student Employment

If the student, faculty member or staff member wishes to file a complaint, s/he may take the following action(s):

If the alleged harasser is a faculty or staff member, the affected individual(s) may make a written complaint to that employee's unit administrator. If the alleged harasser is the unit administrator, the affected individual(s) may make a written complaint to the unit administrator's superior or another unit administrator within the department. If the alleged harasser is a student, the affected individual may file a complaint with the Office of Judicial Programs.

A student, faculty or staff member also may elect to file a written complaint with the Anti-Discrimination Judicial Board, for non-disciplinary relief, or with another appropriate dispute resolution body. The filing of such a complaint does not prevent the University administration from taking independent disciplinary action.

Awareness

Members of the university community are responsible for knowing and understanding the University's policy prohibiting sexual harassment. Suggested information sources for faculty, staff and students follow: Students who do not understand the policy should contact the Office of the Vice President for Student Affairs. Faculty and staff who do not understand the policy should contact their unit administrators. Unit administrators who need assistance in understanding, interpreting or applying the policy should contact Human Resources or the Assistant Provost for Academic Human Resources, whichever is appropriate.

ACADEMIC FREEDOM

Michigan State University adheres to the principles of academic freedom with correlative responsibilities as stated by the American Association of University Professors, the Association of American Colleges and other organizations:

1. The teacher¹ is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
2. The teacher is entitled to freedom in the classroom in discussing his or her subject, but should be careful not to introduce into teaching controversial matter which has no relation to the subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.
3. The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When speaking or writing as a citizen, the teacher should be free from institutional censorship or discipline, but this special position in the community imposes special obligations. As a person of learning and an educational officer, the teacher should remember that the public may judge one's profession and institution by one's utterances. Hence, the teacher should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he or she is not an institutional spokesperson.²

¹The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

²"Academic Freedom and Tenure -- 1940 Statement of Principles and Interpretive Comments," AAUP Bulletin, Summer 1974, pp. 269-272.

ADVERTISING OR ENDORSEMENT OF COMMERCIAL PRODUCTS

The following policy was approved by the Board of Trustees on March 15, 1974 with the following resolution. **RESOLVED** that the "Policy Governing Advertising or Endorsement of Commercial Products" is approved effective March 15, 1974, with the understanding that this policy is not designed to prohibit the publication of research results on trade and proprietary products where these products may be identified only by their trade or proprietary name.

As a publicly supported institution of higher education engaged in scholarship, research and the dissemination of information, Michigan State University's objectivity must be zealously protected. All units and individuals acting in the name of the University have a responsibility and obligation to protect the integrity of the name of Michigan State University in all their official activities.

In keeping with this responsibility, it is the policy of Michigan State University that no official publication, statement or activity carried out in the name of the University, or that of any individual acting in an official University capacity, shall directly or by implication constitute endorsement of any commercial product, method or device.

Advertising of commercial products or services, or the use of the name of a commercial enterprise, may be permitted under conditions as herein stated in this policy:

Official University Activities

1. Acknowledgement by the University, at its discretion, of commercial donors who provide substantial resources which make possible structures, facilities or programs.
2. Acknowledgement of gifts and grants where such recognition is limited to information necessary to identify the donor and the activity supported.

Semi-Official University Activities

1. Programs, printed tickets or other media used in conjunction with sports and fine arts events sponsored by the University which may be attended by the public on a complimentary or fee basis, when the revenue from such advertising assists in supporting the events.
2. Conference programs whose cost is underwritten by a commercial donor, provided that acknowledgement of the donor's contribution is limited to a modest statement of identification.

Unofficial Activities

1. Publications for which students, employees or their organizations are responsible, but which are not issued in the name of, or are supported by, Michigan State University.

General Rules

1. It is expected that those responsible for any activity which meets the above criteria will exercise reasonable judgment and taste in the acceptance of advertising, and that products accepted for advertising shall not be recognized as health hazards.
2. The Office of the Secretary of the Board of Trustees shall be responsible for the conduct of the above policy, and requests for interpretations of, or exceptions from, the policy shall be referred to that office.
3. The above policy replaces the policy statement on "Endorsement of Commercial Products" approved by the Board of Trustees on May 25, 1956.
4. University Ordinance 30.00 relating to "Selling and Advertising," Article 6 of the Academic Freedom Report on "Student and University Publications" and University broadcast policies remain in effect.

BORROWING UNIVERSITY EQUIPMENT

University equipment is used only for University activities. Personal use or use for private gain is forbidden. University equipment must not be loaned to non-campus organizations except, under special circumstances, to departments of the state or federal government. University policy stipulates that equipment cannot be taken off-campus. Any exception to this policy can only be made with the approval of the department chairperson, director, or administrative head prior to written approval of the Secretary of the Board of Trustees. The department is responsible for loss of or damage to the item.

BUILDINGS

The closing time for most buildings other than residence halls is 10:00 p.m., Monday through Friday. There are exceptions for more frequently used buildings. Building hours are posted on the doors of most University buildings. University employees may work in their offices or laboratories beyond closing hours if they have authorized building keys and/or room keys to the areas occupied.

University facilities may not be used by outside groups unless sponsored by Lifelong Education or authorized by the Secretary of the Board of Trustees, telephone 353-4647.

CONFLICT OF INTEREST IN EMPLOYMENT

The following policy was approved by the Board of Trustees on December 8, 1995 as a replacement for the Employment of Relatives policy.

Standards for hiring, promotion, reappointment, evaluation, working conditions, responsibilities, salary and termination for all employees at Michigan State University are based on ability, qualifications for the position, and performance. Relationship (meaning connection between persons, hereinafter referred to as "relatives," by blood, marriage, adoption, domestic partnership, or other personal relationship in which objectivity might be impaired) to another individual employed by the University shall not constitute a bar to hiring, promotion or reappointment; provided, however, that no employee shall be under the direct supervision or control of a "relative." Employment of "relatives" in the same unit or department or under the same supervisor is authorized only with the prior written approval of the head of the unit or department and the Office of the Provost or the Office of Human Resource Services, as appropriate. In addition, "relatives" should not participate in roles which have the potential for influencing employment decisions, e.g., peer review.

General Principles:

1. To avoid possible conflicts of interest, any dean, director, chairperson/supervisor or participant in peer or administrative review procedures who is a "relative" of an employee or job applicant must not participate either formally or informally in decisions (including rendering advice on decisions) on personnel matters affecting the "relative," including, but not limited to, decisions to hire, retain, promote or determine the salary.
2. In cases where a chairperson/supervisor has primary responsibility for evaluation or for assignment of duties (e.g., a department chairperson's supervision of faculty in the department), no employee may supervise a "relative." An appropriate individual must be designated by a higher level of administrator (e.g., dean, director, provost, vice president, president) to perform the functions of chairperson/supervisor in decisions to hire, retain, promote, assign duties or set the salary of the individual "related" to the chairperson/supervisor.

3. Within the limitations set forth above, individuals "related" to other MSU employees have all general rights extended to employees in comparable positions. For example, a faculty member has the right to serve on a departmental peer review committee even though a "relative" will be considered by the committee; the faculty member, however, would not participate in the review of the "relative."
4. Supervision and evaluation procedures, even when altered, should ensure comparable treatment of employees.
5. In circumstances which have the potential for the conflicts of interest referenced in item #1, above, individuals have the responsibility for disclosing that a conflict of interest may exist to the department chairperson, school director, dean or other relevant administrator or supervisor; the specifics of the potential conflict do not have to be provided.

Decisions about individual cases should be made on the basis of these principles. In cases where the application of a principle is disputed, the administrator/supervisor at the next level may be asked to assist in resolution. The Office of the Provost/Office of the Vice President for Finance and Operations has final approval regarding application of the general principles to particular cases.

DRUGS AND ALCOHOL

The following policy was approved by the Board of Trustees on October 12, 1990.

Consistent with state and federal law, Michigan State University will maintain a workplace free from the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance.¹

The unlawful manufacture, distribution, dispensation, possession or use of controlled substances, illicit drugs and alcohol are prohibited on any property under the control of and governed by the Board of Trustees of Michigan State University, and at any site where work is performed by individuals on behalf of Michigan State University.

Pursuant to applicable University procedures governing employee discipline, any employee involved in the unlawful use, sale, manufacturing, dispensing or possession of controlled substances, illicit drugs and alcohol on University premises or work sites, or working under the influence of such substances, will be subject to disciplinary action up to and including dismissal and referral for prosecution.

The employee must notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) calendar days after such conviction. Failure to provide such notice will subject the employee to discipline up to and including dismissal pursuant to applicable University procedures governing employee discipline. The employee shall notify his/her immediate supervisor, who will report the incident to the Office of Human Resources, Academic Human Resources or Student Employment Office.

Michigan State University supports and sponsors programs aimed at the prevention of substance abuse by University employees. The Employee Assistance Program provides preventative programs

¹Five schedules of controlled substances are defined in the comprehensive Drug Abuse Prevention and Control Act of 1970, 21. U.S.C. 812.

and counseling for employees experiencing substance-dependency problems. Assistance is available on a voluntary basis. Leaves of absence to obtain treatment may be obtained under the medical leave provision of the appropriate labor contract or policy.

HOLIDAYS

The University observes six legal holidays by closing offices and dismissing classes. They are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas Day. In addition, the Friday following Thanksgiving Day, and as stipulated by the University based on the calendar, the working days preceding or following Christmas Day and New Year's Day are granted as holidays.

INDEMNIFICATION

The following policy was approved by the Board of Trustees on March 15, 1974 and revised on September 2, 1983.

Michigan State University will support its trustees, officers, faculty, and staff when acting in the performance of assigned duties on behalf of the University. This policy also applies to students while engaged in approved academic programs and volunteers who are performing services for the University with prior written approval of the appropriate University official. The University will defend, save harmless, and indemnify such persons against any suit or proceeding, wherever brought, premised upon the fact that he or she is or was a member of the Board or an officer, employee, student, or volunteer of the University. The indemnity extends to expenses including attorney fees, judgments, fines, and amounts paid in settlement, actually and reasonably incurred, and with respect to any criminal action or proceeding where such person had no reasonable cause to believe that his or her conduct was unlawful. As a condition of indemnification, the trustee, official, employee, student, or volunteer is required to cooperate fully on a continuous basis with the University Attorney and the Office of Insurance and Risk Management.

MOVING EXPENSES

Rules regarding moving expenses are covered in detail in the *Manual of Business Procedures*, available in deans and departmental offices. Reimbursement for actual moving expenses is not an entitlement; it is an option to be agreed upon between the unit administrator(s) and the prospective faculty/staff member. Eligibility is extended to faculty (at the rank of instructor and above), academic, professional and executive management staff who are either new or reassigned and are moving from outside a radius of fifty (50) miles to the MSU work location.

QUESTIONNAIRES

In order to insure consistency in the reporting of data to state and federal agencies and to other colleges and universities, it is requested that all questionnaires requiring data for the entire University be referred to the Office of Planning and Budgets (OPB). This office will consider whether the data are readily available and whether they should be released to the inquiring agent. Data requests or questionnaires relating primarily to a sub-unit of the University may be filled out by that sub-unit, but any items which require all-University data should be cleared with OPB. Although the office is not always in possession of the necessary data, referral to the appropriate office or person can be made, or in cases where justifiable, arrangements may be made to collect the data.

RISK MANAGEMENT AND QUALITY ASSURANCE

The following policy was approved by the Board of Trustees on July 27, 1979 and revised on December 3, 1982.

General

The University shall establish a risk management program which includes a systematic and continuous identification of loss exposures, the analysis of these exposures in terms of frequency and severity probabilities, the application of sound risk control procedures and the financing of risk consistent with University financial resources.

Each person, regardless of official or unofficial status, who assumes or is assigned responsibility for the work or activities of others is administratively responsible for their safety during such work or activities. Investigation of accidents involving employees or students during work, class, or sponsored activities is the responsibility of the person whose job it is to supervise the person injured.

Patient Care

The University shall minimize the conditions which may produce an actual or alleged deficiency in patient care, with the purpose of achieving high standards of patient care and lowest practicable loss levels. The President is empowered to establish rules, regulations and procedures necessary to implement an effective quality assurance and risk management program.

Supervision of the general and patient care risk management system will be the administrative responsibility of the Office of Insurance and Risk Management.

SMOKE-FREE POLICY

This policy was approved by the Board of Trustees on July 16, 1993.

The compelling scientific findings, as summarized by the United States Surgeon General (1986)¹ and the Environmental Protection Agency (1989², 1992³), indicate that the simple separation of buildings into "smoking" and "nonsmoking" sections does not eliminate the unequivocal health risks that result from Environmental Tobacco Smoke (ETS). In light of these findings, Michigan State University is committed to eliminating harmful exposures to environmental tobacco smoke unwanted by students, faculty, staff and visitors, and adopts the following SMOKE-FREE policy.

1. Smoking will not be permitted in any closed space, regardless of location, except specifically designated private residential space and hotel rooms. Smoking will not be permitted near exits and entrances of buildings, except at a reasonable distance or unless otherwise designated.

¹Health Consequences of Involuntary Smoking: A Report of the United States Surgeon General (December, 1986). DHHS (CDC) 87-8398.

²Indoor Air Facts, No. 5: Environmental Tobacco Smoke (June 1989). United States Environmental Protection Agency, Office of Air and Radiation (ANR-445).

³Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders (December 1992). United States Environmental Protection Agency, Office of Air and Radiation, EPA/600/6-90/0067.

2. Cigarettes and other tobacco products will not be sold on university grounds.
3. This smoke-free policy applies to all Michigan State University facilities and vehicles, owned or leased.

Smoking cessation programs provided by Healthy U and Olin Health Center are available to assist persons who wish to quit smoking. Questions, problems and complaints regarding this policy should be handled through existing departmental administrative channels and administrative procedures, including the Housing Options Committee. Persons found to have violated this policy will be subject to disciplinary action in the same manner and magnitude as violations of other University policies.

The success of this policy will depend on the thoughtfulness, consideration, and cooperation of smokers and nonsmokers. All employees share in the responsibility for adhering to and enforcing this policy.

SOLICITATION OF FUNDS

Canvassing, peddling, or soliciting are forbidden on the grounds and in the buildings of the University. Collections among faculty and other staff members are approved by the University only for the MSU Community Charitable/United Way Campaign and campaigns originating from the Office of the Vice President for University Development (Development Fund, Ralph Young Fund, etc.)

Members of the faculty/academic staff should refrain from taking orders for or selling any kind of tickets or merchandise, or soliciting funds for any purpose without written approval from the Office of the Secretary of the Board of Trustees.

UNIVERSITY TRAVEL

Rules regarding travel are covered in detail in the *Manual of Business Procedures*, available in deans and departmental offices. In broad terms, travel at University expense may be authorized for the promotion of teaching, scholarship, research and public service. Topics in the *Manual of Business Procedures* include domestic travel, local travel, foreign travel, travel advance, reimbursement chart, etc.

IV. ACADEMIC PERSONNEL POLICIES

APPOINTMENT BASIS

The following policy was approved by the Board of Trustees on February 17, 1944 and amended on July 26, 1991.

All academic personnel are appointed on either an academic year (AY) or annual year (AN) basis. An academic year appointment covers a full twelve month period with a nine-month assignment of duties and responsibilities, including related departmental meetings before registration in the fall and commencement and grade-reporting in the spring. The assignment period will normally be from August 16 through May 15 of the following calendar year. The two-week period preceding classes will be an orientation/planning time.

An annual appointment is for a full-year assignment of duties and responsibilities including periods of annual leave and paid holidays.

In either case, salary is paid on the last working day of each month.

ACADEMIC PERSONNEL SYSTEM APPOINTMENTS: BASIC EMPLOYMENT COMMITMENT ON AN ACADEMIC YEAR BASIS

The following policy applies exclusively to individuals appointed or changed to AN basis on or after January 1, 1982.

All appointments, including those on an annual year (AN) basis, in the tenure system, the academic specialist continuing appointment system, and the librarian continuous appointment system, at Michigan State University involve the University making a continuing basic employment commitment to academic year (AY) appointments only. This policy is to ensure that any individual employment commitment to an annual appointment (AN) basis is justified by current unit missions, programmatic needs, and the related responsibilities of individual faculty and academic staff members. If unit missions and programmatic needs change, the annual appointment basis may no longer be appropriate and, consequently, the individual would then change to academic year basis, which is the basic employment commitment for the academic personnel systems designated above.

Subject to prior agreement between the Provost and relevant dean(s) or separately reporting director(s), there may be exceptions to this policy for specific colleges, departments, other units, and individuals. These exceptions will be approved by the Provost prior to appointment via the regular procedure authorizing academic positions. Justification for such exceptions will be reviewed periodically based on the missions and programmatic requirements of colleges, departments, other units, and the specific responsibilities of individuals.

In some cases, because of unit requirements, a faculty or academic staff member may serve his/her entire career at Michigan State University on an annual appointment basis. In other cases, an individual may be shifted from an AY to AN or an AN to AY appointment basis recurrently in recognition of periodic changes in unit missions and programmatic requirements. Some units may staff year-round mission and programmatic responsibilities (either part-time or full-time) by appointing individuals to summer session teaching, research, and service appointments on a repetitive basis rather than appointing a faculty or academic staff member on an AN basis. The provision of these assignment options requires Office of the Provost approval and are to be subjected to periodic reviews.

Individuals who are recruited into administrative positions at Michigan State University, and who are appointed also in the tenure system, academic specialist continuing appointment system, librarian continuous appointment system, e.g., deans, chairpersons, directors and coordinators, will be appointed with a continuing employment commitment to an academic year appointment only. However, annual appointment basis may be provided in recognition of administrative responsibilities and, in addition, there may be an administrative salary increment related to the administrative role. When such administrative responsibilities cease, these faculty and academic staff members will revert to the basic academic year appointment basis unless an AN appointment is specified by unit missions and programmatic requirements (see paragraph two, above) and any administrative increment in salary will cease. (For more information relating to faculty members with administrative duties, see policy entitled "Salary, Appointment, and Faculty Status of Faculty Members Who Assume Administrative Responsibilities.")

Commitment to an AN appointment basis, if approved by the Provost, may be without a specific ending date, for a specified period, subject to renewal or on a "rolling" basis, e.g., initially for a 3- or 4- or 5-year period, with automatic annual renewal for additional 3- or 4- or 5-year periods unless notice is provided otherwise. Such commitments must be approved by the appropriate chairperson(s), director(s), and dean(s) and the Provost and must be communicated in writing to the faculty or academic staff member prior to initial appointment on an AN basis. In accordance with normal procedures, shifts from an AN to AY appointment will normally occur only on August 16.

In view of the fact that changes in unit missions, programmatic needs and individual responsibilities may, on occasion, result in shifts from an annual to an academic year appointment basis, all individuals appointed on an annual basis will be informed on the occasion of annual salary increases of the applicable salary for both an annual and academic year appointment basis. The AY salary is determined by deducting the administrative increment, if any, from the annual salary and computing an amount equal to 9/11 of the residual annual salary. Deans and separately reporting directors have the responsibility to ensure that unit administrators communicate this information to faculty and academic staff members. Such an arrangement will provide affected individuals a clear understanding of their salary status in the event of a shift from AN to AY appointments and/or a shift from an administrative assignment.

All letters of offer should indicate the University's basic employment commitment to appointments in the tenure system, academic specialist continuing appointment system, and librarian continuous appointment system is on an academic year basis only. If prior agreement is reached with the Provost and an annual appointment basis is appropriate, each individual should be informed (1) that his/her initial appointment basis is justified by specific unit missions and programmatic responsibilities and the faculty or academic staff member's related duties, and (2) that if unit mission and programmatic needs and the faculty or academic staff member's responsibilities change, then the annual appointment would change to an academic year basis which is the basic employment commitment to individuals appointed in the designated academic personnel system.

TEMPORARY APPOINTMENT

Visiting and temporary faculty members are appointed outside the tenure system on an academic year or annual basis with nine- or twelve-month duty assignments or for shorter periods. The Office of the Provost will endorse appointment recommendations to appoint individuals on a temporary basis (with ending date) with the rank of instructor, assistant professor, associate professor, and professor only in instances in which the primary recommending unit is an academic department (a department in a college or colleges) and/or a school and/or a college. (Faculty Status: Reserved for Appointments in Primary Academic Units of the University, effective January 11, 1980.) The titles

of specialist, research associate, librarian, lecturer, and assistant instructor may be used for temporary academic staff appointments of one year or less.

Individuals appointed with the title of postdoctoral fellow or research associate must have a doctoral degree (Ph.D., Ed.D., M.D., D.O., D.V.M.) or its equivalent. A copy of the individual's diploma or transcript or a letter indicating receipt of the degree from the Dean of the Graduate School or other appropriate University official must be submitted with the initial appointment as a postdoctoral fellow or research associate.

All temporary appointments have a specific termination date. The University has no obligation to provide reappointment or extension of a temporary appointment beyond the ending date. If reappointment is made, negotiation of the conditions of reappointment must originate with the basic administrative unit (department, school, institute, residential college, or other comparable academic unit.)

SUMMER SESSION

The following policy was approved by the Board of Trustees on July 26, 1991.

Faculty members appointed on an academic year basis may be assigned teaching, research or public service duties for the summer term in addition to fall and spring terms. Summer instructional appointments will normally be limited to the equivalent of one regular summer session. Faculty members may also elect to pursue additional teaching, research or service assignments up to a total maximum effort not to exceed 3/9 of the previous academic year appointment. Regular summer instructional appointments for a summer session, either Summer A or Summer B, will be compensated at the rate of 2/9 (22.2%) of the previous year's salary, with a maximum earning level of 3/9 of the previous academic year's salary. (No benefit premiums or base retirement contributions are made on this pay.) Faculty members appointed on an academic year basis may perform summer duties involving teaching, research and public service in exchange for one of the other semesters providing:

1. The summer teaching is done before the term off.
2. The teaching and academic advising program of the department is not disadvantaged.
3. A Memorandum of Understanding is completed and signed in advance by the faculty member, chairperson, dean, and Provost.
4. Requests to exchange summer term duties for an assignment during the regular academic year must be agreed reasonably in advance of the summer term in which exchange duties are to commence.
5. Exchange duties may involve teaching, research, and public service responsibilities.
6. Exchange duties may involve a period of one year or longer periods subject to a memorandum signed in advance by the faculty member, chairperson, dean, and Provost. Such agreements must have an ending date, but additional arrangements providing for exchange duties may be renegotiated subject to approval of the relevant parties.

Faculty members serving on the Academic Council or on standing committees of the Academic Council are expected to be available fall and spring terms unless specific alternative arrangements have been approved.

ADJUNCT AND CLINICAL APPOINTMENTS

The following statement was issued by the Office of the Provost in 1975 and was revised on July 1, 1996.

These are appointments of persons whose primary responsibility and income is outside the unit in which the appointment is made. Primary responsibility or source of income may be in another unit of the university or may be outside the university. The appointments are usually without salary and for a maximum period of three years. Reappointment is at the discretion of the administrative unit. Successive reappointments do not confer tenure or other continuing employment status.

Adjunct and clinical appointments may be made at any level from instructor to professor and also are applicable to other titles such as librarian, specialist, lecturer, etc. Persons holding such appointments are expected to have the educational background and/or experience required for the rank, and they must be interested in providing some degree of service to the unit even though they are not available for a regular appointment. Appointments are usually made on an "adjunct" basis unless the appointee holds a professional medical degree, in which case a "clinical" appointment is used.

The number of adjunct and/or clinical positions in each college will be recommended by the dean and established by the Provost. Permission to use the "clinical" title for individuals who do not hold a medical degree may be requested of the Provost by units if this title is more appropriate than the "adjunct" title in terms of the functions performed. The proposal to use the "clinical" titles rather than the "adjunct" titles must be made through regular administrative channels prior to any offers to individual appointees.

Certain benefits and activities are extended to individuals appointed as adjunct or clinical faculty members. Most of these privileges require an MSU Identification Card. Further information and assistance can be obtained from the appointing department.

1. Areas in which the adjunct or clinical appointment carries faculty status:

- Library privileges¹
- Privilege of attending departmental, college and university faculty meetings
- Use of intramural facilities and Forest Akers Golf Courses¹
- Purchase of athletic tickets at faculty rates¹
- MSU Identification Card
- Eligibility for travel accident coverage when authorized to travel on University business
- Eligibility for faculty membership in University Club
- Parking privileges (may purchase standard permit or, for limited use, may purchase guest permit)¹
- Professional liability insurance coverage while acting for the University in accordance with the requirements of University policy (see 5, below, applicable to clinical faculty in the Colleges of Human Medicine and Osteopathic Medicine.)
- These appointments are "covered" by Unemployment Compensation; because little or no remuneration is involved, it is very unlikely that adjunct or clinical appointees would become eligible for compensation benefits.

¹MSU Identification Card required.

2. Areas in which the adjunct or clinical appointment does **not** carry faculty status:
- Any insurance benefit or program offered by the University other than those listed under (1) above
 - Tenure
 - Voting in University elections
 - Election to University committees

3. Arrangements which are to be made on an individual basis at the unit level:

- Amount of time to be spent in the unit
- Service on unit committees
- Service on graduate committees
- Voting at the unit level
- Office space to be provided by the unit
- Laboratory facilities to be provided
- Secretarial help or graduate assistant help to be provided
- Authority to teach, do research, or advise students for the unit
- Authority to publish as a member of the unit
- Authority to propose, receive and implement research grants

4. Emeritus status for adjunct or clinical appointments

- Individuals who meet the following criteria may be recommended for emeritus status:
 - a. Be 62 years of age and have served as a clinical/adjunct faculty member for fifteen years, or
 - b. Have served as a clinical/adjunct faculty member for twenty-five years at any age

Based on an appropriate record of contribution as a clinical/adjunct faculty member, an individual may be recommended for emeritus status by the appropriate chairperson/director and dean to the Office of the Provost for final approval. The emeritus status is appended to the highest clinical/adjunct rank achieved by the faculty member, e.g., associate adjunct professor emeritus.

Emeritus clinical/adjunct faculty are not designated as official retirees of Michigan State University. Adjunct or clinical faculty appointments with an emeritus designation are limited to the following privileges:

- Library privileges
- Privilege of attending departmental, college, and University faculty meetings
- Use of intramural facilities and Forest Akers Golf Courses
- Purchase of athletic tickets at faculty rates
- Eligibility for faculty membership in University Club
- Parking privileges (may continue to purchase standard permit or guest permits)

5. Malpractice insurance coverage in teaching CHM and COM students¹

The general principle of such coverage is that the University will participate with the physician and his/her own attorney and malpractice insurance carrier in the defense of a legal suit and be

¹Memorandum distributed to clinical faculty in the Colleges of Human and Osteopathic Medicine from Deans W. Donald Weston and Myron S. Magen on October 31, 1983.

responsible for the payment of any award that should be made against the physician, if all the following conditions are met:

1. The lawsuit is premised upon the negligence of an MSU student, including MSU residents and fellows, and the liability of the physician is derived from the student's negligence, i.e., is vicarious or secondary;
2. The student's participation involved a level of delegated responsibility which could be reasonably expected of medical students at a similar level of training and experience at the time of his/her assignment;
3. The negligence occurred during the course of an MSU-sponsored educational program in which the physician and/or patient was participating.

Such coverage is extended to all physicians involved in teaching MSU students and trainees in an approved experience, not only those who are members of the on-campus clinical faculty.

The University is generally not responsible for such coverage for residents or fellows who are supported by individual hospitals or a hospital-medical school educational corporation, nor does coverage extend to instances where an MSU student, resident or fellow is "moonlighting." Professional liability coverage is provided by these organizations. As is the case with all such coverage, it is important that every incident involving an MSU student, resident, or fellow that may potentially develop into a malpractice suit be brought to the attention of the University as soon as possible and that the University be notified within 5 days after the physician is notified that a suit has been initiated. Notification should be sent to the Office of the Dean, in writing, including all details that are known at the time. It is essential that physicians cooperate fully with the University Office of Legal Affairs and Office of Risk Management.

The contribution that clinical faculty make to teaching programs is highly valued. MSU is committed to provide medical liability coverage for participation in such educational activities and will continue to assure such protection. The appropriate dean should be contacted for questions or additional information.

EMERITUS

The following policy was approved by the Board of Trustees on May 18, 1950 and revised on April 5, 1991.

Members of the faculty, academic staff and administrative staff who leave the University with official retirement status are granted certain privileges and the "emeritus" title. For faculty members with the rank of professor, associate professor or assistant professor, the "emeritus" designation is appended to the rank held at the time of retirement, e.g., professor emeritus. For academic staff the title would be librarian emeritus, etc. For administrators whose administrative appointment requires approval by the Board of Trustees and for all executive managers, the emeritus designation, upon approval by the Provost and the President, is appended only to the most senior administrative title held at Michigan State University, which may be held at or prior to the time of retirement, e.g., dean emeritus. The emeritus designation is not normally awarded for administrative titles held on an "acting" basis.

Faculty with the emeritus designation are entitled to attend Academic Senate meetings with voice but without vote; to march in academic processions such as commencement; to receive the MSU News-Bulletin; to avail themselves of the libraries; to receive, on application, a faculty vehicle permit; to represent the University, on appointment, at academic ceremonies of other institutions; and, in general, to take part in the social and ceremonial functions of the University.

FACULTY RIGHTS AND RESPONSIBILITIES

The following policy was approved by the Board of Trustees on July 27, 1984.

The Bylaws of the Michigan State University Board of Trustees state that "the Constitution (of the State of Michigan) confers upon the Board of Trustees the freedom, power, and responsibility to develop a free and distinguished university and to promote the welfare of mankind through teaching, research, and public service."^{1,2,3}

As the primary functions of an academic community, learning, teaching, scholarship, and public service must be characterized by a fundamental commitment to academic freedom and maintained through reasoned discourse, intellectual honesty, mutual respect and openness to constructive criticism and change. Faculty members, as central to this community, serve as scholars pursuing the search for knowledge and its free expression, as teachers instructing students, and as professionals and citizens contributing special knowledge and skills through public service and community participation. In the performance of all these functions faculty members are held accountable to the University, in accordance with established policies and procedures, by the Board of Trustees which, as an elected body, is responsible to the people of the State of Michigan.⁴

In order to carry out the mission of the University, faculty members, as members of both the academic and the broader public community, have the right to a clear statement of academic freedom, tenure, and other fundamental faculty rights and responsibilities. The purpose of this document is to acknowledge these fundamental rights and responsibilities.⁵

¹The terms, "faculty" or "faculty members," as used in this document, apply to individuals appointed in the tenure system with the rank of instructor through professor. (However, as applicable in the context of assigned duties and responsibilities, the provisions of this policy apply to all faculty and academic staff).

²*Bylaws of the Board of Trustees*, as amended January 24-25, 1980, *Preamble*, page 1.

³"The Board of Trustees, the administration, and the faculty carry out their respective responsibilities not as isolated entities, but as major and primary constituents of the total University organization and structure which remain mutually independent and must be supportive of each other's purposes, functions, and obligations. It is within this context that the rights and responsibilities of the faculty are to be construed" (*Bylaws of the Board of Trustees*, as amended January 24-25, 1980, Article 7, page 7.)

⁴"The Board of Trustees, elected by the voters of the State and responsible to all the people of Michigan, exercises the final authority in the government of the University, within the limits fixed by the State Constitution. In exercising its responsibility, the Board delegates to the President of the University and through the President to the faculty, appropriate authority and jurisdiction over matters for which they are held accountable by the Board. These matters include educational policy and the development of a strong and efficient organization with which to accomplish the objectives of the University." (*Bylaws of the Board of Trustees*, as amended January 24-25, 1980, *Preamble*, page 1.)

⁵Some faculty rights and responsibilities referred to in this document are stated elsewhere (see Appendix A).

Academic Freedom and Responsibility

Michigan State University endorses academic freedom and responsibility as essential to attainment of the University's goal of the unfettered search for knowledge and its free exposition. Academic freedom and responsibility are fundamental characteristics of the University environment and are always closely interwoven and at times indistinguishable. Academic freedom and responsibility are the twin guardians of the integrity and quality of universities. The University looks to its faculty members to exercise their rights responsibly and to meet their obligations fully as professionals. Faculty acceptance of their responsibilities to students, colleagues, the scholarly community, and the public explains in great part why society historically has accepted the concept of academic freedom and has afforded its protection through the institution of academic tenure.

For faculty members, the principal elements of academic freedom include:

1. The right, as teachers, to discuss in the classroom any material which has a significant relationship to the subject matter as defined in the approved course description;
2. The right to determine course content, grading, and classroom procedures in the courses they teach;
3. The right to conduct research and to engage in creative endeavors;
4. The right to publish or present research findings and creative works;
5. The right to engage in public service activities; and
6. The right to seek changes in institutional policy through established University procedures and by lawful and peaceful means.

Academic freedom carries with it responsibilities. For faculty members, the principal elements include:

1. The responsibility to carry out assigned teaching, research, and public service duties in a professional manner and in keeping with University policy;
2. The responsibility, as teachers, to refrain from introducing matters which are not consistent with their teaching duties and professional competence and which have no significant bearing on the subject matter of the course as approved under University procedures;
3. The responsibility to pursue excellence and intellectual honesty in teaching, research, and other creative endeavors and in public service activities; and in publishing or presenting research findings and creative works;
4. The responsibility to encourage students and colleagues to engage in free discussion and inquiry; and to evaluate student and colleague performance on a scholarly basis;
5. The responsibility to work in a collegial manner with appropriate individuals and bodies to encourage the free search for knowledge; its free exposition, and the University's continuing quest for excellence; and
6. The responsibility to differentiate carefully their official activities as faculty members from their personal activities as citizens and, when the situation warrants, to make it clear that, when speaking as private citizens, they do not speak for the University.

The above list provides a summary outline of the principal elements of academic freedom and responsibility. More detailed and explicit definitional statements applicable to specific faculty rights and responsibilities are set forth below under the following headings: Academic Tenure, Academic Governance, Teaching, Research and Creative Activity, Public Service, Relations with Colleagues, Relation to the University and the Community, and Resolution of Conflicts.

Academic Tenure

The faculty have a right to expect that the University's tenure system is characterized by high integrity and a responsibility to participate in the operation of the tenure system seriously and in good faith. All decisions involving tenure system recommendations shall be made in conformity to the University-approved policies and procedures that govern the tenure system.

Academic Governance

The faculty have a right and responsibility to participate in the establishment and functioning of a governance system at the department or school, college, and University levels in accordance with Michigan State University *Bylaws for Academic Governance* to ensure academic freedom and the promotion of the goals of the institution. The University looks to the faculty for recommendations on various academic personnel matters including faculty appointments, reappointments, promotions, the award of tenure, and salary increase guidelines; on the development of new academic programs and the modifications or discontinuance of existing programs, on academic curricula and standards; on definition of University mission and goals; on policies governing research and creative endeavors; on the formulation of annual budget requests and allocations; and on the selection and review of specified administrative officials, as well as other issues that concern the general welfare of the University, including student affairs and the academic environment.

Through the academic governance system, the University accords a central role to faculty peer review in the departments or schools, colleges, and the University. Faculty have a responsibility to participate in peer review procedures to ensure personnel recommendations which promote excellence. In accordance with established departmental or school, college, and University policies, faculty members have the right to be informed of the standards, criteria, procedures and other conditions which affect all aspects of their appointment in the tenure system, to be evaluated in a fair, objective manner, and to receive timely notice regarding their future appointment status at Michigan State University.

Teaching

Because the faculty's role in the educational process is primary and central, the faculty member, as teacher, has the responsibility to make every effort to be accurate, objective, and effective. In the classroom, the teacher shall address topics and present materials consistent with the teaching assignments as defined in the approved course objectives.

The teacher has the responsibility to encourage the pursuit of learning by students by manifesting the best academic standards of the discipline or profession. To accord students respect as individuals, the teacher shall seek to establish a relationship of mutual trust and to establish an appropriate role as an intellectual guide, counselor and mentor, both in and out of the classroom. If problems arise in the relationship between teacher and student, whether on personal matters or on instructional materials or methods, both teacher and student shall attempt to resolve them in informal, direct discussions as between well-intentioned, reasonable persons.

The teacher has the responsibility not to exploit students for private advantage; the teacher also should avoid any form of discrimination or harassment, with the understanding that racism, sexism, and other forms of bias preclude the establishment of an effective learning environment.

The teacher has the responsibility to foster and require honest academic conduct. The teacher has authority and responsibility for grades and shall assure that the evaluation and assessment of

academic performance reflect each student's true achievement by good faith application of criteria appropriate to the field of study and the course. The teacher shall further protect academic freedom for faculty and students by acknowledging the contributions of students to professional work of faculty members and by assuring that each student is free to voice opinions openly and to exchange ideas free from retaliation. Teachers have the responsibility to observe the University, college and department/school policies regarding such matters as the statement of course objectives, examination policy, office hours, course evaluations, and other provisions of *The Michigan State University Code of Teaching Responsibility*.

Research and Creative Activity

To fulfill the University's mission of advancing and disseminating knowledge for the improvement of the welfare of the public, faculty members have a responsibility to conduct research and engage in creative activity in their area(s) of appointment and professional competence. Recognition of professional competence and definition of area(s) of appointment occur in the basic academic units (departments, schools, non-departmentally organized colleges) through procedures in which established systems of peer review play a central role.

As scholars, faculty members have the right and responsibility to create, seek, and state knowledge freely and openly and to strive for scholarly excellence. The scholar has the right and responsibility to exercise critical self-discipline and judgment in generating, using, extending, and transmitting knowledge, to adhere to the highest standard of intellectual honesty, and to oversee and evaluate the research and creative efforts of students and subordinates. Faculty shall conduct all research and creative activity in a manner consistent with accepted scholarly standards and in conformity with legal, professional, and University codes, policies, and regulations governing research and creative endeavors.

Public Service

As the land-grant university of the State of Michigan, Michigan State University is committed to public service as an integral aspect of its mission; this entails a commitment to the creation, dissemination, and application of knowledge. Public service involves the application of the faculty member's professional training and competence to issues and problems of significance to constituencies and it is related to academic program objectives of the unit(s) in which the faculty member is appointed. Faculty members engaging in public service activities enjoy the same rights and have the same responsibilities which were previously stated as pertaining to them as teachers and scholars.

Faculty members, in accordance with University policy and regulations, can serve as valuable resources and provide valuable services by working with government, industry, public organizations, and others off-campus. Faculty members have the right to engage in a limited amount of outside work for pay in accordance with University policy and regulations.

Relation with Colleagues

As colleagues, faculty members have rights and responsibilities that derive from common membership in a community of scholars. Faculty have the responsibility to respect and right to defend the free inquiry of associates and, in the exchange of ideas and criticism, the responsibility to respect the views and rights of others. Faculty members shall acknowledge the contributions of colleagues to their own work. In the evaluation of the professional performance of a colleague, the faculty member shall provide an honest and objective appraisal in accordance with established

department/school, college, and University criteria. The faculty member shall foster collaboration with and support of colleagues. Acts of racism or sexism, including harassment and other forms of bias and discrimination, violate University policies, and are unacceptable.

Relation to the University and the Community

As members of Michigan State University, the faculty have a primary responsibility to strive for academic excellence in instruction, research, and public service. When the situation warrants, faculty members acting or speaking as citizens have a responsibility to make clear that these actions and utterances are entirely their own and not those of the University or any component of the University. Faculty members have the responsibility not to abuse their standing within the University for personal or private gain nor use University employees, facilities, equipment, supplies, or other property for personal or private business.

As a member of the wider community, the faculty member has the rights and obligations of any citizen. In exercising these rights, the faculty member speaks only as an individual, either as a professional scholar with a field of special competence or as a private citizen.

Faculty members should be mindful that membership in the academic community inevitably involves identification and association with the University and that the University often is judged by the actions, performance, attitudes and expressions of its faculty members. Faculty members normally do not face a conflict between the exercise of their rights as a citizen and their responsibilities as a faculty member. If citizenship activities interfere with faculty responsibilities, faculty members should request a leave of absence, resign from their appointment, or limit those activities to ensure a complete discharge of faculty responsibilities.

Resolution of Conflicts

The University is committed to respect the rights of the faculty. Faculty members who believe that their rights have been violated have the right to seek redress through the University's established procedures for the hearing and resolution of complaints. Faculty members have the obligation to meet their responsibilities as defined in this document and in those cited in Appendix A to help the University maintain academic excellence and realize its goals. Faculty members accused of failing to meet these responsibilities have a right to be informed of the accusations and accorded timely access to University procedures to determine whether or not the accusations are valid and any sanctions justified.

Amendment Procedures

Amendments to this document may be initiated by any individual member of the faculty and shall be submitted to the Office of the Provost and the University Committee on Faculty Affairs for consideration and action in accordance with Section 4.7.3 of the *Bylaws for Academic Governance*.

APPENDIX A

Michigan State University Policy Documents Generally Applicable to Faculty Rights and Responsibilities:

- Bylaws of the Board of Trustees
- Board of Trustees Policy Manual
- Bylaws for Academic Governance
- The University Catalog
 - Academic Programs
 - Description of Courses
 - Graduate Study
- Sponsored University Programs for Research and Education
- Academic Freedom for Students
- Bulletin (Schedule of Courses)
- Faculty Handbook
- Faculty and Staff Benefits
- Graduate Student Rights and Responsibilities
- Ordinances
- Student Handbook
- Traffic Regulations
- Travel Regulations
- Manual of Business Procedures
- Faculty Group Practice, Colleges of Human and Osteopathic Medicine
- Medical Student Rights and Responsibilities
- Bylaws of the College or Colleges
- Bylaws of the Department(s) or School(s)

Policy Documents Specifically Applicable to the Statement on Faculty Rights and Responsibilities:

- Abrogation of Faculty Responsibility (*Faculty Handbook*)
- Academic Advisement, Enrollment, Registration and Counseling (*Faculty Handbook*)
- Academic Freedom (*Faculty Handbook*)
- Academic Freedom for Students (especially Article 2)
- Academic Programs: Michigan State University*
- Anti-Discrimination: Policy and Procedures
- Appointment, Reappointment, Tenure, and Promotion Recommendations (*Faculty Handbook*)
- Bylaws for Academic Governance*
- Bylaws of The Board of Trustees* (especially the Preamble and Article 7)
- Code of Teaching Responsibility (*Faculty Handbook, Academic Programs*)
- Development of Instructional Materials (*Faculty Handbook*)
- Dismissal of Tenured Faculty for Cause (*Faculty Handbook*)
- Equal Opportunity and Non-Discrimination (*Faculty Handbook*)
- Faculty Grievance Procedure (*Faculty Handbook*)
- Faculty Group Practice, Michigan State University
- Final Examination Policy (*Schedule of Courses*)
- Freedom of Expression (Board of Trustees Policy Manual)
- Integrity of Scholarships and Grades (*Academic Programs, General Information, General Procedures and Regulations*)

Interim Guidelines for Potential Conflicts of Interest in Academic Areas of the University
Medical Service Plan for Colleges of Human Medicine and Osteopathic Medicine

(Faculty Handbook)

Mission Statement, Michigan State University

Non-Tenured Faculty in the Tenure System *(Faculty Handbook)*

Ordinance on Examinations *(Ordinance #18.00, Michigan State University)*

Outside Work for Pay *(Faculty Handbook)*

Overload Pay *(Faculty Handbook)*

Patents *(Faculty Handbook)*

On Preventing Conflicts of Interests in Government-Sponsored Research at Universities

(Faculty Handbook)

Protection of Human Subjects *(Faculty Handbook)*

Regulatory Guidelines for Research *(Faculty Handbook)*

Rights of Students to Receive Instruction *(Faculty Handbook)*

Sponsored Research and Creative Endeavor *(Faculty Handbook)*

Sponsored University Programs for Research and Education

Student Instructional Rating System *(Faculty Handbook)*

Student Records *(Academic Programs, General Information section)*

Tenure of Appointment at Michigan State University *(Faculty Handbook)*

Use of Animals in Research, Teaching and Service *(Faculty Handbook)*

HEALTH ASSESSMENT

Employment health assessments are only required where legally mandated, where work assignments will necessitate contact with potentially hazardous substances or will be physically intensive, or as otherwise determined necessary on an administrative basis. The assessment is conducted at the Michigan State University Health Center on campus.

IDENTIFICATION CARDS

All members of the faculty and academic staff are encouraged to obtain identification cards. Similar identification cards can be issued to spouses upon request. The identification cards are useful for campus privileges. It is inappropriate to alter, falsify or misuse an MSU I.D. card.

To obtain an ID card, the faculty/academic staff member and spouse should secure authorization cards from the faculty/academic staff member's administrative unit. These should be presented at the ID Card Office, 110 Administration Building.

JURY DUTY

The University recognizes the civic responsibility of faculty/academic staff members to serve jury duty and makes provision for them to perform such duty without loss of pay.

The University will compensate the faculty/academic staff member called to jury duty for the difference between the pay received from the court and the normal take-home pay. The faculty/academic staff member's benefits will continue. The faculty/academic staff member must notify his/her department chairperson/school director of the call to jury duty as soon as it is received and must provide proof of the jury duty pay to the payroll department. The faculty/academic staff member is expected to report for regular University duty when temporarily excused from attendance at court.

Full cooperation is expected between the faculty/academic staff member, unit administrator and department(s) involved to insure minimal disruption in the instructional and service responsibilities of the unit.

PAYROLL PROCEDURES

The following items must be furnished to the Payroll Division of the Office of the Controller before a new faculty/academic staff member can be put on the University payroll.

1. **SOCIAL SECURITY NUMBER.** Social security numbers must be verified by the Payroll Office, 350 Administration Building, prior to the first pay date.

Verification may be completed by presenting the social security card to the Payroll Office or by sending a photocopy to that office. Note: Foreign nationals are required to obtain and furnish Social Security numbers to be used for payroll identification numbers, even though some (those who present F or J visas) may be exempt from provisions of the Social Security Act.

2. **EMPLOYEE WITHHOLDING ALLOWANCE CERTIFICATE (FORM W-4).** The W-4 form authorizes the University to recognize the appropriate exemptions when calculating withholding taxes.

New faculty/academic staff members should at the same time complete the appropriate forms in the Benefits office to participate in such programs as employee-paid life, health care coverage, accidental death and dismemberment, and base and supplemental retirement benefits. All benefit programs are described briefly in the Faculty/Academic Staff Benefit and Retirement Programs section of this handbook. Additional information is available from the Benefits office, 140 Nisbet Building.

THE TENURE SYSTEM

The following policy was approved by the Board of Trustees on May 15, 1952 and amended on June 11, 1993.

The Board of Trustees in approving this statement of tenure policy does so in good faith with the intent to comply fully with it. It must, however, reserve the right to deviate from these terms if conditions beyond its control, such as abrupt declines in enrollment, drastic loss of income or conditions that result in the drastic curtailment or abandonment of programs or activities, make it necessary to do so.

Preamble: The purpose of tenure is to assure the University staff academic freedom and security and to protect the best interests of the University. Tenure shall not be considered to protect any person from the loss of his/her position as a result of misconduct which constitutes cause for dismissal as specified in the Dismissal of Tenured Faculty for Cause policy.

RECEIPT OF QUALIFYING DEGREE AS A CONDITION OF APPOINTMENT IN THE TENURE SYSTEM

The following statement was issued by the Office of the Provost with an effective date of September 1, 1980.

Attainment of the appropriate terminal qualifying degree (Ph.D. or other) will be required as a condition of appointment in the tenure system (ranked faculty, instructor through professor) at Michigan State University.

This policy is consistent with Michigan State University's ongoing quest to improve its status and quality as a major land-grant, AAU University.¹

As such, MSU is an institution which expects that its faculty make significant and ongoing contributions to scholarship in their respective disciplines. This policy on qualifying degrees advances MSU's attainment of its mission because the receipt of the appropriate terminal qualifying degree is a necessary prerequisite for faculty to make such scholarly achievements. Unit criteria for reappointment, promotion, and tenure must stress the importance of such scholarly achievements. Continuing involvement in scholarly work and research insures the continuing ability to provide highly competent instruction and service which are general requirements of MSU faculty.

The Ph.D. and several other terminal qualifying degrees (Ed.D.; D. Ed.; D.A.; D.B.A.; Doctor of Journalism; J.D.; M.D.; D.O.; M.S.W.; M.F.A.; D.S.W.; D.M.A.; and D.V.M.), as appropriate

¹In addition, this policy is supported by other considerations. Other quality institutions do not allow appointments in the tenure system without the appropriate terminal qualifying degree and there is no general shortage of faculty candidates with appropriate terminal qualifying degrees to be considered as prospective faculty at Michigan State University. Finally, the University Committee on Faculty Tenure annually receives and acts on a number of requests that tenure system probationary appointments be extended to permit the completion of the necessary terminal qualifying degree. The existence of such requests indicates that such individuals typically have spent the bulk of their probationary appointment period in completing the requirements for the Ph.D. and, therefore, have not been able to devote time towards scholarly contributions beyond the dissertation stage.

to specific academic units, are designated appropriate qualifying degrees applicable under this policy. The application of the policy will operate on this assumption unless colleges and separately reporting units identify other degrees that should be accorded "qualifying degree status." Justification will be required in support of each such recommendation, and an agreement that they should be recognized as "appropriate qualifying degree" must be reached with the Office of the Provost.

This policy will not affect the status of individuals currently appointed in the tenure system who have not as yet completed the appropriate qualifying degree. However, the continued expectation for such individuals is that the receipt of such a degree is a necessary but not sufficient condition for the awarding of tenure. The earliest possible completion of the degree is expected.

Individuals currently completing the requirements for the appropriate qualifying degree may be employed at Michigan State University on a temporary basis (appointment with an ending date) and, with a prior agreement with the Office of the Provost, may be shifted to a tenure system position after the qualifying degree has been completed. It is strongly recommended that such individuals be employed on a temporary basis no longer than two years.

Individuals to whom offers for tenure system appointments are made before the appropriate terminal qualifying degree is completed should be informed that a temporary appointment as an instructor will be required if the terminal qualifying degree is not received by a specified date prior to the effective date of appointment. On proof of receipt of the degree and with agreement of the Office of the Provost, the individual's status can be changed to that of an assistant professor in the tenure system.

For all appointments in the tenure system, proof of receipt of the terminal qualifying degree is to be provided by The Graduate School or other appropriate university office at the institution where the degree has been earned. Such documentation must accompany the appointment form when submitted to the Office of Planning and Budgets.

Exceptions to this policy can be made because of truly exceptional and unique qualifications, market considerations, for affirmative action, or other appropriate reasons, but only with the prior written approval of the Office of the Provost.

GRANTING TENURE

A faculty member with the rank of *professor* in the tenure system is granted tenure (appointment for an indefinite period without a terminal date) from the date of appointment at that rank.

An *associate professor* who has not served previously at Michigan State University usually is appointed in the tenure system for a probationary period of four years. In some cases, upon the recommendation of the unit administrator(s), dean(s), and with the prior approval of the Provost and President, the probationary period may vary in length from two to five years. If an *associate professor* is reappointed, tenure is granted. Individuals appointed at the rank of *associate professor* without tenure have the option of requesting reappointment at any point prior to the conclusion of the stipulated probationary appointment period. A negative decision on such a request shall not preclude consideration for reappointment at the time specified upon appointment.

In unusual cases, on recommendation of the unit administrator(s) and dean(s) and with the prior approval of the Provost and the President, a faculty member initially appointed at the rank of *associate professor* may be granted tenure from the date of appointment.

An *assistant professor* who has not served previously at Michigan State University is appointed initially in the tenure system for a probationary period of four years and may be reappointed for an additional probationary period of three years. If an *assistant professor* is appointed beyond the two probationary periods, tenure is granted. If at any time during these two probationary periods an *assistant professor* is promoted to the rank of *associate professor*, tenure is granted.

An *instructor* is appointed in the tenure system for one three-year probationary period. Appointments at the rank of *instructor* in the tenure system are exceptions to University policy and are provided only in special circumstances (see policy on Receipt of Terminal Qualifying Degree as a Condition of Appointment in the Tenure System, *Faculty Handbook*). If not promoted to the rank of *assistant professor* at the conclusion of the one three-year probationary period, the individual is ineligible for an additional reappointment unless a special extension is approved (see below).

If during the one three-year probationary appointment period as an *instructor*, promotion to the rank of *assistant professor* is approved, the appointment period as an *assistant professor* will be for:

1. three years after service as an *instructor* for one year;
2. two years after service as an *instructor* for two years; or
3. one year after service as an *instructor* for three years.

If reappointed at the *assistant professor* rank, the appointment will be on a probationary basis for three years. If an *assistant professor* is reappointed after this three-year period, tenure is granted.

Extensions in the probationary appointment periods for all faculty appointed in the tenure system require approval of the University Committee on Faculty Tenure, the Chairperson/Director, the Dean, and the Provost (or designee).¹ Extensions in probationary appointment periods are not interpretations of or deviations from the rules of tenure under section 4.8.5. of the *Bylaws for Academic Governance*.

Recommendations for tenure system faculty appointments, reappointments, extensions of probationary periods, promotion and tenure originate in the primary academic unit (department, school or non-departmentally organized college) and are reviewed successively by the Dean, the Provost and are approved by the President. Actions involving the award of tenure are approved by the President, who makes the final recommendation to the Board of Trustees for action. When tenure is granted, it is effective upon the first day of the month after the date of approval by the Board of Trustees.

Appointments to the ranks of professor, associate professor, assistant professor, and instructor normally are made under the provisions of the Michigan State University tenure system.

1. The terms and conditions of employment shall be provided in writing to the faculty member at the time of initial appointment. These terms should include:

¹Information on extensions of probationary appointments should originate in the primary academic unit; such information may also be obtained from the chairperson of the University Committee on Faculty Tenure, the department chairperson, the school director, the dean, or the Office of the Provost. See section on Implementation Practices.

- a. The time period covered by the appointment
 - b. Salary provision
 - c. The general expectations in regard to the professional responsibilities of the person being appointed.
 - d. Conditions other than the appointee's performance of his/her responsibilities that would make a further appointment inadvisable.
2. The chairperson of the unit recommending the appointment shall deliver in writing to the non-tenured faculty member at the time of appointment a copy of the bylaws of the unit which specifies that administrative unit's procedures for action on the status of non-tenured faculty. (See section on Non-Tenured Faculty in the Tenure System.)

OPERATING PRINCIPLES OF THE TENURE SYSTEM

1. Appointment periods for tenure purposes are calculated from August 16 of the calendar year in which the appointment is effective.
2. A faculty member granted a leave of absence will have the appointment period extended appropriately.
3. Faculty members serving abroad with one of Michigan State University's projects are treated for tenure action as if they were serving the University on campus except that:
 - a. A faculty member without tenure whose initial appointment to Michigan State University is to an overseas assignment of six months or more will have the appointment period under the tenure system extended by a period equal to the duration of the overseas assignment.
 - b. Any other faculty member without tenure who serves abroad on a Michigan State University project may have the appointment period under the tenure system extended similarly only with the concurrence in writing of the faculty member involved and the department chairperson, the dean, the provost, and the president. Such agreement must be reached prior to departure for the overseas assignment.
4. A faculty member who is not to be recommended for reappointment by the department chairperson and dean must be so notified in writing by the department chairperson by December 15 preceding the expiration of the appointment. Copies of the notification are to be sent to the dean and provost. Upon written request of the faculty member, the administrative unit making the decision shall transmit in writing the reasons for not recommending further appointment.
5. If a faculty member who was recommended by the department chairperson and dean is not reappointed, and/or if proper notification, as stated in 4., is not given, an extension of one year is automatic, and the faculty member shall consider this arrangement as official notification of separation from the University at the end of the one-year extension.
6. A faculty member may not be transferred out of the tenure system during or immediately after an appointment under the tenure system, except as approved by the University Committee on Faculty Tenure upon written petition of both the faculty member and the department. Subsequent appointment in the tenure system requires approval of the University Committee on Faculty Tenure.

7. Foreign nationals (those holding non-immigrant status) may be appointed within the tenure system; however, they are not to be given indefinite appointment with tenure unless they have acquired permanent resident status.
8. Questions about the interpretation of the tenure regulations, or about the solution of tenure problems arising from situations not specifically covered in these regulations, are referred to the University Committee on Faculty Tenure. The Committee after thorough study submits its recommendations to the president, the provost or other appropriate administrative officer or body. In every case, final decision rests with the Board of Trustees.

AMENDMENTS TO THE TENURE RULES

Amendments to these tenure rules shall require the approval of the faculty and the Board of Trustees.

IMPLEMENTATION PRACTICES

The following statement was endorsed by the University Committee on Faculty Tenure; it was issued by the Office of the Provost on June 1, 1990 and revised on April 24, 1996.

For leaves of absence without pay, it is the long-standing practice to automatically extend the probationary appointment by one year for leaves that are six to twelve months; the probationary appointment is not extended for leaves three months or less; extension of the probationary appointment is handled by mutual agreement for leaves between three and six months. Unpaid leaves may be granted up to a maximum of two years.

Upon request, a faculty member on an approved maternity leave is granted an automatic one-year extension of the probationary appointment. Automatic extensions of the probationary appointment are limited to two one-year extensions.

For the purpose of reviewing the cases brought before it, the University Committee on Faculty Tenure (UCFT) considers evidence bearing on the question of whether the circumstances in these cases justify exceptions to the standard procedures governing the tenure system. UCFT's role is not to revisit the substantive issues adjudicated at the departmental or unit level, but to determine whether, given the circumstances of each case, the proposed determinations are consistent with the general interest of preserving the integrity of the tenure system. A justification shall be provided explaining why the appropriate action, e.g., reappointment for a second probationary appointment period or reappointment/promotion which awards tenure, cannot be made at this time and an indication of what is expected to be achieved at the end of the requested extension. It is the responsibility of the unit submitting the extension request to address these issues.

Extension of the probationary appointment may be requested from the University Committee on Faculty Tenure through the normal process for leaves of absence or for reasons related to childbirth, adoption, care of an ill and/or disabled child, spouse, or parent or personal illness or to receive prestigious awards, fellowships, and/or special assignment opportunities.

Extension of the probationary appointment period may also be requested from the University Committee on Faculty Tenure through the normal process by faculty with temporarily reduced appointments for reasons related but not limited to childbirth, adoption, care of an ill or disabled child, spouse, or parent or personal illness, or to receive prestigious awards, fellowships and/or special assignment opportunities.

The procedure for requesting a one-year extension of the probationary tenure system appointment includes the following:

- A memorandum to the Assistant Provost and Assistant Vice President for Academic Human Resources providing information and a rationale for the request. The request for extension must be endorsed and signed by the faculty member, department chairperson/school director and dean.
- A memorandum from the department/school peer review committee which indicates that the request for an extension has been brought to their attention with an opportunity for advice to be rendered as appropriate. It is not necessary that the department/school peer review committee approve the extension request.
- Endorsement of the request by the Office of the Provost.
- Approval of the request by the University Committee on Faculty Tenure.

PRINCIPLES OF FACULTY REASSIGNMENT

This statement was approved by the University Committee on Faculty Tenure on April 27, 1994.

The intention of this document is to provide procedural guidance to the Provost if it becomes necessary to consider the dissolution or curtailment of a department, college or other academic unit in which tenured faculty members are primarily assigned. It is taken as a given that tenure at Michigan State University resides in the University and tenured faculty have "tenure in the university."

Principle One: Faculty rights under the tenure system shall be preserved in reassignments. These rights include the entitlement of faculty to engage in teaching, research, service and full participation in governance in accordance with the custom of the receiving unit. Reassignment would require appointment in an academic unit rather than a dean's office, institute or non-academic unit. However, reassignment to a dean's office, institute or non-academic unit may occur, generally, by mutual agreement and under conditions amicable to the reassignee. The reassignee shall have a level of professional responsibility similar to that borne by faculty members already in the receiving unit. Ordinarily there is a variation in duties across faculty within a unit, and reassigned faculty are expected to fall within the existing range. Rank, salary and benefits of the reassigned faculty shall be fully maintained.

Principle Two: The Provost must in all cases of reassignment negotiate in good faith with the faculty member and the potential receiving unit to seek arrangements which are amicable and beneficial to all. The Provost and the administrators of the outgoing department/school or college shall assist faculty members in identifying potential receiving department/schools or colleges in the University. Throughout the process of reassignment, faculty rights under the tenure system shall be preserved.

Principle Three: Every potential receiving unit shall evaluate each potentially reassigned faculty member for appointment according to the applicable procedures used for appointment recommendations set forth in University policies and procedures. The Provost shall review documentation that demonstrates that the receiving unit has implemented the principle of faculty participation through consultation, evaluation, and final recommendation.

Principle Four: In evaluating affected tenured faculty members for assignment to a receiving academic unit, both the Provost and the administrators of the former and potential receiving units shall make a good faith effort to negotiate the reassignment. Administrators in the potential receiving units shall urge their faculty to consider especially carefully the broader social good that derives from having tenure in the university in cases in which reassignment results from dissolution or curtailment of a department or school.

Principle Five: The Provost shall receive in writing any compromise in assignment, responsibilities or duties agreed to by the faculty member and receiving unit(s).

Principle Six: If the assignment to a unit by the Provost entails duties which compromise Principle One, above, the Provost must seek to assure that it is with the full, voluntary consent of the reassignee and the receiving unit. (For example it would be appropriate to reassign a tenured faculty member to a non-college unit if the assignee and the unit agree. A reassignee may also be reassigned into two or more units if both the reassignee and the units agree).

Principle Seven: Should previous attempts at good faith negotiations yield no resolution, the Provost may impose a 30 day deadline for mutual, voluntary agreement on a reassignment. If units and faculty members are unable, after the 30-day period, to achieve a resolution regarding appointments, assignments, salary, rank, responsibilities, or duties, the Provost shall impose a solution.

Principle Eight: While nothing shall preclude shifts between units based on voluntary agreement between all relevant parties, the Provost and the University have no special responsibility to reassign faculty who desire a unit change for reasons other than the dissolution or curtailment of their academic unit.

APPOINTMENT, REAPPOINTMENT, TENURE, AND PROMOTION RECOMMENDATIONS

The following statement is sent annually by the Office of the Provost to deans, directors, and chairpersons on the occasion of reappointment, promotion, and tenure decision recommendations. It is reviewed annually and advice is requested from the University Committee on Faculty Affairs and the University Committee on Faculty Tenure. Any changes will be sent to deans, directors, and chairpersons to incorporate into departmental and unit copies of the Faculty Handbook and for distribution to the faculty.

Michigan State University is a research-intensive, land-grant University of international scope. MSU is a member of the Association of American Universities (AAU), members of which are recognized worldwide for the quality and breadth of their scholarship and research and graduate-professional education programs. MSU is one of only 17 universities that are designated as both land-grant and AAU. The Guiding Principles, issued in 1994, provide a framework for a practical vision for MSU.

The University is dedicated to educating tomorrow's leaders and scholars through our undergraduate, graduate, graduate-professional and lifelong education programs. MSU, through its faculty, must create knowledge and find new and innovative ways to extend its applications to serve Michigan, the nation, and the international community. Faculty at this research-intensive land-grant university must infuse cutting edge scholarship into the full range of our teaching programs. At MSU, faculty are expected to be both active scholars and student focused, demonstrating substantial ability to promote learning through our on-campus and off-campus education and research programs. Within this context, scholarship is demonstrated in both our education and research programs. The essence of scholarship is the thoughtful discovery, transmission, and application of knowledge that is based in

the ideas and methods of recognized disciplines, professions, and interdisciplinary fields. What qualifies an activity as scholarship is that it be deeply informed by the most recent knowledge in the field, that the knowledge is skillfully interpreted and deployed, and that the activity is carried out with intelligent openness to new information, debate, and criticism.¹

MSU must improve continuously. To do so requires that academic personnel decisions must result in a progressively stronger faculty. This process begins with vigorous, effective recruitment and selection of new faculty, followed by systematic encouragement and facilitation of the professional growth of these faculty members, followed by the application of demanding standards and the use of rigorous evaluation procedures when reappointment, tenure, and promotion recommendations are made. Our policies, procedures, criteria, and decisions on recruitment, reappointment, award of tenure, promotions and salary changes must be guided by the goal of enhancing academic excellence at MSU. The reputation and prominence of MSU for many years to come will be determined in large measure by these decisions.

Initially a review of the mission and goals of the University, college, and unit and their related personnel needs, fiscal constraints and any other relevant factors must occur to determine if the applicable position(s) is (are) to be retained within the unit and the University. If it (they) will, then recommendations for appointment, reappointment, promotion and tenure are initiated following rigorous evaluation at the unit level, including peer review. Recommendations for promotion of individuals with tenure should also be initiated following rigorous evaluation at the unit level, including peer review. All involved in these deliberations must apply high standards of performance consistent with appropriate expectations of faculty at leading research-intensive land-grant universities, that is faculty must be both active scholars and student focused. Chairpersons and directors make the unit level recommendations. Unit level recommendations are subject to review and approval or disapproval at the college and University levels. Recommendations are to be based on explicit unit criteria and quality evaluations that are consistent with college and University policies and goals.

As provided in the 1978 *Bylaws for Academic Governance*, the faculty, operating in the advisory mode, is to provide advice to the chairperson/director as described in unit bylaws. Each department, school, and comparable unit is required to have procedures and criteria that are clearly formulated and relevant to the evaluation of the performance of faculty members (see Statement on Non-Tenured Faculty in the Tenure System, *Faculty Handbook*). The 1978 *Bylaws for Academic Governance* includes the following statement that is of fundamental importance.

...The chairperson or director has a special obligation to build a department or school strong in scholarship, teaching capacity, and public service. (2.1.2.1.)

The chairperson or director makes judgments taking into consideration peer evaluations, including their quality, and other supporting data and information. The chairperson or director is responsible as an individual for the recommendations made.

Unit criteria for appointment, reappointment, tenure, promotion, and salary changes must serve the objective of improving academic strength and quality, taking account of the mission and goals of the department, school, college, and University, including the Guiding Principles.

¹MSU Guiding Principles, February 1994; Outreach at MSU: Extending Knowledge to Serve Society, October 1993.

Assessment of faculty performance should recognize the importance of both teaching and research and their extension beyond the borders of the campus as part of the outreach dimension. Assessment should take into account the quality of outcomes as well as their quantity, and also acknowledge the creativity of faculty effort and its impact on students, others the University serves, and on the field(s) in which the faculty member works. In many cases, individual scholarly activities are the ways in which faculty demonstrate excellence. Collaborative scholarly efforts, cross-disciplinary activities and the integration of scholarship in the creation, application and dissemination of knowledge also should be recognized as relevant dimensions of faculty performance.

Deans review independently each recommendation for appointment, reappointment, promotion, and tenure and approve or disapprove them, taking into account unit, college, and University criteria and other factors such as quality, progress, resources, program needs, percent of tenured faculty in the unit, and any other relevant University policies and goals (see below).

The Office of the Provost will review each recommendation for reappointment, the awarding of tenure and promotion and in each case will focus primarily on the evidence of the effectiveness of the individual in the performance of academic duties. Within this context, faculty must demonstrate substantive and sustainable achievement in both teaching and research and the infusion of this scholarship in outreach programs.

In addition, as applicable, the following elements, which relate to individual performance or institutional contextual factors, all of which relate to quality, will be considered:

Those factors which relate most closely to individual performance include, but are not limited to:

- In each case, solid evidence of consistent and persistent professional improvement and effectiveness at MSU sufficient to serve as a basis for predicting continued professional achievement and growth for the remainder of the individual's academic career.
- Evidence of actual and/or potential external competition for employment in the Committee on Institutional Cooperation (CIC)¹ Universities or institutions of at least comparable quality.
- The history of salary increases awarded the individual relative to others in the unit.
- Evidence of having met the standards of the college and department/school for recommendation of appointment, reappointment, award of tenure, and promotion.

Those factors which relate most closely to institutional contextual factors include, but are not limited to:

- Standards of the college and department/school for recommendation of appointment, reappointment, award of tenure, and promotion.
- Progress of the unit toward achieving and maintaining diversity and recognition of diversity in the unit's definition of quality. The standards for progress are to be found in activities required by the University's Affirmative Action Plan, as referred to in the *Manual of Planning and Hiring Procedures for Academic Personnel*, by the statement on "Faculty Career Advancement and Professional Development: A Special Affirmative Action Responsibility" found in the *Faculty Handbook*, and by unit participation in diversity activities supported by departments/schools and colleges.

¹University of Chicago; University of Illinois; Indiana University; University of Iowa; University of Michigan; Michigan State University; University of Minnesota; Northwestern University; Ohio State University; Pennsylvania State University; Purdue University; University of Wisconsin-Madison.

- Fiscal constraints.
- The extent to which program commitments require the continuation of faculty (relevant primarily for decisions on reappointments and awards of tenure).
- The Guiding Principles and advancement of the shared University agenda, including scholarship across the mission.

Each dean or director is to assure that unit administrators in his or her college make clear, in a timely fashion, to the concerned faculty the procedures and criteria that will be used in making tenure system reappointment and promotion recommendations. Forms for "Recommendation for Reappointment, Promotion or Tenure Action" outline many of the activities that are relevant to decisions on promotion, tenure and reappointment. As stated above, "academic administrators have the special obligation to build academic units strong in scholarship, teaching capacity, and public service". To discharge this responsibility, academic administrators must apply rigorous standards in making reappointment, tenure, and promotion recommendations. The achievement and performance level required must be competitive with faculties of leading research-intensive, land-grant universities of international scope.

1. Reappointment with award of tenure: Each tenure recommendation should be based on a clear record of sustained, outstanding achievements in education and scholarship across the mission consistent with performance levels expected at leading research-intensive, land-grant Universities of international scope.
 - a. For the assistant professor who has established such a record, the tenure recommendation is effective upon reappointment after two cumulated probationary appointments in the tenure system.
 - b. For the faculty member appointed initially as associate professor on a probationary basis in the tenure system who has established such a record, the tenure recommendation is effective upon reappointment after one probationary appointment period.
2. A recommendation for promotion from assistant professor to associate professor in the tenure system should be based on several years of sustained, outstanding achievements in education and scholarship across the mission, consistent with performance levels expected at leading research-intensive, land-grant Universities of international scope.

A recommendation for promotion from associate professor to professor in the tenure system should be based on several years of sustained, outstanding achievements in education and scholarship across the mission, consistent with performance levels expected at leading research-intensive, land-grant Universities of international scope.

For promotion to the ranks of associate professor and professor, the reasons for a reasonably long period of time in rank prior to promotion are:

- a. To provide a firm basis in actual performance for predicting long-term, high quality professional achievement, and
- b. To provide a firm basis in actual performance under Michigan State University standards to permit endorsement of the individual as an expert of national stature.

Bearing in mind the University's continuing objective to improve its faculty, the unit and college must refrain from doubtful recommendations of reappointment, tenure, or promotion. The dean is to evaluate carefully each recommendation to ensure that it is well grounded and fully justified.

TENURE ACTION AND PROMOTION

Recommendations for actions under the tenure system and for promotions in rank are made in the department according to unit, college and university bylaws, policies and procedures. Recommendations which do not involve the award of tenure are reviewed successively by the dean, the provost and the president, who makes the final decision. Recommendations which involve the award of tenure are reviewed successively by the dean, the provost, and the president, who makes the final recommendation to the Board of Trustees for action. Since extensive information is needed to make an adequate evaluation of the performance of each faculty member to be recommended for reappointment, tenure, or promotion, a comprehensive form has been developed which provides space for reporting activities such as instruction--undergraduate, and graduate; academic advising; research--creative and scholarly; public service--extension and/or continuing education; international program assignments; committee and administrative services; and other evidence of merit. The expectations for each individual are dependent on the individual's particular assignment and the missions of the unit. Sample copies of the form are available in the Office of Academic Personnel Records, 312 Administration Building, telephone 355-1526.

COLLEGE-LEVEL REAPPOINTMENT, TENURE AND PROMOTION COMMITTEES

The following statement was issued by the Office of the Provost on November 8, 1982.

The colleges of Michigan State University may establish peer review committees to review department/school reappointment, promotion and tenure recommendations. Several of the colleges have established such college, in addition to department/school, peer review committees for the purpose of providing advice to the dean in these personnel matters. Approaches used by various colleges, including committee composition, are variable.

In the event that a college-level peer review committee is established in a particular college, the Dean of the college shall provide faculty members with information concerning the composition, role and functions of the college-level reappointment, promotion and tenure committee. At a minimum the following information must be provided: (a) the composition of the committee, including methods of selection and the names of specific individuals involved and their University roles, i.e., administrators or regular faculty; (b) the standards and criteria used by the committee in reviewing department/school recommendations; (c) the procedures used by the committee in rendering advice to the Dean, i.e., a ranking or rating procedure or a more qualitative assessment of unit recommendations; and (d) the information or materials made available to the committee to conduct the reviews. The Dean also is encouraged to provide information on any other matters deemed relevant relating to the role and function of the college-level review, reappointment, promotion and tenure committee.

GUIDELINES FOR ACADEMIC UNIT PEER REVIEW COMMITTEE COMPOSITION AND EXTERNAL EVALUATIONS

The following statement was issued by the Office of the Provost on December 2, 1987 and revised on May 5, 1993.

University Policy

Each academic unit (department, school, non-departmentally organized college) is charged to establish procedures so that its faculty can provide advice to the academic administrator regarding recommendations for various academic personnel actions, e.g., merit salary increases, appointments, reappointments, promotion, and tenure. Advisory procedures in matters of appointment, reappointment and promotion and tenure must involve peer review usually reflected in the work of faculty committees which may vary in size and composition, although in some cases faculty advice is sought individually. For merit salary increases, peer review advice also is required, but procedures may range from faculty advice to the chairperson or director on standards and criteria to specific commentary on individual faculty by an elected peer review committee. In all cases the academic unit administrator at a minimum is required to obtain the advice of the unit faculty on merit salary standards, criteria and procedures. For example, Section 2.1.2.1., of the Michigan State University *Bylaws for Academic Governance*, states that a department chairperson or school director "is responsible for the educational, research, and service programs, budgetary matters, physical facilities, and personnel matters in his or her jurisdiction, taking into account the advisory procedures of the unit."

The policy statement on non-tenured faculty in the tenure system also states that the bylaws of each basic administrative unit: "shall provide for a designated group to make recommendations with respect to reappointment, tenure, or promotion" (Michigan State University *Faculty Handbook*).

Guidelines for Peer Review Committee Composition

These guidelines have been developed in consultation with and the concurrence of the Council of Deans, the University Committee on Faculty Affairs, and the University Committee on Faculty Tenure (for the latter on tenure matters only).

The members of the Council of Deans agree to seek implementation of the guidelines set forth below within the specific bylaws or other procedures established for the applicable peer review process in academic units within their area of responsibility:

1. Eligibility for membership on academic unit peer review committees should be limited to individuals appointed in the tenure system at Michigan State University and/or at peer higher educational institutions.
2. Eligibility for membership in academic unit peer review committees, to the fullest extent possible and particularly for personnel actions involving the award of tenure, should be limited to individuals holding tenured faculty appointments at Michigan State University and/or at peer higher education institutions.
3. Women and minority faculty members should participate in academic unit peer review committee processes for all academic personnel actions referenced above. Specific procedures for involvement should be developed as consistent with University procedures, college/academic unit bylaws and practice and may include, but are not limited to, the following possible arrangements:

- a. Regular peer review committee membership.
- b. Service as a consultant to the peer review committee (with or without vote).
- c. Participation in the pool of individuals from both within and outside Michigan State University identified by the academic unit, in accordance with regular procedures, to evaluate the candidate's record.
- d. Service as a member of or a consultant to (with or without vote) a college-level peer review committee (if such a body exists).
- e. Participation in the pool of individuals from both within and outside of Michigan State University identified by the college-level peer review committee and/or dean to evaluate the candidate's record.

External Evaluations: A Recommendation

It is noted that many departments, schools and colleges at Michigan State University have academic personnel action (normally promotion and tenure) recommendation procedures which include an evaluation role (external assessment letters) for tenure system faculty appointed in other academic units in the applicable college and/or Michigan State University or who may hold faculty or other applicable appointments in other universities or institutions. It is not intended to stipulate that such external evaluation procedures must be incorporated in all academic unit peer review procedures but, rather, to encourage academic units to consider a possible adoption of these procedures to ensure that individuals recommended have an achievement and performance level which is comparable with faculties of peer institutions.

CONFIDENTIALITY OF LETTERS OF REFERENCE FOR REAPPOINTMENT, PROMOTION AND TENURE RECOMMENDATIONS

The following statement was issued by the Office of the Provost on December 2, 1991.

University policy on confidentiality of letters of reference is that all letters soliciting evaluation relative to reappointment, promotion, and tenure recommendations must include the unit's statement on confidentiality. Any deviation from the following statement must be less restrictive and must be reviewed by the Provost's Office.

"Your letter of evaluation, as part of an official review file, will be held in confidence and will not be disclosed to the faculty member under consideration or to the public except as required by law or University policy. In all such instances, the information made available will be provided in a form that seeks to protect the identity, privacy, and confidentiality of evaluators."

In instances in which individual colleges, departments and schools wish to deviate from the referenced policy, the expectation of the Office of the Provost is that such policy deviations, which can only be less restrictive, would be developed in consultation with duly constituted faculty advisory groups as required by Section 2 of the Bylaws for Academic Governance. In addition, it is expected that such college, department, or school policies will be available to be reviewed by the Office of the Provost in advance of their distribution, both within the academic unit or to external reviewers. In this way there will be an opportunity to ensure the conformance of the unit's policy with this University policy and the law.

NON-TENURED FACULTY IN THE TENURE SYSTEM

The following policy was approved by the Board of Trustees on April 17, 1970.

Recommendations for actions affecting the appointment, reappointment or promotion of faculty members under the tenure system must be in accord with the provisions of the tenure system.

At the level of the basic administrative unit, judgments on non-tenured faculty with respect to professional competence (including teaching ability), academic potential, and the needs of the department are made by the responsible administrator after consultation with the tenured faculty and/or other duly constituted group specified in the bylaws of that basic administrative unit. Recommendations for reappointment or promotion which do not involve the award of tenure are reviewed and must be approved successively by the dean, the provost and the president, who makes the final decision. Recommendations for reappointment or promotion which involve the award of tenure are reviewed and must be approved successively by the dean, the provost, and the president, who makes the final recommendation to the Board of Trustees for action.

Each basic administrative unit shall base its judgments on criteria and procedures that are clearly formulated, objective and relevant. These criteria and procedures shall be known to all members of the basic administrative unit. If appropriate, the responsible administrator may supplement information required for these judgments by consulting with representative non-tenured faculty, students and/or qualified individuals outside the basic administrative unit. Review procedures shall be described in its bylaws and shall include a means by which the faculty member is evaluated and informed annually of his/her progress. These bylaws shall provide for a designated group to make recommendations with respect to reappointment, tenure, or promotion. Procedures shall also exist by which the faculty member may confer with this sub-group before a decision is made in his/her case.

Decision not to reappoint a non-tenured faculty member does not necessarily imply that the faculty member has failed to meet the standards of the University with respect to academic competence and/or professional integrity. This decision may be contingent, wholly or in part, upon the availability of salary funds and/or departmental needs. The decision not to reappoint a non-tenured faculty member does not require action by the Board of Trustees. In the case of a non-tenured faculty member within the tenure system, notification is required as set forth in the section entitled Operating Principles of the Tenure System, above. Such decision is made at the level of the basic administrative unit. Upon written request of the faculty member, the administrator of the basic administrative unit making the decision shall transmit in writing the reasons for the decision.

If a non-tenured faculty member believes that the decision not to reappoint has been made in a manner which is at variance with the established evaluation procedures, he/she may, following efforts to reconcile the differences at the level of the basic administrative unit and the Dean of his/her college, initiate an appeal in accordance with the Faculty Grievance Procedure.

When reason arises to consider dismissal of a non-tenured faculty member before the expiration of his/her term of appointment, the procedures to be followed shall be identical with those established for the dismissal of a tenured faculty member.

FACULTY CAREER ADVANCEMENT AND PROFESSIONAL DEVELOPMENT: A SPECIAL AFFIRMATIVE ACTION RESPONSIBILITY

The following statement was issued by the Office of the Provost on October 5, 1982 and revised on August 1, 1996.

University policy requires that each non-tenured faculty member in the tenure system be "evaluated and informed annually of his/her progress" (see statement on Non-Tenured Faculty in the Tenure System, *Faculty Handbook*). Such annual reviews are to provide opportunities for two-way communication regarding academic unit performance expectations and, if necessary, to provide suggestions and reasonable assistance for improving performance. Faculty career advancement and professional development are to be encouraged.

Under the University's affirmative action policy, unit academic administrators have a special responsibility to encourage the career advancement and professional development of all women and racial minority faculty members appointed in the tenure system, especially non-tenured faculty. A supportive environment should be created in each academic unit to maximize the opportunity for success of these individuals in meeting both their career goals and the unit's performance standards for merit salary increases, reappointment, promotion and tenure. An important aspect of this environment is regular and supportive interaction with colleagues in the unit and in related fields in other units. Efforts of women and racial minority faculty members to overcome barriers related to gender and/or race can divert attention from the achievement of basic career goals and diminish the quality of professional experience.

Council of Deans' memo #D/93/81-82, dated May 19, 1982, lists several equal opportunity/affirmative action topics to be addressed in the annual evaluation of chairpersons and directors. Included in this list is the requirement that department and school administrators give special attention to and encourage the professional development of their units' women/racial minority faculty members. Special attention is drawn to the importance of the role of annual performance reviews and/or special meetings with women and racial minority faculty to evaluate progress, to encourage professional development, and to ensure two-way communication. Among other things, performance reviews and/or special meetings are:

1. To encourage opportunities as appropriate for membership in informal and formal research groups, teaching, research, and service program activities, assignment of graduate students and research assistants, committee assignments, and other critical activities in the unit.
2. To discuss professional objectives and their relationship to the individual's distribution of effort among assigned duties.
3. To discuss any issues and concerns that may be perceived as barriers to effective performance and full participation in the unit

Deans should ensure that unit administrators conduct annual performance reviews of each non-tenured faculty member appointed in the tenure system and that, among the topics addressed, those stated above, as appropriate, are included in these reviews. If college or unit practice is to require written annual evaluations, the dean should receive a copy of the evaluation sent to each faculty member. The dean should conduct in-depth reviews with each chairperson or director of the annual performance evaluations of each non-tenured faculty member appointed in the tenure system to identify issues and to implement appropriate steps to assist the faculty member in achieving success in the unit.

In addition to the chairpersons and directors, deans also are encouraged to schedule individual meetings at least annually with all racial minority and women--if underrepresented--tenure system faculty members appointed in their colleges. Issues identified in these meetings should be discussed with the applicable chairperson/director so that each individual can have full opportunity to develop professionally and make progress toward meeting unit standards.

Documentation of the occurrence of annual performance reviews of non-tenured faculty in the tenure system by unit administrators must be submitted by each dean to the Office of the Provost along with the reappointment, promotion and tenure recommendation list. The details of each performance review will be discussed in the meetings with each dean by the Assistant Provost/Assistant Vice President for Academic Human Resources and the Assistant Vice President for Research Services.

FACULTY STATUS: RESERVED FOR APPOINTMENTS IN PRIMARY ACADEMIC UNITS OF THE UNIVERSITY

This policy was issued by the Office of the Provost with an effective date of January 11, 1980.

The academic quality of MSU and the integrity of the tenure system are determined fundamentally by decisions for appointment to faculty ranks. These objectives are served best by limiting appointments to faculty status to the primary academic units of the University, i.e., academic departments, schools and colleges.

The Office of the Provost will endorse appointment recommendations to appoint individuals on a temporary basis (with ending date) with the rank of instructor, assistant professor, associate professor, and professor only in instances in which the primary recommending unit is an academic department (a department in a college or colleges) and/or a school and/or a college. All appointments in the tenure system, except those subject to the stipulations indicated below, must be recommended by an academic department, or a school in a college, or a residential or other non-departmentally organized college as the primary academic unit, or by such units jointly.

Tenure System Appointments: Primary Academic Units and Other Types Of Units

When a primary academic unit, i.e., a department, school, and/or residential or other non-departmentally organized college, joins with any other type of unit in the University to recommend appointment of an individual in the tenure system, the primary academic unit commits to accept the individual as a regular faculty member. The academic unit should make this commitment only after direct involvement in the recruitment of the individual and specification of the unit's role in evaluations for salary increases, reappointment, tenure, promotion, and leave recommendations. In all cases, except as designated below, responsibility and final decision for salary increases, promotion, reappointment, tenure and leave eligibility rests with the designated primary academic unit.¹ This commitment means that the individual will serve as a regular faculty member in the academic unit if there is a determination at any future date by the Provost after consultation with the appropriate vice president, as applicable, that the best interests of the University

¹Such understandings, together with the other required information, should be included in or attached to Michigan State University's Multiple Appointment Memorandum. In instances where the other type of unit provides more than 50 percent salary support, any one of these personnel actions may be designated as the responsibility of this unit. However, such arrangements (a) require the concurrence of the academic unit, (b) should be specified in the Multiple Appointment Memorandum, (c) may be changed at the initiative of the academic unit after consultation with the faculty member, and (d) do not affect the individual's status as a regular faculty member in the academic unit.

will be served by discontinuation of the assignment of the individual in the non-academic unit(s). A faculty member may also initiate a request to return to the academic unit. Notice of one year to the Provost from the faculty member will usually be sufficient time to reassign the individual to the sponsoring primary academic unit, i.e., department, school, or residential or other non-departmentally organized college.

The reassignment of an individual to a department, school, or residential or other non-departmentally organized college will not constitute an addition to the authorized FTE count except as may be necessary during a transition period. Transition periods will be extended only as necessary by the Provost's assessment of the resources available. As soon as the Provost determines that resources are available, the individual will be included in the academic unit's regular FTE count. Thus, before this type of commitment is made, overall department, school, or college priorities must be considered carefully, including both short-term and long-term plans. The number of such commitments should be limited.

Any individual with a multiple appointment of this type holds status in the tenure system as a member of the primary academic unit, i.e., department, school, or residential or other non-departmentally organized college; and the academic unit is obligated to honor this status fully if and when called upon to do so by the Provost or the faculty member. Consequently, departments, schools, and colleges must be centrally involved in the ways specified above in recommendations on appointment, salary increases, reappointment, tenure, promotion and leaves.

Tenure System Appointments: Between Primary Academic Units

The policy stated in the previous paragraphs does not apply to recommendations for joint appointments **between** primary academic units, i.e., departments, schools, and residential or other non-departmentally organized colleges. Recommendations for joint appointments **between** primary academic units for new or currently appointed faculty should include the MSU Multiple Appointment Memorandum which identifies the primary unit with responsibility and final decision for salary increases, promotion, reappointment, tenure and leave eligibility.

As specified by the Multiple Appointment Memorandum, all units, including the primary unit, participate in discussions and reach agreement about the initial appointment recommendation and have the opportunity to provide an evaluation of the faculty member concerning salary increases, promotion, reappointment, tenure and leave eligibility, although the primary unit has the final responsibility for such actions. Although, with the agreement of the relevant chairpersons (directors), deans, and the Provost, such assignments may be changed, multiple appointment assignments are viewed as stable and ongoing unless made for a specific period as recorded on the academic personnel form at the time the joint appointment is approved. Unlike joint appointments between primary academic units and other types of units, the individual faculty member does not have the option of unilaterally electing to cease performing specified duties in any of the primary academic units party to the original (or amended) joint (multiple) appointment agreement. At the conclusion of joint appointments between primary academic units for specified time periods, the individual faculty member's assignment reverts to the unit(s) specified in the original or amended Multiple Appointment Memorandum.

LONG TERM DISABILITY: AN INTERPRETATION OF THE TENURE RULES

The following policy was approved by the University Committee on Faculty Tenure on May 19, 1975. Minor rewording was approved by UCFT on April 26, May 24 and June 7, 1976.

A. Policy

1. A faculty member with tenure may be removed from his or her position on the basis of physical or mental incapacity to carry out the responsibilities for which he or she was appointed.
2. Such incapacity must be established on competent medical advice. Competent medical advice is understood to mean opinion formed by a competent medical authority after careful consultation with:
 - a. The administrators of all units to which the faculty member is regularly assigned, and
 - b. Such other consultants as may be reasonably required.

In each of the academic units to which the faculty member is assigned, administrators shall be advised by the faculty advisory group or by faculty members professionally acquainted with the demands of the faculty member's academic position.

3. Removal from an individual's position on the basis of physical or mental incapacity should be demonstrably bona fide. It may not be used arbitrarily as a resort for by-passing the procedures governing dismissal of a tenured faculty member.
4. If long-term incapacity is established, the faculty member shall be placed on long-term disability status.
5. The University shall hold the tenured position "open" for two years from the date of establishing the long-term disability, filling it, if necessary, with interim appointments. At any time during the two-year period the faculty member may, by formal request, seek to be reinstated on the basis of competent medical advice. The University shall respond promptly to such a request. If, at the expiration of two years, the individual has not been reinstated, the position need no longer be held "open" for him or her.
6. If within the two-year period, the disabled individual is not capable of resuming the duties of the tenured position, but is capable of assuming another full-time tenured position commensurate with his or her education, training and experience, every reasonable effort shall be made to place him or her in such a position. It is understood and stipulated that such an appointment shall yield a customary and reasonable productivity to both the individual and the University. Conditions of employment should conform to those normal in the area.
7. If, after the expiration of the two-year period, the individual should request to return to service, and competent medical advice indicates that he or she is capable of resuming full-time faculty status, the University shall give preference to the re-employment of the individual when a vacancy occurs in the area of his or her professional competence; however, the individual has no prior claim to the vacancy.

8. If, either within or beyond the two-year period, the disabled individual is not capable of assuming a full-time tenured faculty position but is capable of other employment within the University, the University shall, in keeping with University policies including its policy on the employment of handicappers, exert every reasonable effort to find a suitable alternative position. Conditions of employment should conform to those normal in the area.
9. If the faculty member is reinstated in a tenured faculty position, he or she shall have full rights of tenure. If the person is reinstated in a faculty position he or she shall perform the duties of teaching, research and service with full guarantee of academic freedom.
10. The academic freedom of a disabled faculty member is in no way compromised by disability status.

B. Procedure

The following procedure was approved by the University Committee on Faculty Tenure on April 26, 1976.

1. A faculty member may request disability status for reasons of health, physical or mental incapacity. The procedure for granting medical leave is specified in the *Faculty Handbook*. Disability status is granted when the faculty member qualifies for compensation under the terms of the long-term disability program of the University.
2. A chairperson, director of a school, or other unit administrator may recommend that a faculty member be placed on disability status for sufficient reasons, i.e., inadequate performance and a recommendation by the medical officer of the University that the health of the faculty member justifies placement on disability status.
 - a. If the performance of a tenured faculty member deteriorates significantly, the unit administrator will discuss the matter with the faculty member and may inquire regarding the possible reasons, including the health of the faculty member. The unit administrator may require a comprehensive medical assessment of the individual if health might be a primary cause of inadequate performance of reasonably assigned duties. This assessment may be by a physician selected by the faculty member and acceptable to the medical officer of the University. The latter advises the unit administrator on the health status of the faculty member.
 - b. If the unit administrator requires a medical assessment of the individual faculty member or recommends disability status, the faculty member must be informed in writing and must be informed at the same time that the faculty grievance procedure is applicable. The dean(s) may approve or disapprove the unit recommendation. If approved, the dean(s) shall forward the recommendation to the Provost for consideration and action.
 - c. If at any point in this process the faculty member elects to seek disability status, the routine procedure outlined in paragraph B-1, above, applies.
3. If seeking reinstatement under provision A-5, the faculty member should address the request to the unit administrator, e.g., the department chairperson. Reinstatement

under this provision requires approval by the medical officer of the University, the appropriate administrative endorsements, and approval by the Provost.

4. If a faculty member on disability status requests an assignment under provision A-6 or A-7 above, that individual must address a request for such assignment to the Provost in writing. Assignment under these provisions requires approval by the medical officer of the University, the appropriate administrative endorsements and, if appropriate, approval by the Provost.
5. If a faculty member on disability status requests assignment under provision A-8, above, that individual shall address the request in writing to the Provost or appropriate Vice President depending on the position sought. Assignment under this provision requires approval by the medical officer of the University, the appropriate administrative endorsements and, if appropriate, approval by the Provost.

POLICY AND PROCEDURE FOR IMPLEMENTING DISCIPLINARY ACTION WHERE DISMISSAL IS NOT SOUGHT

The following policy was approved by the Board of Trustees on June 11, 1993.

A faculty member may be disciplined for cause including but not limited to (1) intellectual dishonesty; (2) acts of discrimination, including harassment, prohibited by law or University policy; (3) acts of moral turpitude; (4) theft or misuse of University property; (5) incompetence; (6) refusal to perform reasonable assigned duties; (7) use of professional authority to exploit others; (8) violation of University policy substantially related to performance of faculty responsibilities; and (9) violation of law(s) substantially related to the fitness of faculty members to engage in teaching, research, service/outreach and/or administration. Discipline or the threat of discipline may not be used to restrain faculty members in their exercise of academic freedom.

Where disciplinary action short of dismissal for cause is sought, the unit administrator, after consultation with the Dean or separately reporting Director and the Provost, shall provide the faculty member with written notice of the cause for disciplinary action and an opportunity to respond prior to the imposition of any disciplinary action.

After receiving the response, the unit administrator shall make a decision regarding the disciplinary action and notify the faculty member in writing. The faculty member may challenge the imposition of any disciplinary action by the unit administrator by filing a grievance under provisions of the Faculty Grievance Procedure. The processing of such grievance shall be expedited. No disciplinary action, except temporary reassignment of duties or temporary suspension with pay, shall be implemented during the pendency of the grievance.

Disciplinary action may include but is not limited to reprimand, suspension with or without pay, reassignment of duties, foregoing salary increase and/or benefit improvements, and mandatory counseling and/or monitoring of behavior and performance. Suspension without pay may not exceed six months.

All proceedings and records with regard to disciplinary action shall be confidential insofar as the law permits.

POLICY AND PROCEDURE FOR RESCISSION

The following policy was approved by the Board of Trustees on June 11, 1993.

The University may rescind a tenure system faculty member's appointment for any material misrepresentation made in the course of seeking a University appointment. In such cases, the faculty member shall be advised, in writing, of the grounds for rescission and shall be provided an opportunity to confer with the Provost in advance of any rescission action. If the Provost decides to recommend rescission of the faculty member's appointment, the faculty member shall be so notified in writing. The faculty member may grieve the decision by filing a grievance with the Faculty Grievance Official within thirty calendar days of receipt of the Provost's written notification.

If no grievance is filed, the Provost shall forward the rescission recommendation to the President for action by the Board of Trustees. If a grievance is filed it will be heard by a University Hearing Panel pursuant to the procedures in Section 4.2 of the Faculty Grievance Procedure except that the Hearing Panel shall forward its recommendation directly to the President. The University Hearing Panel shall include three members of the UCFT. Upon receipt of the recommendation of the Hearing Panel, the President shall act on recommendation and either (1) retain the faculty member or (2) forward the matter to the Board of Trustees for action.

DISMISSAL OF TENURED FACULTY FOR CAUSE¹

The following policy was approved by the Board of Trustees on March 16, 1967 and revised on June 11, 1993.

The University is a community of scholars dedicated to the advancement of knowledge. Among the functions of a University is the establishment of a proper intellectual integrity among the faculty, between the faculty and the students, and between the faculty and the national and international academic community. This intellectual integrity is fostered by the creation of an environment of personal interaction and mutual trust whereby its members are mindful of their responsibilities to maintain standards of competence, and a proper attitude of objectivity, industry and cooperation with their associates within and without the University community. However, if the community is to be sustained it is necessary for it to take action when commonly held standards of conduct are violated. Thus disciplinary action up to and including dismissal may be undertaken for cause, with dismissal being reserved for the most serious of cases. Dismissal or the threat of dismissal may not be used to restrain faculty members in their exercise of academic freedom.

A tenured faculty member may be dismissed for cause including but not limited to (1) intellectual dishonesty; (2) acts of discrimination, including harassment, prohibited by law or University policy; (3) acts of moral turpitude; (4) theft or misuse of University property; (5) incompetence; (6) refusal to perform reasonable assigned duties; (7) use of professional authority to exploit others; (8) violation of University policy substantially related to performance of faculty responsibilities, and (9) conviction of violation(s) of law(s) which are substantially related to the fitness of faculty members to engage in teaching, research, service/outreach and/or administration.

¹These procedures also apply to the dismissal of non-tenured faculty in the tenure system prior to the expiration of the term of appointment. The policy on non-tenured faculty was approved by the Board of Trustees on April 17, 1970.

If dismissal proceedings are initiated against a tenured faculty member and result in a finding of cause, dismissal or disciplinary action less than dismissal may be recommended and imposed. Disciplinary action less than dismissal may include but is not limited to reprimand, suspension with or without pay, reassignment of duties, denial of salary increase and/or benefit improvements, and mandatory counseling and/or monitoring of behavior and performance. Cause shall be determined by a hearing committee according to the procedures set forth in Section IV and Appendix II.

The Procedure for Dismissal of Tenured Faculty for Cause does not apply with respect to: (1) a tenure system faculty member's material misrepresentation, made to the University in obtaining employment, or (2) cases where disciplinary action other than dismissal is sought. In such cases, the Procedure for Rescission or the Procedure for Disciplinary Action Where Dismissal Is Not Sought shall be followed.

I. Informal Resolution/Preliminary Conference Stage

When reason arises to consider dismissal of a tenured faculty member, as a result of matters brought forward by the dean or separately reporting director of the applicable college or other administrative unit, the Provost shall request the Dismissal for Cause Review Officer (appointed pursuant to the procedures set forth in Appendix IV) to review the matter and provide a recommendation as to whether dismissal for cause proceedings should be initiated and, if so, whether the faculty member should be relieved from any or all duties during the proceedings. The Review Officer shall review the reasons for considering dismissal and the evidence in support of such dismissal with the dean or separately reporting director (referred to hereinafter, as relevant, as the charging party or unit administrator bringing the charges), and shall talk with the affected faculty member and the relevant chairperson, director or other immediate supervisor prior to providing a recommendation to the Provost. The Review Officer in considering whether dismissal for cause should be brought should review what steps have been taken to achieve informal resolution, whether, in cases involving a pattern of conduct, the faculty member had any warning that the conduct might lead to dismissal and whether any measures might be taken to resolve the matter short of instituting dismissal for cause proceedings. The recommendation should be forwarded to the Provost within thirty days unless an extension of time is approved by the Provost.

The recommendation of the Review Officer is advisory to the Provost and shall not be available to either party in any dismissal action which may be instituted. The Provost shall review the report and recommendation of the Review Officer, as necessary, having discussions with the Review Officer. If the Provost determines that the matter is of sufficient seriousness to warrant the initiation of dismissal for cause proceedings, he/she shall arrange a personal conference or conferences with the affected faculty member. The difficulty may be resolved by mutual consent at this point, including by resignation. Additional informal resolution efforts also may be relevant. No formal charges shall be filed until after the faculty member has been informed in person by the Provost that such charges are to be filed (which may occur at the first personal conference). In cases in which the faculty member is not in the United States or is otherwise not available for a personal meeting, the requirement of this section will be met by a telephone discussion and/or correspondence with a reasonable opportunity to respond.

The review process is intended to be a collegial process which may lead to informal resolution. Accordingly, the process will proceed without counsel for either of the parties being present. The faculty member may elect to forgo meeting with either the Review Officer or the Provost.

II. Initiation of Formal Proceedings

- a. Following conclusion of the informal resolution/ preliminary conference stage and only after a determination by the Provost that the matter is serious enough to be addressed under the dismissal procedure, the charging party shall initiate formal charges.
- b. The Provost shall notify the President before proceedings are initiated that charges against the faculty member will be filed by the charging party. The faculty member may be relieved from any or all academic duties during the proceedings at the discretion of the President if recommended by the Provost as based on consideration of advice on this matter provided by the Dismissal for Cause Review Officer. Such relief of duties shall be without loss of compensation.
- c. Formal proceedings shall be deemed initiated when the charging party files with the President and with the Chairperson of the University Committee on Faculty Tenure (UCFT) a written statement of explicit charges against the affected faculty member. The statement shall contain: 1) The nature of the charges; 2) the names of the witnesses, insofar as known, who will testify in support of the specific allegations; 3) the nature of the testimony likely to be presented by each of these witnesses.
- d. The Chairperson of the University Committee on Faculty Tenure shall promptly give notice by registered mail to the affected faculty member stating the explicit charge against him or her. The written notice to the faculty member shall contain: 1) the nature of the charges; 2) the names of the witnesses, insofar as known, who will testify in support of the specific allegations; 3) the nature of the testimony likely to be presented by each of these witnesses.

III. Meetings between the Chairperson of the UCFT and Parties

As soon as practicable following the filing of formal charges, the Chairperson of the UCFT shall meet with the parties and counsel to the Hearing Committee, if one is provided (see Appendix I). The Chairperson may arrange more than one meeting. The Chairperson of the UCFT shall serve as presiding officer in these meetings whose purposes include:

- a. The empaneling of a hearing committee which shall be composed of five tenure system faculty members selected according to the procedures set forth in Appendix I.
- b. Exchange of documents and witness lists between the parties.
- c. Stipulations by the parties on any relevant matters of fact. Any stipulation shall be reduced to writing and signed by both parties and the UCFT Chairperson.

The Chairperson of the UCFT shall rule on the acceptability of any proposed revisions in the charges that might be offered or requested. A confidential record of these meetings shall be kept, similar to the record kept of the Hearing Committee selection meetings, and it will also become a part of the permanent record of the hearing. The Chairperson of the Hearing Committee may request that the Chairperson of the UCFT consult with the Hearing Committee concerning the subjects of these meetings, and additional such meetings may be called at the discretion of the Chairperson of the Hearing Committee and at any time while the hearing continues, to be presided over by the Chairperson of the UCFT.

IV. The Hearing

- a. Service on the Hearing Committee shall be a high priority University responsibility for the duration of the hearing. The University administration shall assure that administrators of affected units take all reasonable measures to reduce the Hearing Committee members' other responsibilities. The Secretary for Academic Governance shall make available to the Chairperson of the Hearing Committee secretarial and clerical assistance as required. A full stenographic record shall be made of the hearing. If any party requests additional copies of the record or requests the receipt of a copy of the record in advance of the normal course of its processing, the additional costs of such record shall be paid by the requesting party.
- b. The Chairperson of the Hearing Committee shall request the presence of any witness or the delivery of any University document germane to the hearing. In fulfilling these requests, the appropriate administrative officers will cooperate.
- c. The Chairperson of the Hearing Committee shall schedule the hearing within a reasonable time after the affected faculty member receives notifications of the charges against him or her, due consideration being given to the fact that the faculty member needs a reasonable length of time for the preparation of a defense.
- d. The hearing shall be closed except that the Hearing Committee may decide that hearing sessions are to be open if this is requested by the affected faculty member. The Committee shall hear the views of both parties on the question and shall determine in deliberative session whether the sessions are to be open or closed. The Chairperson of the Hearing Committee may, however, in the interest of orderly and equitable proceedings, rule that a given session or portion of a session be closed.
- e. The Chairperson of the Hearing Committee shall be in full charge of the Hearing which shall be conducted according to the procedures stipulated in Appendix II.
- f. Except as provided below, only those members who have been present at all sessions in which evidence has been presented or arguments have been heard shall have the right to vote. An exception to this attendance requirement shall be made by the Chairperson of the Hearing Committee for a member who has missed, for good cause, no more than one session and who has certified to the satisfaction of the Chairperson that he/she has read the official transcript thereof. Exception to the attendance requirement may also be made by unanimous consent of the parties to the hearing.
- g. The charging party (or his/her representative) and his/her advisor or legal counsel (if any) shall be present at all sessions of the Hearing Committee in which evidence is presented or arguments are heard, and may 1) present evidence, 2) call, examine and cross-examine witnesses, and 3) examine all documentary evidence received by the Hearing Committee. The burden of proof shall rest with the person who makes the charges.
- h. The affected faculty member and his/her advisor or legal counsel (if any) have the right to be present at all sessions of the Hearing Committee when evidence is presented or arguments are heard, and may 1) present evidence, 2) call, examine and cross-examine witnesses, and 3) examine all documentary evidence received by the Hearing Committee. If the affected faculty member and his/her advisor or legal

counsel choose not to exercise the right to be present, the Chairperson at his/her discretion may conduct hearing sessions in the absence of the affected faculty member.

V. Processing the Record and Rendering Judgement

a. Within 30 University working days following receipt of the final arguments, the Hearing Committee shall submit a written report which shall contain findings of fact and recommendations to the parties and current UCFT. If additional time should be needed, the Chairperson of the Hearing Committee shall make the request for an extension of time to the Chairperson of the University Committee on Faculty Tenure. The Hearing Committee shall make a specific finding as to whether cause has been established and, if established, shall recommend either dismissal, or other disciplinary action(s). If cause is not established the matter is closed and the faculty member shall be retained without conditions. A written report which recommends dismissal of a tenured faculty member for cause shall state that the charges made against the affected member have been proven by clear and convincing evidence. Any member of the Hearing Committee or any group of members may file a minority report which shall become a part of the Hearing Committee report. The Chairperson of the Hearing Committee shall certify that the majority report was subscribed to by a majority of the Hearing Committee and all members of the Hearing Committee shall sign the report attesting that they have read the report and that the majority report, and minority report (if submitted), constitute the findings and recommendations of the Hearing Committee.

b. Either party may appeal the decision of the Hearing Committee to the current UCFT, excluding the Chairperson of the UCFT and members of the UCFT who served on the Hearing Committee. The remaining members shall constitute an appellate body and shall select a chairperson by majority vote. Grounds for appeal are limited to whether there was a prejudicial violation of the procedures in the hearing process. The appeal and all arguments in support thereof must be in writing and must specify the basis for relief and the relief requested.

1. A party wishing to appeal must submit to the UCFT a notice of intent to appeal within five days after receipt of the report. Days here and in the sequel refer to University working days.

2. The appeal and all arguments in support must be sent to the UCFT and the opposing party no later than 15 days after the report is received by the parties.

3. The opposing parties may submit a written response to the appeal. The response must be sent to the UCFT and the party who initiated the appeal no later than 15 days after receipt of the appeal.

c. The UCFT may request both parties to present oral argument and/or respond to questions by UCFT members regarding the substance of the appeal. The UCFT may impose reasonable limits on the time allotted for oral arguments.

d. If there is an appeal, within 10 days of receiving all arguments and by a simple majority vote, the UCFT shall deny the appeal or grant the appeal and direct appropriate remedy. The outcome of a UCFT appeals decision shall become part of the record.

- e. After appeals, if any, are concluded, the Hearing Committee's final report and recommendations shall become the report of the UCFT and shall be sent to the President, the Provost, the affected faculty member and the unit administrator bringing the charges. The Chairperson of the UCFT shall file in the Office of the Provost 1) the UCFT Report, 2) a complete file of the case, and 3) transcripts of the hearings. The complete record of the hearing shall be held for review in the Provost's Office and shall be available to the President, the Provost, the Board of Trustees, the affected faculty member and the unit administrator bringing the charges, for their review, in a place designated by the Provost. A correct copy of the complete transcripts of the hearings shall be sent to the affected faculty member.
- f. If the UCFT report finds cause, the following procedures apply in this sequence:
1. The Provost, the affected faculty member and the unit administrator bringing the charges may, within ten working days after receiving the notification stipulated in section V, paragraph E, review the record and file written comments with the Chairperson of the Hearing Committee, the Chairperson of the UCFT and the President.
 2. The President, within a reasonable time, will review the case and report in writing his/her preliminary response, accompanied by supporting rationale, to the Chairperson of the Hearing Committee, the Chairperson of the UCFT, the Provost, the unit administrator bringing the charges and the affected faculty member.
 3. The affected faculty member, the Provost, the unit administrator bringing the charges, or the Hearing Committee, through its Chairperson, may, within ten days after receiving the President's preliminary response in writing, submit to the President written comments with respect to that response.
 4. After consideration of the President's preliminary response, if the President and the Hearing Committee concur that there is no cause for dismissal or other discipline, the matter shall terminate at this point.
 5. If either the President or the Hearing Committee recommends dismissal or disciplinary action, the Hearing Committee report, the recommendations of the President, and any written comments on the President's recommendation by the Hearing Committee, through its Chairperson, or by the Provost, the unit administrator bringing the charges, or the affected faculty member, shall be submitted by the President to the Board of Trustees for action. The complete record of the case shall be made available to the Board of Trustees.

VI. Confidentiality

All proceedings and records with regard to dismissal or disciplinary action shall be confidential insofar as the law permits.

Appendix I

Procedure for Empaneling a Hearing Committee

1. The Hearing Committee shall consist of five tenure system faculty members selected (except as noted in 10, below) from UCFT members whose terms include the date of the filing of formal charges. The expiration of a member's term on the UCFT shall not affect continued service on a Hearing Committee.
2. The Chairperson of the UCFT shall serve as presiding officer for the selection of the Hearing Committee and is not eligible to serve on the Hearing Committee. In the event that the affected faculty member is from the same College as the Chairperson of the UCFT, the most recently serving past UCFT Chairperson who is available shall serve.
3. In the presence of at least two members of the UCFT, the Chairperson of the UCFT shall conduct a random drawing of the names of all eligible members of the UCFT (excluding the UCFT Chairperson), placing the names on a roster in order of drawing. This shall be the order in which members will be selected for service on the Hearing Committee. The ordered roster shall be circulated promptly to the parties and to the members of UCFT. (Parties and counsel may, if they choose, attend the meeting at which the roster is drawn.)
4. No sooner than two weeks after the circulation of the ordered roster (described in 3, above) the UCFT shall meet in the presence of the parties to select the Hearing Committee. All eligible members on the roster (described in 3, above) are expected to attend. The Chairperson of the UCFT shall preside over this meeting.
5. Any potential Hearing Committee member may request in writing of the UCFT Chairperson that he/she be excused for appropriate reason. Requests to be excused shall be the first order of business during the meeting referenced in paragraph 5. The UCFT Chairperson shall, if necessary, question members requesting an excuse and then decide whether to grant the excuse.
6. The Chairperson of the UCFT shall question each potential Hearing Committee member as to the extent of his/her personal or professional relationships with either party, and whether there is any reason he/she would be unable to hear the case fairly and impartially and render a fair and impartial decision. Additional questions may be submitted to the Chairperson by the parties. Any UCFT members not excused shall have the opportunity to suggest further questions to be asked by the UCFT Chairperson. (The Chairperson may disallow any questions on grounds of lack of relevance).
7. Each party shall have an unlimited number of challenges for cause. The Chairperson of the UCFT shall preside over the challenge process. If a party challenges a member of the Hearing Committee roster for cause, the party shall state the grounds for the challenge. The standard to be followed by the Chairperson in ruling on for cause challenges is, whether in light of the challenged person's knowledge of the case, personal or professional relationships with a party, and statements made during the selection and challenge process, the committee

member is able to fairly and impartially hear the case and render a fair and impartial decision. The challenge for cause shall be ruled on by the Chairperson of the UCFT.

8. Each party shall have one peremptory challenge. Peremptory challenges shall follow challenges for cause.
9. If a member is removed from the Hearing Committee under provisions 6-9, above, the next name on the ordered roster (i.e., described before in paragraph 3) will be advanced to keep the Hearing Committee at five. All such replacements are subject to the provisions of 6-9, above.
10. Should the roster of candidates for membership on the Hearing Committee be reduced to less than five, the panel of candidates shall be replenished by adding available former members of the UCFT in order of most recent service on the UCFT. (All available former members who served during the previous academic year will provide the first supplement, then those who served two years previously, and so on.) Should replenishment of the panel be necessary, the Chairperson of the UCFT shall identify supplementary candidates in a number sufficient, in the judgment of the Chairperson, to fill the Hearing Committee. Ordering and selection of Hearing Committee members from the supplementary panel shall proceed in the manner outlined above.
11. The Hearing Committee shall be composed of the first five UCFT members remaining on the ordered rosters.
12. If, prior to the hearing of evidence, any Hearing Committee member is unable to continue service on the Committee, the UCFT shall select a replacement using the procedures outlined above. If, due to attrition, the Hearing Committee membership is reduced to four after hearing evidence has begun, the hearing process shall continue. Further attrition shall result in cancellation of further hearings and reinitiation of the process.
13. Two records shall be kept of any meetings to select the Hearing Committee:
 - (i) A brief set of minutes stating that the UCFT faculty members met to select a Hearing Committee. The names of the parties shall be omitted. These are to be the public minutes on file with the Secretary for Academic Governance.
 - (ii) A detailed, confidential record of the Hearing Committee selection process shall include names of all participants and their relations to the case. This is to be given only to the parties and the Hearing Committee to be part of their records.

After the selection of the Hearing Committee, the Hearing Committee shall elect its Chairperson from its membership by majority vote. From this point, the Hearing Committee shall be in charge of all subsequent stages in the hearing process (except as provided in III, below) until the Hearing Committee has forwarded its report and recommendations.

If either side is represented by legal counsel, the University shall provide legal counsel for the UCFT and/or the Hearing Committee, upon request of the respective Committee Chairperson.

Appendix II

Procedure for the Hearing

1. The Chairperson of the Hearing Committee shall be in full charge of the hearing.
2. Hearing sessions may be scheduled, at the discretion of the Chairperson, on any weekday, weekends during the hours from 8:00 a.m. to 10:00 p.m., or, by unanimous consent of the parties and panel members, on University holidays.
3. All discussions and votes by the UCFT and the Hearing Committee shall be in executive session; the Hearing Committee's counsel, if any, may be present.
4. The Chairperson of the Hearing Committee shall read the specification of charges against the faculty member.
5. The Chairperson of the Hearing Committee shall request the faculty member's plea.
6. The Provost (or his/her representative) and the unit administrator bringing the charges (or his/her legal counsel) shall present testimony to support the charges. The affected faculty member and his/her advisor or legal counsel have the right to cross-examine all witnesses. The Hearing Committee should normally withhold questions until both of the above processes are completed.
7. The affected faculty member or his/her advisor or legal counsel shall present testimony to refute the charges. The Provost (or a representative) and the unit administrator or his/her legal counsel have the right to cross-examine witnesses. The Hearing Committee should normally withhold questions until both of the above processes are completed.
8. After the case of the faculty member, the charging party may present rebuttal evidence. Rebuttal evidence shall be limited to new matters brought forth in the faculty member's case. Surrebuttal evidence (limited to evidence rebutting the charging party's rebuttal evidence) shall be allowed.
9. The Provost (or his/her representative) and the unit administrator or his/her legal counsel shall present closing arguments.
10. The affected faculty member or his/her advisor or legal counsel shall present closing arguments.
11. The Hearing Committee shall deliberate to determine its recommendations.

Appendix III Outcome of Appeal

In the event of an appeal which the UCFT upholds, the UCFT is not bound to grant the requested relief. In no event may the UCFT amend the findings of fact or the recommendations of the Hearing Committee and submit these amendments in the report specified in V.e. Some examples of UCFT responses available are:

1. None. Although an error has occurred, it has not been sufficiently damaging to the appealing party's ability to present its case fully as to warrant remedy.

2. Return the case to the Hearing Committee for additional hearings and/or possible amendment. An error has occurred which can and should be corrected by the original Hearing Committee.
3. Dissolve the original Hearing Committee and constitute a new one to entirely rehear the case. An error has occurred which has tainted the hearings to an extent that correction by the original Hearing Committee is impossible.

Appendix IV

Procedures for Selecting Dismissal for Cause Review Officer

1. A panel of ten tenured faculty members shall be established from which one person shall be selected by the President of the University to serve as a reviewer to advise the Provost whenever there is cause to consider the dismissal of a tenured faculty member for cause. The reviewer may not be from the same college as the faculty member against whom charges may be filed.
2. The panel shall be composed of tenured faculty members selected by the President in consultation with the Chairpersons of the UCFT and University Committee on Faculty Affairs. Faculty selected should be drawn preferably from those who a) have experience in chairing grievance panels, standing or ad hoc committees, b) have training or experience in grievances, arbitration, and/or mediation, or c) have legal training.
3. The panel shall serve at the pleasure of the President, with vacancies filled in accordance with the procedure stated above.

LIBRARIAN CONTINUOUS APPOINTMENT SYSTEM

The following policy was approved by the Board of Trustees on June 25, 1977 and revised on June 12, 1987.

The Provost of Michigan State University, in recognition of the essential contributions of librarians to academic programs, appoints, upon recommendation of the Director of Libraries, librarians at those professional levels (Librarian I-IV) which do not involve an immediate award of continuous appointment status. The president approves, upon recommendation of the Director of Libraries and the Provost, appointments of librarians at the professional level (Librarian IV) which confers immediate continuous appointment status to those librarians who exhibit strong evidence of the capacity for sustained professional growth.

Continuous appointment, as used in this statement, assures a librarian that she/he will not be dismissed due to capricious action by the Library administration nor will dismissal be used as a restraint on a librarian's exercise of academic freedom. Continuous appointment does not guarantee employment if positions are not funded, if there are gross violations of University or Library policies, if the librarian refuses to perform reasonable assigned duties or fails to fulfill contractual obligations, or if the librarian no longer renders satisfactory performance in his or her professional capacity at the University.

Dismissal of librarians on continuous appointment will use procedures consistent with the principles for dismissal of tenured faculty, which assure due process, as approved by the Board of Trustees. Dismissal of librarians not on continuous appointment, but prior to the expiration of the current term of appointment, shall use those procedures established for dismissal of librarians on continuous appointment.

An individual appointed as Librarian I or Librarian II is appointed for a probationary period of three to four years that expires on the fourth June 30 following the date of the appointment. This appointment may be followed by an additional three-year period. After this six- to seven-year period, if the librarian is reappointed, continuous appointment will be granted.

If at any time during the initial probationary period the individual is approved for promotion, the changed appointment will be for a three- to four-year period that expires on the fourth June 30 following the date of the change. If reappointed upon the conclusion of this period, continuous appointment will be awarded. If promoted during the second probationary period, continuous appointment will be awarded.

A Librarian III who has not served previously at Michigan State University is appointed to a probationary period that expires on the fourth June 30 following the date of the appointment. If the librarian is reappointed or approved for a change of position to the rank of Librarian IV, continuous appointment will be granted.

A Librarian IV may, on recommendation of the Director of Libraries, be granted continuous appointment from the date of the original appointment at that rank. If a probationary appointment is made it shall be for a period of three to four years that expires on the fourth June 30 following the date of appointment. If reappointed upon conclusion of this period, continuous appointment will be awarded.

Procedures for the implementation of this policy are available in the Office of the Library.

Evaluation

All librarians are evaluated annually for the purposes of improving performance and service to the Library and the University, for continuing appointment status, and for compensation. The evaluation is made by the immediate supervisor, including consultation with the evaluated librarian.

The Library department administrators, in consultation with the supervisors and peer review committees, make personnel recommendations to the Director on such matters as salaries, hiring procedures, and continuous appointment.

The Director, based upon advice received and considering the total personnel needs of the Library, will make a final recommendation to the Provost on personnel matters.

The evaluative and consultative processes are detailed in the Librarian Personnel Handbook.

Operating Principles

The operating principles for continuous appointment of librarians are included in the Library Bylaws.

SPECIALISTS

The following policy was approved by the Board of Trustees on June 12, 1992.

The Provost of Michigan State University, in recognition of the essential contributions of specialists to academic programs, appoints, upon recommendation of the appropriate department chairperson/school director and dean/separately reporting director, individuals at the rank of Academic Specialist or Senior Academic Specialist. Appointments may be made in any academic unit that reports to the Provost or to the Vice President for Research and Graduate Studies. The principal responsibilities of the academic specialist fall into one or more of three functional areas: academic advising/teaching/curriculum development, research and service/outreach. Academic specialists may be appointed on a temporary, probationary or continuing basis, full-time or part-time, with either an academic year (nine-month) or annual (twelve-month) duty assignment.

Continuing appointment status assures that the academic specialist will not be dismissed due to capricious action by the University nor will dismissal be used as a restraint of academic freedom or other civil rights. Continuing appointment status does not guarantee employment if positions are not funded, if gross misconduct occurs, if the academic specialist refuses to perform reasonable assigned duties or fails to fulfill contractual obligations, or if the academic specialist is no longer able to perform satisfactorily in his or her professional capacity at the University.

Continuing and Probationary Appointments

An academic specialist who has not served previously at Michigan State University is appointed initially for a probationary period of three years and may be reappointed for an additional probationary period of three years. If an academic specialist is appointed beyond the two probationary periods, continuing appointment status is granted. If at any time during these two probationary periods an academic specialist is promoted to the rank of senior academic specialist, continuing appointment status is granted.

A senior academic specialist who has not served previously at Michigan State University is normally appointed for a probationary period of two to four years. In unusual cases, upon recommendation

of the unit administrator(s) and dean(s) and with the prior approval of the Provost, an academic specialist initially appointed at the rank of senior academic specialist may be granted continuing appointment status from the date of appointment. Individuals appointed at the rank of senior academic specialist without continuing appointment status have the option of requesting reappointment at any time prior to the conclusion of the stipulated probationary appointment period. A negative decision on such a request shall not preclude consideration for reappointment at the time specified upon appointment.

Evaluation

All academic specialists shall be evaluated by the appropriate unit administrator before the end of the applicable annual duty period for those on probationary or temporary appointment and at appropriate intervals for those with continuing appointment status. A unit review committee will be established to advise the unit administrator about the reappointment, award of continuing appointment status, or promotion of the academic specialist with a probationary or continuing appointment.

Procedures and operating principles for the implementation of the Academic Specialist Appointment System are available in written form in the Office of the Provost and academic unit offices.

ADMINISTRATIVE REVIEW

The following statement was issued by the Office of the Provost on April 24, 1991 and revised on November 23, 1994.

Faculty and academic staff members covered by the Faculty Grievance Procedure (see FGP Section 1.1) have the opportunity to have personnel concerns reviewed at their request by MSU's academic administrators. The administrative review procedure is an informal process providing such an avenue for faculty/academic staff to request an independent assessment from their department chairperson/school director, dean, and Office of the Provost on such personnel matters as salary status, reappointment, promotion and tenure. This procedure is not intended to supersede informal discussion between the faculty/academic staff member and the department chairperson/school director in resolving these issues. The administrative review process may involve consideration and possible redress of substantive issues (changes in salary, promotion and tenure status, etc.) at department, school and dean levels. The Office of the Provost considers matters of process only, i.e., whether appropriate or applicable procedures have been followed, etc. (Possible redress available is to direct an additional substantive review in the department, school, or college.)

Utilization of the administrative review procedure does not preclude a faculty/academic staff member from pursuing a grievance filed on a timely basis regarding the same matter under the Faculty Grievance Procedure. If a grievance is filed, it will be held in abeyance pending completion of the administrative review. However, the administrative review process could not be invoked in cases where a complaint is filed with the Anti-Discrimination Judicial Board or a court. Requests for an administrative review should be handled in a timely manner.

The administrative review process is initiated by a letter of request from the faculty/academic staff member to the dean of the applicable college; an information copy is also sent to the Assistant Provost and Assistant Vice President for Academic Human Resources. This letter should be accompanied by materials in support of request. The dean transmits these materials to the relevant department chairperson/school director for review in accordance with usual unit standards, criteria and procedures. On conclusion of this review, which should be based on usual peer review advisory procedures, a written response should be sent by the department chairperson/school director to the

faculty/academic staff member. If the faculty/academic staff member is not satisfied with this response, an appeal can be made to the dean for an additional review of the record, which should include an assessment of the original record, the unit's response and rationale, and any commentary the faculty/academic staff member wishes to provide with respect to the unit's response.

On matters of substance, the dean's determination is final. However, if the faculty/academic staff member is not satisfied with the dean's response and the concerns address procedural matters, a request for additional review can be made to the Office of the Provost (Assistant Provost and Assistant Vice President for Academic Human Resources). In such cases, the Office of the Provost will review all materials and documents initially provided as well as responses from the unit and the college and any commentary from the faculty/academic staff member regarding the review in the unit and college. The Office of the Provost then makes a final determination on procedural matters based on its review of the procedural record. As noted above, final responses by either the Office of the Dean or the Office of the Provost do not preclude pursuing a grievance under the Faculty Grievance Procedure.

FACULTY GRIEVANCE PROCEDURE

An Interim Faculty Grievance Procedure was approved by the Academic Council, May 9, 1972 and by the Board of Trustees, May 19, 1972. A revised Faculty Grievance Procedure was approved by the Academic Council on March 5, 1991 and by the Board of Trustees on April 5, 1991 and revised on June 9, 1995.

1. Definitions and Exclusions

- 1.1 Any Michigan State University faculty member with the rank of professor, associate professor, assistant professor, lecturer, instructor, assistant instructor, research associate, specialist, or librarian may initiate a grievance procedure alleging violation of existing policies or established practices by an administrator, by filing a complaint with the FGO pursuant to the procedures set forth in this document.
- 1.2 The provisions of this document shall not preempt or replace the functions of the Anti-Discrimination Judicial Board (ADJB) or of the University Committee on Faculty Tenure (UCFT) except to provide procedures for the appeal of administrative decisions not to reappoint non-tenured faculty in the tenure system.
- 1.3 The provisions of this document do not prohibit administrative review of any grievance prior to or during the pendency of a grievance. Any grievance under administrative review shall be held in abeyance until the review is completed or terminated at the request of grievant.
- 1.4 A grievant must promptly notify the FGO if an external procedure is initiated by him/her concurrently with a grievance. As a general rule, except in those instances in which the law or legal rulings prohibit the University from truncating internal proceedings, a grievant may not concurrently pursue a claim under the Faculty Grievance Procedure while pursuing the same matter before a court or other external body. Requests for exemptions from this prohibition must be submitted in writing, with a supporting rationale, to the FGO, who shall decide such matters on their merit. Appeals from the FGO's decision shall be adjudicated according to the procedures established in Articles 3.1.6, 3.1.7, and 3.1.8.
 - 1.4.1 In the absence of an exemption from the prohibition in Article 1.4, a grievance filed under the FGP shall be held in abeyance by the FGO pending the termination of the external proceedings.

2. Grievance Structure

2.1 The University Committee on Faculty Affairs (UCFA)

- 2.1.1 The UCFA shall serve as a University grievance advisory committee.
- 2.1.2 The UCFA shall recommend to the President, pursuant to procedures set forth in the Appendix to this document, one person who shall be appointed as the Faculty Grievance Official (FGO) upon approval of the Board of Trustees.
- 2.1.3 The UCFA shall periodically review the performance of the FGO according to the procedures set forth in the Appendix to this document.

2.2 The Faculty Grievance Official (FGO)¹

- 2.2.1 The FGO shall receive and make every reasonable effort to resolve grievances and assure that all hearings are conducted in accordance with the procedures prescribed in this document.
- 2.2.2 The FGO shall administer the grievance procedures as set forth in this document and shall advise the parties about appropriate procedures to follow.
- 2.2.3 The FGO shall have broad investigative authority and shall have ready access to all administrative officials and faculty and to all relevant information and records except those required to be kept confidential by statute and/or judicial decision. Information and records available to the FGO shall be made available to a grievant, in a form that protects the privacy and confidentiality of third parties if, in the FGO's judgment, the grievant has need of them for resolution of the grievance.
- 2.2.4 The FGO shall respect the confidentiality of information and records and the privacy of all parties whose interests are affected by a grievance.
- 2.2.5 The FGO shall exercise only those powers delegated to him/her.
- 2.2.6 The FGO shall not serve as advocate for any party on any grievance and may participate in a grievance proceeding only in his/her official capacity.
- 2.2.7 The FGO shall provide, upon request, assistance in the promulgation of procedural guidelines by departments, units and colleges.
- 2.2.8 The FGO may recommend to the UCFA changes in existing faculty grievance procedures.
- 2.2.9 The FGO shall report once a term to the UCFA and once each year to the Academic Council, and shall sit as an ex officio member of the Academic Council.

¹See Appendix for appointment, reappointment and evaluation of the Faculty Grievance Official.

2.2.10 The FGO shall forward to the Chairperson of the UCFA, for distribution to the members of the committee, a copy of any decision of the President which overrules, in whole or in part, the findings and recommendations of an appeals hearing panel. The UCFA shall maintain the confidentiality of such documents.

2.2.11 The FGO shall maintain records of all grievances, formal proceedings, findings and recommendations, and decisions.

3. Initiation of Grievances and Hearing Procedures

3.1 Initiation of Grievances

3.1.1 A grievance may be initiated and processed at the department/unit, college or University level according to the procedures set forth in this document.

3.1.2 A faculty member who feels aggrieved may without delay discuss the matter in a personal conference with the FGO. The FGO shall determine if the grievance falls under the jurisdiction of the Faculty Grievance Procedure, the UCFT or the ADJB.

3.1.3 In order to establish and retain access to the formal hearing mechanisms at any level (department/unit, college, or University), a faculty member must submit a written grievance statement to the FGO within 30 days of his/her first knowledge of the alleged violation.¹

3.1.4 The grievance statement shall set forth the alleged violation of existing policy or established practices, a concise statement of the facts relevant to the grievance, the name of any administrator(s) whose action is at issue, the approximate date on which the alleged action took place, and the redress sought.

3.1.5 Within 10 days of receipt of the grievance, the FGO shall forward a copy to the respondent(s) named, and inform the parties in writing of decisions that he/she has made with respect to all of the following:

3.1.5.1 Whether the grievant has standing under the Faculty Grievance Procedure.

3.1.5.2 Whether the grievance has been filed in a timely fashion.

3.1.5.3 Whether the grievance identifies the appropriate respondent(s).

3.1.5.4 Whether the grievance adequately identifies the existing policies and/or established practices alleged to have been violated, misapplied, or misinterpreted.

3.1.5.5 Whether the grievance contains a reasonably adequate statement of the facts relevant to the complaint.

3.1.5.6 Whether the redress being sought conforms to existing policy and procedures in the appropriate unit of the University.

¹For good cause shown, any time limits specified in this document may be waived or extended by the FGO or upon mutual agreement of the parties. References to days in this document are to calendar days.

3.1.6 All parties shall have the right to appeal the FGO's decisions on any matter under 1.4 and 3.1.5 by filing a written statement accompanied by supporting rationale with the FGO within 10 days of the issuance of such decisions.

3.1.7 In the event of an appeal, the FGO shall submit the statement of his/her decisions, together with any appeals from the parties, to a three-person standing panel drawn by UCFA from the membership of the University Appeals Board. The standing panel, whose members shall serve two-year terms on a staggered basis, shall deliberate and submit to the FGO written decisions on the issue(s) under appeal within 10 days of its convening by the FGO. Membership on this panel will recuse its members from any additional service as members of the University Appeals Board.

3.1.8 The FGO shall forward a copy of the decisions to the parties within 7 days of their receipt from the standing panel.

3.2 Informal Resolution

3.2.1 The FGO shall investigate the grievance and make every reasonable effort to resolve it informally. The FGO may recommend dropping the grievance as lacking in merit or for other just cause. Such a recommendation, however, shall not be binding on the grievant.

3.2.2 Within 40 days of the filing of the grievance statement, the parties and the FGO shall attempt to resolve the grievance informally. If the FGO determines that the grievance cannot be resolved, notice shall be provided to the parties. If the faculty member wishes to pursue the grievance, a written request for a formal hearing must be submitted to the FGO within 30 days of such notice. Failure to submit such a request will constitute a waiver of the faculty member's right to pursue the grievance.

3.2.3 The FGO shall determine after consultation with both parties the appropriate hearing level (i.e. department/unit, college, or University) and shall notify the administrator at the appropriate level of the written request for hearing.

3.3 Formal Hearing Procedures: Department, College or other Academic Unit

3.3.1 Each department, college, or other academic unit, subject to the approval of the UCFA, shall establish a grievance procedure that assures fair treatment for individuals and that accords with the guidelines contained in this Article and Article 6. A model procedure is available from the FGO.

3.3.2 Upon receipt of notice from the FGO that a hearing has been requested, a formal hearing shall be conducted in accordance with prescribed unit policies within 14 days of establishment of the hearing panel. The FGO shall be involved in the establishment of all hearing panels and shall be present at all hearings to ensure compliance with the procedures set forth in this document.

3.3.3 Whenever a hearing panel loses thirty percent or more of its members, the hearing shall be terminated and a new panel selected.

3.3.4 Hearing panels shall forward their findings and recommendations in writing within 14 days of the completion of the hearing to the FGO, who shall forward them to the grievant, respondent, and the administrator who is the respondent's immediate supervisor.

3.3.5 The administrator at the appropriate level shall provide written notification of his/her decision to the grievant, the respondent, respondent's immediate supervisor, and the FGO within 14 days of receipt of the hearing panel's findings and recommendations. Failure to provide written notification shall result in automatic appeal.

4. University Level Hearings

4.1 University Hearing Board and Hearing Panels

4.1.1 A University Hearing Board shall be established from which hearing panels shall be selected.

4.1.2 Each college shall select four (4) tenured faculty members and one (1) non-tenured tenure system faculty member to serve as members of the University Hearing Board. Each college with 75 but no more than 199 tenure system faculty members additionally shall select four (4) tenured faculty members and one (1) non-tenured tenure system faculty member. Each college with 200 or more tenure system faculty members additionally shall select six (6) tenured faculty members and three non-tenured tenure system faculty members. The non-college faculty shall select six University Hearing Board members from the tenured faculty and librarians with continuous appointment status. Tenured faculty and librarians shall serve three-year terms and non-tenured faculty shall serve two-year terms. Service shall be limited to two consecutive terms. Annually the Secretary for Academic Governance, in consultation with the colleges and non-college faculty, shall encourage the selection of a diverse group of faculty for service on the University Hearing Board and shall ensure the selection of the appropriate number of University Hearing Board members.

4.1.3 A University hearing panel shall consist of 5 members of the Hearing Board who are selected by the FGO by lot. A Hearing Board member shall serve on no more than one University hearing panel per year.

4.1.4 Each hearing panel shall have a presiding officer selected by the FGO from a list established by the UCFA. The presiding officer shall not be a voting member and shall apply the rules of procedure consistent with the guidelines stated in Article 4.2 and Article 6.

4.1.5 The FGO shall notify each party of the names of the five members of the hearing panel and within 10 days either party may challenge any member for cause. In addition, each party shall have two preemptory challenges. Cause shall be determined by the Presiding Officer. Challenged members of the panel shall be replaced pursuant to the procedures stated in 4.1.3.

- 4.1.6 If a hearing panel loses two or more of its members during the course of a hearing, the hearing shall be terminated, and a new panel selected.

4.2 University Hearing Panel Procedures

- 4.2.1 The FGO shall convene the hearing panel and shall be present during all formal proceedings.
- 4.2.2 The hearing shall begin within 14 days of the establishment of the panel and shall be conducted expeditiously in accordance with the procedures of this Article and Article 6.
- 4.2.3 When a University hearing panel sustains the allegation(s) made in a grievance, it shall recommend appropriate redress consistent with existing policies, procedures, or practices in the appropriate unit of the University. Its findings and recommendations shall be presented to the FGO within 14 days of the completion of the hearing.
- 4.2.4 Upon receipt of the panel's findings and recommendations, the FGO shall forward them to the Provost and the parties.
- 4.2.5 The Provost shall provide written notification of his/her decision to the parties and to the FGO within 14 days of receipt of the hearing panel's findings and recommendations. Failure to provide written notification shall result in automatic appeal to the University appeals panel.

5. Appeals

5.1 Initiation of and Conduct of Appeals Hearings

- 5.1.1 The decision of any administrator (department/unit, college or university) may be appealed by either party. If the original hearing was by a department/unit hearing panel, the appeal shall be to college hearing panel. If the original hearing was by a college hearing panel or University hearing panel, the appeal shall be to the University Appeals Board. Notwithstanding the above, grievances concerning non-reappointment of non-tenured faculty members, if appealed, are taken to the University Appeals Board.
- 5.1.2 An appeal must be filed with the FGO within 14 days of receipt of the decision of the appropriate administrator. Failure to appeal within the prescribed time shall be deemed acceptance of the decision.
- 5.1.3 Appeals to the college level shall be conducted in accordance with procedures adopted by the college. Findings and recommendations of the college hearing panels shall be forwarded to the FGO within 14 days of the completion of the hearing. The FGO shall forward the findings and recommendations to the President who shall render a decision pursuant to Article 5.3.7 and 5.3.8.
- 5.1.4 Appeals to the University Appeals Board shall be conducted in accordance with the procedures set forth in Section 5.2.

- 5.1.5 Once an appeal is filed, the decision of the administrator in response to the findings and recommendations of the initial hearing panel shall be suspended until a final decision is rendered.

5.2 University Appeals Board and Appeals Panels

- 5.2.1 A University Appeals Board shall be established from which appeals panels shall be selected.
- 5.2.2 Each college shall select two tenured faculty members and one non-tenured faculty member to serve on the University Appeals Board. The non-college faculty shall select four members from the tenured faculty and librarians with continuous appointment status. Tenured faculty and librarians shall serve three-year terms and non-tenured faculty shall serve two-year terms.
- 5.2.3 Appeals panels shall consist of five members selected by the FGO by lot from members of the University Appeals Board, except that for grievances concerning non-reappointment in the tenure system, panels shall consist of five members (three tenured and two non-tenured) appointed as follows:
- a) three faculty members selected by the UCFT from its membership
 - b) two faculty members selected at random by the FGO from the members of the University Appeals Board.
- 5.2.4 A presiding officer for each appeals panel shall be selected by the FGO from a list established by the UCFA. The presiding officer shall not be a voting member and shall apply the rules of procedure consistent with the guidelines stated in Article 6.
- 5.2.5 The FGO shall notify each party of the names of the five members of the appeals panel and within 10 days either party may challenge any member for cause. In addition each party shall have two peremptory challenges. Cause shall be determined by the presiding officer. Challenged members of the panel shall be replaced pursuant to the selection process stated in 5.2.3.
- 5.2.6 If an appeals panel loses two or more of its members during the course of a hearing, the hearing shall be terminated and a new panel selected.

5.3 University Appeals Panel Procedures

- 5.3.1 The FGO shall convene an appeals panel within 14 days of the establishment of the panel and shall be present during all formal proceedings. Written notice of the time and place of the hearing and any documents deemed relevant by the FGO shall be provided to each party 72 hours before the hearing.
- 5.3.2 Appeals shall be conducted expeditiously.
- 5.3.3 Appeals shall be decided upon the record of the original proceeding and upon argument of the parties presented to the Appeals panel.

- 5.3.4 Appeals must allege either that there has been a prejudicial violation of the procedures established for the conduct of the initial hearing, and/or that the decision of the administrator is not consistent with the preponderance of the evidence presented at the initial hearing.
- 5.3.5 University appeals panels may recommend affirmation, reversal or modification of decisions of the appropriate level administrator.
- 5.3.6 The findings and recommendation of an appeals panel shall be forwarded to the FGO within 14 days of the completion of the hearing. The FGO shall forward the findings and recommendations to the President and to the parties.
- 5.3.7 For stated cause the President of the University may return the findings and recommendations to the appropriate hearing panel or appeals panel once for reconsideration.
- 5.3.8 Within 30 days, the President shall either concur with the finding(s) and recommendation(s) of the appeals panel and direct appropriate implementation or overrule the findings and/or recommendations. When a recommendation is overruled, in whole or in part, written reasons shall be given by the President to the parties, the appropriate appeals body, the FGO and the Chairperson of the UCFA.

6. Guidelines for the Conduct of Department/Unit, College and University Level Hearings

6.1 Department/unit, college and University level hearings shall be conducted in accordance with the following guidelines:

- 6.1.1 Records shall be maintained throughout the informal and formal phases of each grievance by the parties and records of all formal proceedings shall be promptly filed with the FGO upon completion of such proceedings.
- 6.1.2 All hearings shall be recorded. A party may request and obtain a copy of the recording from the FGO.
- 6.1.3 Hearing panels shall serve throughout an entire proceeding.
- 6.1.4 A hearing panel shall take necessary precautions to avoid any conflict of interest on the part of its members.
- 6.1.5 The membership of hearing panels shall not be selected by administrative appointment.
- 6.1.6 Formal hearings shall be closed unless the parties agree otherwise.
- 6.1.7 The privacy of confidential records used in the hearing shall be respected.
- 6.1.8 Hearings shall be conducted in good faith and are to be completed within 30 calendar days unless the FGO determines that an extension of time is necessary.

- 6.1.9 All parties may present their cases in person and may call witnesses on their behalf. A party may elect not to appear, in which event the hearing will be held in his or her absence. Absence of a party shall not be prejudicial to the case.
- 6.1.10 All parties are entitled to counsel of their choice. Counsel must be identified to the FGO who shall inform the parties and the hearing panel at least 48 hours prior to the time set for hearing.
- 6.1.11 Any party or counsel shall be entitled to ask pertinent questions of a hearing panel or any witness.
- 6.1.12 A hearing panel shall decide whether the preponderance of the evidence does or does not support the allegations made by the grievant.
- 6.1.13 Upon commencement of any hearing, hearing panels shall resolve any procedural or jurisdictional issues raised by the parties, except those falling under Article 1.4, after providing each party the opportunity to be heard on such matters. However, neither party may advance any issue that has already been adjudicated through the procedures outlined in Article 3.1. The FGO shall include all documents concerning disputed claims of jurisdiction in the packet of materials distributed to the hearing panel, and shall forward such documents, along with the hearing panel's report, to the administrator who is authorized to decide the grievance.
- 6.1.14 Hearing bodies may consider evidence submitted by the parties concerning the relative credentials of faculty members in determining the merit of grievances involving salary, appointment, re-appointment or promotion.
- 6.1.15 Findings and recommendations of hearing panels shall conform to existing policy and procedures in the appropriate unit of the University.
- 6.1.16 Hearing panels shall report their findings and recommendations in writing within 14 days of the completion of the hearing to the FGO, who shall forward them to the grievant, the respondent, and the administrator who is the respondent's immediate supervisor.
- 6.2 Upon the request of either party, the FGO, prior to convening a hearing panel, or a hearing panel, upon being convened, has the authority to request that appropriate individuals discontinue or postpone any action threatening irreparable harm pending final disposition of a case.
- 6.3 Written notice of the time and place of the hearing, a copy of these procedures and any other documents deemed relevant by the FGO shall be provided to each party and to the panel 72 hours before the hearing.
- 6.4 All parties shall be notified in writing of their right to appeal by the FGO when a copy of any decision is forwarded to the parties.

7. Indemnification

In accordance with the University's policy concerning indemnification, indemnification shall be provided to the Faculty Grievance Official, members and presiding officers of hearing or appeal panels, and University faculty serving as counsel for the parties, in their roles as participants in the University's Faculty Grievance Procedure. Participation in the processing of such grievance until its ultimate outcome under provisions of the Faculty Grievance Procedure may not be interpreted as a failure of cooperation with the University and as a basis for withdrawing indemnification.

8. Procedures for Revision and Implementation of this Document

8.1 Any faculty member or administrator may initiate a proposal to revise this document.

8.2 All proposals for revision shall be submitted to the UCFA which shall consider them and forward them to the Elected Faculty Council (EFC), with or without recommendation.

8.3 If approved by the EFC, the proposal shall be submitted to the Academic Council.

8.4 Proposed amendments and revisions approved by the Academic Council shall be forwarded to the President for action by the Board of Trustees and shall become effective upon Board approval and operative no later than 90 days from the date of approval.

8.5 The UCFA shall formulate and disseminate to all departments/units and colleges, a model academic unit grievance procedure that accords with the provisions of this document.

8.6 The UCFA shall have shared responsibility with the Provost to approve written faculty unit grievance procedures or, if an academic unit does not have written faculty grievance procedures, to determine such procedures.

8.7 The UCFA shall have the responsibility to ensure that the procedures set forth in this document are fully implemented in accordance with the provisions of this document.

8.8 Copies of this document shall be widely distributed throughout the University and copies shall be available from the FGO upon request.

APPENDIX

Appointment, Reappointment and Evaluation of the Faculty Grievance Official

I. Appointment of and Support of the FGO¹

1. UCFA shall prepare a slate of candidates for presentation and discussion with the Provost and President, after which it shall recommend one person to be appointed as the FGO.
2. Upon approval of the Provost, President and the Board of Trustees, the FGO shall be appointed for a term not to exceed five years. The FGO may be reappointed beyond the initial term and may be reappointed beyond the five-year period but there is no right to reappointment for any term or period.
3. The office of the FGO shall be independent of the administrative structures of the University.
4. The UCFA shall consult as necessary with the Provost and President concerning salary, budget, office facility and staff for the FGO. The UCFA shall annually review the performance of the FGO and shall advise the Provost and President regarding salary recommendations.
5. Whenever a vacancy occurs in the FGO position, the UCFA shall confer and recommend to the Provost and the President an individual to serve as Acting FGO.

II. Evaluation of the FGO

1. The UCFA shall annually evaluate the FGO pursuant to criteria established by the UCFA in consultation with the Provost and the President.
2. The UCFA shall discuss the evaluation with the FGO and shall forward its evaluation and a recommendation as to salary to the Provost and President.
3. The UCFA shall establish procedures for review of the FGO's performance which shall be undertaken when reappointment of the FGO is under consideration. Such procedures shall involve input from individuals who have had contact with the Faculty Grievance Procedure and the FGO.
4. The reappointment evaluation shall be transmitted to the Provost and the President together with a recommendation for reappointment. In the event that reappointment is not recommended, the UCFA shall follow the procedures set forth in Article I for the appointment of a new FGO.

¹The 14-step hiring procedures applicable to faculty and academic staff shall apply to the appointment of the FGO.

III. Reappointment of the FGO

1. The UCFA may recommend reappointment of the FGO to the Provost and the President for a term which does not extend the FGO's service beyond five years. Such recommendation shall be made only after the UCFA has evaluated the FGO's performance for the term preceding the recommendation.
2. Should the FGO express a desire to serve an appointment which would extend the FGO's service beyond five years, a review of all years of service of the FGO shall take place.
3. In the event that the UCFA decides not to recommend a continued appointment, the UCFA shall proceed with the appointment of a new FGO pursuant to the provisions set forth in Article I.

LEAVE POLICIES

The following policy was approved by the Board of Trustees on June 11, 1993.

Leaves of absence, with or without pay, **may** be granted to faculty/academic staff members. Recommendations for leaves of absence originate in the department, school or comparable unit and must be reviewed successively by the dean and the provost, who makes the final decision. Leaves usually do not extend beyond one year.

Leaves of absence, other than for sickness or for military service, are not granted automatically but are intended for the mutual benefit of the University and the faculty/academic staff member.

Leaves will not be granted unless satisfactory arrangements are made in advance to:

1. Carry on the instruction, research, extension and administrative duties of the faculty/academic staff member,
2. Fulfill obligations to graduate students whose programs or theses are being directed by the faculty member and
3. Fulfill obligations to committee assignments.

Specific dates for the leave must be specified in the request and should be made as far in advance as possible.

A faculty/academic staff member who without good cause fails to return to the University within a reasonable time after a term break, sabbatical, or other leave of absence, shall forfeit rights to further employment and shall be considered as having resigned. In such circumstances, the following procedures shall apply in lieu of the Dismissal for Cause procedures.

The Provost or designee shall inform the faculty/academic staff member that the failure to return may be treated as a resignation and provide the person with an opportunity to respond. If the faculty/academic staff member cannot be contacted after a reasonable effort, the Provost or designee shall proceed on the basis of the information available.

The Provost or designee shall decide whether the failure to return shall be considered a resignation. The faculty/academic staff member may initiate a grievance under the Faculty Grievance Procedure if he or she disagrees with the Provost or designee's decision within 30 days of receipt of the Provost's or designee's decision. If a grievance is filed, the faculty member will be granted an unpaid leave during the pendency of the grievance. In the case of tenured or tenure system faculty, the initial hearing panel shall include at least three members of the University Committee on Faculty Tenure.

SABBATICAL LEAVES OF ABSENCE

The following policy was approved by the Board of Trustees on May 25, 1956 and revised on November 19, 1993.

General Policy

1. A sabbatical leave is intended for the mutual benefit of the University and the faculty member granted a leave. The purpose is to encourage academic and institutional revitalization by providing sustained time for research/creative activities; development of new courses or

programs; acquisition of expanded and/or new qualifications and skills; contribution to academic unit plans to improve and/or refocus instructional, research, or public service activities in accordance with the mission of the University.

2. A sabbatical leave is not granted automatically. Each request for a sabbatical leave must include a detailed description outlining the purposes, objectives and scholarly and research activities of the leave and normally should be submitted six months in advance of the starting date of the leave. The plan should indicate how the objectives and accomplishments of the leave will advance the interests and capabilities of the faculty member for fulfilling the aims, objectives and goals of the department/school, college or University. All leaves must have the approval of the appropriate administrators and of the Provost or designee.
3. Within thirty (30) days following the conclusion of a sabbatical leave, a sabbatical leave report, with a separate summary not to exceed one page in length, must be submitted to the department chairperson/school director or dean of a non-departmentally organized college. The report should include an assessment and evaluation of the leave accomplishments in relation to the sabbatical leave plan. Departments/schools and non-departmentally organized colleges should retain a copy of the sabbatical leave report in applicable unit files.

Eligibility

1. Only faculty members with tenure shall be eligible for sabbatical leaves.
2. A sabbatical leave shall not be granted until the faculty member has completed six years of service to the University. Service shall be interpreted to include those activities of interest to and supported by the University, regardless of the source of financial support.
3. Years of service shall count from the date of full-time appointment, or from the ending date of the previous sabbatical leave (except as stated in the following section, number 3, below). However, all leaves of absence shall be excluded in determining years of service for a sabbatical leave.
4. The length of leaves shall not be extended on the basis of more than six years of service since the previously compensated leave.
5. Appropriate applications for a full year of leave (with reduced pay) normally have precedence over shorter term leaves (with full pay).

Types of Sabbatical Leaves

1. For faculty on academic year appointments, sabbatical leaves are of two types:
 - a. One term with no reduction in pay.
 - b. Two terms with a fifty percent reduction in the academic year salary. (Payments distributed over 12 months.)
2. For faculty on annual appointments:
 - a. Up to six months with no reduction in pay.

- b. Twelve months with a fifty percent reduction in pay.
3. For deans, directors, departmental chairpersons, and other administrative officers:
 - a. Three months once in every three years with full pay, initially after six years of service to the University which includes at least three years of administrative service.
 - b. Six months with no reduction in pay after at least six years of service to the University since the previous sabbatical or from the date of full-time appointment including at least three years in administrative positions without compensated leaves.
 - c. Sabbatical leave eligibility following the return to regular faculty duties requires six years of service to the University since the completion of the sabbatical leave referenced in a. and b., above. Up to three years credit for service between the date of full-time employment or the end date of the sabbatical leave immediately preceding the administrative assignment, whichever is later, and the beginning date of the administrative position may be applied toward this requirement only if the last sabbatical leave as an administrator was a three-month leave (see section 3a, above).

Conditions

1. Recipients of sabbatical leaves are permitted to receive money for activities approved as part of the approved sabbatical plan without prejudice to their receipt of income from Michigan State University, provided that the total remuneration from all sources does not exceed that received from this institution. (Financial support to offset the costs of travel and subsistence are excluded from total remuneration; see 3, below.)
2. Teaching, research and service activities performed during sabbatical leaves must be in accord with the mission of the unit, college and University. Faculty members on sabbatical leave may accept teaching assignments for pay subject to the following conditions:
 - a. The teaching assignment must provide and be part of a variety of experiences which serve to improve scholarly/creative competence;
 - b. Benefits flowing from the teaching assignment must be demonstrable in the sabbatical leave plan;
 - c. The details of the teaching assignment are clearly defined in the sabbatical leave plan and are subject to approval by the applicable chairperson/director, dean and Provost or designee and agreed to in the best interests of the department/school, college and University.
3. In addition to salary, special arrangements may be made to defray travel and similar coincidental expenses, normally provided by externally obtained non-general fund grants or other arrangements. These arrangements normally should be approved in advance as part of the leave application.
4. A recipient of a sabbatical leave of absence is obligated to return to Michigan State University for the following year. Requests for leaves without pay immediately following a sabbatical leave normally will not be approved. If a leave no pay is to be recommended, it should precede the sabbatical leave.

Departmental Adjustments

1. If a sabbatical leave is granted for one year, academic or fiscal, the department involved will be entitled to use the released funds for a replacement, provided approval is given by the dean of the college.
2. If leave is granted for less than a year, the department will be expected to make adjustments such as suspending courses or by reassigning other personnel.
3. Sabbatical leaves shall not be granted to several members of a department concurrently if the efficiency of instruction, research and service programs will be impaired.

LEAVES OF ABSENCE WITHOUT PAY

Leaves of absence without pay may be granted with the recommendation of the department chairperson and dean. Specific dates for the leave must be specified in the request and should be made as far in advance as possible, so that neither instruction nor research programs will be interrupted. Such leaves usually do not extend beyond one year.

Faculty/academic staff members should contact the Benefits office to make arrangements for continuation of their benefit programs.

OPTIONAL LEAVE WITHOUT PAY DATES FOR ACADEMIC YEAR APPOINTED FACULTY AND ACADEMIC STAFF

This statement was issued by the Office of the Provost on May 28, 1993.

Faculty and academic staff requesting a leave without pay for one semester may choose among several payroll options. The options are necessary because academic-year (AY) appointed faculty and academic staff perform duties over the academic year, but are paid over twelve months.

Fall Semester

Faculty and academic staff on a leave without pay for fall semester are released from university responsibilities for the period 8/16 through 12/31, and off the university payroll for the period 8/16 through 12/31 and 5/16 through 6/30. In this instance, the individual faculty member should contact the Benefits office, at 3-4434, to assure that they clearly understand benefits options during the periods of their leave. (If a faculty or academic staff member subsequently terminates employment between 1/1 and 5/16, official payroll dates will be adjusted in recognition of the individual's residual no-pay obligation.)

Spring Semester

Option 1:

Faculty and academic staff on a leave without pay for the spring semester are released from university responsibilities for the period 1/1 through 5/15, and off the university payroll for the six-month period 2/16 through 8/15.

Option 2:

Faculty and academic staff on a leave without pay for the spring semester are released from university responsibilities for the period 1/1 through 5/15, and off the university payroll for the period 1/1 through 6/30.

CONTINUATION OF BENEFITS FOR FACULTY ON LEAVE OF ABSENCE NO PAY STATUS TO RECEIVE PRESTIGIOUS AWARDS, FELLOWSHIPS AND/OR SPECIAL ASSIGNMENT OPPORTUNITIES.¹

The following statement was issued by the Office of the Provost on May 6, 1985 and revised on April 22, 1987.

Michigan State University encourages continuing professional development by faculty members. This encouragement takes many forms, e.g., substantial time as part of regular assignments devoted to scholarly, research, and other creative activities; sabbatical leaves; an environment supportive of scholarship such as a major research library.

Continuing professional development that is in the interest of both the individual faculty member and the University may be facilitated when a faculty member receives a prestigious award, fellowship, or special assignment opportunity requiring a leave of absence without pay, with partial pay or a reduction in percent employment below full-time, normally for periods usually six months or longer.

Examples of prestigious awards, fellowships, and special assignment opportunities for which leaves of absence without pay often are requested include the following:

1. Prestigious awards and/or fellowships provided by national and international organizations and foundations supporting research and scholarship broadly defined, for example, those provided by the National Endowment for the Arts/Humanities, Guggenheim Foundation, Fulbright Commission, Rockefeller Foundation, National Science Foundation, Social Science Research Council.
2. Prestigious awards and/or fellowships provided by national and international organizations and foundations supporting research and scholarships in specific disciplines, for example, those provided by the Wenner-Green Foundation for Anthropological Research, Charles Warren Center (of Harvard University), Sloan Foundation, and Robert Wood Johnson Foundation.

¹Eligibility under this program is provided for tenure system faculty members who are recipients of prestigious awards or fellowships or participate in special assignment opportunities which are in the interest of both the individual and the University. Individuals holding either full-time appointments in other academic personnel continuing appointment systems (the Librarian Continuous Appointment System, the Continuing Appointment System for the National Superconducting Cyclotron Laboratory, the Academic Specialist Continuing Appointment System, MSU Extension Continuing Appointment System, and those holding Executive Management appointments) or full-time regular, university support staff appointments also are eligible to request coverage under this policy if they are recipients of awards, fellowships, or special assignment opportunities comparable to those described above. Requests from individuals appointed in academic personnel continuing appointment systems should be forwarded to the Assistant Provost and Assistant Vice President for Academic Human Resources after review and endorsement by the applicable unit administrator and dean/separately reporting director. Requests from university support employees should be forwarded to the Assistant Vice President for Human Resources after review and endorsement by the applicable unit administrator and dean/separately reporting director, or other appropriate administrator.

3. Assignments with international, national, and state public agencies and institutions, private businesses, foundations, and organizations, and professional associations.
4. International faculty exchange programs and participation in teaching/scholarly activities with educational institutions in other countries with which Michigan State University has important formal cooperation or linkage agreements.

There are instances when such awards, fellowships, and special assignment opportunities, as a consequence of the policy of the source institution, do not include benefits similar to those provided by Michigan State University for full-time tenure system faculty.

Request Procedures

On receipt of the above-referenced types of awards, fellowships, and special assignment opportunities for which the source institution does not provide applicable benefits, a tenure system faculty member may request, with written endorsement of the applicable chairperson/director and dean, that the Office of the Provost arrange with the Benefits office for the continuation of the applicable University benefits (see below) not provided by the source agency or institution. Such written requests must provide a statement that the leave of absence without pay is to accept a prestigious award, fellowship, or other special assignment opportunity that is in the interest of both the individual and the University. Information in support of the request must include: a) specifics of the award/fellowship or assignment, including the regular University benefits provided as well as not provided by the source agency/institution; b) documentation from the source agency/institution of its benefits policy; c) the specific assignment(s) to be performed while on leave of absence without pay; and d) how the activities entailed in the award, fellowship, or special assignment opportunity advance the interests of the individual and the University. Requests must be initiated by the faculty member, and the continuation of benefits is not an entitlement; each case is to be reviewed on its merits.

On approval of such requests, the Office of the Provost will arrange with the Benefits office for continuation of the faculty benefits stated below for the faculty member for a leave without pay of up to one year, with an additional one-year extension based on a written request approved by the chairperson(s)/director(s), dean(s), and the Provost. In exceptional cases, benefit eligibility may be continued for an additional period.

Possible Benefit Coverage

Those benefits set forth below which are not provided by the applicable source agency/institution (for which full-time Michigan State University faculty appointed nine months or more are now eligible) may be provided for faculty members for whom continued benefits eligibility is approved by the Office of the Provost. (The benefits continued will be limited to those in force for the individual immediately prior to leave of absence without pay status);

1. Health Care coverage with applicable University contribution;
2. Dental plan coverage;
3. Expanded life insurance;
4. Long-Term Disability (LTD);
5. Employee-paid life insurance if the employee continues to pay premium;
6. Accidental Death and Dismemberment coverage if the employee continues to pay premium.

Salary-related benefits, e.g., University contributions to the base retirement plan (TIAA-CREF), social security, etc., will not be provided during a leave of absence without pay. Continued benefits which are linked to an individual's salary status, e.g., expanded life insurance, LTD, will be based on the applicable University salary rate immediately prior to the leave of absence without pay.

Requests for eligibility under this program should be directed to the Assistant Provost and Assistant Vice President for Academic Human Resources after review and concurrence by the chairperson(s) and dean(s)/separately reporting director(s).

MEDICAL LEAVES

Short-Term Disability

Faculty and academic staff members who are appointed on a full time basis¹ are eligible for up to six months of paid leave if health problems prevent the individual from working. It is the responsibility of the individual faculty/academic staff member to promptly notify the department chairperson, director, or immediate supervisor of absence due to illness or disability.

If other members of the faculty/academic staff assume the duties of the individual on a temporary basis without additional cost to the University, no formal report of the absence beyond the dean or director of the major academic unit is required during a four week period.

If the absence extends or is expected to extend beyond four weeks, a leave of absence beginning with the first day of absence should be requested by the individual or if the individual is unable to make the request, by the department chairperson or director, through the office of the dean to the provost for reporting to the president and Board of Trustees.

Faculty/academic staff returning from medical leave may be required to obtain approval from the attending physician before returning to work.

Long-Term Disability

If disability of a faculty or academic staff member appointed for nine months or more on a full-time basis extends or is likely to extend beyond six months, the Benefits office should be contacted immediately for information on applying for benefits under the Long-Term Disability plan and Social Security. (See Long-Term Disability: An Interpretation of the Tenure Rules.)

Short-Term Leave of Absence--Maternity

The following policy was revised on December 1, 1987.

Guidelines and Procedures for this Policy are:

1. A pregnant faculty or academic staff member is expected to remain on active status as long as she is able to perform the duties of her position without harm to her well-being or that of the unborn; she is to return as soon as her health permits after the birth of the child.

¹Short-term medical leave also applies to part-time faculty and academic staff members appointed for 50 percent or more time for nine months or more.

2. Upon a request by the pregnant faculty or academic staff member and presentation of a statement from her physician giving the projected delivery date, a leave of absence with pay will be granted without additional medical certification for a period up to four weeks before the projected delivery date and eight weeks following the birth.
3. Leave of absence (see below) in excess of the four weeks prior to the projected delivery date or the eight weeks after the birth requires a statement of medical need from the attending physician.

In all cases, the faculty or academic staff member is expected to make suitable arrangements, in advance whenever possible, with the chairperson or director of the academic unit. On a mutually agreed basis, this policy can be implemented to provide some variation in the leave of absence periods before and after the projected delivery date in recognition of scheduling constraints associated with academic responsibilities. As applicable, a written statement of such implementation arrangements must accompany the leave request.

Absence due to temporary illness or disability caused by or contributed to by pregnancy, childbirth and/or recovery--not covered by a maternity leave of absence--is covered by the short term disability medical leave of absence policy stated above.

Leave for purposes relating to child care is not to be confused with medical leave of absence relating to pregnancy and child birth. Leave for child care may be either annual leave (vacation) or leave without pay. Suitable arrangements are to be made in advance with the chairperson or director of the academic unit.

FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act (FMLA) of 1993 requires that eligible employees be allowed to take unpaid leave, or paid leave if earned, for a period of up to twelve work weeks in any twelve month period (defined by MSU as the fiscal year, i.e., July 1 through June 30) in the event of the birth of a child or the placement of a child for adoption or foster care; because the employee is needed to care for a family member (child, spouse or parent) with a serious health condition; or because an employee's own serious health condition makes them unable to do their job. Health and dental benefits, if enrolled, will be maintained at the same level and under the same conditions as coverage would have been provided if the faculty/academic staff member were continuously employed during the entire leave period. The Act provides that this leave may be taken intermittently or on a reduced leave schedule.

Faculty and academic staff who have regular appointments of nine months or longer at 50% time or more and have been employed by MSU for at least twelve months are eligible under FMLA. Faculty and academic staff with temporary appointments of less than nine months or less than 50% time who have been employed by MSU for at least 12 months and have at least 1,250 hours of service during the twelve months immediately preceding the commencement of FMLA leave are also eligible.

Faculty and academic staff are required to use paid leave provided by the short-term disability leave of absence policy (see preceding section) in the case of maternity or their own "serious health condition" and count it toward the twelve weeks of leave permitted under the FMLA. Short term absences that are not "serious health conditions" do not count toward the twelve weeks of FMLA leave. Faculty and academic staff may choose to use vacation leave for all or part of any otherwise unpaid FMLA leave, e.g., for the "serious health condition" of a family member or adoption of a child. Vacation leave for such purposes is counted toward the twelve weeks of leave permitted under the FMLA.

FMLA leave shall be concurrent with existing maternity and other paid/unpaid leaves of absence taken for FMLA reasons. For example, faculty and academic staff are not entitled to an additional twelve weeks of FMLA leave for birth of a child after the conclusion of a 12-week maternity leave provided under existing policies.

FMLA leave will not be provided beyond the end date of a temporary appointment.

Faculty and academic staff must provide their department chairperson/school director at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable. Otherwise, notice must be given as soon as practicable. Units may require medical certification to support a request for leave because of a serious health condition and may require second or third opinions (at the unit's expense) and a fitness for duty report to return to work.

Questions regarding the FMLA may be directed to your department/school or the Office of Academic Personnel Records (355-1526).

MILITARY SERVICE LEAVES

The University cooperates fully with faculty/academic staff members taking part in the reserve program of the military forces which calls for up to 15 days active duty training annually with the National Guard, Officers' Reserve Corps, or similar U. S. military organizations. The University will pay the faculty/academic staff member the difference between military pay and allowances and normal take-home pay for the required 15 calendar days of military duty.

When a member of the faculty/academic staff enters the armed forces, it is the policy of the University to grant, on request, a leave of absence to cover the term of service.

VACATION

The University provides vacation leave to faculty and academic staff members who are appointed on an annual year basis under the following conditions:

Eligibility

1. Faculty and academic staff members holding appointments on an annual year basis, with more than six months service, are eligible for annual vacation leaves. Faculty and academic staff holding academic year appointments are not eligible for vacation leave.
2. Faculty and academic staff members holding appointments on an annual year basis receive annual vacation leave equivalent to one month (22 working days) in twelve months. Proportional allowances are granted to appointees with more than six months of service but less than twelve. Vacation allowances are granted on July 1 of each year. Vacation time is to be charged against this accrual; the accrual will be proportionately reduced in the event of resignation/termination during the fiscal year or for other non-accrual time such as workers' compensation, long-term disability, leave without pay, etc.
3. Part-time faculty and academic staff members holding appointments for fifty percent or more time on an annual year basis receive vacation on a proportional basis.
4. Vacation must be taken during the fiscal year.

5. Vacation leave may not exceed one month (22 working days) in the fiscal year and is not cumulative.
6. Any supplementary employment during the annual vacation leave is contrary to University policy.

Scheduling

Each department is responsible for scheduling vacations in order not to interfere with the operation of the department and to insure that each faculty/academic staff member receives the appropriate vacation allowance during the appointment period. Although the scheduling preference of faculty and academic staff should be considered, vacations have to be scheduled to meet the instructional and research requirements of the department. Units that experience "slack" or "down" periods may require that vacations be taken during these times (e.g., December recess, summer recess, etc.). When practical, faculty/academic staff members should be informed of such requirements in advance.

Pay in Lieu of Vacation

Actual time off from work during the appointment period must be taken in order to receive compensation for vacation time. Payment in lieu of vacation may be approved only in case of retirement or termination for any cause (resignation, death, etc.).

Pay in lieu of vacation shall not exceed payment for one month less vacation time used during the fiscal year. Neither vacation time nor pay in lieu of vacation can be granted prior to eligibility for vacation allowance.

Transfers

Unused vacation allowance not exceeding one month will be transferred with a faculty/academic staff member when the individual transfers from one position, budget or operating unit to another. If a faculty/academic staff member is transferred from an instructional staff appointment to a professional, administrative, or other type of appointment, a transfer of the balance based on one month less actual vacation days used during the past fiscal year will be made.

Each department, school, or other administrative unit is responsible for scheduling vacation time off for faculty/academic staff members, maintaining vacation usage records, and if a faculty/academic staff member transfers to another unit, for notifying the faculty/academic staff member of unused vacation time in writing. A copy of the notification must be sent to the faculty/academic staff member's new unit.

BRIDGING BREAKS IN SERVICE

The following policy was issued by the Office of the Provost and has an effective date of August 16, 1982.

To provide a consistent definition of continuing employment for University employees, the policy for bridging breaks in service provides that service breaks for faculty/academic staff of twelve months or less result in the reinstatement of the previous employment date for purposes of retirement service credit and for fringe benefit eligibility. To bridge breaks in service greater than ninety days and not more than twelve months, the following conditions must be met:

1. The employee must have a minimum of one year of service prior to the break in employment; and,

2. The maximum accumulation of bridged time is two years, i.e., the sum total of individual breaks in service cannot exceed two years.

Approved leaves of absence or sabbatical leaves do not constitute a break in service.

This policy will be implemented automatically by the Office of Academic Personnel Records at the time individuals are subsequently reappointed. For individuals seeking to clarify their continuing employment status, it will be necessary to submit a written request to Academic Personnel Records, 312 Administration Building. The following information should be included in the written request: (1) Name (indicate if previously employed under a different name); (2) Social Security Number, (3) Present Department; (4) Previous Employment Date; (5) Separation Date; and (6) Re-employment Date.

Questions regarding the bridging policy should be directed to Academic Personnel Records, 5-1526; contact the Benefits office, 3-4434, regarding eligibility for benefit coverages.

CREDIT FOR PAST SERVICE

For retirement vesting purposes only, a faculty/academic staff member may receive credit for past service if the following conditions are met:

1. Faculty/academic staff who terminate employment from Michigan State University for more than twelve (12) months and subsequently are re-employed by MSU for five (5) or more continuous years are eligible to apply for credit for the previous employment.
2. A minimum of nine (9) months of continuous service prior to the date of termination is required to apply for credit for past service.
3. Approved leaves of absence or sabbatical leaves do not constitute a break in service.

Credit for past service applies solely to the minimum retirement requirements and has no effect on any other University benefits or programs. To apply for credit for past service, faculty/academic staff must submit a written request to the Office of Academic Personnel Records, 312 Administration Building, after establishing five years of continuous re-employment.

The following information should be included in the written request:

1. Name (indicate if previously employed under a different name)
2. Social Security Number
3. Present Department
4. Previous Employment Date
5. Separation Date
6. Re-employment Date

Questions regarding this procedure should be directed to the Office of Academic Personnel Records, 355-1526.

RETIREMENT

The following policy was adopted by the Board of Trustees on February 17, 1962 and revised on December 6, 1991.

Eligibility Policy

The University retirement plan is described in the section entitled Faculty/Academic Staff Benefit and Retirement Programs. Michigan State University's faculty/academic staff retirement policy provides:

1. Retirement of faculty/academic staff members is optional on the first day of the term following attainment of age 62 with 15 years of service or after 25 years of service at any age.¹
2. Tenure system faculty members appointed prior to January 1, 1992 who meet the retirement eligibility requirements in 1, above, may serve their final year before retirement on a terminal consultantship basis with agreed-upon duties involving at least a half-time assignment provided there were no compensated leaves in the five years immediately prior to retirement. Recommendation for such consultantship must be made by the department chairperson/school director and dean. The salary must be provided by the department/school. In applying for a terminal year consultantship, the faculty member must submit a letter outlining the proposed duties during the period. At the end of the consultantship period, a report on the accomplishments is to be submitted to the department chairperson/school director or dean of a non-departmentally organized college. The form to request terminal consultantship and retirement is available in Room 64, Administration Building.
3. A retired faculty/academic staff member may be re-employed, usually for part-time service, on a semester-to-semester or year-to-year basis. Salary will be determined at the time of appointment for such service. Retired faculty/academic staff who return to active employment at 50% time or more for nine months or longer are eligible to receive benefits such as health, dental, employee paid life, travel accident, base retirement plan with University contribution, and supplemental retirement plan, in the same manner as an active employee.

WORKING RETIREMENT OPTIONS

The following statement was issued by the Office of the Provost on March 1, 1993 and revised on November 19, 1993.

Michigan State University deeply appreciates the many years of loyal service and creative contributions of its retired faculty and considers them a continuing important resource for the institution. The university encourages the use of their accumulated professional skills, as appropriate, for the benefit of Michigan State as well as for retirees themselves. Upon retirement, faculty discontinue their full-time roles, but many may wish to provide their lifetimes of professional expertise to the university in a variety of ways. Indeed, such relationships may provide meaningful opportunities to phase into retirement while continuing to assure university access to important human resources.

¹Service includes activities of interest to and supported by the University regardless of the sources of financial support. June, July and August salary payments for academic year (AY) faculty who retire on July 1 are included in their May paycheck.

Service to Michigan State University may be in a variety of areas including but not limited to:

- teaching courses and seminars and providing occasional lectures
- research and outreach activities
- administrative consultation and assistance
- undergraduate and graduate advising, mentoring, and retention activities
- internship development and supervision
- admission/recruiting activities
- alumni relations
- academic governance input at various university levels
- university, college, and unit committee assignments
- development office activities

With the approval of the chairperson or director of the department or school, an Emeritus faculty member in a working retirement appointment may serve as one of the four required MSU regular faculty and may serve as a chairperson or member of a doctoral student's guidance committee.

Participation in the MSU Retirees Club (Retirees Service Corps) is another avenue through which retired faculty can engage in meaningful opportunities and make valuable contribution to the university.

The university views retired faculty, in addition to their specialized disciplinary expertise, as an important continuing asset to this institution. Emeritus faculty can and do contribute in a variety of important ways at Michigan State University.

Creative Working Retirement Options

Deans, chairpersons, and directors are encouraged to actively explore, with current as well as prospective emeritus faculty, opportunities for creative working retirement options that are mutually beneficial and agreeable. For active faculty who relinquish tenure at the time of retirement, such arrangements will provide opportunities to continue to make key contributions to the university while phasing into retirement.

Chairpersons, directors, lead deans, and other appropriate administrators are responsible for negotiating specific appointment possibilities involving the activities described above as well as others, the nature of the appointment (full- or part-time), and the length of the appointment commitment. Such postretirement appointment agreements can be for a fixed term or renewed on a mutually agreeable basis. In the case of faculty who retire in the future and accept such an assignment, the appointment period will begin at least one day after the retirement date so an emeritus faculty member can begin to draw his or her base retirement annuity immediately.

Creative working retirement options can be on a volunteer or paid basis. Salaries will be provided on a prorated basis based on the salary in force at the time of the retirement and the percent of employment during the postretirement appointment period. When teaching responsibilities are involved, the salary will be calculated in accordance with university summer school teaching assignment policies. The assignment agreement also may include provision of services and facilities to the emeritus faculty member during the assignment period including but not limited to:

- an office assignment
- laboratory space
- secretarial assistance
- computing support

Emeritus faculty with creative working retirement assignments are appointed professor emeritus (with or without pay), and are encouraged to participate in collegiate and department/school academic governance. Grant and contract acquisition is also encouraged with the same support assistance available from the office of the Vice President for Research and Graduate Studies as provided to currently appointed regular faculty.

In accordance with university policy, emeritus faculty with creative working retirement assignments who return to active employment at 50% time or more for nine months or longer are eligible to receive benefits such as health, dental, employee paid life, travel accident, base retirement plan with University contribution, and supplemental retirement plan in the same manner as an active employee. While the details of particular assignments must be developed and agreed to with the administrator of the appointing unit, the Assistant Provost and Assistant Vice President for Academic Human Resources serves as a clearing house on options and possibilities. Current emeritus faculty and active faculty contemplating retirement who are interested in exploring creative working retirement assignments should feel free to contact the Assistant Provost and Assistant Vice President for Academic Human Resources, Room 422 Administration Building, telephone number 353-5300.

Retirement Information Resources

The Benefits Retirement Division provides the following services to assist those contemplating or planning retirement:

- providing projections of TIAA/CREF annuities under various alternative annuity methods/conditions (requires access to latest TIAA/CREF account statement);
- describing how retirement affects current benefit programs (e.g., health and dental programs);
- reviewing procedures to effectuate retirement status;
- assisting in activating various withdrawal or annuity options; and
- explaining how to obtain estimates of social security income and initiate these payments.

In addition to these services, the base retirement vendors (TIAA/CREF, Vanguard, and Fidelity) offer individualized financial projections on withdrawal and/or annuity options. Potential retirees are encouraged to take advantage of the above services, as many who have previously utilized them found very favorable answers to their financial inquiries.

Information about retirement benefits and other services regarding benefit implementation is available from the Benefits Retirement Division, room 30 Nisbet Building, telephone number 432-2590, ext. 173.

RESIGNATIONS

The procedures under Michigan State University's tenure system bind the University to give adequate notice to faculty members if they are not to be reappointed. To protect the University in its efforts to find satisfactory replacements, it is expected that faculty members planning to resign will in every case give at least ninety days notice in writing to the department chairperson/school director or dean.

Faculty members leaving the University should contact the Benefits office, 140 Nisbet Building, for information concerning termination, continuation or conversion of their benefit programs.

PARTICIPATION IN PARTISAN POLITICAL ACTIVITIES

The following policy was approved by the Board of Trustees on December 12, 1950.

As citizens, the faculty/academic staff members of Michigan State University have the same rights and responsibilities of free speech, thought, and action as all citizens of the United States. Their position, however, imposes special obligations, such as emphasizing that they are not institutional spokespersons, and exercising appropriate restraint.

Obviously, faculty/academic staff members have a binding obligation to discharge instructional and other regular duties, and performance of these duties may be impaired by any private activity requiring a large portion of time. For the mutual protection of faculty/academic staff members and the University, faculty/academic staff members campaigning as political candidates for state or federal offices shall do so on their own time. For the period of such candidacy, it is required that they obtain leaves of absence or continue to work at the University on a part-time basis. Final determination for such decisions shall rest with the Board of Trustees.

Leaves of absence are not required of faculty/academic staff members who become candidates for offices of a temporary or part-time nature, such as members of a municipal charter revision commission, members of a local school board, or holders of municipal office.

This policy is intended to safeguard the freedom of speech, thought, and action of faculty/academic staff and to avoid impairment of the significant contributions they are capable of making toward improved local, state, and federal government.

STUDY AT MSU BY FACULTY MEMBERS

The following policy was approved by the Academic Council on May 1, 1973. Policies and procedures were reaffirmed by the Graduate Council on February 14, 1977, with the instruction that the dean of The Graduate School monitor programs of all faculty members pursuing MSU doctorates and notify any faculty members not in compliance.

1. No MSU faculty member with the rank of professor, associate professor, or assistant professor, or instructor in the tenure system, may earn a doctoral degree at MSU. Any waiver of this regulation may be made only by agreement of the Graduate Council and the provost prior to the beginning of the program.
2. Full-time faculty members may carry an average of four credits a semester with a maximum of 8 credits in the academic year. Fees are based on the number of credits carried, in the same manner as for other students.
3. A full-time faculty member may enroll in credit courses as an auditor with prior approval from the chairperson of the department offering the course and from the faculty member's department chairperson. No charge is made.
4. This regulation removes the master's degree from the prohibition and it does not apply to the graduate-professional degrees: D.O., D.V.M. M.D.

COURSE FEE COURTESY POLICY

The following policy was approved by the Board of Trustees on July 23, 1982, and amended on December 6, 1991.

1. Dependent children and spouses of eligible faculty and staff (see below) who are appointed prior to the second week of a semester or summer session will be entitled to a course fee courtesy. The course fee courtesy consists of the credit of an amount equal to one-half of the applicable Michigan resident on-campus undergraduate course fees.
2. Faculty and staff eligible under the course fee courtesy policy are as follows: full-time tenure system faculty, full-time librarians in the continuous employment system, full-time specialists in the continuing appointment system, individuals appointed full-time in the MSU Extension continuing appointment system, individuals appointed full-time in the Continuing Faculty Appointment System for the National Superconducting Cyclotron Laboratory, individuals appointed full-time in executive management positions and other continuing positions (appointments without end dates) in the Academic Personnel System, full-time Human Health Programs faculty members upon the commencement of the first additional appointment, and those who have access to the program by virtue of a labor contract.
3. Dependent children shall be defined as (a) all legally dependent children of eligible faculty or staff; and (b) such children who have eligible faculty or staff as their legal guardians.
4. Dependent spouse shall be defined as the legally recognized spouse of an eligible faculty or staff member.
5. Course fees shall be defined as the amount associated with credit hour enrollment and shall not include the registration fee or such fees, taxes and charges as may be collected for third parties.
6. The course fee courtesy will be granted through the semester in which the 120th credit is attempted provided the dependent child or spouse is registered as a student in good academic standing at Michigan State University in a curriculum leading to the first baccalaureate degree or to a certificate in the Agricultural Technology program. For undergraduate students with transferable credits, the course fee courtesy is granted through the semester in which the combination of transferable credits and Michigan State University credits attempted equals 120.
7. Except as stipulated below, the Course Fee Courtesy for dependent children and spouses will be discontinued at the conclusion of the semester or summer session at which the employment of the eligible faculty or staff member is terminated. The dependent children and spouse of an eligible faculty or staff member participating in the University's Long-Term Disability Program or who dies while on active service or while participating in the University's Long-Term Disability Program retain eligibility as if the eligible faculty or staff member were still living or were not participating in the University's Long-Term Disability Program as long as they meet the other eligibility requirements of the Course Fee Courtesy Policy. The dependent children and spouse of eligible faculty or staff members who retire in accordance with Michigan State University's retirement policy also retain eligibility as long as they meet the other eligibility requirements of the Course Fee Courtesy Policy.
8. If the dependent child or spouse drops courses or withdraws from school during the refund period, any refund applicable to the course fee courtesy will revert to the University.

9. Dependent children and spouses of eligible faculty and staff on approved leave of absence will be eligible for the course fee courtesy.

FACULTY AWARDS¹

Distinguished Faculty Awards

Distinguished Faculty Awards are made each year to members of the faculty for outstanding total service to the University. Each college making nominations for the award has its own detailed criteria and methods for nomination. The nominations are based on teaching; advising; research; publications; art exhibitions; concert performances; committee work; public service including extension, continuing education and work with government agencies; or a combination of these activities. Administrative excellence and length of service may not be used as the sole criteria for nomination. However, nominees usually have at least five years of service at Michigan State University.

Final selection of Distinguished Faculty Award winners will be made by an All-University Awards Committee appointed by the President. The Awards Committee each year will define and publish selection criteria and solicit nominations. Each nominating unit having 200 or more faculty members may nominate four candidates each year. Each nominating unit having 100-199 faculty members may nominate three candidates each year. Each nominating unit having fewer than 100 members may nominate two candidates each year. After nomination for the award by the nominating units, screening will be carried out at the direction of the Awards Committee, through subcommittees or other means which they judge appropriate. No more than ten Distinguished Faculty Awards shall be made each year.

MSU Teacher-Scholar Awards

Teacher-Scholar Awards are made to six members of the faculty from the ranks of instructor, assistant professor and associate professor who early in their careers have earned the respect of students and colleagues for their devotion to and skill in teaching. The essential purpose of the award is to provide recognition to the best teachers who have served at MSU for seven years or less. Nominations are made by department chairpersons/school directors after consultation with an appropriate committee of senior colleagues. No department/school may make more than two nominations. "At large" nominations are also invited from an appropriate student organization. All nominations are reviewed by a college screening committee, which may forward no more than two nominations to the Office of the Provost.

To be considered for an MSU Teacher-Scholar Award, the faculty member must hold the rank of instructor, assistant professor or associate professor and, at the beginning of the award period, must have served on the faculty for at least two semesters but no more than seven academic years at Michigan State University. Nominees for a Teacher-Scholar Award must be willing to permit a member of the awards committee to visit their classrooms. Committee visitation is a part of the total evaluation procedure only for those nominees who, after preliminary screening, seem most promising.

¹Detailed nomination information is available from the Office of the Provost.

MSU Excellence-In-Teaching Citations for Graduate Teaching Assistants

MSU Excellence-In-Teaching Citations are made to six graduate teaching assistants who have distinguished themselves by the care they have given and the skill they have shown in meeting their classroom responsibilities. The essential purpose of the citation is to bring University-wide recognition to the best of the graduate teaching assistants and by so doing to underline the qualitative contribution which they are making to the undergraduate program.

Nominations are made by the chairperson of the department/director of the school in which the teaching assistant's instructional responsibilities have been discharged. When this is not the department/school in which the nominee is a candidate for a degree, the chairperson/director of the degree department/school must endorse the nomination. In every instance the nomination must be accompanied by a letter of recommendation from the faculty member who has supervisory responsibility for the graduate teaching assistant. Individual departments/schools will ordinarily make a single nomination each year, but the larger departments/schools may make as many as three. "At large" nominations are also invited from an appropriate student organization. All nominations are reviewed by a college screening committee, which may forward no more than two nominations to the Office of the Provost.

To be nominated for an MSU Excellence-In-Teaching Citation, the teaching assistant must have held at least a quarter-time graduate teaching assistantship for a minimum of one semester at the time of nomination. In addition the nominee must have assumed a significant measure of responsibility for the conduct of undergraduate courses, whether in lecture, recitation or laboratory sections. Special tutorial or seminar teaching will also be recognized by the citations committee.

UNIVERSITY DISTINGUISHED PROFESSOR

The following statement was approved by the Board of Trustees on June 6, 1989.

The title, University Distinguished Professor, will be conferred on selected members of the Michigan State University faculty to recognize distinguished achievement in teaching, research and public service.¹ A University Distinguished Professorship will be held for the remainder of the recipient's active service at Michigan State University; the title University Distinguished Professor Emeritus will be conferred upon retirement. Individuals holding a University Distinguished Professorship will receive, in addition to salary, an average stipend of five thousand dollars for five years to support professional activities. Assignments for University Distinguished Professors will be arranged with the dean, chairperson/director and the Provost. The designation will be highly honorific and consequently very exclusive. Membership in this category will reflect the diverse scholarly dimensions of Michigan State University.

Criteria for Selecting University Distinguished Professors

In general, University Distinguished Professors will have been recognized nationally and usually internationally for the importance of their scholarly achievements. They will also have demonstrated the breadth of interest characteristically encompassed by the traditional role of professor as teacher

¹It is expected that in time, as a result of Development Fund efforts, endowment support will be obtained for many University Distinguished Professorships resulting in the addition of a name to the title.

and public servant. In addition, they will have brought distinction to Michigan State University as a result of their activities.

Specifically, a University Distinguished Professor will have achieved a record judged by peers to be superior and outstanding in preferably all but in at least two of the following areas: superior teaching skills of recognized breadth and depth in their discipline; scholarly, creative, and artistic achievements; and a distinguished record of public service exemplified by the application of scholarship and/or creative and artistic endeavors in addressing the needs of one or more external publics.

University Distinguished Professors will have already achieved an outstanding record comparable to that of scholars awarded named professorships at MSU and elsewhere. That record will have been recognized by the University at previous opportunities where merit is rewarded--such as salary increases.

University Distinguished Professorships will be conferred on members of the Michigan State University faculty whose achievement has already been recognized by the University with the rank of full professor; the title is not to be used for recruiting outsiders.

Selection Process

University Distinguished Professorships will be awarded by the Board of Trustees upon recommendation of the Provost and President. A committee of faculty and deans will advise these officers.

1. From time to time the Provost will request nominations for University Distinguished Professorships from members of the faculty, deans, directors, and chairpersons. Nominations may be submitted and reviewed at any time.
2. Written nominations, submitted to the Provost, will include:
 - a. A cover letter making or supporting the nomination and providing a brief summary of the candidate's achievements;
 - b. The candidate's curriculum vitae;
 - c. Letters of endorsement from relevant deans and chairpersons or directors. These administrators will consult with appropriate department, school or college advisory committees before endorsing nominations.
 - d. Letters of support from faculty and other colleagues at this and especially other institutions, assessing the candidate's record of achievements in teaching, research, or public service;
 - e. Letters of support from present and former students will be encouraged when appropriate.
3. A standing advisory committee composed of four faculty members and three deans, appointed by the Provost and serving four-year terms on a staggered basis, will review nominations and make recommendations to the Provost for transmittal to the President. Nominations for committee members will be obtained from both the University Committee on Academic Governance and the Council of Deans. Committee members must be tenured professors who themselves have outstanding records of teaching, research, and/or public service and are

committed to the multi-dimensional concept of excellence valued by Michigan State University. The selection of the committee's membership must ensure the inclusion of women and minorities.

PROCEDURES FOR FACULTY AND STUDENT PARTICIPATION IN THE SELECTION OF SPECIFIED UNIVERSITY LEVEL ADMINISTRATORS

The following procedure was approved by the Academic Council, as amended, on January 25, 1983; under the terms of the Bylaws for Academic Governance, section 3.2.5.5, it was approved by the President on April 20, 1983.

1. General Principles

- 1.1 The selection of University administrators is a matter of great importance to the University. The President and Provost normally seek advice on such matters through a variety of appropriate channels, individuals, and groups. Participation of faculty and students in the selection of those administrators who significantly affect the academic programs of the University is provided by the procedure described below in accord with provision 3.2.5. of the *Bylaws for Academic Governance*.
- 1.2 The process of selecting certain University-level administrators who make decisions that significantly affect the academic programs of the University shall include participation by faculty and students.
- 1.3 Consistent with the principle of participation by faculty and students, the President and Provost have the fundamental responsibility for initiating the selection process and seeing the process through to the end. It is the responsibility of the President to make recommendations of appointments to the Board of Trustees.
- 1.4 The President or the Provost will seek the advice of the Executive Committee of Academic Council regarding the procedure to be utilized as soon as possible when a vacancy occurs or is anticipated in one of the positions identified on lists A and B below, as an office at the University level which has responsibilities significantly affecting the academic program of the University. These lists will be reviewed periodically in consultation with the Executive Committee of the Academic Council. The Executive Committee or the President or the Provost may propose modifications to the lists.
 - A. Administrators who report to the President
 1. Provost
 2. Vice President for Research and Graduate Studies
 3. Vice President for Student Affairs and Services
 - B. Administrators who report to the Provost
 1. Dean, International Studies and Programs
 2. Vice Provost for University Outreach
 3. Director, Libraries
 4. Director, Honors College
 5. Assistant Provost for Graduate Education and Dean of the Graduate School (reports jointly to the Vice President for Research and Graduate Studies)

- 1.5 When advising the President or the Provost regarding a specific procedure to be used, the Executive Committee of Academic Council shall consult with Faculty Council. Consultation with Faculty Council shall take place prior to final Executive Committee advice to the President or the Provost.
- 1.6 An advisory committee will be appointed by the President or Provost to provide them with evaluations or recommendations on individuals under consideration. The Executive Committee of Academic Council shall advise the President or the Provost on the general composition and specific membership of the advisory committee.

2. Procedures for and Composition of Advisory Committees

- 2.1 The advisory committee shall consist primarily or wholly of faculty and students, and shall include women and minorities. Selected members who might be judged appropriate by the Executive Committee of Academic Council may be added. All persons or groups involved in selecting or identifying the members of a special advisory committee share the responsibility of including women and minority committee members.
- 2.2 At the beginning of a selection process, the President or the Provost shall consult the Executive Committee of Academic Council on who shall have the responsibility for posting the position, receiving applications, making contacts, checking references, arranging interviews, etc. Usually, the President or designee, or the Provost or designee, will assume responsibility.
- 2.3 In order to assure administrative continuity and avoid unnecessary reliance on acting appointees, the selection process should be conducted expeditiously. Therefore, any advisory committee must not only be appropriately representative but small enough to work on an appropriate time schedule.
- 2.4 The special advisory committee and others involved in the procedure should be aware of and carefully consider current issues relevant to the position to be filled. To this end, a direct discussion or series of discussions should be undertaken with the President or the Provost to determine their view on the position and the qualifications required of candidates.
- 2.5 The selection process must assure that, where appropriate, the names of persons willing to be considered and related documentation shall be kept confidential.
- 2.6 The evaluation or recommendation of the advisory committee will be presented to the President or Provost with the candidate or candidates identified as acceptable or unacceptable and with evaluative comments about each. The President/Provost should notify the advisory committee of the decision made with respect to the person to be appointed, regardless of whether that individual was identified as acceptable or unacceptable, and then meet with the committee to explain the decision.
- 2.7 MSU affirmative action personnel policies and procedures apply to these positions. The Board of Trustees' approved guidelines for hiring principal administrative personnel also apply to the positions in list A.

3. Acting Administrators

- 3.1 The responsibility for the appointment of acting administrators rests with the administrator to whom the acting appointee reports. The President or the Provost shall consult with the Executive Committee of Academic Council regarding such appointments.
- 3.2 The appointment of an acting officer shall not be used by either the acting administrator or the officer to whom that person reports to bias the selection of a permanent appointee.

SALARY, APPOINTMENT, AND FACULTY STATUS OF FACULTY MEMBERS WHO ASSUME ADMINISTRATIVE RESPONSIBILITIES

This policy was issued by the Office of the Provost, after consultation with the Council of Deans, the University Committee on Faculty Affairs and the University Committee on Faculty Tenure, with an effective date of January 1, 1982.

The faculty member who accepts assignment as an administrator must be informed of his/her status as a member of the faculty as distinct from his/her status in the administrative position. There are five aspects of faculty status which must be specified:

- a. Academic Year (AY) or Annual Year (AN) appointment basis as a faculty member as distinct from appointment basis as an administrator.
- b. Salary rate as a faculty member as distinct from salary rate as an administrator (including administrative increment, when applicable).
- c. Primary academic unit (department(s), school(s), and/or residential or non-departmentally organized college(s)) membership as a faculty member indicating where regular faculty responsibilities normally would be performed in the event of return to regular faculty status.
- d. Duties to be performed as a faculty member while on assignment as an administrator.
- e. Reappointment, tenure and promotion(s) criteria and procedures for faculty members while on assignment as an administrator.

This policy applies to faculty members who are recruited to accept appointment both as a faculty member and an administrator and to faculty members already at Michigan State University who accept an administrative assignment.

All concerned must recognize that assignment as an administrator is subject to change at any time and that at any time the faculty member may return to regular faculty duties in his/her primary academic unit, e.g., department(s), school(s), and/or residential or non-departmentally organized college(s).

Appointment Basis

An academic year appointment basis is the basic employment commitment to individuals appointed in academic personnel system positions at Michigan State University, and this is not changed by reason of an administrative assignment. Rather, a change related to the administrative assignment, i.e., AY to AN appointment basis, is for the period of service in the administrative assignment only.

(It is recognized that with Provost approval, because of unit mission and needs and individual responsibilities, some faculty members will be appointed to faculty duties on an annual basis. For further information see policy entitled "Academic Personnel System Appointments: Basic Employment Commitment on an Academic Year, Basis," *Faculty Handbook*).

Salary Rate

An individual's salary rate as a faculty member is not changed by reason of an administrative assignment. Rather, the change related to the administrative assignment is for the period of the service in the administrative assignment only. The salary rate as a faculty member should be reviewed and specified explicitly each year even while the faculty member holds an administrative assignment. The salary rate related to an administrative assignment will reflect a change from AY to AN basis, if this is relevant. Also, an administrative increment may be added.

Status in Academic Unit

Prior to appointment or assignment to administrative duties, the applicable primary academic unit(s) must (initially or continue to) accept the faculty member as a **regular faculty member**. Following reassignment from administrative duties, the designated primary academic unit(s) will honor this commitment by accepting the faculty member in its "normal" FTE count except as may be necessary during a transition period. Transition periods will be extended only as necessary by agreement with the Office of the Provost after an assessment of the resources available.

Performance of Faculty Duties

Faculty duties may be performed by the faculty member while serving in an administrative capacity. These duties may include teaching, research and public service in the relevant primary academic unit(s), i.e., department(s), school(s), and/or residential or non-departmentally organized college(s). In addition, committee assignments, supervision of graduate students, participation in academic governance, as consistent with University, college, and unit bylaws, in or on behalf of the academic unit may be involved. Subject to an explicit agreement between the relevant University, college, and unit level administrators, performance in such activities is to be evaluated in accordance with normal unit procedures and should be an ingredient in the evaluation for salary increases of the faculty member holding an administrative assignment. In accordance with this explicit agreement, the University, college and unit administrators shall resolve any differences concerning the annual salary increase to be recommended for the individual in question.

Criteria and Procedures for Reappointment, Tenure and Promotion

Performance in assigned faculty duties should be an ingredient in the evaluation for reappointment, tenure and promotion of the faculty member holding an administrative assignment.¹

¹As a general matter, a non-tenured faculty member should not be assigned to administrative duties except in instances when this is in the best interest of the individual and the University. In such cases, a written statement on how the unit's regular standards and criteria for reappointment and tenure will be applied to the individual during the period of administrative assignment must be prepared by the applicable unit administrator, after consultation with the designated unit advisory committee, and be sent to the affected faculty member before the administrative assignment is approved. The annual review of performance must include assessment of progress as a faculty member performing regular faculty duties, i.e., instruction, research and public service.

Evaluation of a faculty member assigned to both faculty and administrative duties and responsibilities should take into account the relative assignment of effort to these duties and responsibilities. Evaluation of faculty and other primary academic unit duties in consideration for the above-referenced academic personnel recommendations must be conducted in accordance with normal unit procedures and criteria.

Normally the primary academic unit will initiate the recommendation for reappointment, tenure, and/or promotion (as appropriate) in accordance with regular procedures. However, the appropriate administrator may also initiate the recommendation. In such cases, the recommendation must be reviewed and endorsed by the primary academic unit(s) in which the individual holds academic rank. Such an endorsement indicates the willingness of the unit to accept the individual as a faculty member in the unit with the recommended tenure status and rank.

Implementation of Policy

All of these aspects of faculty status must be communicated by the relevant unit administrator to the faculty member, in writing, before initial appointment as a faculty member and administrator or prior to the assignment of administrative duties to a faculty member already employed at Michigan State University. A copy of the letter specifying these aspects of faculty status, including how they will be affected, if at all, by the cessation of administrative duties, must be attached to the appointment or change of status form used to initiate the personnel action.

As relevant, appointment or a change in status to an annual (AN) appointment basis and the addition of an administrative increment by reason of administrative assignment should be specified in the "comments" section of the appointment or change of status forms as follows:

"The annual (AN) appointment basis is for the period of service in the position of _____ only. In addition, an administrative increment is provided in the amount of _____ for the period of appointment in this administrative role."

This language may be modified in the event that one or the other of these changes is inappropriate in any particular case.

A change to an administrative assignment requiring a change from an academic year (AY) appointment to an annual (AN) appointment basis will result in a salary that is 11/9 of the faculty member's academic year (AY) salary. If an administrative increment is appropriate, it should be added after the determination of the AN salary. If reassignment from administrative duties results in a shift from an annual (AN) appointment basis to an academic year (AY) appointment basis, the AY salary will be an amount equivalent to 9/11 of the current AN salary except that if an administrative increment exists, it should be deducted before the AN salary is changed to an AY basis. In every case, a shift from an administrative assignment to faculty duties shall result in withdrawal of any administrative increment.

The salary rate as a faculty member should be specified explicitly each year. The following statement should be communicated by the appropriate administrator to each faculty member with an administrative assignment on the occasion of annual salary increases:

"Your salary effective October 1, _____ will be _____. This includes an administrative increment of _____. Your salary rate on an academic year basis, excluding this administrative increment, is _____, effective October 1, _____."

This language may be modified if an annual year (AN) appointment basis or the addition of an administrative increment is not required by reason of administrative responsibilities.

ANNUAL EVALUATION OF CHAIRPERSONS/DIRECTORS

The following statement was issued by the Office of the Provost on September 21, 1981.

Annual performance evaluations to assess unit administrator performance have been formally instituted in each college and separately reporting unit. Annual performance evaluations generally occur near the end of the academic year, may be combined with the annual assessment of unit administrators for merit salary adjustments, and the results of each individual evaluation should be shared with the unit administrator evaluated. All aspects of performance, including equal opportunity/affirmative action, should be evaluated for each unit administrator. No specific procedure is required for these annual performance evaluations, as approaches may vary in the colleges/separately reporting units. A copy of the evaluation instrument (criteria) currently used by each dean (director) in annual evaluations must be filed with the Office of the Provost prior to each annual cycle of evaluations. Annually, each dean or separately reporting director will be asked to inform the Office of the Provost that an annual performance evaluation for each unit administrator has been completed. Deans and separately reporting directors will retain documentation on file in their offices concerning the process and outcomes of these annual performance evaluations.

EXTENSION, MEDICAL CARE AND OTHER FACULTY/ACADEMIC STAFF SERVICE ACTIVITIES

Michigan State University, as a land-grant institution, has long served the citizens of Michigan in a variety of ways in addition to teaching and research.

Today a substantial array of services is delivered to various publics both on and off campus. Faculty/academic staff assignments often include an expectation of this kind of service which may range from very modest to full-time activity. Some of these services may generate revenue for the University from fees charged to the public, as in the case of health care services in the Colleges of Human, Osteopathic and Veterinary Medicine.

In other cases, as with MSU Extension, the services are provided free to the public through funding from the Michigan legislature, local, county and municipal governments and the federal government. Faculty/academic staff should ascertain under which type of funding they are expected to deliver services and adhere closely to the procedures involved. Faculty/academic staff are protected as representatives of the University when delivering these formal University services, whether on or off campus.

OUTSIDE WORK FOR PAY

The following policy was approved by the Board of Trustees on August 9, 1951 and revised on November 19, 1993.

Consulting and Other Outside Work

Full-time faculty members are compensated for full-time service to the University. They may have appointments in instruction, research, extension, public service, etc. and have assignments involving a combination of these responsibilities. Whatever the character of the appointments, the University expects that each full-time faculty member will carry a reasonable and full-time load, assuming a

proper share of the total functions and responsibilities of the department/school, college and the University.

Through consulting relationships with government, industry, public organizations and others off campus, University employees can be an invaluable resource. The University encourages the lending of such assistance where it does not interfere with the employees' performance of University duties and where no conflict of interests exists.

Applicable only in instances in which compensation is received for consulting or other outside work, the following guidelines are intended (1) to provide for certain employees to engage in a limited amount of outside work for pay and (2) to protect the integrity of the employee-University work relationship. Individual colleges or other units are authorized to establish lower maximum time limits for outside work for pay than stipulated in point 11, below, and to promulgate more specific guidelines or to require additional reporting as their circumstances dictate.

1. "Outside work" is defined as work for other than Michigan State University.
2. In this context, "work" is understood to include consulting, advising, research, demonstrating, performing, outreach or teaching in the general area of competence for which the person is employed by the University. Not included is appearance on the program of a scientific or scholarly meeting attended mainly by professional peers, participation in the advisory or peer review process for foundations, governmental and accreditation agencies, service as an editor and/or editorial board member and/or reviewer for a professional journal.¹
3. Prior written approval of the department chairperson/school director and dean must be obtained if the work is done during the regular employment period.
4. Outside work for pay shall be reported for full-time employees of the University.
5. Outside work for pay must not interfere with the faculty member's normal University duties, including those non-classroom responsibilities expected of all faculty members.
6. Authorized outside work for pay must be related to the faculty member's normal University duties, including those non-classroom responsibilities expected of all faculty members.
7. "Pay" is defined as any salary, fee, honorarium, or monetary gift or contribution beyond actual expenses.
8. The following classes of outside work for pay require authorization:
 - a. That performed during times considered to be normal working periods for the employee by the University unit in which the person is employed (to be determined by the unit administrator.)

¹For other activities to be designated as "not included" under the policy, the faculty member must request approval for exclusion in writing from the chairperson/school director and dean. Prior to providing a response, the dean or separately reporting director shall obtain the written concurrence of the Provost for the exclusion request. Failure to request or receive exclusion approval in writing results in the activity's coverage under this policy and its procedures.

- b. That performed outside normal working periods but potentially affecting the performance of the person's University assignment (based on the judgement of the unit administrator).
9. If, in the opinion of the dean, based on consultation with the appropriate unit administrator, the outside consulting work interferes with the regular University duties of the faculty member, the appointment of a temporary faculty member in the University may be changed to a part-time basis, and the tenure system faculty member may be requested to take a leave of absence.
10. Outside work for pay shall be authorized by the department chairperson/school director and the dean or, in the case of faculty not assigned to colleges, the appropriate unit administrator.
 - a. Such work must contribute to the effectiveness of the faculty member's regular academic work for the University.
 - b. Equipment, supplies, materials, or clerical services of the University may not be used in the furtherance of outside work for pay.
11. The total amount of time expended by the faculty member on outside activities for pay and overload pay should not exceed 32 hours in any month. Under special circumstances and with permission of the dean or unit administrator, the monthly time limit may be exceeded, provided the aggregate of such time for the period of authorization does not exceed an average of 32 hours per month.
12. If consulting work for pay is undertaken, it must be with the understanding that it is subject to termination at any time the University considers such action to be advisable.
13. A special form is available from the departmental office for use by the employee seeking authorization to perform outside work for pay. Completed forms shall be maintained for three years in the dean's office (in the appropriate administrator's office for faculty not assigned to colleges.)
14. Activities covered under the policy on Outside Work for Pay are not covered under the Indemnification Policy or the Michigan State University travel accident plan unless they are designated by prior written approval by the chairperson/director or dean/separately reporting director as assigned duties on behalf of Michigan State University and the terms of those policies are otherwise met.

Each dean or other appropriate administrator is required to maintain a record in the dean's office of all consultative services of the academic personnel in the college or administrative division.

This policy cannot be used as the basis for establishing and maintaining a private practice or separate business by faculty.

Faculty members in the Colleges of Human Medicine, Osteopathic Medicine and Veterinary Medicine may engage in "outside work for pay" under this policy. Private practice by faculty in the College of Veterinary Medicine is approved only in accordance with college policy. For faculty in the Colleges of Human Medicine and Osteopathic Medicine, if "outside work for pay" includes patient care or regularized administrative or consulting activities significantly related to, but not directly involved in the provision of patient care, the income derived therefrom is subject to the provisions of the Michigan State University Medical Service Plan of the College of Human Medicine and the College of Osteopathic Medicine.

MEDICAL SERVICE PLAN FOR COLLEGES OF HUMAN MEDICINE AND OSTEOPATHIC MEDICINE

The following policy was approved by the Board of Trustees on July 30, 1976.

The Medical Service Plan for the Colleges of Human Medicine and Osteopathic Medicine provides a common framework within which professional fee income generated by faculty members of the two colleges is managed. This plan does not apply to the College of Veterinary Medicine. The plan was approved by the Board of Trustees on July 30, 1976, and takes precedence over all previously existing plans.

The purpose of the plan is to improve the means to supplement basic support for programs of the medical colleges; sustain and enhance faculty incentives to engage in patient care which benefits educational programs, the public and the professional development of the faculty; and make it financially feasible to recruit and retain highly capable faculty necessary to develop and sustain quality programs.

The principles of the Medical Service Plan include:

1. The plan policies, rules and procedures and practices conform to established University policies, procedures and practices.
2. Plan income is University revenue.
3. Involvement of departmental chairpersons and faculty shall conform to the *Bylaws for Academic Governance*.
4. Plan income shall cover costs of the plan relating to administration, billing, and collecting, and costs of practice.
5. Net income shall be used as authorized within approved guidelines of the Health Services Related Component (HSRC) and for program support.
6. A ceiling limit shall be set for personal income that is commensurate with comparative medical schools and allowing for differences in compensation for rank, experience, specialty, and professional competencies.
7. Under the plan faculty may engage in outside work for pay under established University policy.
8. The plan will be subject to annual review during the first three years of its operation and thereafter reviewed at least once every three years.

OVERLOAD PAY

The following University policy was approved by the Board of Trustees on October 16, 1970 and revised on July 26, 1991 (A college may establish a more restrictive policy.)

1. Overload pay is limited to overload work related to instruction and service activities.
2. Overload pay assignments require prior written approval of the chairperson/director of the applicable department/school and the dean of the applicable college/director of the separately reporting unit. Requests must describe the proposed activity and be accompanied by a completed "Outside Work for Pay" form. (See point 3, below.)

3. In accordance with the provisions of the policy on Outside Work for Pay, full-time faculty members are eligible for either paid consulting time or overload pay time, or a mixture of both, subject to stipulated limits (see policy on Outside Work for Pay).
4. An overload assignment must meet the following minimum criteria:
 - a. Overload pay is appropriate since the designated faculty/academic staff member is fully assigned in the department, school or other unit and is satisfactorily performing assigned duties;
 - b. The proposed assignment, in the opinion of the chairperson/director in consultation with the dean, represents a substantial increase over and above the faculty/academic staff member's regularly assigned duties, thus warranting the provision of overload pay.
5. Overload pay must be approved by the chairperson/director of the department or school and dean of the college/director of the separately reporting unit in which the faculty/academic staff member is appointed. Annually the Office of Planning and Budgets shall provide to the Office of the Provost and the deans a summary of overload pay disbursements made in the prior fiscal year.
6. During the summer, individuals appointed on an academic year basis may receive up to 3/9 of their previous year's salary for a full-time assignment in teaching, research and service. In addition, pursuant to the provisions of this policy, they may be eligible to receive overload pay.
7. Administrators (chairpersons, directors, deans, vice presidents (provost), including all the previous with assistant or associate titles) may receive overload pay for assignments related to their disciplines and professions but normally not for assignments related to their administrative positions.
8. In recognition of collegial expectations usual in a community of scholars, payment of honoraria to MSU faculty/academic staff members for talks, seminars, etc., provided in usual classroom/seminar settings is not permitted.
9. Major administrative units may establish a more restrictive policy. Assignments which might normally justify the payment of overload pay may, by mutual agreement, be compensated for by subsequent release time for research, through the assignment of additional graduate assistants/other support staff or other programmatic support.

OVERLOAD PAY

1. Overload pay is limited to overload work related to instruction and service activities.
2. Overload pay assignments require prior written approval of the chairperson/director of the applicable department/school and the dean of the applicable college/director of the separately reporting unit. Requestor must describe the proposed activity and be accompanied by a completed "Outside Work for Pay" form (see point 3. below).

V. INSTRUCTION

GENERAL STATEMENT

This section provides a broad overview of selected policies and procedures of particular relevance to faculty and academic staff. Additional information on instructional policies and procedures appears in the *MSU Catalog: Academic Programs and Descriptions of Courses*. Faculty/academic staff members are urged to consult these publications.

ABROGATION OF FACULTY TEACHING RESPONSIBILITY

The following policy was accepted by the Board of Trustees on September 20, 1970 and revised on June 12, 1987:

Any member of the instructional staff¹ who fails to fulfill any provision of the University's *Code of Teaching Responsibility* shall be held accountable.

It is the responsibility of the department chairpersons, school directors, and deans to ensure that students are provided the instruction to which they are entitled. All absences by instructional staff should be covered by other instructional staff, where possible and appropriate, so that students will not lose instructional time.

It is the responsibility of department chairpersons and school directors to determine if services have been withheld without proper cause and, if so, to report the precise details of such alleged withholding of services. This report should be made to the dean of the college, with a copy to the Provost, and should include information as to the total load of the instructional staff member so that an estimate can be made of the percentage of service that has been allegedly withheld. The Provost or designee shall review the contents of the report with the dean of the college and the applicable department chairperson/school director and shall discuss the matter with the affected instructional staff member.² The Provost or his/her designee shall determine if the withholding of services was improper and may direct an appropriate deduction from the instructional staff member's salary. The instructional staff member, academic staff member, or graduate assistant shall be informed of this action in writing.

If the faculty or academic staff member believes that the action is a violation, misinterpretation, or misapplication of existing University policies and legislation, he/she may initiate a grievance under the Faculty Grievance Procedure. Graduate assistants may initiate a grievance in accordance with judicial procedures stipulated in the document entitled Graduate Students' Rights and Responsibilities.

¹The term *instructional staff* includes tenure system faculty, graduate assistants and all other individuals holding academic personnel system appointments.

²If the instructional staff member is not available for this conference, the procedure continues without this participation by the instructional staff member. A reasonable effort shall be made by the Provost to arrange for this conference.

ACADEMIC ADVISEMENT, ENROLLMENT, REGISTRATION AND COUNSELING

On January 20, 1966, the Educational Policies Committee distributed a statement entitled "Policy Recommendations on Academic Advising". It included the following definitions:

Academic Advisement - Academic advisement is a continuing process in which a student and a faculty member discuss possible options; first, in the student's total educational program; second, in specific curricular fields; and third, in potential careers, in order that the student may make more intelligent choices.

Enrollment - Enrollment is a student responsibility in selecting courses for a semester schedule from the student's Academic Progress Plan previously developed but continually reviewed with the academic adviser.

Registration - Registration is the process of securing classes for which one has enrolled by payment of charges due. Completion of this process generates official University and class records for use by faculty and staff.

Counseling - Counseling is a service available from the Counseling Center to help students adjust to social and personal problems encountered while enrolled in the University, and to identify potential occupational choices.

Several policy recommendations were approved by the Academic Council on February 8, 1966, among them:

Each department shall develop a system of advisement of students within the context of the structure of the college and/or department consistent with the following:

1. Academic advising is a responsibility of faculty, but the division of responsibility (for example, relative emphasis on graduate versus undergraduate advising, number of advisees per faculty member, etc.) should be determined through mutual agreement between faculty and deans and/or department chairpersons in each college and/or department.
2. Excellence and effort in advising are to be recognized by chairpersons and deans, as well as by the provost, as an integral part of a faculty member's assignment.
3. Procedural provisions are to be made at the departmental and college level for the availability of academic advisors at times in addition to those scheduled for enrollment and registration.
4. Students are responsible for studying and knowing University, college, and department requirements as stated in the catalog. They shall also prepare tentative academic plans for review by their academic advisers.
5. With efficient use of faculty and student time as prime considerations, all administrative offices involved in enrollment and registration should continue to develop improvements in the process.

Procedures developed by the colleges for guidance of faculty involved in student advising are available in college offices.

The *Academic Programs* section of the MSU Catalog contains definitive information regarding academic advisement, enrollment, registration and counseling in the pages titled "Undergraduate Education."

ACADEMIC APPAREL

Faculty members are expected to provide their own academic apparel for use at commencement exercises and other ceremonies when such apparel is appropriate. University funds may not be used for the purchase or rental of academic apparel for faculty.

THE ACADEMIC PROGRAM

The Michigan State University Catalog, available in the Office of the Registrar and on the Internet, comprises two separate volumes: *Academic Programs and Descriptions of Courses*. The electronic version is updated to reflect any approved changes in programs and policies within several weeks of each Academic Council meeting.

The publication entitled *Academic Programs* describes programs of study and the structure of the University and is the primary source for University regulations and policies concerning instruction. The "Undergraduate Education" section states the academic requirements and policies concerning undergraduate study, the "Graduate Education" section refers specifically to graduate study. The "General Information" section provides information such as costs, attendance, examinations, grading system, integrity of scholarship and grades. Information about campus, student housing, campus activities, student organizations and services also is included. Admission and graduation requirements for programs in the individual colleges at both the undergraduate and graduate levels are described in the section "The Colleges and Programs of Study." *Descriptions of Courses* provides information about the courses offered by the departments, schools and colleges. *Schedule of Courses* is published annually and is available in the Office of the Registrar. It provides current information on enrollment and registration procedures, the schedule of courses and the schedule for final examinations. In addition, this publication provides selected updated information on courses, University regulations, the academic calendar, and administrative procedures. A separate *Schedule* contains summer session offerings.

CODE OF TEACHING RESPONSIBILITY

The Code which follows was approved by the Academic Senate on May 19, 1976.

The teaching responsibilities of instructional staff members (herein referred to as instructors) are among those many areas of University life which have for generations been a part of the unwritten code of academicians. The provisions of such a code are so reasonable to learned and humane individuals that it may appear redundant or unnecessary to state them. However, the University conceives them to be so important that performance by instructors in meeting the provisions of this code shall be taken into consideration in determining salary increases, tenure, and promotion.

1. Instructors are responsible for insuring that the content of the courses they teach is consistent with the course descriptions approved by the University Committee on Curriculum and the Academic Council. Instructors are also responsible for stating clearly to students in their classes the instructional objectives of each course at the beginning of each semester. It is expected that the class activities will be directed toward the fulfillment of these objectives and that the bases upon which student performance is evaluated will be consistent with these objectives.

2. Instructors are responsible for informing students in their classes of the methods to be used in determining final course grades and of any special requirements of attendance which differ from the attendance policy of the University. Course grades will be determined by the instructor's assessment of each student's individual performance, judged by standards of academic achievement.
3. Examinations and other assignments submitted for grading during the semester should be returned with sufficient promptness to enhance the learning experience. Unclaimed final examination answers will be retained by the instructor for at least one semester so that they may be reviewed by students who desire to do so. Examination questions are an integral part of course materials, and the decision whether to allow their retention by students is the responsibility of the instructor. Term papers and other comparable projects are the property of students who prepare them. They should be returned to students who ask for them and those which are not returned should be retained by the instructor for at least one semester. Instructors who desire to retain a copy for their own files should state their intention to do so in order that students may prepare additional copies for themselves.
4. Instructors are expected to meet their classes regularly and at scheduled times. Instructors will notify their units if they are to be absent and if appropriate arrangements have not been made, so that suitable action may be taken by the unit if necessary.
5. Instructors of courses in which assistants are authorized to perform teaching or grading functions shall be responsible for acquainting such individuals with the provisions of this Code and for monitoring their compliance.
6. Instructors are expected to schedule and keep a reasonable number of office hours for student conferences. Office hours should be scheduled at times convenient to both students and instructors with the additional option of prearranged appointments for students when there are schedule conflicts. The minimum number of office hours is to be agreed upon by the teaching unit, and specific times should be a matter of common knowledge.
7. Instructors who are responsible for academic advising are expected to be in their offices at appropriate hours during pre-enrollment and enrollment periods. Arrangements shall also be made for advising during registration.

Hearing Procedures

The procedures stated below were approved by the Academic Senate on May 18, 1977.

1. Students may register complaints regarding an instructor's failure to comply with the provisions of the Code of Teaching Responsibility directly with that instructor.
2. Students may also take complaints directly to chief administrators of teaching units or their designates.¹ If those persons are unable to resolve matters to the student's satisfaction, they are obligated to transmit written complaints to unit committees charged with hearing such complaints. A copy of any complaint transmitted shall be sent to the instructor. A written

¹Such complaints must normally be initiated no later than mid-term of the semester following the one wherein alleged violations occurred. Exceptions shall be made in cases where the involved instructor or student is absent from the University during the semester following the one wherein alleged violations occurred.

report of the action or recommendation of such groups will be forwarded to the student and to the instructor, normally within ten working days of the receipt of the complaint.

3. Complaints coming to the University Ombudsman¹ will be reported, in writing, to chief administrators of the teaching units involved when, in the Ombudsman's opinion, a hearing appears necessary. It will be the responsibility of chief administrators or their designates to inform the instructor and to refer such unresolved complaints to the unit committees charged with hearing such complaints. A written report of the action or recommendation of such groups will be forwarded to the University Ombudsman, to the student, and to the instructor, normally within ten working days of the receipt of the complaint.
4. Students wishing to appeal a teaching unit action or recommendation may do so as outlined in the *Academic Freedom Report for Students at Michigan State University*.

FACULTY RELATIONSHIPS WITH STUDENT-ATHLETES

This statement was issued by the Office of the Provost on August 6, 1996.

Michigan State University enrolls more than 700 student-athletes who participate in 25 intercollegiate sports. MSU recognizes the special responsibilities and privileges of these student-athletes. The University is committed to provide the environment and support necessary for student-athletes to establish and realize high levels of academic and athletic success.

Student-athletes are governed by policies and regulations of the National Collegiate Athletic Association (NCAA) and the Big Ten Conference as well as by Michigan State University. All of these regulations are intended to establish shared restrictions and expectations for all student-athletes while recognizing the special burdens created by intercollegiate athletic competition.

The NCAA and Big Ten Conference regulations cover all aspects of recruiting, academic eligibility, and athletic financial aid of matriculated student-athletes. For faculty members, there are two general guidelines that are important to remember:

1. You cannot do anything for a student-athlete that you would not do for another student in a similar situation. On the other hand, you should not refuse to do something for a student-athlete, if you would do it for another student.
2. There are some things that you can do for an individual student that you cannot do for an individual student-athlete: for example, you cannot buy anything, not even a soft drink, for a student-athlete; you cannot provide a ride for a student-athlete; you cannot let a student-athlete charge a long distance telephone call to your business or home telephone number.

Policy and Process Items

ACADEMIC PROGRESS REPORTS: These reports are sent to faculty members by the Office of the Registrar three times per semester. If you are teaching a course and receive the forms, please fill them out and respond as fully as possible. The Student-Athlete Support Services Office is charged with monitoring academic progress for student-athletes, and needs the information in a timely way. If you have concerns about the academic performance of a student-athlete, you can recommend academic assistance for the student-athlete by calling the Director of Student-Athlete Support Services.

ACADEMIC ADVISING: Advisers in the Department of Intercollegiate Athletics do not provide academic advising. Student-athletes are advised by advisors in their majors or in the University Undergraduate Division or by the assistant/associate dean of the college in which they are enrolled and should be referred to these sources. However, student-athletes can receive additional academic support from Student-Athlete Support Services, e.g., assignment to a study hall, availability of a tutor or referral to additional services provided on campus.

CLASS ATTENDANCE: Student-athletes are excused from class when competing in official events or games. Athletic Council recommended that competition schedules be so constructed as to limit the number of missed days to seven per semester. (This may not always be possible.) Each student-athlete should bring a team schedule to the instructor at the beginning of the semester to verify the excused absences. However, an excused absence does not excuse the student-athlete from completing the work assigned. [Student-athletes are frequently advised to schedule classes with mandatory attendance policies in the off-season or summer term.]

ATHLETIC DEPARTMENT CONTACTS: Coaches are not permitted to call instructors or TAs assigned to courses. Student-Athlete Support Services or the college or department or UUD academic advisor may appropriately contact faculty members about a student-athlete's progress, attendance or behavior. However, any undue attempt to influence your judgment or secure a particular action on behalf of a student-athlete should be reported immediately to your department chairperson.

INCOMPLETES: A student-athlete must make up uncompleted coursework and have the grade entered before the first day of class in the next semester if the course is necessary for academic eligibility. Administrative Action forms for changing Incomplete grades to numeric grades must not be back-dated. This eligibility-related rule is more stringent for student-athletes than the University rule is for all students and can be crucial for competition.

PRIVACY OF RECORDS: The Family Educational Rights and Privacy Act (FERPA) prohibits dissemination of any information about a student-athlete's academic progress to anyone but the student, the student's advisor, and the Student-Athlete Support Services Office unless the student-athlete grants permission for this information to be shared.

SUPERVISION OF ACADEMIC WORK BY RELATIVES

The following policy was approved at the March 22, 1994 meeting of the Academic Council.

No faculty member may:

- A. serve as a member of a relative's graduate committee;
- B. serve as a member of a relative's honor's thesis, master's thesis degree, or doctoral dissertation committee;
- C. directly assign a grade to a relative enrolled in her or his class. (Exceptions to this policy may be made with prior approval of the appropriate administrator.)

This policy does not prevent enrollment of a student in a class taught by a relative. It does require disclosure and assurance of fair grading, i.e., grading by a disinterested party.

PARTICIPATION IN COMMENCEMENT

Commencement ceremonies are held at the end of Fall and Spring semesters.

Department/School chairpersons and major professors or faculty advisors who have students who are advanced degree candidates are requested to participate in the graduate commencement ceremony.

Three hundred members of the faculty are expected to participate in the baccalaureate degree ceremonies. The Commencement Committee, using the distribution of Academic Senate members as a guide, prepares and distributes college, department and school quotas to meet the required number. Deans, chairpersons, and directors are responsible for meeting these quotas. Each college establishes its own expectations for faculty participation in the decentralized baccalaureate ceremonies at the end of Spring semester.

RELIGIOUS HOLIDAYS

It has always been the policy of the University to permit students and faculty/academic staff to observe those holidays set aside by their chosen religious faith.

Faculty/academic staff should be sensitive to the observance of these holidays so that students who absent themselves from classes on these days are not seriously disadvantaged. It is the responsibility of those students who wish to be absent to make arrangements in advance with their instructors. It is also the responsibility of those faculty who wish to be absent to make arrangements in advance with their chairpersons/directors, who shall assume the responsibility for covering their classes.

RIGHTS OF STUDENTS TO RECEIVE INSTRUCTION

The Academic Council on May 12, 1970 approved a resolution which reaffirmed the Code of Teaching Responsibilities and the provisions of the report, "Academic Freedom for Students at Michigan State University." It reaffirmed:

1. The right of faculty members to conduct classes, and of students to participate in those classes, without interference or disruption.
2. The right of every student to a satisfactory fulfillment of the contract entered into at the beginning of the term.
3. The right of faculty members to dissent without jeopardizing their livelihood, and the right of students to dissent without jeopardizing their degree.
4. Freedom of conscience for all members of the academic community.
5. The Academic Council also requests its Educational Policies Committee (now University Committee on Academic Policy) to recommend policies regarding grades for students who absent themselves from classes in order to exercise the right to dissent.
6. If, as a result of death, illness, leave of absence, consultation or any other reason, an instructor is unable to provide for students the instruction for which they enrolled, it is the responsibility of the department, together with the college and the University, to provide every student with the "satisfactory fulfillment of the contract entered into at the beginning of the term."

STUDENT INSTRUCTIONAL RATING SYSTEM

The Student Instructional Rating System provides an opportunity for students to evaluate the instruction they receive in relation to (1) the provisions of the Code of Teaching Responsibility, and (2) the various instructional models in operation in the University. The purpose of this system is to provide student input toward assessing and improving course design and teaching performance. The University and individual departments are responsible for designing and administering their respective survey forms to obtain such evaluations. The results of these surveys are made available to the instructor and to persons involved in personnel decisions, but are not made public.

The revised Student Instructional Rating System Policy which follows was approved by the Academic Council on March 6, 1979.

Preamble

The principal objective of the Student Instructional Rating Policy is to secure information which is indispensable to implementation of the University's policy of providing its students with instruction of the highest quality. This information is put to two principal uses: (1) providing instructors and teaching units with an accurate account of student response to their instructional practices, to the end that classroom effectiveness be maintained at the highest level of excellence; and (2) providing teaching units with one kind of information to be considered in deciding on retention, promotion, salary, and tenure, to the end that effectiveness in instruction constitutes an important criterion in evaluating the service to the University of members of the teaching faculty. In order to accomplish these objectives more fully, the following procedures are established to replace the provisions previously in effect.

1. Every teaching unit shall approve one or more common student rating instruments through its own channels of participation, in accordance with unit bylaws and customs of collegial decision making. Regardless of the type of instrument adopted, it must prominently display the following notation:

The Michigan State University CODE OF TEACHING RESPONSIBILITY holds all instructors to certain obligations with respect to, e.g., course content consistent with approved descriptions, timely statement of course objectives and grading criteria, regular class attendance, published office hours, and timely return of examinations and term papers. This Code is printed in full in the *Catalog* and *Schedule of Courses*. It includes specifics about complaint procedures available to students who believe that their instructors have violated the Code.

2. Each teaching unit shall make regular and systematic use of student instructional ratings as part of the unit's evaluation of instructional performance. Each teaching unit shall formulate and promulgate a comprehensive policy covering all aspects of student instructional rating procedures, and shall be responsible for implementing that policy within the framework of the provisions contained in this document. Students shall not be required or requested by faculty members to identify themselves on rating forms.
3. All instructors, regardless of rank, including graduate assistants, shall use unit-approved student instructional rating forms in all classes (every course, every section, every term). For team-teaching situations, units shall develop procedures consistent with the intent of these provisions.
4. Individual instructors may use other instruments to gather additional information.

5. Results of student instructional ratings shall be used in accordance with the following provisions:
 - a. Results shall be returned promptly to the instructor for information and assistance in improving course design and instruction.
 - b. Instructors shall have the opportunity to comment, orally and/or in writing, upon the ratings received. These comments shall be taken into account by persons or groups charged with making or advising on personnel decisions.
 - c. Results of student instructional ratings shall be systematically consulted, with due regard for strict confidentiality, in conjunction with other means for assessing individual effectiveness, according to the review criteria promulgated within each unit. Other means might include, e.g., classroom visits or consideration of course syllabi, assignments, and examinations.
6. Procedures for implementing the rating process and for utilizing the results shall be promulgated by each teaching unit, subject to the following provisions:
 - a. Duly promulgated unit procedures shall be filed in the offices of the appropriate dean and the provost, where they will be matters of public record.
 - b. Unit administrators are responsible for implementing in their units SIRS procedures which follow fully the requirements of this document.
 - c. Teaching units may have the required SIRS instruments administered by a person other than the instructor. If the unit does not administer the instruments, instructors are obligated to do so, and to return all results to unit offices within the time period specified in unit procedures.
 - d. At the time instruments are administered, students shall be informed who will have access to the results and how the results will be used.

Departments may choose to use the form available in the Scoring Office, 208 Computer Center, telephone 355-1819.

THREATS TO A FACULTY MEMBER

The following statement was developed and approved by the University Committee on Faculty Affairs, March 14, 1978.

It may happen on occasion that a faculty member is threatened by a student with harm as a result of some action such as a low grade or an adverse recommendation the faculty member has taken affecting the student. Since situations which might occasion such threats vary widely, as do the personalities of those who may make or receive the threat, it is difficult to prescribe any simple, generally appropriate response. However, the following suggestions may be helpful in dealing with such threats.

Any threat should be reported immediately and in writing to the department chairperson. If the threat creates a sense of urgency, it should also be reported at once to the Director of Public Safety, 355-2223.

The student should be made aware of others, such as the department chairperson or the Ombudsman, who could help in obtaining redress. At the time the threat is made, the faculty member should indicate a willingness to consider carefully what the student says. If the student's concern appears to be unjustified and the remedy being sought unreasonable, the faculty member should declare a willingness to consult with others before taking further action. Indiscriminate discussion of the incident is to be avoided.

COMPOSITION OF A DOCTORAL PROGRAM GUIDANCE COMMITTEE

Each graduate student admitted to a doctoral program has the responsibility to form a guidance committee with the approval and the assistance of the department or school chairperson or director or designated representative. The guidance committee will consist of at least four Michigan State University regular faculty,¹ at least three of whom, including the committee chairperson, possess an earned doctoral degree, preferably of the same type that the student is seeking (for example, Ph.D.). An exception may be granted by the Dean of The Graduate School to allow a non-tenure stream faculty member to serve on a doctoral student's guidance committee as one of the four required faculty members or as the chairperson of a doctoral student's guidance committee. With the approval of the chairperson or director of the department or school, an exception may be granted to allow an Emeritus faculty member to serve as one of the four required faculty members on a doctoral student's guidance committee; in addition, an Emeritus faculty member may continue to serve as the chairperson of a guidance committee. More than four persons may be members of the guidance committee. Persons who are not MSU regular faculty who can contribute to the student's program may serve as members of the guidance committee and assist in the work of the committee, providing that the number of such persons does not exceed the number of regular faculty on the committee. In consultation with the student, the guidance committee plans the entire program, including examinations, and thereafter supervises it, making modifications as needed until the degree is completed.

The guidance committee shall be formed within the first two semesters of doctoral study, or within two semesters beyond the master's degree or its equivalent. Within one semester after the committee has met, the chairperson of the guidance committee shall file a guidance committee report with the dean of the college, listing all degree requirements. A copy of this guidance committee report shall also be given to the graduate student. This guidance committee report, as changed or amended in full consultation between the graduate student and the committee and approved by the appropriate department or school chairperson or director and the dean of the college, shall be regarded as the statement of program requirements. The program will not be considered binding unless signed by the student.

The guidance committee report includes a statement of the student's proposed program, with a timetable and tentative dissertation topic. In the report, the committee also recommends whether to accept any graduate credit beyond the master's degree level that was taken at other institutions; whether any study may be done *in absentia*, and under what conditions; what language examinations or alternative program, if any, the student must complete; and which member of the committee should later direct the research that is to form the basis of the student's dissertation.

Once designated, the guidance committee has the responsibility to meet periodically to oversee the graduate student's progress as long as the graduate student continues in good standing. Any desired

¹The "regular faculty" of Michigan State University shall consist of all persons appointed under the rules of tenure and holding the rank of professor, associate professor, assistant professor, or instructor, and persons appointed as librarians. In addition, the principal administrative officer of each major educational and research unit of the University shall be a member of the "regular faculty."

or required changes in the membership of the guidance committee may be made by the graduate student with the concurrence of the unit chairperson or director or designated representative, or by the unit with the concurrence of the graduate student in accordance with University, college, and unit policy. The membership of the guidance committee, with the concurrence of the graduate student, may be changed as appropriate to the dissertation topic. Guidance committee chairpersons on leave shall provide for the necessary guidance of their advisees during their absence.

The guidance committee is responsible for insuring the adequacy of the overall program, in keeping with the general policy that three or more academic years of study and research beyond the bachelor's degree are required.

SPONSORED RESEARCH AND CREATIVE ENDEAVOR

The academic governance structure and the Board of Trustees have approved the following general statement and guidelines concerning sponsored research.

Basic Policies

The recognized educational objectives of Michigan State University include, as equally important goals, the discovery of new knowledge through fundamental research and the dissemination of existing knowledge. The increasingly complex relationships among universities, government and industry call for more intensive attention to standards of procedure and conduct in government-sponsored research and industry-sponsored research carried on at universities. Standards for sponsored research must be respectful of the purposes, needs and integrity of the universities and the rightful claims of the public interest; thus it is incumbent upon the academic community to be mindful of conflict of interest situations which may arise in these growing involvements of the University.

General Statement

The University encourages faculty/academic staff members and students to engage in research, including that sponsored by such outside agencies as foundations, professional associations, government, and private industry, for it is only through continued and expanding research activity that the excellence of teaching programs can be maintained and improved, and the function of the University as a contributor to the storehouse of knowledge fulfilled. Important reciprocal benefits from sponsored research accrue to the University and to sponsoring agencies if the basic purposes and functions of each are duly respected.

Consulting Relationships

Through consulting relationships with government and industry, the faculty can provide both with an invaluable resource of expertise and assistance in the transfer of technical knowledge and skill, and at the same time serve the interests of research and education in the University. Such relationships are desirable, but require cognizance of the basic differences of purposes and functions of sponsoring agencies and the University.

VI. RESEARCH AND CREATIVE ENDEAVOR

GENERAL STATEMENT

The search for new information and understanding is as important to the University as the transmission of existing knowledge and understanding. A number of programs, services and policies encourage faculty creative activities. Consistent with the land-grant philosophy, cooperative efforts in theoretical and applied research stimulate both disciplinary and interdisciplinary endeavors. The Office for Research Development, under the Vice President for Research and Graduate Studies, facilitates such endeavors. Creativity in the arts as well as basic and applied research are faculty activities that are expected and encouraged by the University.

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Major Guidelines

The following statement was approved by the Graduate Council on May 15, 1967 and by the Board of Trustees on March 20, 1970.

1. Science advanced through the creativity of scholars working either singly or in groups, and research projects proposed and developed by the faculty and consistent with the University's goals will be encouraged.
2. Sponsoring agencies frequently have rather specific purposes, and some may even specify problems for which research support is available. The University, through the Office of Research Development, will make such opportunities known appropriately within the University. However, faculty will be encouraged to participate only if the projects are considered consistent with their research interests and aspirations.
3. Sponsored research projects should, whenever possible, include the provision that new and promising leads of inquiry should be encouraged and fruitless lines be discontinued.
4. Sponsored research projects should be consistent with the policies and missions of the department(s) and of the college(s) in which the research will be conducted. The research should be directed by faculty within established units of the University such as departments, schools, centers, bureaus and institutes. Cooperative programs cutting across academic units are also encouraged.
5. Research projects should be managed so as to avoid disruption of established research and teaching programs of the institution, for example.
 - a. Sponsored research should be accepted only if appropriate space and facilities are available.
 - b. As appropriate, provisions should be made for continuity of support in order to stabilize required staff.
6. Reports to sponsoring agencies should be consistent with the requirements of the project. They should be submitted promptly to avoid unprofitable expenditures of time and energy on the part of the sponsoring agency and the researcher. Payment to the University on fixed price contracts is contingent upon submission of reports which, if not forthcoming, may result in "freezing" large sums of University funds in support of such research. Rapidly changing and unforeseen research directions may make frequent reporting desirable.
7. In seeking or accepting support for research, care should be exercised to insure compatibility with the functions and purposes of research at the University. Routine testing as an end in itself is considered incompatible with the purposes of University research.
8. The University should retain for its scholars the right of first publication. The imposition of restriction on publication of research results is incompatible with the basic concept of an educational institution. Exigencies of national defense may at times make exceptions to this policy on publication necessary. No publication, statement, or activity, either on behalf of the University or by an individual in their official capacity, shall endorse any commercial product, or advocate any specific commercial method or device, either directly or by implication.

9. The University should make a continuous effort to see that its own members are provided with sufficient information on overall cost of research and other financial matters concerning grants and contracts so as to minimize internal misconceptions that arise with regard to justifiable allowances for indirect costs.
10. The entire cost of sponsored research should be carefully determined; if grants or contracts are accepted which do not cover the direct and indirect costs, the institution should itself provide the additional financial support with the full recognition that it is making a contribution to the cost of the work.
11. Research proposals should include in their budgets provisions for special costs for services such as computer operations, electron microscopy, publishing costs, and shop fabrications.
12. Research projects must conform to established University policy on patent rights. (See section on Patents)
13. Research projects which involve use of animals, human subjects or hazardous substances such as toxic compounds, infectious agents, explosives, radioactive isotopes or recombinant DNA, etc. must conform to current University policies and guidelines. (Consult the Office of the Vice President for Research and Graduate Studies.)

CONFLICT SITUATIONS

Complementary to its policy with reference to "Outside Work for Pay," on March 20, 1970, the Board of Trustees adopted the statement on conflict situations published in December, 1964, as a joint statement by the Council of the American Association of University Professors and the American Council on Education entitled, "On Preventing Conflicts of Interest in Government-Sponsored Research at Universities." This section is reprinted below.

1. **FAVORING OF OUTSIDE INTEREST.** When a university staff member (administrator, faculty member, professional staff member, or employee) undertaking or engaging in Government-sponsored work has a significant financial interest in, or a consulting arrangement with, a private business concern, it is important to avoid actual or apparent conflicts of interest between the Government-sponsored university research obligations and the outside interests and other obligations. Situations in or from which conflicts of interest may arise are the:
 - a. Undertaking or orientation of the staff member's university research to serve the research or other needs of the private firm without disclosure of such undertaking or orientation to the university and to the sponsoring agency;
 - b. Purchase of major equipment, instruments, materials, or other items for University research from the private firm in which the staff member has the interest without disclosure of such interest;
 - c. Transmission to the private firm or other use for personal gain of Government-sponsored work products, results, materials, records, or information that are not made generally available. (This would not necessarily preclude appropriate licensing arrangements for inventions, or consulting on the basis of Government-sponsored research results where there is significant additional work by the staff member independent of the Government-sponsored research);

- d. Use for personal gain or other unauthorized use of privileged information acquired in connection with the staff member's Government-sponsored activities. (The term "privileged information" includes, but is not limited to, medical, personnel, or security records of individuals; anticipated material requirements or price actions; possible new sites for Government operations; and knowledge of forthcoming programs or of official announcements);
- e. Negotiation or influence upon the negotiation of contracts relating to the staff member's Government-sponsored research between the university and private organizations with which the staff member has consulting or other significant relationships,
- f. Acceptance of gratuities or special favors from private organizations with which the university does or may conduct business in connection with a Government-sponsored research project, or extension of gratuities or special favors to employees of the sponsoring Government agency, under circumstances which might reasonably be interpreted as an attempt to influence the recipients in the conduct of their duties.

2. **DISTRIBUTION OF EFFORT.** There are competing demands on the energies of a faculty member (for example, research, teaching, committee work, outside consulting). The way in which the faculty member divides his/her effort among these various functions does not raise ethical questions unless the Government agency supporting the research is misled in its understanding of the amount of intellectual effort the faculty member is actually devoting to the research in question. A system of precise time accounting is incompatible with the inherent character of the work of a faculty member, since the various functions the faculty member performs are closely interrelated and do not conform to any meaningful division of a standard work week. On the other hand, if the research agreement contemplates that a staff member will devote a certain fraction of his/her effort to the Government-sponsored research, or the faculty member agrees to assume responsibility in relation to such research, a demonstrable relationship between the indicated effort or responsibility and the actual extent of the involvement is to be expected. Each university, therefore, should--through joint consultation of administration and faculty--develop procedures to assure that proposals are responsibly made and complied with.

3. **CONSULTING FOR GOVERNMENT AGENCIES OR THEIR CONTRACTORS.** When the staff member engaged in Government-sponsored research also serves as a consultant to a Federal agency, the conduct is subject to the provisions of the Conflict of Interest Statutes (18 U.S.C. 202-209 as amended) and the President's memorandum of May 2, 1963 *Preventing Conflicts of Interest on the Part of Special Government Employees*. When the staff member consults for one or more Government contractors, or prospective contractors, in the same technical field as the research project, care must be taken to avoid giving advice that may be of questionable objectivity because of its possible bearing on other interests. In undertaking and performing consulting services, the staff member should make full disclosure of such interests to the university and to the contractor insofar as they may appear to relate to the work at the university for the contractor. Conflict of interest problems could arise, for example, in the participation of a staff member of the university in an evaluation for the Government agency or its contractor or some technical aspect of the work of another organization with which the staff member has a consulting or employment relationship or a significant financial interest, or in an evaluation of a competitor to such other organization.

University Responsibility

Each university participating in Government-sponsored research should make known to the sponsoring Government agencies:

1. The steps it is taking to assure an understanding on the part of the university administration and staff members of the possible conflicts of interest or other problems that may develop in the foregoing types of situations, and
2. The organizational and administrative actions it has taken or is taking to avoid such problems, including:
 - a. Accounting procedures to be used to assure that Government funds are expended for the purposes for which they have been provided, and that all services which are required in return for these funds are supplied;
 - b. Procedures that enable it to be aware of the outside professional work of staff members participating in Government-sponsored research, if such outside work relates in any way to the Government-sponsored research;
 - c. The formulation of standards to guide the individual university staff members in governing their conduct in relation to outside interests that might raise questions of conflicts of interest; and
 - d. The provision within the university of an informed source of advice and guidance to its staff members for advance consultation on questions they wish to raise concerning the problems that may or do develop as a result of their outside financial or consulting interests, as they relate to their participation in Government-sponsored university research. The university may wish to discuss such problems with the contracting officer or other appropriate Government official in those cases that appear to raise questions regarding conflicts of interest.

The above process of disclosure and consultation is the obligation assumed by the university when it accepts Government funds for research. The process must, of course, be carried out in a manner that does not infringe on the legitimate freedoms and flexibility of action of the university and its staff members that have traditionally characterized a university. It is desirable that standards and procedures of the kind discussed be formulated and administered by members of the university community themselves, through their joint initiative and responsibility, for it is they who are the best judges of the conditions which can most effectively stimulate the search for knowledge and preserve the requirements of academic freedom. Experience indicates that such standards and procedures should be developed and specified by joint administrative-faculty action.

INTERIM GUIDELINES FOR POTENTIAL CONFLICTS OF INTEREST IN ACADEMIC AREAS OF THE UNIVERSITY

Commercialization by faculty/academic staff of their research poses special conflict of interest possibilities. These are dealt with through the following Interim Guidelines for Potential Conflicts of Interest in Academic Areas of the University approved by the Board of Trustees on October 22, 1982.

I. Preamble

Universities have very important roles in the societies which support them. Among these roles is honest and candid assessment of ideas, facts, the state of knowledge and of assessments made by other groups or organizations. This important role of certifying the accuracy, validity or status of information is only possible if those who perform the task are, and are perceived to be, free from bias and conflicts of interest.

Further, faculty and academic administrators in accepting full-time University appointments thereby make a commitment to the University that is understood to be full-time. Every academic member of the University is expected to accord the University his or her primary professional loyalty, and to arrange outside obligations, financial interests and activities so as not to conflict with this overriding commitment to the University.

At the same time, involvement of University professionals in outside professional activities, both public and private, often serves not only the participants but the University as a whole and the public interest as well. Further, a land-grant university such as Michigan State University is expected to be broadly engaged in facilitating the application of knowledge to new and improved technologies and to meet the needs of society for its improvement and enrichment.

The potential for real and perceived conflicts of interest and conflicts of commitment that can arise when academic employees are simultaneously involved in more than one organization must be clearly identified by the individuals themselves and made known to their chairpersons, deans or other administrators so that any potentially detrimental influences can be avoided.

The University already has several sets of policies and procedures for guiding activities in these areas. Among these are the *Bylaws of the Board of Trustees*, the *MSU Faculty Handbook*, Faculty and University Rights in University Sponsored Instructional Materials, Michigan State University Patent Policy, Basic Policies for Sponsored Research and Consulting Relationships, Outside Work for Pay, and others. It is the academic employee's responsibility to be aware of the content of these policies and guidelines, and when in doubt, to refer the full details of the matter to an appropriate academic administrator.

The growing frequency with which current or prospective faculty research provides a point of departure for commercial development of a technology is bringing new exposure of academic employees to potential conflicts of interest and conflicts of commitment. The University wishes to encourage the emergence of new high technology industries while avoiding the problems that potential conflicts of interest can bring. The following interim guidelines will provide a framework for handling these potential conflicts. Following review of these interim guidelines by appropriate academic governance committees, existing policies and guidelines will be amended to provide for these special cases.

II. Supplemental Guidelines and Procedures for Addressing Potential Conflicts of Interest and Conflicts of Commitment when Dealing with Firms in which MSU Faculty Have an Interest

A. Definitions

1. **Conflicts of Interest** are situations in which University employees may have an opportunity to influence University administrative, business or academic decisions in ways that could lead to personal gain or give improper advantage to others.
2. **Conflicts of Commitment** are situations in which a University employee's external activities, often valuable in themselves, and even when they result in no personal gain or improper advantage for others, nevertheless interfere improperly with his or her paramount obligations to students, colleagues and the University.

B. Proposed Guidelines and Procedures

1. The applicable laws of the federal government and the state of Michigan and policies of the Board of Trustees of Michigan State University shall control University guidelines and practices for addressing potential conflicts of interest.
2. Where faculty are participating in a firm wishing to negotiate a patent or copyright license or a contract involving some of those faculty, full written disclosure is required of all aspects of any and all participating faculty member(s)' relationship with that firm. Such written disclosure must be provided by the faculty member(s) and/or the company before any agreements with the company can be completed. Disclosed information must be provided in writing to the department chairperson, dean and the University officers negotiating the particular agreement under consideration.
3. If disclosure reveals that the potential for conflicts of interest is of a *de minimus* nature, the cognizant University officers may proceed to negotiate agreements and to institute appropriate safeguards. If the disclosures reveal that the potential for other than *de minimus* conflicts of interest or conflicts of commitment are present, an agreement may not be completed without a formal prior report by the president to the Board of Trustees. If acceptable means can be assured for avoiding undesirable consequences of the conflict situations, the president shall inform the Board of the proposed procedures. The Board may delegate the decision to approve the agreement to the president or reserve it for themselves.
4. *De minimus* potential for conflicts of interest shall be deemed to exist if a), b) or c) prevail:
 - a. There is only one MSU faculty member involved with the company and all five of the following are true:
 1. The faculty member and his or her immediate family cumulatively own or have options to buy less than five (5) percent of the company's voting stock,
 2. The faculty member holds no executive office in the company and is not a member nor an officer of its Board of Directors,

3. The faculty member contemplates no consulting arrangement with the company that exceeds the University's upper limits on number of days per month or the upper limits for rates of pay for consultants of comparable expertise and experience in the field,
4. The faculty member agrees in writing to make no changes in any of these relationships during the period of any agreement between the company and the University without prior notice to and approval of the University,
5. The faculty member agrees to report annually to the chair, dean and cognizant University officer on the agreement concerning his/her relationships with the company.

- OR -

b. If there are two or more MSU faculty members with relationships to the company and all five of the following are true:

1. They and their families collectively do not own or have options to buy more than thirty (30) percent, nor individually own or have options to buy more than five (5) percent of the company's voting stock,
2. They hold no executive offices nor board memberships nor board office in the company,
3. They contemplate no consulting agreements that exceed University limits on days per month or exceed the rate paid to other consultants of comparable expertise and experience in the field,
4. They each agree in writing not to change their relationships with the company without notification of and prior approval by the University,
5. They each annually report to the cognizant University officer responsible for managing the agreement with the company concerning their relationships with the company.

- OR -

c. A faculty member agrees to reduce his/her appointment in the department during the period of potential conflict and this is approved by the chairperson, dean and provost.

5. Other than *de minimus* potential conflicts of interest are those situations which exceed the limits outlined in B.4. These are to be handled as stated in B.3

GUIDELINES FOR POTENTIAL CONFLICTS OF INTEREST PERTAINING TO APPLICATIONS FOR NSF AND PHS RESEARCH SUPPORT

The following statement was issued by the Office of the Provost and the Office of the Vice President for Research and Graduate Studies on October 2, 1995.

I. Introduction

On July 11, 1995 The Department of Health and Human Services, Office of the Secretary and the Public Health Service printed in the *Federal Register* the final rule for 42 CFR 50 and 45 CFR 94, "Objectivity in Research." In the same issue of the *Federal Register* the National Science Foundation published a "Notice of technical changes to [its] Investigator Final Disclosure Policy," to bring it into close conformity with the PHS policy.

The intent of both NSF and PHS rules is to set standards to ensure that the design, conduct, and reporting of research funded under PHS or NSF grants, cooperative agreements or contracts will not be biased by any conflicting financial interest of those Investigators responsible for the research. These rules require that faculty Investigators applying to NSF or PHS disclose to the University potential conflict of interests and that the University manage, reduce, or eliminate disclosed financial conflicts of interest.

II. Definitions

The applicable definitions, from the NSF and PHS rules, are as follows:

Significant Financial Interest means anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights).

The term does not include: (1) salary, royalties, or other remuneration from the University, (2) income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities, (3) income from service on advisory committees or review panels for public or nonprofit entities, (4) an equity interest that when aggregated for the Investigator and the Investigator's spouse and dependent children, meets both of the following tests: Does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value and does not represent more than a five percent ownership interest in any single entity, or (5) salary, royalties or other payments that when aggregated for the Investigator and the Investigator's spouse and dependent children over the next twelve months, are not expected to exceed \$10,000.

Conflicts of Interest exist if independent reviewers of disclosures determine that a significant financial interest "could directly and significantly affect the design, conduct, or report of" NSF- or PHS-funded activities.

Disclosures by Investigators means disclosure to University representatives prior to submission of a request to NSF or PHS, of significant financial interests that "would reasonably appear to be affected" by the activities funded or proposed for funding, or contractual relationship.

Research means a systematic investigation designed to develop or contribute to generalizable knowledge. The term encompasses basic and applied research and product development.

Investigator means the principal Investigator and any other person who is responsible for the design, conduct, or reporting of research in question. For the purposes of these procedures relating to financial interests, "Investigator" includes the Investigator's spouse and dependent children.

III. Policies and Procedures

A. General: The applicable laws of the federal government and the State of Michigan and policies of the Board of Trustees of Michigan State University shall control University policies and procedures for addressing potential conflicts of interest.

B. Disclosure: When faculty Investigators prepare an application for research grants, cooperative agreements or contracts from either NSF or PHS, each Investigator who is planning to participate in the research must submit to his or her departmental chairperson and dean, two days prior to submission, a listing of his/her known Significant Financial Interests (and those of his/her spouse and dependent children): (i) that would reasonably appear to be affected by the research for which PHS or NSF funding is sought; and (ii) in entities whose financial interests would reasonably appear to be affected by the research.

Alternately, an Investigator may submit a financial Disclosure statement of all Significant Financial Interests to the departmental chairperson annually, and update it as new reportable Financial Interests are obtained.

Whichever method of initial disclosure they use, Investigators must renew their Disclosures during the period of an award or contract or cooperative agreement as new reportable Significant Financial Interests are obtained, or at least annually.

It is the Principal Investigator's responsibility to name the other persons on the research project who meet the regulatory definition of Investigator, and to be sure that they have disclosed any significant financial interests.

C. Primary Review: When, upon receipt and review of a Disclosure, the Departmental Chairperson or School Director and the Dean determine that there is no apparent or potential conflict of interest, the Investigator may submit the application for an NSF or PHS grant, cooperative agreement or contract, or may continue an existing NSF- or PHS-funded project. The Dean and Departmental Chairperson or School Director indicate by their signatures on Significant Financial Interest Disclosure Form that they have completed their review of the disclosure. When the Investigator is also an administrator, the Primary Review will be completed by the Provost and Vice President for Research and Graduate Studies (VPRGS). A copy of the disclosure form shall accompany the "Transmittal Sheet for Request for Contract, Grant or Gift Support" (transmittal sheet) and shall be kept in the applicant's file in the Office of the Vice President for Research and Graduate Studies.

D. Secondary Review and Management: When the Departmental Chairperson, School Director or Dean determines from the Disclosure that one or more of the Investigators has a Significant Financial Interest that may present a conflict, that potential conflict shall be reported to a Conflict Review Committee (CRC). The CRC shall be comprised of three faculty members appointed by the Vice President for Research, from a list of names submitted by the deans and the Director of the NSCL after consultation with the College Advisory Council or other equivalent faculty advisory group. An Assistant Vice President for Research shall serve as the non-voting chairperson of the CRC. In consultation with University Counsel and the Director of the Office of Contract and Grant Administration, the CRC must ensure that conflicting interests can be appropriately managed,

reduced, or eliminated prior to the University's expenditure of any funds from a PHS or NSF award. The CRC shall report its review activities and decisions to the VPRGS.

Examples of conditions or restrictions that might be imposed by the CRC to manage conflicts of interest include, but are not limited to:

- 1) Public Disclosure of Significant Financial Interests;
- 2) Monitoring of research by independent reviewers;
- 3) Modification of the research plan;
- 4) Disqualification from participation in all or a portion of the research funded by PHS or NSF;
- 5) Divestiture of Significant Financial Interests;
- 6) Severance of relationships that create actual or potential conflicts.

The CRC shall report to the PHS Awarding Component the existence of conflicting interests (but not the nature of those interests) when PHS funds are involved. The CRC shall inform NSF's Office of the General Counsel if it is unable to manage satisfactorily a conflict involving that agency's funds. The University shall defend complying Investigators in connection with conflicts being managed by the CRC.

E. Noncompliance: These new rules require major changes in the way University Investigators operate. There may be minor issues of noncompliance during the period of time when the procedures first take effect. Primary reviewers, the CRC and the VPRGS will work cooperatively with the principal Investigators and others to resolve any minor noncompliance.

Apparent significant non-compliance with these rules should be reported immediately to the CRC for evaluation and possible investigation. The CRC shall report non-compliance to the appropriate dean and the VPRGS. The CRC is responsible for bringing the University back into compliance with these regulations. The dean shall determine and impose sanctions, if any, against an Investigator. The Investigator has recourse to the Faculty Grievance Procedure. If the CRC finds a dean in non-compliance, the matter shall be referred to the Provost to determine and impose sanctions, if any. If disciplinary sanctions are to be imposed, the Policy and Procedure for Implementing Disciplinary Action Where Dismissal Is Not Sought, or the Policy on the Dismissal of Tenured Faculty For Cause, apply.

F. Record Keeping: Chairpersons shall keep for three years disclosures by Investigators which do not reveal potential conflicts of interest. The CRC shall keep for seven years records of disclosure of potential conflicts and its management of those conflicts. Similarly, the CRC shall keep for seven years records of investigations into allegations of violations of these regulations. The CRC shall make this information available on request to NSF or PHS.

G. Confidentiality: All Disclosures by Investigators to Chairpersons, Deans, or the CRC shall be kept private and confidential, to the extent allowed by law. Sanctions will be imposed for inappropriate use of information secured during disclosure.

Significant Financial Interest Disclosure Form Pertaining to Applications for NSF and PHS Research Support

The NSF and PHS financial disclosure regulations are designed to ensure that the design, conduct, and reporting of research funded under PHS or NSF grants, cooperative agreements or contracts will not be biased by any conflicting financial interest of those investigators responsible for the research. Under these regulations, faculty applicants to NSF or PHS must disclose to the University potential

conflicts of interest, and the University must manage, reduce, or eliminate disclosed financial conflicts of interest.

Disclosure forms are available in departmental offices or from the Office of Intellectual Integrity (5-2180).

FACILITATION OF RESEARCH AND CREATIVE EFFORTS

Departmental and college facilities and resources are available in most units to partially support research and creative efforts of the faculty. In addition, the University maintains an array of facilities and programs which can be drawn upon for support. These include the Library, the Office of Research Development, various divisions such as the Computer Laboratory, Office of Radiation, Chemical and Biological Safety, University Laboratory Animal Resources, Instructional Media Center, Broadcasting Services, etc. and various centers and institutes for facilitating multi- and interdisciplinary research projects. Solicitation of funds for research by the faculty is encouraged within established policies and procedures.

THE OFFICE OF RESEARCH DEVELOPMENT

This office assists faculty in a number of ways:

1. It helps faculty identify both on-campus and off-campus sources of research support.
2. It clears proposals soliciting outside funding, after they are routed through the chairperson, the dean, and the Office of Contract and Grant Administration.
3. In conjunction with University Development, it monitors formal contact with private foundations, in order to keep an accurate record of University funding requests to those foundations.
4. It has at its disposal a modest level of discretionary funds, which it uses to provide support for research and creative projects that have the potential for generating external funding, typically with joint participation of the relevant department(s) and college(s), and the Office of the Provost.
5. Working with the Office of the Provost, it administers certain funds made available from the MSU Foundation, to provide startup support for new faculty, matching for external grants, and seed monies for new projects that have the potential to attract funds from outside sponsors.

Faculty seeking matching funds are advised to initiate discussions first with their department chairperson and college dean.

ALL-UNIVERSITY RESEARCH FUNDING

Internal grants for support of research and creative projects are of two types.

1. Most, but not all, college offices have a relatively small pool of funds to make grants to faculty members using individual college guidelines as to eligibility. Applications for such college-level grants are made in the spring, through the office of the dean, from which specific guidelines on award size, policy on renewals, etc., can be obtained prior to proposal preparation. College-level grants are administered in accordance with University guidelines printed on the back of the application form.

2. The "All-University Research Initiation Grant (AURIG)" program is a University-wide competition for grants to initiate research and creative projects; a portion of these funds are available for projects that combine research and outreach activities. Applications for AURIG awards are invited during the fall term; all awards are for a 15 month period, from May 15 through August 15 of the following year. Compared to college-level grants, these grants are fewer in number, larger in size, and are not renewable. AURIG funding is aimed at bringing a project to a state where it can compete successfully for external support for its continuation. Final reports are expected from faculty receiving University support.

Additional information, application forms, etc., relating to the AURIG program can be obtained from the Office of the Vice President for Research and Graduate Studies.

SUPPORT FOR DEVELOPMENT OF INTELLECTUAL PROPERTY

A limited amount of funding is available through the Office of Intellectual Property to support innovative projects that have the potential to generate patents and royalty income. For example, funds might be provided to purchase an instrument that would facilitate additional studies to bring an idea to a patentable stage. For more information, contact the Director of the Office of Intellectual Property, in the Office of the Vice President for Research and Graduate Studies.

THE MSU FOUNDATION

The Michigan State University Foundation receives and invests royalty income generated by the University, and returns funds to MSU for a variety of research purposes. For example, the AURIG program and the funds available for development of intellectual property are derived from the MSU Foundation. The Foundation does not have a grants evaluation mechanism, and therefore does not directly accept proposals from MSU faculty. Evaluation of projects on which to expend Foundation funds is the joint responsibility of the Office of the Provost and the Office of the Vice President for Research and Graduate Studies; support for projects is often contingent on cost-sharing by the college and department involved. A portion of MSU Foundation funds is set aside for larger projects, involving multidisciplinary collaborations, and which may lead to, for example, external support for a national center of excellence. Some Foundation funds are also reserved for support of symposia and conferences. In rare cases a compelling project may be taken to the Foundation by the Provost and Vice President for Research and Graduate Studies for special consideration outside the usual allocation process.

For more information, contact the relevant college office, or the Office of Research Development.

INTERNATIONAL TRAVEL

The Special Foreign Travel Fund provides partial funding for faculty presenting papers or otherwise playing significant roles at international meetings. Contact International Studies and Programs for eligibility criteria and other information.

THE OFFICE OF CONTRACT AND GRANT ADMINISTRATION

Formal agreements by funding organizations to support research and creative projects are normally made between the organization and the University rather than with individual faculty. Fiscal administration of gifts, grants and contracts is the responsibility of the Office of Contract and Grant Administration. Pre-proposals and draft proposals should be cleared with this office before contact is made with granting organizations to insure conformity with University policies on overhead, cost

sharing and similar matters. When this office receives official notification of an award from a funding organization, an account can be established for initiating the project. The faculty project director is responsible for initiating the Gift and Grant form through which the financial support is formally accepted by the Board of Trustees.

REGULATORY GUIDELINES FOR RESEARCH

Protection of a research environment for free and unfettered pursuit of knowledge is an important University responsibility. Infringement on this freedom must be restricted to those factors which are clearly essential to the protection of individuals and the public at large.

There exist federal or state laws, regulations and guidelines in several areas which are designed for this purpose. In addition, the University community itself acts through its advisory committees and academic governance bodies to insure that individual research and scholarly projects incorporate appropriate safeguards.

USE OF RADIATION, CHEMICAL, AND BIOLOGICAL HAZARDS

The use of hazardous materials in research, teaching, and outreach activities is subject to state and federal laws and guidelines. The Vice President for Research and Graduate Studies has been assigned responsibility to see that appropriate practices are followed where hazardous materials are involved, to maintain a safe environment for campus personnel, to protect the surrounding community, and to assure that MSU meets its obligations under the law.

Oversight of activities involving hazardous substances is provided by the Office of Radiation, Chemical, and Biological Safety (ORCBS), which reports to the Vice President for Research and Graduate Studies. ORCBS is assisted by faculty committees in the areas of radiation safety, chemical safety, and biological safety. The Radiation Safety Committee has responsibility and authority under federal law for specific actions.

It is University policy that faculty members and principal investigators (PIs) are responsible for the day-to-day safety and well-being of all personnel engaged in activities under their aegis. Administrative officers, and ORCBS, are responsible for making available to faculty information needed to maintain a safe working environment, for providing safety training, for keeping project directors informed about changes in regulations, and for assaying laboratories and work areas for radiation, chemical, or biological hazards.

All individuals who work with hazardous substances must accept shared responsibility for operating in a safe manner once they have been informed (a) about the extent of risk and (b) about safe procedures that should be followed.

To support these University policies, a number of responsibilities are assigned to the project director. The following list of project director responsibilities is not necessarily inclusive. Up-to-date information is contained in the document entitled "Policies, Procedures, and Guidelines for Radiation, Chemical, and Biological Safety for the ORCBS", which can be obtained from ORCBS, along with other safety related materials, services, and training programs.

In general, the project director **must**:

1. Be aware of appropriate safety policies, procedures, and guidelines that apply to the project; if in doubt about any aspect of project safety, contact ORCBS to obtain relevant information.

2. Insure that all personnel under his or her supervision have been instructed with regard to the general safety requirements of laboratory or work area operations, such as those generally associated with Right-to-Know requirements; post warnings and restrict entry to work areas containing potentially hazardous materials; properly label and store containers of hazardous materials; maintain appropriate safety training records (also called informed employee consent statements).
3. Be aware of special hazards that may be inherent in a specific activity, and which may not be covered by the general program of laboratory safety, inform all personnel under her or his supervision of those unique hazards, and provide opportunities for appropriate special training.
4. Understand the risks and regulations associated with receipt and subsequent distribution of all hazardous materials. Federal and state regulations control and regulate the use, storage, transport, and disposal of certain chemicals, venomous animals, infectious agents, pharmaceuticals, recombinant DNA, genetically engineered organisms, and radioactive materials. Pis must be aware of the known dangers in working with particularly hazardous materials, and must take the necessary protective and containment measures, must minimize worker exposures to potentially hazardous materials, and must follow applicable waste disposal regulations.
5. **Request and acquire approval from relevant University committees or Offices before initiating teaching, research, or service activities that involve regulated radioactive, chemical, or biological materials.**
6. Be informed as to whether a spill or release of a regulated or controlled material is of a magnitude that ORCBS should be notified, and to notify ORCBS immediately when so required; notify ORCBS prior to vacating or closing out a laboratory or other work area containing hazardous radioactive, chemical, or biological materials.

PROTECTION OF HUMAN SUBJECTS AND MATERIALS OF HUMAN ORIGIN

Federal and University regulations and policies require that all research involving human subjects or materials be reviewed and approved before initiation by the University's Institutional Review Board (IRB) to protect the rights and welfare of those human subjects.

Michigan State University's IRB is the University Committee on Research Involving Human Subjects (UCRIHS). Prescribed by the National Research Act of 1974 (PL 93-348) and endorsed by Academic Council, UCRIHS reviews applications for research involving human subjects in keeping with the U.S. Department of Health and Human Services (HHS) regulations for the Protection of Human Research Subjects (45 CFR 46, as amended) as codified and extended by the University's formal Assurance to HHS: M-1239.

Ethical Principles for the Protection of Human Subjects

As set forth in its Assurance (section 1.1-1.4) UCRIHS reviews applications for research on the basis of four Ethical Principles for the Protection of Human subjects of research:

- 1.1 Every person has the right to determine what shall be done to him or her, what activities he or she shall engage in and what risks he or she will take. This requires that research on human subjects cannot be carried out without the subjects' competent, voluntary and informed consent.

- 1.2 No person should be placed at risk as a subject of research unless the risks are reasonable in relation to the anticipated benefits of the research.
- 1.3 The risks and burdens to subjects in research should not be unjustly distributed. The recruitment and selection of subjects should be reasonably related to the research and not impose inequitable risks and burdens on any segment of society.
- 1.4 Special consideration and protection should be given in research to persons who may lack full capacity to secure their own rights and interests, e.g. children, the mentally infirm and those in involuntary custody.

Definitions

"Research" means "formal investigation designed to develop or contribute to generalizable knowledge."

"Human Subject" means "an individual about whom an investigator conducting research obtains: 1) data or materials (blood, tissue, etc.) through intervention or interaction with the person, or, 2) identifiable information." (Public officials, elected or in non-elected, decision-making positions, are not considered human subjects under these regulations).

Investigator's Responsibility

It is the responsibility of the responsible project investigator to assure that all research involving human subjects is reviewed and approved by UCRIHS prior to initiation. If the investigator is uncertain whether a project requires UCRIHS review, she or he should seek assistance from the chairperson of UCRIHS. When review is required, the responsible project investigator should review the document, "UCRIHS Information and Instructions for Applicants," and then submit his or her project for review on a UCRIHS application form. UCRIHS instructions for applicants and application forms are available from the UCRIHS Office, either in paper copy or on computer disk.

Review Categories and Review Time Guidelines

UCRIHS assigns each application to one of three review categories, based on the perceived level of risk to subjects:

1. Full Review
2. Expedited Review
3. Exempt from Full Review

If an investigator believes her or his project is eligible, he or she may request expedited or exempted review (categories #2 and #3) by submitting appropriate documentation, as specified in the instructions to applicants.

Investigators may submit a proposal for review at any time. The full review process typically requires a minimum of one month to complete, longer when revisions are necessary. If a proposal qualifies for the exempt from full review or expedited categories, and the application is in order, then the review is normally completed in ten to fifteen working days.

Reminders

Investigators are reminded that, pursuant to the common federal rule (1991) on human subjects protections, most federal departments and agencies will decline to review applications for funding of research involving human subjects unless applications are accompanied by an UCRIHS approval letter. Investigators are further reminded that the Office of Contract and Grant Administration will not open an account for any project involving human subjects that has not been reviewed or approved by UCRIHS. Finally, student researchers and major professors should be reminded that the Graduate School will not accept masters theses or doctoral dissertations containing research involving human subjects that has not had prior review and approval by UCRIHS.

UCRIHS approval is for a maximum of one year. Therefore, project investigators continuing to collect data from human subjects beyond one year must apply for updated certification prior to the expiration date. In order to allow time for UCRIHS to process such renewal requests, the Committee strongly recommends that the investigator request renewal one month before approval expires.

With regard to retention of project records, project investigators must retain copies of signed consent forms for at least three years past completion of their research activities. Project investigators must also make these signed consent forms available to UCRIHS upon request.

Student Research in Courses

In some courses students collect data by using professional research methods, even though the students' work is not expected to contribute to generalizable knowledge. Some of the methods involve human subjects, and in some instances subjects may be placed at risk. For this reason, student research projects should be reviewed and approved prior to initiation. Where student research in courses involves no more than minimal risk to subjects, UCRIHS has a policy of delegating to instructors the primary responsibility for assuring that the rights and welfare of human subjects are adequately protected. Further information for instructors is available in the document, "Student Research in Courses at Michigan State University," available from the UCRIHS office. Please note that student research involving more than minimal risk (as defined in this document) must be reviewed and approved by UCRIHS prior to initiation.

For more information or for consultation, researchers are invited to contact the UCRIHS office at 225 Administration Building, or to phone 355-2180.

USE OF ANIMALS IN RESEARCH, TEACHING, AND SERVICE

The use of animals in research, teaching, and outreach activities is subject to state and federal laws and guidelines. University policy specifies that:

- all animals under University care (that is, involved in projects under the aegis or sponsorship of the University) will be treated humanely;
- prior to their inception, all animal projects receive approval by the All University Committee on Animal Use and Care (AUCAUC);
- MSU will comply with state and federal regulations regarding animal use and care.

Responsibility for assuring compliance with state and federal regulations belongs to the Vice President for Research and Graduate Studies. The Vice President has designated the Assistant Vice President for Research Services to be the "Institutional Official" as defined in federal regulations.

The AUCAUC works closely with the Institutional Official, and has responsibility and authority under federal law for specific actions.

University Laboratory Animal Resources (ULAR), which reports to the Vice President for Research and Graduate Studies, provides a comprehensive program of animal care for all laboratory animal colonies, as well as training for researchers. ULAR also participates in developing institutional policies designed to insure humane treatment of animals and to assist investigators in maintaining high quality care of animals used in MSU projects.

Project directors are responsible for humane treatment of animals under their supervision, and for adherence to applicable University, state, and federal regulations. **Faculty members planning to use animals for any University-related activity must submit an animal use form (AUF) to the AUCAUC for review prior to the start of the project, regardless of the source of funding for the project.** The AUF can be obtained from ULAR; the completed form will include descriptions of experimental protocols, plans for animal care, available facilities, and any other matters relevant to the project. Some granting agencies require review and approval of the AUF before a grant application will be processed. An agency-approved grant will not be accepted by the Board of Trustees, nor will an account number be assigned, unless the AUF has been approved by the AUCAUC.

Additional information regarding both general principles and specific issues that apply to the care and use of animals at Michigan State University is available through ULAR.

PATENTS

This policy was approved by the Board of Trustees on November 15, 1930 and revised on June 7, 1985.

Federal regulations require that discoveries coming from federally assisted research must be reported promptly and appropriate patents must be applied for by the University. In addition, the State of Michigan and the University acknowledge the obligation to protect intellectual property emerging from research funded from whatever sources by prompt filing of appropriate patent applications. Faculty, staff and students are reminded that the University's patent policy reads as follows:

Except as otherwise provided by Board-approved policies or legal instruments, any discovery or invention which results from research carried on by, or under the direction of, any employee of the University and having the cost thereof paid from University funds or from funds under the control of, or administered by the University, or which comes as a direct result of the employee's duties with the University, or which has been developed in whole or in part by the utilization of University resources or facilities, shall belong to the University and shall be used and controlled in such a manner as to produce the greatest benefit to the University and the public.

For purposes of this policy, the term "employee" shall include all faculty, staff and students (including postdoctoral appointees, graduate and undergraduate students) engaged in research conducted under the conditions defined above.

Patenting and licensing expenses for each patent will be recovered from its royalty earnings and distributions will be made from the net royalties remaining. Net royalties from licensed inventions will be distributed according to the following schedule:

Net Royalty Income on a Particular Patent	Inventor(s)	Academic	
		Units	University
First \$1,000	100%	0	0
Next \$100,000	33 1/3%	33 1/3%	33 1/3%
Next \$400,000	30%	30%	40%
Next \$500,000	20%	20%	60%
All Additional Net Royalties over \$1,001,000	15%	15%	70%

The administration of Michigan State University patent matters, including technological know-how that may be licensable but may not be patentable, shall be the responsibility of the President. Patent matters include such activities as accounts, records and negotiations. Particular patents or items of technological know-how may be transferred to the Michigan State University Foundation for administration.

The President has delegated this authority to the Vice President for Research and Graduate Studies. For additional information, telephone 355-2186.

TEXTBOOK PUBLICATION - MSU PRESS

Michigan State University Press is the scholarly publishing arm of the university. Consonant with MSU's land-grant mission and its stature as a member of the Association of American Universities (AAU), the Press's primary function is to publish the results of research and intellectual inquiry undertaken by scholars.

A manuscript, prospectus, or query letter may be sent to the Press for consideration any time. After an initial evaluation by the Press editorial staff, works submitted for publication are subject to peer review by scholars in the relevant field of specialty. In addition, these works will undergo evaluation by the MSU Press Editorial Advisory Board, after which the Press will make a determination of suitability for publication.

MSU Press will market, sell, and otherwise make available its books to scholars, libraries, and to members of the informed reading public. A catalog of the Press's in-print, published works is available on request.

DEVELOPMENT OF INSTRUCTIONAL MATERIALS

The following policy was approved by the Board of Trustees on November 16, 1973.

Faculty and University Rights in University-Sponsored Instructional Materials

Introduction

To encourage faculty to utilize the most modern teaching methods and techniques, many universities support the development of educational materials. Michigan State University encourages creativity and increased productivity among faculty through the use of sophisticated communication techniques.

Several agencies support and assist faculty in the development and improvement of instructional materials: The MSU Development Fund; Instructional Media Center, Broadcasting Services. The University recognizes the significant merit of improved instructional materials as developed by the faculty and is mindful of the increased effectiveness, extension of resources and productivity they afford. Such contributions are significant when such matters as faculty salary, rank, and load are considered.

There are several urgent reasons why the University must place increasing emphasis on assistance to faculty for the development of instructional materials. The application of new technology to instruction often requires expensive and complex equipment that could not be operated economically, or owned by individual faculty members, or by regular departments on campus. The development and production of certain instructional materials require special equipment and skills. Because the body of data about the learning process, teaching models, and educational design is growing very rapidly, it is difficult for faculty to remain abreast of such developments.

Therefore, many faculty seek the assistance of University consulting specialists and other types of support. Consequently, instructional materials frequently reflect a joint creative effort involving one or more faculty members as well as other individuals and units on campus.

University participation in the development of educational materials seeks to improve the quality and versatility of instructional practice. But such participation also raises problems concerning the ownership and use of materials. University-wide policies are needed to govern the ownership, University use, external use and rights to income of University-sponsored materials.

The following statement clarifies and protects the rights of individual faculty members and the University. This statement defines the types of educational materials which should be designated as "University-sponsored", established procedures for formulating and administering policy concerning these materials; and University-wide policy governing their ownership and use and the rights to income produced.

This statement however, does not affect the traditional University policy that faculty members have personal ownership of books, tests, syllabi, and workbooks not commissioned by the University and the preparation of which were not supported or assisted in any material way by any University unit. Any materials such as paintings, journal articles, research studies, music, sculpture, etc., supported by all-University research grants or other University programs and agencies, but which are not primarily instructional materials for classroom use, are not considered under the terms of this policy as University-sponsored educational materials.

This policy does not apply to University faculty, administrative, clerical, and/or technical personnel specifically hired to support instructional development activities of the regular teaching faculty. When a faculty member who has been hired to help the teaching faculty improve instruction creates instructional materials for use in his/her own course or courses with University support, however, this policy shall apply.

Section I

Coverage of Statement of Policy

This statement of policy shall govern the ownership and use of University-sponsored educational materials, as defined in Section II. This statement of policy shall also cover audio and video broadcasts and tapes produced by University broadcast services and used for regular University instruction.

Section II

Definition of University-Sponsored Educational Materials

1. Educational materials are University sponsored:
 - a. If the faculty member has employed in his/her developmental work, and without charge to him/her, the equipment, materials, and staff services of any of the various units of Michigan State University which assist in the development of research or instructional materials; or
 - b. If the faculty member has received support in the form of money, released time, or other resources from a department, a college, or any unit of the University; or
 - c. If the faculty member has been commissioned by the University, or one of its colleges, schools, departments, or units to develop the materials and, in their production, has used some part of the time for which he/she received compensation from University support budgets, grants, contract budgets administered by the University, or budgets based on special legislative appropriations.
2. Educational materials to which this policy is applicable include, but are not limited to:
 - a. Video or audio recordings.
 - b. Motion pictures.
 - c. Slides, transparencies, charts, and other graphic materials, photographic or similar visual materials, film strips.
 - d. Combinations of the above and other types of materials; e.g., multi-media and other instructional packages.
 - e. Programmed instructional materials.
 - f. Study guides, texts, syllabi, workbooks, bibliographies, and tests.
 - g. Live video and audio transmissions.
 - h. Computer programs.
 - i. Three-dimensional materials and exhibits.
3. Any person who has a question as to whether particular educational materials he/she is preparing, or planning to prepare, will be considered University-sponsored, shall initiate inquiry as to their status. He/she should prepare a report on the relevant facts and forward it to the appropriate department chairperson, or director, and dean. The department chairperson, or director, and dean should submit their written recommendations on the case to the Office of the Provost. The Office of the Provost will consult with the Office of the Vice President for Research and Graduate Studies, who shall determine the question subject to review by the provost and the president.

Section III

Ownership and Copyright

The legal title to all University-sponsored educational materials as defined in Section II shall be held by Michigan State University with the following exception. Materials produced under grants from the federal government or other agencies shall be subject to conditions of the contract or grant with respect to ownership, distribution and use, and other residual rights.

The University may, at its discretion, assign, transfer, lease, or sell all or part of its legal rights in educational materials. Where feasible, formal statutory copyright shall be obtained for such educational materials in the name of the University.

Section IV

Internal University Use

All use of University-sponsored materials by any unit of the University for education or instruction shall be subject to the following conditions:

1. Use internal to the University requires approval of the department or college primarily responsible for the materials. Such approval is normally implicit when the sponsoring unit agrees to storage and distribution by the University and in the procedures by which the sponsoring department and college schedules its courses and assigns instructional duties.
2. As long as the faculty member involved in the production of University-sponsored materials remains a member of the staff of the University, his/her approval shall be required for use of the materials internal to the University and his/her contribution should be explicitly recognized and noted by the user.
3. In the event a faculty member leaves the University or after his/her death, the University retains the right to make internal use of University-sponsored educational materials.

Section V

External Use

Use external to the University, or all uses other than by a unit of the University for instruction or education; for example, use by educational institutions other than the University, by government and other nonprofit institutions, and use resulting from lease or other contractual arrangements for commercial distribution of the materials shall be subject to the following condition:

1. Licensing or sale of University-sponsored educational materials for external use shall be preceded by a written agreement between the University and faculty member.

Section VI

Revision

Revision of University-sponsored materials which does not require substantial University resources may be made at any time by the faculty member involved. Such revision may not be made in any case without the consent of the individual(s) primarily responsible for the original creation of those materials.

Requests to revise University-sponsored materials in cases which require substantial University resources may be initiated by the University or by the faculty member directly concerned.¹ During the first three years after production, mutual agreement of both parties (the University and the faculty member) is required for revision. After three years' use (or two years of non-use), materials which have not been revised shall be reviewed by the faculty member and the University unit or units most directly involved in their production and either the faculty member or the University may require their withdrawal, or in the case of television, the erasure of tapes. This paragraph does not apply to motion pictures.

Section VII

Payments to Faculty Member for Production and Use

1. With the exception specified below, the University shall not make any payment to the University-employed faculty member involved in the production of University-sponsored educational materials for their production or internal use other than the compensation which the faculty member regularly receives from the University.
 - a. Exceptions on payment for internal use of materials:
 - i. If materials prepared for use in another unit of the University are used for extension instruction with the advice and assistance of the faculty member, the Extension Division, in accordance with its existing policies, may make additional payment to the faculty member for such advice and assistance.
 - ii. A faculty member not on assignment with the University, e.g., summer session, or on leave, may be compensated for use of televised materials in which the faculty member personally and prominently appears. Compensation should be mutually agreed upon in advance by the faculty member and the department(s) involved, based upon (1) the amount of continuing responsibility of the faculty member for monitoring, revision of lessons, or supervision of the work of the course; (2) whether the course is completely or partially recorded; and (3) the extent to which the participating faculty member's time and creative efforts have been previously compensated. As a guideline, the faculty member may be compensated on the basis of load credit or salary equal to 1% of the annual salary for each six (6) class hours developed. Such payment or credit should be limited to a period of two years.
2. Licensing or sale of University-sponsored research and educational materials for use external to the University shall be accomplished by a written agreement between the University and the faculty member(s). If the University markets the materials, any net income (after cost of production, sales, advertising, distribution and any unrecovered overhead cost, but not to include the costs of original development unless so stipulated in the contract or grant) shall be distributed so that the faculty member receives the first \$ 1,000, 50% of the next \$20,000, 30% of the next \$50,000, and 25% of all additional income. The University shall retain the remainder to encourage further research and educational development.

¹The term University is used here to mean: (a) the instructional unit employing the faculty member and/or earning the student credit hours for offering the course; (b) the University unit primarily responsible for the production and distribution of the course, specifically in the case of television, Broadcasting Services, or in film production, the Instructional Media Center, and/or (c) the Office of the Provost.

All University funds resulting from the sale of sponsored instructional materials shall be used to encourage further educational and instructional development. If the University licenses an external agency to reproduce and sell instructional materials, the total royalties shall be negotiated among the faculty member, the University, and the external agency, and the net income (royalties) shall be divided between the faculty member and the University in accordance with the procedure described above.

Section VIII

Transfer of Rights to Faculty Member

If the teaching unit employing the materials discontinues regular use of the University-sponsored instructional materials in their existing form for more than two years, such units shall relinquish all rights to these materials. In such cases, the rights shall be transferred to the faculty member if he/she so desires, and the faculty member shall be required to pay all costs associated with the transfer including expenses associated with copying, mailing and handling, duplication and copyright transfer, but not to include original costs of production.

Section IX

Protection and Liability

1. Protection

- a. The Office of the Provost shall investigate allegations of unauthorized use or copyright infringement of University-sponsored educational materials and shall recommend appropriate action. If such action is started by the University, acting alone or in concert with the faculty member, all costs of such action (including attorney's fees) shall be borne by the University. All proceeds in excess of such costs shall be shared equally by the University and the faculty member.
- b. If the University decides not to act, the faculty member may initiate action, and the University shall assign to him/her such rights as are necessary for him/her to pursue redress. Costs of such action (including attorney's fees) shall be borne by the faculty member who shall have the right to all proceeds resulting from the action.

2. Liability

- a. The faculty member(s) responsible for the creation of University-sponsored educational materials shall obtain, from individuals prominently appearing in or giving support to the materials, appropriate written releases, giving all necessary rights to the University. These releases shall be kept by the unit producing the material until such time as the material is withdrawn from circulation.
- b. Before any external use is made of University-sponsored educational materials, the faculty member shall certify in writing to the provost that the materials do not infringe on any existing copyright or other legal rights and shall be liable to the University for judgements resulting from such infringements
- c. In the event others allege violations of personal property rights by the University, or by the faculty member of University-sponsored instructional materials, the University shall assume responsibility for the defense of any action.

Section X

Implementation

1. This policy shall take effect upon approval by the Board of Trustees and shall be administered by the Office of the Provost.

INTERIM PROCEDURES CONCERNING ALLEGATIONS OF MISCONDUCT IN RESEARCH AND CREATIVE ACTIVITIES

These Interim Procedures were adopted by the Academic Council on April 23, 1996 and will be in effect until December 1, 1996.

INTRODUCTION

Safeguarding the integrity of research and creative activities is fundamental to the mission of Michigan State University. We owe no less to the public which sustains institutions like ours and to the governmental agencies and private entities which sponsor the research enterprise. All members of the University community share responsibility to assure that misconduct or fraud in research and creative activity is dealt with effectively and that the University's high standards for scholarly integrity are preserved.

Moreover, the University has explicit obligations to federal agencies to safeguard research integrity. In seeking funds from these agencies, the University is required to establish and abide by uniform policies and procedures for investigating and reporting instances of alleged or apparent misconduct involving research and related activities.

To meet these needs, the University has developed these Procedures Concerning Allegations of Misconduct in Research and Creative Activities. By following these Procedures for the investigation and evaluation of alleged or apparent misconduct, the University will discharge its regulatory obligations and, more importantly, help preserve the integrity of research and creative activities conducted under its auspices. These Procedures will also provide a basis for imposing sanctions, or initiating processes that may result in the imposition of sanctions, on individuals who violate the University's expectations of integrity in research and creative activities.

I. Definitions

- a. **"Allegation of Misconduct"** means a charge of Misconduct or a report of suspected Misconduct, of an apparent instance of Misconduct, or of conduct by a Respondent that could, upon review by the University under these Procedures, constitute Misconduct.
- b. **"Assessment"** means initial information gathering to determine whether there is credible evidence to support an Allegation of Misconduct and whether the Respondent's alleged conduct could constitute Misconduct.
- c. **"Complainant"** means a person who makes an Allegation of Misconduct. A Complainant need not be a member of the University community.
- d. **"Conflict of Interest"** means any financial interest, or scholarly or social commitment or relationship, that would, in the judgment of the UIIO, impair the ability of a Responsible Administrator or a member of an Inquiry Panel or an Investigative Committee to make fair and impartial judgments about an Allegation of Misconduct.

- e. **"Creative Activities"** means the preparation or creation of computer programs, motion pictures, sound recordings, and literary, pictorial, musical, dramatic, audiovisual, choreographic, sculptural, architectural, and graphic works of any kind by (1) a faculty member or other employee of the University as part of her or his noninstructional scholarly activities, or (2) a student in fulfillment of any independent study requirement at the University whose product is intended to be an original scholarly or creative work of potentially publishable quality (including, without being limited to, a master's or doctoral thesis).
- f. **"HHS"** means the United States Department of Health and Human Services.
- g. **"Inquiry"** means information gathering and initial fact finding to determine whether an Allegation of Misconduct warrants an Investigation.
- h. **"Inquiry Panel"** means a group of at least three persons appointed by the Responsible Administrator to conduct an Inquiry.
- i. **"Investigation"** means the formal, thorough examination and evaluation of all facts relevant to an Allegation of Misconduct to determine if Misconduct occurred and to assess its extent, gravity, and consequences.
- j. **"Investigative Committee"** means a group of at least three persons appointed by the Responsible Administrator to conduct an Investigation.
- k. **"Misconduct"** means fabrication, falsification, plagiarism, or any other practice by a Respondent that seriously deviates from practices commonly accepted in the discipline or in the academic and research communities generally for proposing, conducting, or reporting Research and Creative Activities. Retaliation of any kind against a Complainant or a witness or other person who provides information about an Allegation of Misconduct and who has not acted in bad faith also constitutes Misconduct. Misconduct does not include honest error or honest differences in the interpretation or judgment of data.
- l. **"NSF"** means the National Science Foundation.
- m. **"Procedures"** means these Procedures Concerning Allegations of Misconduct in Research and Creative Activities.
- n. **"Proceeding"** means an Assessment, an Inquiry, an Investigation, or an appeal under these Procedures.
- o. **"Questionable Research Practices"** means practices that do not constitute Misconduct or Unacceptable Research Practices but that require attention because they could erode confidence in the integrity of Research or Creative Activities.
- p. **"Research"** means formal investigation conducted for the purpose of producing or contributing to generalizable knowledge, and the reporting thereof, by (1) a faculty member or other employee of the University as part of his or her noninstructional scholarly activities, or (2) a student in fulfillment of any independent study requirement at the University whose product is intended to be an original scholarly or creative work of potentially publishable quality (including, without being limited to, a master's or doctoral thesis).

- q. **"Respondent"** means a person who is the subject of an Allegation of Misconduct. A Respondent must be an employee of the University or a student at the University, or must have been an employee or a student at the time the Misconduct allegedly occurred.
- r. **"Responsible Administrator"** means the administrator who has most immediate responsibility for the Respondent and who is not disqualified from serving as Responsible Administrator by a Conflict of Interest. The UIIO shall identify the Responsible Administrator. If the Responsible Administrator is a dean or vice president, she or he may designate a subordinate to act as Responsible Administrator. If the Respondent is a student, the Responsible Administrator shall be the chairperson of the department with which the student is affiliated. If an Allegation of Misconduct involves multiple Respondents, the UIIO shall identify an appropriate individual as the Responsible Administrator.
- s. **"UGC"** means the University Graduate Council.
- t. **"UIIO"** means the University Intellectual Integrity Officer.
- u. **"Unacceptable Research Practices"** means practices that do not constitute Misconduct but that violate applicable laws, regulations, or other governmental requirements, or University rules or policies, of which the Respondent had received notice or of which the Respondent reasonably should have been aware.
- v. **"VPRGS"** means University's Vice President for Research and Graduate Studies.

II. General

- a. **Applicability.** These Procedures apply to all members of the University community, including students, who engage in Research and Creative Activities.
- b. **Dissemination.** These Procedures shall be widely disseminated in the University community.
- c. **Integrity of Procedures.** Safeguarding the integrity of these Procedures is critical. No one shall attempt to prejudice or coerce the judgment or decisions of any member of an Inquiry Panel or an Investigative Committee or of the Responsible Administrator or the UIIO. No one shall attempt to prejudice or coerce the testimony of any witness, Complainant, or Respondent. No one shall retaliate against any Complainant or witness who has not acted in bad faith or against any member of an Inquiry Panel or an Investigative Committee or the Responsible Administrator or the UIIO. The UIIO shall be informed immediately of any such retaliation.
- d. **Indemnification.** The University's policy on indemnification shall govern the indemnification of the UIIO, the Responsible Administrator, parties' unpaid counsel who are University employees, and Inquiry Panel and Investigative Committee members who are University employees or students. Indemnification shall be provided to non-University members of Inquiry Panels and Investigative Committees and to witnesses (except for non-University expert witnesses appearing on a contractual basis) in accordance with the University's policy on indemnification of volunteers and in the absence of a determination that they acted in bad faith.

- e. **Anonymous Allegations.** The University shall review anonymous Allegations of Misconduct under these Procedures.
- f. **Complainant Confidentiality.** The University shall use its best efforts to honor the request of any Complainant that her or his identity be kept confidential during the University's review of his or her Allegation of Misconduct under these Procedures.
- g. **Cooperation.** To preserve the integrity of the environment for Research and Creative Activities, members of the University community are expected to cooperate in the review of Allegations of Misconduct under these Procedures, for example, by providing documents and testimony if requested to do so by the UIIO.
- h. **Location of Alleged Misconduct.** An Allegation of Misconduct may be reviewed by the University under these Procedures no matter where or when the Misconduct allegedly occurred.
- i. **Events Requiring Immediate Action.** If at any stage of these Procedures, the UIIO obtains reasonable, credible evidence, in the UIIO's judgment, of
- (1) a possible criminal violation,
 - (2) an immediate health hazard or other imminent risk of danger to public health or safety or to experimental subjects,
 - (3) the need to take immediate action to protect the funds or equipment of any governmental or other sponsor of Research or Creative Activities, or to assure compliance with the terms of a contract sponsoring Research or Creative Activities,
 - (4) the need to take immediate action to protect any Complainant, Respondent, witness, member of an Inquiry Panel or an Investigative Committee, or other person involved in any Proceeding,
 - (5) the need to take immediate action to prevent the loss, destruction, or adulteration of any evidence relevant to the University's review of an Allegation of Misconduct under these Procedures,
 - (6) the need to take immediate action to prevent or stop an imminent or continuing violation of an applicable law, regulation, or other governmental requirement or of a University rule or policy, or
 - (7) the probable public disclosure of an Allegation of Misconduct or of any Proceeding,
- the UIIO shall immediately so notify the President, the Provost, the VPRGS, the General Counsel, and, if appropriate, the pertinent government official¹ or sponsor of Research or Creative Activities, and, following consultation with the General Counsel, the UIIO shall promptly make recommendations to the VPRGS, the Provost, and the President as to responsive actions. Notwithstanding any other provision of these Procedures,

¹For example, the UIIO is obligated to inform the Office of Scientific Integrity in HHS within 24 hours of obtaining reasonable evidence of a possible criminal violation.

appropriate University administrators shall have authority to take any actions they deem necessary or appropriate to safeguard University personnel, other participants in any Proceeding, public health or safety, experimental subjects, sponsors' funds or equipment, evidence relevant to the University's review of an Allegation of Misconduct under these Procedures, or the integrity of the research environment. That any such action is taken shall not be deemed to predetermine any finding or conclusion from the University's review of an Allegation of Misconduct under these Procedures, but any evidence or information arising from any such action may be made part of the record of any Proceeding.

j. Notice. Any notice or other document issued pursuant to these Procedures shall be in writing and shall include an explanation of any decision or opinion stated therein. The UIIO shall provide the Respondent copies of all such documents in a timely manner.

k. Interpretation.

(1) Time Periods. Unless otherwise specified in these Procedures:

(A) the failure to exercise any right granted under these Procedures within the stated time period shall constitute a waiver of that right; and

(B) references to days in these Procedures shall mean calendar days.

(2) Plural Usage. The text of these Procedures generally assumes a single Complainant, Respondent, witness, and Allegation of Misconduct. Where there are multiple Complainants, Respondents, witnesses, or Allegations of Misconduct, these Procedures shall be construed accordingly.

(3) Headings. Headings used in these Procedures are for convenience of reference only and shall not be used for interpreting content.

III. Role of the UIIO

The UIIO shall coordinate implementation of these Procedures and shall be responsible for their fair and impartial administration. The UIIO shall not be an advocate for the Complainant or the Respondent.

The UIIO shall serve as an advisor to Inquiry Panels and Investigative Committees. If so requested, the UIIO shall provide logistical support, recruit expert witnesses, and arrange for legal advice through the Office of the General Counsel.

When the alleged Misconduct involves Research or Creative Activity supported by a governmental agency, the UIIO shall see that the University meets all legal requirements to apprise that agency of the status of the Inquiry or the Investigation. The UIIO also shall report regularly to the President, the Provost, and the VPRGS on the status of each Inquiry and each Investigation.

The UIIO shall identify the Responsible Administrator. The UIIO also shall disqualify any Responsible Administrator, and any potential or sitting member of an Inquiry Panel or Investigative Committee, if the UIIO determines that such person has a Conflict of Interest.

The UIIO shall safeguard data and other evidence pertinent to each Allegation of Misconduct and shall maintain the records of each Proceeding. The UIIO also shall have such further responsibilities as are set forth elsewhere in these Procedures.

Provisions regarding the selection, reporting responsibilities, and evaluation of the UIIO are set forth in the Appendix.

IV. Other Internal or External Proceedings

A case of alleged Misconduct may involve the possible violation of University policies or the policies of other institutions, and of external laws and regulations, and may occasion other internal or external adjudicatory proceedings. The following shall govern the handling and sequencing of such proceedings.

- a. **Other Institution's Review.** Another educational or research institution may have the right to review the same Allegation of Misconduct (or a related Allegation of Misconduct) against the same Respondent.¹ In such an event, the UIIO shall consult her or his counterpart at the other institution to determine whether the University or the other institution is best able to review the Allegation of Misconduct. If the UIIO determines that the other institution is best able to review the Allegation of Misconduct, the UIIO shall so advise the VPRGS, who has authority to stay or terminate the University's review of the Allegation of Misconduct based on the review conducted at the other institution, as set forth in Section IV(g) below. The University and the other institution may also agree to conduct a joint review of the Allegation of Misconduct.
- b. **Research Collaborator.** In the event of an Allegation of Misconduct involving Research or Creative Activities undertaken by a Respondent in collaboration with a colleague at another educational or research institution, the UIIO shall advise his or her counterpart at the other institution confidentially of the Allegation of Misconduct, and ask if a similar allegation has been made against the collaborator. If it has, the University, through the UIIO, shall attempt to cooperate and share information confidentially with the other institution in their respective reviews of the Allegation of Misconduct and of the related allegation involving the collaborator. The University and the other institution may also agree to conduct a joint review of the Allegation of Misconduct and the related allegation involving the collaborator.
- c. **Agency Investigation.** Certain governmental agencies, including HHS and NSF, have the option, at any stage in these Procedures, to initiate an independent investigation of an Allegation of Misconduct involving Research or Creative Activity supported by that agency. In that event, the UIIO shall consult that agency regarding its investigation and shall advise the VPRGS whether the University should suspend its review of the Allegation of Misconduct during the agency's investigation, which the VPRGS shall have authority to do, as set forth in Section IV(g) below.
- d. **Criminal Process.** In general, University review of an Allegation of Misconduct under these Procedures may occur in parallel with criminal processes. If an Allegation of Misconduct is also the subject of a criminal investigation or proceeding and the pertinent

¹For example, because the Respondent is now affiliated with that institution, or because the Respondent was affiliated with that institution when the Misconduct allegedly occurred.

governmental authority advises the University that the University's review of the Allegation of Misconduct under these Procedures may prejudice or interfere with that investigation or proceeding, the President shall have authority to stay any Proceeding until the criminal investigation or proceeding is complete.

- e. Civil Litigation. The existence of civil litigation involving the University may necessitate staying a Proceeding. The President shall make such decisions on a case-by-case basis and promptly report them to the UIIO.
- f. UIIO Stay of Proceedings. The UIIO shall have authority to stay any Proceeding if, following consultation with the General Counsel, the UIIO determines that other University procedures mandated by law must be completed prior to the University's further review of an Allegation of Misconduct under these Procedures. Such governmentally-mandated procedures may involve various forms of regulatory action (for example, the removal or clean-up of radioactive or other hazardous materials).
- g. VPRGS Authority. The VPRGS shall have authority to:
 - (1) stay any Proceeding until the completion of the review of the same Allegation of Misconduct, or of a related Allegation of Misconduct against the same Respondent, at another educational or research institution;
 - (2) terminate for good cause shown the review of any Allegation of Misconduct under these Procedures upon the completion of the review of the Allegation of Misconduct at another educational or research institution;
 - (3) stay any Proceeding until the completion of an independent investigation by a governmental agency of an Allegation of Misconduct involving Research or Creative Activities supported by that agency; and
 - (4) terminate for good cause shown the review of any Allegation of Misconduct under these Procedures upon the completion of an independent investigation by a governmental agency of an Allegation of Misconduct involving Research or Creative Activities supported by that agency.
- h. Precedence of Proceedings. Subject to Section IV(f) above and to the University's right to take interim action under any University policy or contract, review of an Allegation of Misconduct under these Procedures shall precede all other internal University proceedings that relate to or arise out of the alleged Misconduct, including, without being limited to, disciplinary, anti-discrimination, and grievance proceedings.

V. Procedures for Conduct of Proceedings - General

- a. Determination of Procedures. Those charged with conducting a Proceeding shall determine the procedures that will be followed, provided that:
 - (1) the procedures they adopt shall be those they deem best suited to achieve a fair and equitable review of the Allegation of Misconduct;
 - (2) the procedures they adopt shall reflect a spirit of mutual respect and collegiality, and may, therefore, be as informal as they deem appropriate under the circumstances;

- (3) in Assessments and Inquiries, testimony shall be obtained from witnesses through private interviews rather than through a formal hearing;
- (4) in Investigations, the Investigative Committee may choose to obtain testimony from witnesses through a series of private interviews with witnesses, or at a hearing at which the Complainant and the Respondent shall be invited to be present, provided, however, that the Respondent may, within one week of receiving a notice that the Investigative Committee has decided to conduct private interviews, deliver a notice to the UIIO requiring that a hearing be conducted instead of such interviews;
- (5) at a hearing, the Respondent and the Complainant shall have the opportunity to raise questions for the Investigative Committee to pose to each witness about the testimony of that witness and the Allegation of Misconduct;
- (6) if a Complainant who has requested that his or her identity be kept confidential declines to appear to give testimony at a hearing, the hearing may nevertheless be held, if the Investigative Committee determines that there is credible evidence of possible Misconduct by the Respondent apart from the Complainant's Allegation of Misconduct and that such evidence is sufficient to justify proceeding with the hearing;
- (7) the Respondent shall have the right to be advised by counsel in all Proceedings;
- (8) in all Assessments, Inquiries, and Investigations, the Respondent shall have the right to present evidence and to identify persons who might have material information about the Allegation of Misconduct;
- (9) formal rules of evidence shall not apply; and
- (10) each Proceeding shall be conducted confidentially and in private except that, in the event of a hearing, the Investigative Committee may decide that it will be open if requested by the Respondent and if permissible under applicable regulations.

At the start of each Proceeding, the UIIO shall notify the Complainant and the Respondent of the procedures that will be followed during that Proceeding.

- b. **General Counsel Advice.** The Office of the General Counsel shall, when so requested, provide legal advice regarding the implementation of these Procedures and other aspects of the University's review of an Allegation of Misconduct under these Procedures to the UIIO, the Responsible Administrator, the Inquiry Panel, the Investigative Committee, and the President.
- c. **Respondent Questions.** The UIIO shall contact the Respondent at the start of each Proceeding and attempt to answer any questions about that Proceeding.
- d. **Privacy of Parties.** The UIIO, the Responsible Administrator, and each member of an Inquiry Panel or an Investigative Committee shall respect to the maximum extent possible the privacy of the Complainant and the Respondent. This provision shall not be construed to limit the authority of the UIIO, the Responsible Administrator, or any other University administrator to give any notice, provide any information or record, or take any other action required by law or required or permitted under any other provision of these

Procedures. Further, if an Allegation of Misconduct results in an Investigation, the UIIO may confidentially advise any person or entity that has plans to publish or disseminate the results of the Research or Creative Activity to which the Allegation of Misconduct relates of the pending Investigation. The UIIO shall be informed immediately of breaches of confidentiality.

- e. Review Termination; Admission of Misconduct. The VPRGS shall have authority to terminate the University's review of any Allegation of Misconduct under the Procedures upon the admission by the Respondent that Misconduct occurred and that the Respondent was responsible for it, if the termination of the review of that Allegation of Misconduct would not prejudice the University's review of another Allegation of Misconduct against that Respondent or against a different Respondent or the University's ability to assess the extent and consequences of the Misconduct and what action should be taken in response to it.
- f. Records to Agency. When the alleged Misconduct involves Research or Creative Activity supported by a governmental agency, the UIIO shall, if and to the degree required by law, make the records of the University's review of the Allegation of Misconduct under these Procedures available on request to authorized personnel of that agency.

VI. Reports of Misconduct and Assessments

- a. Reports. Any member of the University community or other person who wishes to make an Allegation of Misconduct shall contact the UIIO. Any member of the University community to whom an Allegation of Misconduct is made shall immediately refer that Allegation to the UIIO. An Allegation of Misconduct need not be made in writing. The UIIO shall report to the VPRGS and to the Provost all formal Allegations of Misconduct.

The UIIO shall notify the Respondent promptly of an Allegation of Misconduct and of the Respondent's right to be advised by counsel during all Proceedings.

- b. Assessment - Standard for Determination. In the event of an Allegation of Misconduct, the Responsible Administrator and the UIIO shall conduct an Assessment to determine whether an Inquiry is warranted. The UIIO and the Responsible Administrator shall determine that an Inquiry is warranted if, in their judgment, the Respondent's alleged conduct could constitute Misconduct and there is credible evidence to support the Allegation of Misconduct.
- c. Conduct of Assessment. The UIIO and the Responsible Administrator shall conduct the Assessment promptly, generally within ten days of receipt by the UIIO of an Allegation of Misconduct.
- d. Initiation of Inquiry. If either the Responsible Administrator or the UIIO determines that an Inquiry is warranted, the Responsible Administrator shall immediately initiate an Inquiry.
- e. Inquiry Not Warranted. If the Responsible Administrator and the UIIO both determine that an Inquiry is not warranted, that determination will conclude the University's review of that Allegation of Misconduct, unless the Responsible Administrator or the UIIO believes that Unacceptable Research Practices or Questionable Research Practices may have occurred, in which case that finding shall be referred to the Responsible Administrator for action pursuant to Section XI below.

- f. Purpose and Nature of Assessment. The Assessment is a preliminary process whose purpose is to cull out a clearly erroneous, unsubstantiated, or bad faith Allegation of Misconduct before the Respondent is subjected to an Inquiry or an Investigation. Hence, in conducting the Assessment, the UIIO and the Responsible Administrator are not obligated to do any interviews on the Allegation of Misconduct or to engage in an exhaustive review of all evidence relevant to such Allegation. Once the UIIO or the Responsible Administrator decides that an Allegation of Misconduct warrants an Inquiry, the Assessment is concluded.
- g. Assessment Report. The Responsible Administrator and the UIIO shall prepare an Assessment Report that states the bases and rationale for their determination. Each shall prepare a section of the Assessment Report if their determinations are different.
- h. Bad Faith. If the UIIO or the Responsible Administrator finds that the Complainant or any witness acted in bad faith, the UIIO or the Responsible Administrator shall include that finding, with a brief explanation of the reasons therefore, in the Assessment Report.
- i. Distribution of Report. The UIIO shall submit copies of the Assessment Report to the Respondent and the VPRGS.
- j. Notification. The UIIO shall notify the Complainant of the outcome of the Assessment and provide the Complainant with a brief summary of the Assessment Report.
- k. Retention of Report. If either the Responsible Administrator or the UIIO determines that an Inquiry is warranted, the UIIO shall keep the Assessment Report for at least three years after the completion of the Assessment. If the Responsible Administrator and the UIIO both determine that an Inquiry is not warranted, the UIIO shall keep the Assessment Report for three years after the completion of the Assessment and then destroy it.

VII. Inquiry

- a. Panel. If the Responsible Administrator or the UIIO determines that an Inquiry is warranted, the Responsible Administrator shall promptly appoint an Inquiry Panel of at least three members, chosen for their pertinent expertise. While Inquiry Panels will usually be composed of University faculty, they may also include persons other than University faculty when the Responsible Administrator determines that such persons have experience or expertise useful to the Inquiry. When a student is the Respondent, at least one student shall be a member of the Inquiry Panel. The Inquiry Panel shall select one of its members to act as its chairperson.
- b. Charge. The Responsible Administrator, with the assistance of the UIIO, shall draft a Charge to the Inquiry Panel based upon the Assessment Report. The Responsible Administrator shall submit that Charge and a copy of the Assessment Report to the Inquiry Panel and the Respondent at the beginning of the Inquiry.
- c. Briefing. Before the Inquiry begins, the UIIO and an attorney from the Office of the General Counsel shall brief the Responsible Administrator and the Inquiry Panel on these Procedures, other relevant University regulations, and legal and procedural issues that the Inquiry Panel and the Responsible Administrator are likely to encounter in conducting the Inquiry.

- d. **Standard for Determination.** The Inquiry Panel shall conduct the Inquiry to determine whether an Investigation is warranted. A member of an Inquiry Panel shall determine that an Investigation is warranted if, in her or his judgment, an Investigative Committee could reasonably conclude that Misconduct occurred. To so determine, the member of the Inquiry Panel, like the UIIO or the Responsible Administrator in the Assessment, must find that the Respondent's alleged conduct could constitute Misconduct and that there is credible evidence to support the Allegation of Misconduct, but must also find that there is sufficient credible evidence and credible evidence of such merit that an Investigative Committee could reasonably conclude, in accordance with the criteria in Section VII(e) below, that Misconduct occurred.
- e. **Purpose and Nature of Inquiry.** Like the Assessment, the Inquiry is a preliminary process. Its purpose is to cull out an insufficiently substantiated, erroneous, or bad faith Allegation of Misconduct before the Respondent is subjected to an Investigation. Although it is expected that the Inquiry will be more comprehensive than the Assessment, the members of the Inquiry Panel, like the UIIO and the Responsible Administrator, are not obligated to conduct any interviews or hearings on the Allegation of Misconduct or to engage in an exhaustive review of all evidence relevant to the Allegation of Misconduct. When a majority of the members of the Inquiry Panel conclude that an Allegation of Misconduct warrants an Investigation, the Panel shall proceed to draft the Inquiry Report.
- f. **Assistance for Panel.** The UIIO shall secure for the Inquiry Panel such special scientific or technical assistance as it requests to evaluate an Allegation of Misconduct.
- g. **UIIO and Responsible Administrator.** Neither the UIIO nor the Responsible Administrator shall participate in the deliberations of the Inquiry Panel or vote on whether an Investigation is warranted. The UIIO may answer questions that are asked by the Inquiry Panel and otherwise assist the Inquiry Panel during its deliberations.
- h. **Timing.** The Inquiry shall be completed within 60 days of its inception unless circumstances warrant a longer period, in which event the Responsible Administrator shall notify the UIIO and the Respondent of the reason for the delay and the date on which the Responsible Administrator expects that the Inquiry will be completed. The UIIO shall decide whether the delay is warranted. If the UIIO determines that it is, the UIIO shall so notify the Respondent. If the UIIO finds the delay unwarranted, the UIIO shall work with the Responsible Administrator, the Respondent, and the Inquiry Panel to expedite completion of the Inquiry, but the Inquiry shall continue until its completion if, despite their diligent efforts, it cannot be finished in 60 days. The UIIO shall make the Responsible Administrator's report about the delay part of the record of the Inquiry.
- i. **Inquiry Report.**
 - (1) **Content.** The Inquiry Panel shall prepare an Inquiry Report that identifies the evidence it reviewed, summarizes any interviews it conducted, and includes its determination of whether an Investigation is warranted and why. The Inquiry Report shall describe the nature of the alleged Misconduct, how it does or does not fit within the definition of Misconduct, the evidence that bears on the Allegation of Misconduct, and the sufficiency, credibility, and merit of that evidence.
 - (2) **Deviation from Practice.** If the alleged Misconduct involves a serious deviation from commonly accepted practices, evidence of such practices and an analysis of the alleged Misconduct in light of such practices shall be included in the Inquiry Report.

- (3) **Investigation Warranted.** If the Inquiry Panel determines that an Investigation is warranted, the Inquiry Report may be summary in nature, provided that the Inquiry Panel sets forth the evidence that supports its determination in sufficient detail for the Respondent and an Investigative Committee to understand the basis for the Inquiry Panel's decision.
- (4) **Investigation Not Warranted.** If the Inquiry Panel determines that an Investigation is not warranted, the Inquiry Report shall be more comprehensive and shall include a detailed statement of why the Respondent's alleged conduct would not, under the definition in these Procedures, constitute Misconduct, or why the available evidence is insufficient, or lacks sufficient credibility or merit, to warrant an Investigation.
- (5) **Draft Report; Comments.** The UIIO shall send the Respondent a copy of the draft Inquiry Report. The Respondent may return comments on the draft Inquiry Report to the UIIO within seven days of receipt of the draft Inquiry Report. If the Respondent comments on the draft Inquiry Report, the Inquiry Panel shall consider such comments and make any changes in the Inquiry Report it deems appropriate in light of such comments. The Respondent's comments shall be included as an appendix to the final Inquiry Report.
- (6) **VPRGS Opinion on Final Draft Report.**
 - (A) After making any changes it deems appropriate in the draft Inquiry Report in light of the Respondent's comments, the Inquiry Panel shall prepare a final draft of the Inquiry Report. The UIIO shall send the VPRGS a copy of the final draft of the Inquiry Report. Within 14 days after delivery of the final draft Inquiry Report to the VPRGS, the VPRGS may submit an opinion to the UIIO, the Responsible Administrator, and the Inquiry Panel on either or both of the following grounds:
 - (i) If the VPRGS, with advice from the General Counsel, finds that the final draft Inquiry Report reflects procedural error by the Inquiry Panel in conducting the Inquiry, the VPRGS shall so inform the UIIO and shall identify and explain the Inquiry Panel's procedural error. The Inquiry Panel shall either correct the error before completing the Inquiry and the Inquiry Report or shall notify the VPRGS in, or concurrently with the issuance of, the final Inquiry Report that it does not believe a material procedural error occurred.
 - (ii) If the VPRGS finds that the Inquiry Panel's determination, as set forth in the final draft Inquiry Report, is substantively wrong because the evidence does not support the Inquiry Panel's determination, the VPRGS shall so inform the UIIO and shall identify and explain the reason the VPRGS believes the Inquiry Panel's determination to be in error. The Inquiry Panel shall reconsider its decision in light of the opinion by the VPRGS. If the Inquiry Panel changes its determination in light of the opinion by the VPRGS, it shall submit a new draft of the Inquiry Report to the Respondent for further comment. If the Inquiry Panel does not change its determination in light of the opinion by the VPRGS, the Inquiry Panel shall respond to the VPRGS in completing the Inquiry Report and make any changes in the Inquiry Report that it deems appropriate in light of the opinion by the VPRGS.

(B) The opinion by the VPRGS shall be included as an appendix to the final Inquiry Report.

(7) Distribution of Final Report. The UIIO shall send the VPRGS and the Respondent a copy of the final Inquiry Report.

j. Determination Regarding Investigation.

(1) Panel Initiation of Investigation. If a majority of the members of the Inquiry Panel determine that an Allegation of Misconduct warrants an Investigation, the Responsible Administrator shall initiate an Investigation.

(2) VPRGS Overrule - Initiation of Investigation. If a majority of the members of the Inquiry Panel determine that an Investigation is not warranted, the VPRGS may, within 14 days of receiving the final Inquiry Report, issue a decision to the Responsible Administrator and the Respondent overruling the Inquiry Panel for stated cause and instructing the Responsible Administrator to initiate an Investigation immediately. Upon receiving the decision of the VPRGS, the Responsible Administrator shall initiate an Investigation.

(3) No Investigation. If a majority of the members of the Inquiry Panel determine that an Investigation is not warranted and the VPRGS does not overrule the determination of the Inquiry Panel, the determination of the Inquiry Panel will conclude the University's review of that Allegation of Misconduct, except as provided in Section XI(b).

(4) Dissent. Any member of the Inquiry Panel who does not agree with the determination of the majority of the Inquiry Panel may file a dissent to the Inquiry Report.

k. Bad Faith. If a majority of the members of the Inquiry Panel finds that the Complainant or any witness acted in bad faith, the Inquiry Panel shall include that finding, with a brief explanation of the reasons therefore, in the Inquiry Report.

l. Notification. Promptly after completion of the Inquiry, the UIIO shall notify the Complainant of its outcome and provide the Complainant with a brief summary of the Inquiry Report and, if one was issued, the decision of the VPRGS.

m. Retention of Report. The UIIO shall keep the Inquiry Report for at least three years after the completion of the Inquiry.

VIII. Investigation

a. Committee. The Responsible Administrator shall initiate an Investigation within 30 days of the Inquiry Panel's determination, or the decision of the VPRGS, that an Investigation is warranted. The Responsible Administrator shall appoint an Investigative Committee of not less than three members, chosen for their pertinent expertise. While Investigative Committees will usually be composed of University faculty, they may also include persons other than University faculty when the Responsible Administrator determines that such persons have experience or expertise useful to the Investigation. When a student is the Respondent, at least one student shall be a member of the Investigative Committee. The Investigative Committee shall select one of its members to act as its chairperson.

b. Notifications.

(1) Notification - Internal. The UIIO shall notify the Provost, the VPRGS, and the General Counsel of the initiation of the Investigation.

(2) Notification - Federal Agency. When the alleged Misconduct involves Research or Creative Activity supported by a federal agency, the UIIO shall also notify that agency of the Investigation before the start of the Investigation. Such notification shall include the name of the Respondent, the general nature of the Allegation of Misconduct, and the relevant grant application or grant number.

c. Charge. The Responsible Administrator, with the assistance of the UIIO, shall draft a Charge to the Investigative Committee based on the Inquiry Report and, if one was issued, the decision of the VPRGS. The Responsible Administrator shall submit a copy of that Charge, the Assessment Report, the Inquiry Report, and, if one was issued, the overruling decision of the VPRGS to the Investigative Committee and the Respondent at the beginning of the Investigation.

d. Briefing. Before the Investigation begins, an attorney from the Office of the General Counsel and the UIIO shall brief the Responsible Administrator and the Investigative Committee on these Procedures, other relevant University regulations, and legal and procedural issues that the Investigative Committee and the Responsible Administrator are likely to encounter in conducting the Investigation.

e. Standard for Determination. The Investigative Committee shall determine if Misconduct occurred, if the Respondent was responsible for it, and the extent, gravity, and consequences of the Misconduct. Its decision shall be by majority vote. The standard of proof to be applied shall be a preponderance of the evidence. In other words, to find that Misconduct occurred, a member of the Investigative Committee must conclude that, based on all the evidence before the Investigative Committee, Misconduct is more likely to have occurred than not. To so conclude, the member of the Investigative Committee must find, by a preponderance of evidence, that:

- (1) the Respondent's conduct constitutes Misconduct;
- (2) the Misconduct had a material or significant impact on the Research or Creative Activity in question; and
- (3) the Respondent's conduct was not honest error or an honest difference in the interpretation or judgment of data.

f. Documentation Review. The Investigative Committee shall examine all documentation pertinent to the Allegation of Misconduct. This could include, depending on the Allegation of Misconduct, materials such as:

- proposals, grant applications, and comments thereon,
- relevant research data and related records,
- laboratory notebooks and computer files,
- telephone logs and memos of calls,
- correspondence, or
- manuscripts, posters, publications, and tapes of oral presentations.

At its discretion the Investigative Committee may also inspect laboratories and examine laboratory specimens, materials, procedures, and methods.

g. Testimony.

(1) Interviews or Hearing. When possible, the Investigative Committee shall conduct interviews or a hearing with the Complainant, the Respondent, and other persons, if any, who have material information regarding the Allegation of Misconduct.

(2) Summary of Testimony. The UIIO shall arrange for the preparation of a comprehensive written summary or tape of each witness' interview or hearing testimony and shall send the summary or tape to the witness for comment or correction. The witness shall have seven days after his or her receipt of the summary or tape to deliver comments on, and corrections of any errors in, the summary or the tape to the UIIO. Both the summary or tape and any such comments and corrections shall be made part of the record of the Investigation.

h. Assistance for Committee. If the Investigative Committee decides that it needs special scientific or technical expertise to evaluate an Allegation of Misconduct, it shall so advise the UIIO, who shall secure for the Investigative Committee the assistance that it requests.

i. UIIO and Responsible Administrator. Neither the UIIO nor the Responsible Administrator shall participate in the deliberations of the Investigative Committee or vote on whether Misconduct occurred. If so requested, the UIIO may answer questions from the Investigative Committee and otherwise assist the Investigative Committee during its deliberations.

j. Timing. The Responsible Administrator and Investigative Committee shall use their best efforts to complete the Investigation within 120 days of its inception.

(1) Extension. If the Investigation cannot be completed in that period, the Responsible Administrator may request an extension from the UIIO, in which event the Responsible Administrator shall notify the UIIO and the Respondent of the reason for the delay and the date on which the Responsible Administrator expects that the Investigation will be completed. The Responsible Administrator's report about the delay shall be part of the record of the Investigation. If the alleged Misconduct involves Research or Creative Activity supported by HHS or NSF, the UIIO shall notify that agency of the delay; request an extension; explain why it is necessary; and provide a progress report of the Investigative Committee's activities to date and an estimate of the completion date of the Investigation.

(2) Notice of Stay. If the Investigation is stayed and the alleged Misconduct involves Research or Creative Activity supported by HHS or NSF, the UIIO shall promptly inform that agency of the date and expected duration of the stay, and of the reason for staying the Investigation.

k. Investigation Report.

(1) Content. The Investigative Committee shall prepare a written Investigation Report. It shall include:

- (A) the name of the Respondent;
 - (B) the relevant application or grant number, if the alleged Misconduct involves Research or Creative Activity supported by a governmental agency;
 - (C) a description of the Allegation of Misconduct and the name, if known and not held in confidence, of the Complainant;
 - (D) an account of how and from whom information was obtained in the Investigation;
 - (E) a summary or the text of each interview or hearing conducted during the Investigation;
 - (F) the findings of the Investigation and the evidentiary basis for them; and
 - (G) a copy of these Procedures and any other University policies and procedures relevant to the Investigation.
- (2) **Deviation from Practice.** If the alleged Misconduct involves a serious deviation from commonly accepted practices, evidence of such practices and an analysis of the alleged Misconduct in light of such practices shall be included in the Investigation Report.
- (3) **Misconduct Finding.** If the Investigative Committee finds that Misconduct occurred, the Investigation Report must include the Investigative Committee's determination by a preponderance of the evidence that:
- (A) the Respondent's conduct constitutes Misconduct;
 - (B) the Misconduct had a material or significant impact on the Research or Creative Activity in question; and
 - (C) the Respondent's conduct was not honest error or an honest difference in the interpretation or judgment of data.
- (4) **No Misconduct Found.** If the Investigative Committee determines that a preponderance of the evidence does not support the Allegation of Misconduct, it shall explain its finding and the reasons therefore in the Investigation Report, with specific reference to the pertinent criteria set forth in Section VIII(e) above.
- (5) **Draft Report; Comments.** The UIIO shall send the Respondent a copy of the draft Investigation Report. The Respondent may return comments on the draft Investigation Report to the UIIO within seven days of receipt of the draft Investigation Report. If the Respondent comments on the draft Investigation Report, the Investigative Committee shall consider such comments and make any changes in the Investigation Report it deems appropriate in light of such comments. The Respondent's comments shall be included as an appendix to the final Investigation Report.

(6) VPRGS Opinion on Final Draft Report.

(A) After making any changes it deems appropriate in the draft Investigation Report in light of the Respondent's comments, the Investigative Committee shall prepare a final draft of the Investigation Report. The UIIO shall send the VPRGS a copy of the final draft of the Investigation Report, attaching any UIIO comments regarding procedural questions and concerns. Within 14 days after delivery of the final draft Investigation Report to the VPRGS, the VPRGS may submit an opinion to the UIIO, the Responsible Administrator, and the Investigative Committee on either or both of the following two grounds:

(i) If the VPRGS, with advice from the General Counsel, finds that the final draft Investigation Report reflects procedural error by the Investigative Committee in conducting the Investigation, the VPRGS shall so inform the UIIO and shall identify and explain the Investigative Committee's procedural error. The Investigative Committee shall either correct the error before completing the Investigation and the Investigation Report or shall notify the VPRGS in, or concurrently with the issuance of, the final Investigation Report that it does not believe a material procedural error occurred.

(ii) If the VPRGS finds that the Investigative Committee's determination, as set forth in the final draft Investigation Report, is substantively wrong because the evidence does not support the Investigative Committee's determination, then the VPRGS shall so inform the UIIO and shall identify and explain the reason the VPRGS believes the Investigative Committee's determination to be in error. The Investigative Committee shall reconsider its decision in light of the opinion by the VPRGS. If the Investigative Committee changes its determination in light of the opinion by the VPRGS, it shall submit a new draft of the Investigation Report to the Respondent for further comment. If it does not change its determination in light of the opinion by the VPRGS, the Investigative Committee shall respond to the opinion by the VPRGS in completing the Investigation Report and make any changes in the Investigation Report that it deems appropriate in light of the opinion by the VPRGS.

(B) The opinion by the VPRGS shall be included as an appendix to the final Investigation Report.

(7) Dissent. Any member of the Investigative Committee who does not agree with the determination of the majority of the Investigative Committee may file a dissent to the Investigation Report.

l. Research Practices. If a majority of the members of the Investigative Committee finds that the Allegation of Misconduct was not sustained but believes that Unacceptable Research Practices or Questionable Research Practices may have occurred, the Investigative Committee shall refer that finding to the Responsible Administrator for action pursuant to Section XI of these Procedures.

m. Bad Faith. If a majority of the members of the Investigative Committee finds that the Complainant or any witness acted in bad faith, the Investigative Committee shall include that finding, with a brief explanation of the reasons therefore, in the Investigation Report.

n. Final Report; VPRGS Overrule.

- (1) Copy to VPRGS. The UIIO shall send the VPRGS a copy of the final Investigation Report.
- (2) Overrule; New Investigation. If the VPRGS believes the Investigative Committee's determination is wrong, the VPRGS may, within 14 days of receiving the final Investigation Report, issue a written decision to the Responsible Administrator overruling the Investigative Committee for stated cause and instructing the Responsible Administrator to impanel another Investigative Committee immediately.
- (3) Second Investigative Committee. If a second Investigative Committee is impaneled, it shall conduct a new Investigation. Subject to the Respondent's right to appeal pursuant to Section IX below, the second Investigative Committee's determination shall be binding.

o. Distribution of Final Report; Comments. The UIIO shall send a copy of the final Investigation Report to the Respondent. The Respondent may deliver comments on the Investigation Report to the UIIO within 14 days of the delivery of the final Investigation Report to the Respondent. The UIIO shall include any such comments in the record of the Investigation.

p. Notifications.

- (1) Complainant. Promptly after completion of the Investigation, the UIIO shall notify the Complainant of its outcome and provide the Complainant with a brief summary of the Investigation Report, including those portions of the Investigation Report that address the Complainant's role and testimony, if any, in the Investigation.
- (2) Federal Agency. When the Alleged Misconduct involves Research or Creative Activity supported by HHS or NSF, the UIIO shall submit the Investigation Report to that agency. NSF or HHS may accept the Investigation Report, ask for clarification or additional information, which shall be provided by the UIIO, or commence its own independent investigation.

q. Retention of Report. The UIIO shall retain a copy of the Investigation Report for at least three years after the completion of the Investigation.

IX. Appeal

a. Right. A Respondent who has applied for or received HHS or NSF funding for the Research or Creative Activity in relation to which the Misconduct occurred has the right under certain circumstances to appeal a finding of Misconduct by an Investigative Committee to that agency. All other Respondents who are found to have committed Misconduct by an Investigative Committee have the right to an internal University appeal. During appellate proceedings no sanction will be imposed and no disciplinary proceeding will be commenced as a consequence of the finding of Misconduct.

b. Federal Appeal Documents. The Respondent shall send the UIIO copies of all documents filed by the Respondent in appeals at HHS or NSF.

c. Procedure.

- (1) No HHS or NSF Funding. When the alleged Misconduct did not involve Research or Creative Activities supported by HHS or NSF, the Respondent may appeal a finding of Misconduct to the UIIO within 30 days of the date of the final Investigation Report. The appeal must be in writing and must set forth the reasons (whether substantive or procedural) the Respondent believes the finding of Misconduct is wrong. The UIIO will submit the appeal to the President for decision.
 - (2) Review and Recommendation. The President may appoint a University faculty member or administrator who does not have a Conflict of Interest and who has not previously been involved in the review of the Allegation of Misconduct under these Procedures to review the record of the Investigation and the appeal and make recommendations to the President.
 - (3) Request for Additional Information. The President, or the President's designee, may request further information about the Investigation in writing from the UIIO. A copy of such information shall be provided to the Respondent.
 - (4) Basis for Decision. The President's decision on the appeal shall be based on the record of the Investigation, as clarified or supplemented by the UIIO in response to any request for further information about the Investigation, and the Respondent's appeal.
- d. New Evidence. If the UIIO or the Responsible Administrator learns of material new evidence relevant to the finding of Misconduct during the appeal, the UIIO shall inform the President and the Respondent of the new evidence. If the President concurs that the new evidence could materially affect the finding of Misconduct, the President shall remand the finding of Misconduct to the Investigative Committee for its consideration of the new evidence. The Investigative Committee shall notify the President within 14 days, either that it finds the evidence immaterial to its prior judgment or that it wishes to reopen the Investigation. The President may extend this period for a good cause by notice to the Respondent and the UIIO.
- e. Decision. The President shall issue a decision and rationale affirming or reversing the Investigative Committee's finding of Misconduct within 30 days after the submission of the appeal to the UIIO. The President may extend this period for good cause by notice to the Respondent and the UIIO.

X. Final Resolution and Outcome

- a. Exoneration. If the Assessment results in a determination that an Inquiry is not warranted, or if the Inquiry Panel decides that an Investigation is not warranted, or if an Investigative Committee concludes that the Allegation of Misconduct has not been sustained, or if a finding of Misconduct is reversed on appeal, the Responsible Administrator and the UIIO shall make diligent efforts, in consultation with the Respondent, to restore the Respondent's reputation (for example, issuing a public statement that the Allegation of Misconduct has not been sustained). The Responsible Administrator and the UIIO shall also make diligent efforts, in consultation with the Complainant, to protect the position and reputation of the Complainant, if there has been no determination that the Complainant acted in bad faith.

b. Misconduct Found.

- (1) **Actions.** When there is a final nonappealable decision that Misconduct has occurred, the Responsible Administrator, after consultation with the VPRGS and the Provost, shall take such actions as deemed appropriate in response to the finding of Misconduct. Such actions may include the imposition of sanctions within the authority of the Responsible Administrator and initiating University disciplinary proceedings appropriate to the finding of Misconduct pursuant to existing University policies, procedures, and contracts.
 - (2) **Disciplinary Action.** The University views Misconduct as grounds for disciplinary action up to and including the termination of employment of faculty and staff and the dismissal of students.
 - (3) **Record Availability.** Those charged to adjudicate any University disciplinary proceeding arising out of the finding of Misconduct, after consultation with the General Counsel, shall determine whether the record or any portion of the record of the Investigation, including the Investigation Report, documentary evidence reviewed by the Investigative Committee, and any transcript, tape, or summary of testimony received by the Investigative Committee, may be provided to the adjudicatory body consistent with the regulations and procedures applicable to its proceeding. Upon receipt of a request from the adjudicatory body, the UIIO shall provide the adjudicatory body with such portions of the record as are specified in the request.
 - (4) **Agency Sanctions.** In addition to sanctions imposed by the University, certain governmental agencies may impose sanctions of their own, if the Misconduct involved Research or Creative Activities supported by such governmental agencies.
- c. **New Evidence.** If, following a final nonappealable decision that Misconduct has occurred, the Respondent finds significant additional material evidence relevant to the determination of Misconduct, the Respondent shall send that evidence to the UIIO with an explanation of its origin and importance. The UIIO shall submit the evidence to the Investigative Committee that conducted the Investigation of the Misconduct. The Investigative Committee shall consider the evidence and notify the President of its impact on its finding of Misconduct and on its Investigative Report. The President may also consult the VPRGS about the impact of the evidence. The President may reverse or affirm the previous finding of Misconduct, or remand the matter to the Investigative Committee for its further review and consideration. The President shall issue that decision with stated cause within 30 days of receiving the notice from the Investigative Committee, but may extend this period for good cause by notice to the Respondent and the UIIO.
- d. **Termination.** If the University terminates any Proceeding without completing all relevant external regulatory requirements, an explanation for such termination shall be included in the record of such Proceeding.

XI. Unacceptable and Questionable Research Practices

- a. **Unit Guidelines.** Individual units shall develop and disseminate their own guidelines that identify or define Questionable Research Practices in that unit or discipline and provide for their address.
- b. **Referral from Proceedings.** The UIIO, the Responsible Administrator, an Inquiry Panel, or an Investigative Committee may find that, while a Respondent's conduct does not warrant an Inquiry or an Investigation or constitute Misconduct, it nevertheless may constitute an Unacceptable Research Practice or a Questionable Research Practice. The UIIO, Inquiry Panels, and Investigative Committees shall refer their findings of possible Unacceptable Research Practices or Questionable Research Practices to the Responsible Administrator for such review and further appropriate action.
- c. **Discovery and Report.** Unacceptable Research Practices or Questionable Research Practices may also be discovered in other circumstances. When that happens, the alleged Unacceptable Research Practice or Questionable Research Practice should be reported to the Responsible Administrator for such review and further action, if any, as may be appropriate under unit guidelines.
- d. **Discipline.** The University views Unacceptable Research Practices as grounds for appropriate disciplinary action pursuant to existing University policies, procedures, and contracts.

XII. Provisions for Changing these Procedures

Any member of the University community may recommend changes to these Procedures by writing to the UGC which shall be the primary venue for governance consideration of these procedures. The UGC shall forward any such recommended changes of which it approves to Academic Council as proposed amendments to these Procedures. If approved by Academic Council, the proposed amendments shall be forwarded to the President for transmission to the Board of Trustees. The Board of Trustees shall have final authority and control over these Procedures.

On an interim basis, the UIIO shall, after consultation with the Provost, the VPRGS and the Office of the General Counsel, modify these Procedures to incorporate relevant requirements of new laws, regulations, executive orders, and other governmental requirements as such laws, regulations, orders, and requirements take effect. The UIIO shall promptly report these changes to the President and to the chairperson of the Steering Committee of Academic Council.

APPENDIX

Appointment and Evaluation of the University Intellectual Integrity Officer

I. Appointment of the UIIO

1. The University Intellectual Integrity Officer (UIIO) shall be appointed from the tenured faculty by the President after consultation with the University Graduate Council (UGC), and shall serve at the pleasure of the President.
2. The UIIO shall report to the President and shall keep the Provost and the Vice President for Research and Graduate Studies (VPRGS) informed about the progress of cases under the University's *Procedures Concerning Allegations of Misconduct in Research and Creative Activities* and about the educational and other activities of the UIIO's office. The UIIO shall also perform such other duties as are assigned the UIIO under such *Procedures*.

II. Evaluation of the UIIO

1. The UIIO shall submit a report annually to the UGC which shall set forth the number of cases handled by the UIIO's office during the previous academic year and their outcomes, along with information on the educational and other activities of the UIIO's office during that academic year.
2. The UGC shall evaluate the performance of the UIIO biennially, pursuant to criteria established by the President, the Provost, and the VPRGS in consultation with the UGC.
3. The UGC shall submit the results of its biennial evaluation of the UIIO to the President, the Provost, and the VPRGS.

VII. FACULTY/ACADEMIC STAFF BENEFIT AND RETIREMENT PROGRAMS

OVERVIEW

This section presents a broad overview of the various benefit and retirement programs available to faculty/academic staff and their dependents. Each benefit is described briefly on the following pages. The provision of benefits is conditioned upon eligibility requirements and, in some cases, a written enrollment form is required.

The following pages summarize the ways in which benefit plans can help faculty/academic staff in time of need. Careful reading of this information will assist in understanding the protections that are available. Individual brochures/ certificates are issued at the time of enrollment in the programs and updated as necessary.

AUTOMATIC BENEFITS

Participation in the following benefits (when eligible) is automatic for full-time and part-time faculty/academic staff, except as noted. No enrollment applications are necessary:

1. Expanded Life
2. Long-Term Disability (**full-time only**)
3. Social Security
4. Travel Accident
5. Unemployment Compensation
6. Workers' Compensation

OPTIONAL BENEFITS

Participation in the following benefits is optional for full-time and part-time faculty/academic staff and coverage begins if written enrollment takes place within 60 days of initial appointment to an eligible status, during an Open Enrollment, or, in the case of Employee Paid Life, by furnishing evidence of insurability:

1. Accidental Death & Dismemberment
2. Dental
3. Employee-Paid Life
4. Health Care Coverage
5. Waiver of Health Care Coverage
6. Dependent Care Spending Account

RETIREMENT PROGRAMS

Participation in the base retirement plan is initially optional with enrollment mandatory at age 35 and 24 full-time equivalent (FTE) service months. Participation in the supplemental retirement plan is optional at any time.

NOTE: All benefits are shown in abbreviated form. Specific master contracts between MSU and the various carriers/vendors are available for inspection in the Benefits office. The information contained in this Faculty/Academic Staff Benefit and Retirement Programs section does not modify or change any of the provisions in these contracts. Although MSU expects to continue the benefit programs indefinitely, it reserves the right to modify, suspend, or terminate such coverages in whole

or in part at any time, except as limited by the terms and conditions of master contracts. Complete information and descriptive details on all benefits may be obtained from the Benefits office, telephone (517)353-4434, extension 153 or 536, or , if long distance, 1-800-353-4434.

FULL-TIME EQUIVALENT (FTE) SERVICE MONTHS

This concept is defined as the cumulative full-time equivalent (FTE) months of service for University employment of 50% or greater. FTE service months are used in determining eligibility for University benefits which require a service waiting period.

AUTOMATIC BENEFITS¹

Expanded Life (Death Benefit)

Eligibility

The University provides a life benefit payable to beneficiaries of faculty/academic staff appointed 50 percent time or more for nine months or more. This benefit is effective immediately upon appointment.

Coverage

Eligible faculty/academic staff members are provided coverage equal to one year's base salary up to a maximum of \$50,000. Beneficiaries are those designated by the faculty/academic staff member or the same as designated in the Employee-Paid Life program. If no beneficiary has been designated, payment will be made to the survivor(s) in the first surviving class of those that follow: a) spouse; b) children; c) parents; or d) brothers and sisters. If none survives, payment would be made to the estate.

Cost

No enrollment application is necessary and the entire cost of this benefit is paid by the University.

Long-Term Disability

Eligibility

Coverage under the Long-Term Disability Plan is available for faculty/academic staff appointed full-time for nine months or more who have been employed for 12 FTE service months. Faculty appointed with tenure (or on the effective date of the award of tenure) or with NSCL continuing appointment status are immediately covered under this plan. Eligible faculty/academic staff may receive benefits provided by the Long-Term Disability Plan after six months of continuous disability.

Coverage

The benefits provide a disabled faculty/academic staff member with a monthly income equal to 60% of the basic monthly salary (minus any workers' compensation, social security or auto wage loss

¹For benefit purposes only, half-time is defined as 50.0-64.9 percent time; three-quarter time is defined as 65.0-89.9 percent time; full-time is 90.0-100.0 percent time.

benefits, if applicable). In addition, the program assumes both the faculty/academic staff member's contribution and the University's contribution to the base retirement program for as long as the individual remains entitled to Long-Term Disability benefits. The plan provides an annual cost-of-living increment of 3%.

Cost

The cost of this benefit is totally paid by the University.

Other Benefit Information

If the faculty/academic staff member is unable to work due to total disability and is eligible for benefits under the Long-Term Disability Plan, participation will be continued in the health, dental and employee-paid life programs at no cost to the faculty/academic staff member during the period of disability benefit payments.

Social Security

Most faculty/academic staff members who perform services for Michigan State University are covered by Social Security (FICA). Social Security provides retirement benefits at age 65 and on a reduced basis at age 62; a lifetime income in the event of total permanent disability for the faculty/academic staff member, and benefits for dependents subject to certain age rules, and a lump sum payment at death and monthly income for qualified survivors. (Foreign Nationals presenting F or J visas may be exempt from provisions of the Social Security Act - See Payroll Procedures.) Full information is available from the local Social Security Office.

Travel Accident

The University provides immediate Travel Accident coverage while traveling on approved University business or activity. This plan provides accidental death and dismemberment coverage up to \$50,000, and is automatic for all faculty/academic staff. No enrollment application is necessary and the cost is paid by the University.

Unemployment Compensation

Most faculty/academic staff members of Michigan State University will be in covered employment and therefore subject to the provisions of the Unemployment Compensation Act. Full information is available from Unemployment Compensation, Office of Human Resources (517/355-9631).

Workers' Compensation

The University, in accordance with the State of Michigan Disability Compensation Act, provides "Workers' Compensation benefits" if a faculty/academic staff member is injured in the course of employment. These benefits are payable at a rate of approximately 80% of the after-tax value of the faculty/academic staff member's average weekly wage, subject to a state-determined maximum rate.

Any injury arising out of and in the course of employment must be reported to the administrative head and Workers' Compensation. All necessary medical services for a compensable injury will be delivered by a medical provider designated by the University. Full information is available from Workers' Compensation, Office of Human Resources (517/353-5394).

OPTIONAL BENEFITS¹

Accidental Death & Dismemberment (AD&D)

Eligibility

Faculty/academic staff may select the AD&D Program within 60 days of initial appointment to an eligible status. Coverage is provided if death or dismemberment results from accidental cause. All faculty/academic staff appointed full-time or part-time for nine months or more are eligible to participate.

Coverage

Coverage may be selected for the faculty/academic staff member and the family, if desired, in one of the varying amounts as shown in the brochure. Beneficiaries are designated by the individual and may be changed at any time.

Cost

Cost of the various coverages offered is described in the brochure available in the Benefits office.

Dental Plan

All faculty/academic staff appointed 50 percent time or more for nine months or more and their eligible dependents may be covered by a dental plan. The benefit can be retroactive to the appointment date if a new employee enrolls within 60 days of the appointment. Failure to enroll during the initial 60-day eligibility period will result in the faculty/academic staff member having to wait until the next annual open enrollment period. This coverage is available to official retirees and their eligible dependents or survivors.

Coverage

Dental plan coverage is available under a traditional plan with Delta Dental or the dental maintenance organization Midwestern Dental Plans, Inc. (MDPI).

The Delta Dental Plan covers fifty percent of the usual, customary, and reasonable cost of preventive, diagnostic, restorative, prosthodontics and orthodontic services. The plan provides an individual maximum of \$600 per calendar year for covered charges. Orthodontic coverage is limited to those under 19 years of age and is subject to an individual lifetime maximum of \$600.

Coverage for MDPI must be provided through one of the seven of Midwestern's participating centers. Benefits are provided with a fixed dollar copay. Some benefits, such as diagnostic, preventive, and minor restorative are covered at no cost to the member. There are no deductibles, annual maximums, or lifetime orthodontic maximums. Orthodontic services are covered for under age 19 with a \$750 copay and for persons over age 19 with a \$1,300 copay.

¹For benefit purposes only, half-time is defined as 50.0-64.9 percent time; three quarter time is defined as 65.0-89.9 percent time; full-time is 90.0-100.0 percent time.

Cost

Premiums are fully paid by the University for full-time faculty/academic staff. There may be premium deduction for part-time employees depending on the percent of employment and the number of persons being covered.

Employee-Paid Life

A faculty/academic staff member may select employee-paid life within 60 days of initial appointment to an eligible status or by furnishing evidence of insurability.

Eligibility

Faculty/academic staff appointed 50 percent time or more for nine months or more are eligible to enroll for coverage.

Coverage

The coverage is decreasing term insurance with no cash or loan value. Coverage may be selected in varying amounts up to \$187,500 maximum depending on age and plan selected, as shown in the brochure.

Optional dependent coverage (for spouse and children, if any) may also be selected.

Benefits are payable to the designated beneficiary in the event of death from any cause while the plan is in force. Beneficiaries are designated by the faculty/academic staff member and may be changed at any time.

Cost

Costs vary according to the plan selected; rates are subject to future group experience.

Health Care Coverage

If faculty/academic staff members enroll in health care coverage within 60 days of initial appointment to an eligible status or during an Open Enrollment, faculty/academic staff members and their eligible dependents are covered for health care services. Health care coverage is available under a traditional plan or health maintenance organization (HMO). Coverage is currently provided by Blue Cross Blue Shield of Michigan, Blue Care Network (HMO), or Physicians Health Plan (HMO). The benefit can be retroactive to the appointment date if a new employee enrolls within 60 days of the appointment. Specific coverage details under these plans differ. In general, the following apply:

Eligibility

Faculty/academic staff appointed 50% time or more for nine months or more are entitled to enroll themselves and their eligible dependents. Failure to enroll during the initial 60-day eligibility period will result in the faculty/academic staff member having to wait until the next annual open enrollment period.

Coverage

The health care plans offered through the University provide coverage for semi-private hospital room charges up to 365 days and additional hospital expenses, including intensive care, recovery room, anesthetics, etc.. Surgical benefits, diagnostic X-ray and lab tests are provided whether performed in or out of the hospital. The plans provide coverage for prescription drugs and office calls subject to either a co-payment and/or satisfaction of an annual deductible amount. Most other medically necessary out-of-pocket expenses are also covered subject to a deductible and co-payment. The Health Maintenance Organizations (HMO), Blue Care Network and Physicians Health Plan, are primarily available to employees who live in the service area. The HMOs have no deductibles or claim forms; however, a co-payment is required for some services.

Cost

The University provides a monthly contribution toward the premium for health care coverage for eligible faculty/academic staff. If an additional premium is required, it will be deducted from the faculty/academic staff member's paycheck. The University does not make a contribution during periods when a faculty/academic staff member does not receive a check.

Waiver of Health Care Coverage

A faculty/academic staff member may elect to waive MSU's health care coverage in exchange for cash payment if covered by another group health plan (e.g. have health care coverage through their spouse or another employer), that adequately meets health care needs. The waiver period is July 1 through June 30 with payment to be received the following July.

Eligibility

Faculty/academic staff appointed 50% time or more for nine months or more are eligible to waive MSU's health care coverage within 60 days of appointment or during the annual open enrollment period. A completed form is not required each year during open enrollment to continue the waiver.

Cost

The University provides up to a \$600 cash payment the following July to the faculty/academic staff member. Individuals accrue points based on their employment percent and the number of months enrolled in the program. The payment is also prorated for those newly hired, going on an unpaid leave of absence or terminating employment. The payment is considered taxable income.

Dependent Care Spending Account

A faculty/academic staff member may participate in a Dependent Care Spending Account (DCSA) to meet their dependent care expenses such as care for a child, disabled spouse or dependent parent.

Eligibility

Full or part-time faculty/academic staff are eligible for the DCSA within 60 days of appointment or during an annual open enrollment period.

Cost

The individual saves money by paying for dependent care expenses in pre-tax dollars. The employee designates an amount of money (up to \$5,000 per year) to be set aside from their paycheck. The money is deducted from gross pay before federal, state, city and social security taxes are calculated. The individual pays for actual expenses and requests reimbursement from their account.

Benefits for Postdoctoral Fellows

This policy was issued by the Office of the Provost and the Office of the Vice President for Research and Graduate Studies with an effective date of September 1, 1983.

Upon official appointment, postdoctoral fellows will be issued an appropriate identification card that will qualify them for such benefits as library privileges, staff parking, and staff rates at University cultural and athletic events.

Postdoctoral fellows who are not otherwise covered on another policy (e.g., as a spouse or a dependent) are required to have individual health care coverage. Postdoctoral fellows are not eligible for University contribution toward benefits but will, if appointed for at least nine months, qualify for one of the University's health care benefit programs under the provisions stipulated below.

The following health care programs are available to postdoctoral fellows: Blue Cross Blue Shield of Michigan, Blue Care Network¹ or Physicians Health Plan.¹ Information about these program options can be obtained from the Benefits office. Funds for a postdoctoral fellow's individual health care premiums can be provided as follows:

Institutional Grants: Health care coverage contributions are to come from the grant budget, normally an allowance, for grants provided by Michigan State University as well as by external agencies. The department should request funds from the external granting agency for this purpose. If using funds for health care coverage is contrary to the granting agency's policy, then contributions for such coverage will come from the department or from funds that may be made available in the Office of the Vice President for Research and Graduate Studies. In the latter case, approval must be obtained from that office prior to accepting the individual for postdoctoral study.

Individual Grants: If a cost-of-education allowance to the University accompanies the grant, the contributions will come from the portion of that allowance allocated to the department or college. That allocation will be increased, if necessary, to cover such contributions. If a cost-of-education allowance is not provided from the granting agency, contributions will come from the department or from funds that may be made available in the Office of the Vice President for Research and Graduate Studies. In the latter case, approval must be obtained from that office prior to accepting the individual for postdoctoral study.

Family health care coverage is not an appropriate charge on postdoctoral grants; however, a postdoctoral fellow may elect personally to pay the differential between individual and family options.

Arrangements should be made with the Benefits office for payment of health care premiums either by individual payment or by arrangements to charge these costs to an appropriate account.

¹Health Maintenance Organizations (HMO)

Health Care Benefits for Visiting Faculty/Scholars

The following statement was issued by the Office of the Provost on January 7, 1982.

Visiting faculty/scholars are eligible for special medical benefit coverage with Blue Care Network - Health Central (Plan 7). These benefits are provided in recognition of the fact that many visiting faculty/scholars are enrolled in national or other private institutional health programs in the U.S.A or abroad, which do not provide them coverage when appointed at MSU. Individuals eligible for this program are visiting faculty/scholars: 1) who are appointed without pay or with pay on appointments of less than 50% time and/or for less than nine months, who will return to their home university, agency, firm or other institution after a limited appointment period at Michigan State University; and 2) who are currently enrolled in a medical benefit program which is not available to them while appointed at Michigan State University.

Information relating to the Blue Care Network - Health Central benefit plan which is available to eligible visiting faculty and/or scholars is indicated below:

1. Such individuals are eligible for Blue Care Network - Health Central "Plan 7." Please note that Plan 7 has a six-month exclusion for pre-existing conditions (including pregnancy).
2. Eligible visiting faculty/scholars must enroll for the Blue Care Network - Health Central coverage during the first sixty days following their initial appointment date. Otherwise, they will not be eligible to participate in this program. Coverage is effective the first day of the month following application.
3. Individuals participating in this program must pay the premiums. Blue Care Network -Health Central will bill eligible visiting faculty/scholars directly for the costs of participation. Upon enrollment, eligible individuals must pay the first three months' premium and complete the necessary paper work required by Blue Care Network - Health Central.
4. To provide eligibility under this program, unit administrators should contact the Office of the Assistant Provost and Assistant Vice President for Academic Human Resources. Further, individuals should be appointed with a "Visiting" prefix before the title and, in the "comments" section of the applicable appointment form, the following should be indicated: "Visiting Faculty/Scholar eligible to participate in special medical benefits plan with Blue Care Network - Health Central." After eligibility is confirmed, the visiting faculty/scholar should contact the enrollment representative at Blue Care Network - Health Central (322-8000) to complete application materials.

RETIREMENT PLANS ¹

All faculty/academic staff members appointed at 50 percent time or more for a period of nine months or more are eligible to make contributions to a base retirement plan as well as a supplemental retirement plan.

Base Retirement Plan

Eligibility

Participation in the base retirement plan, with the University contribution, is initially optional and required for full-time faculty/academic staff when certain service and/or age requirements are met. The general rules follow:

1. Faculty appointed 50 percent time or more for nine months or more with the rank of assistant professor, associate professor, or professor may elect immediate participation, with University contribution, or may defer participation for 24 FTE service months or until attaining age 35, whichever is later, at which time participation is mandatory for full-time faculty/academic staff.
2. A specialist with a probationary or continuing appointment of 50 percent time or more may elect immediate participation, with University contribution. A specialist who does not have a probationary or continuing appointment will become eligible for the University contribution 24 FTE service months from the date of initial appointment. Participation for all full-time specialist appointments may be deferred for 24 FTE service months or until attaining age 35, whichever is later.
3. Faculty/academic staff appointed 50 percent time or more for nine months or more as instructors, research associates, lecturers, or assistant instructors become eligible for the University contribution 24 FTE service months from the date of initial appointment to an eligible status. Participation is required at that time for full-time instructors or upon attainment of age 35, whichever is later. Research associates, instructor/residents, instructor/interns, lecturers, and assistant instructors are never required to participate.
4. Part-time faculty/academic staff are never required to participate.
5. Once required participation commences for faculty/academic staff appointed full-time for nine months or more, it is not possible to withdraw from the base retirement plan while employed at the University.
6. Faculty/academic staff members appointed 50 percent time or more previously enrolled in a 403(b) or 403(b)(7) contributory retirement program before appointment at MSU may elect immediate participation regardless of rank.
7. Participation in the base retirement plan is possible at any time without University contribution.
8. Faculty/academic staff must enroll in the base retirement plan by submitting a signed application to the Benefits office prior to the first of the month the application is to be effective. Failure to

¹For benefit purposes only, half-time is defined as 50.0-64.9 percent time; three-quarter time is defined as 65.0-89.9 percent time; full-time is 90.0-100.0 percent time.

apply prior to the first of the month in which faculty/academic staff are eligible for the University contribution will result in lost contribution without retroactive recovery.

Coverage

The base retirement plan provides a retirement income based upon the total amount accumulated from the employee's contribution, the University's contribution, and the earnings on those amounts over the period of the working years.

A faculty/academic staff member may commence to draw his/her accumulation under a variety of payment options after leaving the University; however, to be considered a retiree from the University, faculty/academic staff must meet the minimum University retirement requirements (see Other Retirement Information). The earlier retirement income begins, the smaller the payment.

The base retirement plan is fully vested indicating that both the faculty/academic staff member's and the University's contributions are placed directly in the faculty/academic staff member's account each month. In the event the faculty/academic staff member leaves the University, ownership of the total accumulation is retained by the faculty/academic staff member. The faculty/academic staff member may elect to receive an immediate retirement income or may defer the receipt of his/her retirement income until a later date. Cash withdrawal options are available if age 55 or older, and terminated or retired.

Cost

The base retirement plan is financed by a reduction of 5% from the faculty/academic staff member's base salary and a matching University contribution of 10%.

Supplemental Retirement Plan

Faculty/academic staff members appointed at 50% time or more for a period of at least nine (9) months may make additional tax-deferred contributions to the supplemental retirement plan subject to IRS limitations. Participation in the supplemental retirement plan is never required, and no matching contribution is made by MSU.

Other Retirement Information

1. To be considered a retiree from Michigan State University, a faculty/academic staff member must meet one of the following minimum University retirement requirements:
 - a. Be at least 62 years of age and have completed 15 years of service, or
 - b. Have completed 25 years of service at any age.
2. Faculty/academic staff meeting the minimum University retirement requirements will remain eligible to maintain health and dental coverage and receive a full or partial University contribution toward the premiums.
3. Faculty/academic staff meeting the minimum University retirement requirements may continue participation in the employee-paid life program after retirement until age 70.
4. Faculty/academic staff members participating in the employee-paid life plan at the time of retirement and who were enrolled prior to July 1, 1976 will receive a \$2,000 life benefit fully paid by the University.

5. Faculty/academic staff employed prior to July 1, 1958, who meet the minimum University retirement requirements as defined above, may have "frozen benefits" from the University Non-Contributory Retirement Plan, in addition to their base retirement plan. Full information is available from the Benefits office.
6. Retirement survivor options which protect the spouse, if any, are available and may be selected immediately prior to retirement. In the event a survivor option is selected, the spouse is guaranteed payments for life. Spouses of retired faculty/academic staff members are guaranteed lifetime participation in the health and dental plans.

FACULTY/ACADEMIC STAFF BENEFITS IN THE EVENT OF A LEAVE OF ABSENCE, TERMINATION OR DEATH

LEAVE OF ABSENCE

With pay

If the faculty/academic staff member's pay is being continued (e.g., if the leave is a medical leave), the normal premiums will continue to be deducted and the University will make its normal contribution toward the cost of the health, dental, and retirement programs. Benefits are continued in full for faculty members on sabbatical leave.

Without pay

Faculty/academic staff granted an approved leave of absence without pay may continue in force the optional benefit programs by paying the full cost of all premiums. The same University contribution toward the dental premium continues for up to 24 months while on a leave of absence without pay. Coverage for other optional benefits may be continued by making cash payments for as long as the approved leave continues. Payments for benefits to be kept in force should be made directly to Michigan State University and sent to the Benefits office no later than the first day of the month for which the payment is due. Optional benefits not maintained will be reinstated upon return to active employment.

A faculty/academic staff member on a Family Medical Leave (FMLA) will have their health and dental benefits continued at the same level and with the same premium contribution as prior to the FMLA leave. Any share of premiums which had been paid by the individual prior to the leave must continue to be paid during the leave, otherwise coverage will be cancelled.

Faculty/academic staff member contributions for the base retirement plan may be made on a direct basis or may be suspended during the period of the leave.

Provisions are available to faculty/academic staff members on leave due to acceptance of prestigious awards or fellowships for the continuation of applicable University benefits. Additional information should be requested from the Benefits office. (See Continuation of Benefits for Faculty on Leave of Absence No Pay Status to Receive Prestigious Awards, Fellowships and/or Special Assignment Opportunities.)

TERMINATION

In case of termination, benefits will be affected as follows:

1. All health, employee-paid life, and accidental death and dismemberment coverages will continue in force until the end of the month following the last deduction and/or contribution made.
2. Dental, long-term disability, expanded life, and travel accident coverages cease on the last day of active employment.
3. Coverage under the health care plan and/or dental plan may be continued in accordance with the Consolidated Omnibus Reconciliation Act (COBRA) of 1986, for up to 18 months by paying up to 102% of the cost of the plan. Contact the Benefits office for details.
4. Employee-paid and expanded life coverages may be converted by contacting the company directly.

DEATH

In addition to life benefit payments to beneficiaries, it is possible for the surviving spouse and eligible dependents to continue health and/or dental coverages by contacting the Benefits office. The University will contribute toward the health and dental premiums for the surviving spouse if the faculty/academic staff member was eligible for retirement. The surviving spouse of a vested employee who is also an active employee in their own right may be eligible for dual benefits as follows:

1. Eligible for 100% dental coverage.
2. Eligible to retain the deceased person's health plan benefits and also enroll in the waiver program as an active employee. It will be necessary for the active employee to enroll for the waiver, if not currently enrolled in the waiver program.
OR
3. Eligible to retain deceased person's health plan benefits instead of the health plan for which they are eligible as an active employee.

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