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 Human Resources, 355-1526.
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 50 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 50 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 Police & 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.

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 is generally updated on an annual basis. It is 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. 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.

<table>
<thead>
<tr>
<th>Service/Opportunity</th>
<th>University Office</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergencies</td>
<td>Department of Police &amp; Public Safety</td>
<td>911 or 355-2221</td>
</tr>
<tr>
<td>Art</td>
<td>Kresge Art Museum</td>
<td>355-7631</td>
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<tr>
<td>Benefits</td>
<td>Benefits Office</td>
<td>353-4434</td>
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<tr>
<td>Bookstore</td>
<td>MSU Bookstore</td>
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<tr>
<td>Chapel</td>
<td>Alumni Memorial Chapel</td>
<td>355-3464</td>
</tr>
<tr>
<td>Child Care</td>
<td>Spartan Village Center</td>
<td>353-5154</td>
</tr>
<tr>
<td>Nursery School</td>
<td>Laboratory Preschool, Family Ecology</td>
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<tr>
<td>Computer Services</td>
<td>Academic Computing &amp; Network Services</td>
<td>432-6200</td>
</tr>
<tr>
<td>Credit Union</td>
<td>MSU Federal Credit Union</td>
<td>353-2280</td>
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<tr>
<td>Dining On-Campus</td>
<td>International Center</td>
<td>355-4550</td>
</tr>
<tr>
<td></td>
<td>Kellogg Center</td>
<td>432-4000</td>
</tr>
<tr>
<td></td>
<td>Union</td>
<td>355-3492</td>
</tr>
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<td></td>
<td>Owen Graduate Center</td>
<td>355-5007</td>
</tr>
<tr>
<td>Disability Accommodations/Services</td>
<td>Resource Center for Persons with Disabilities</td>
<td>353-9642</td>
</tr>
<tr>
<td>Faculty Folk Club</td>
<td>Faculty Folk Club</td>
<td>Phone directory</td>
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<tr>
<td>Gardens</td>
<td>Beal Botanical Garden</td>
<td>355-9582</td>
</tr>
<tr>
<td></td>
<td>Hidden Lake Gardens</td>
<td>431-2060</td>
</tr>
<tr>
<td></td>
<td>Kellogg Biological Station</td>
<td>800-404-1910</td>
</tr>
<tr>
<td></td>
<td>MSU Horticultural Demonstration Gardens</td>
<td>355-0348</td>
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<tr>
<td>Grievance</td>
<td>Faculty Grievance Office</td>
<td>353-8884</td>
</tr>
<tr>
<td>Health Care</td>
<td>Clinical Center</td>
<td>353-3000</td>
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<tr>
<td>Hotel Services</td>
<td>Kellogg Center</td>
<td>432-4000</td>
</tr>
<tr>
<td>Housing On-Campus</td>
<td>University Apartments</td>
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<tr>
<td>Housing Off-Campus</td>
<td>Student Affairs and Svcs</td>
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<td>Library Services</td>
<td>Library</td>
<td>353-8700</td>
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<tr>
<td>Lost and Found</td>
<td>Union Building</td>
<td>355-3497</td>
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<tr>
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<td>Instructional Media Ctr</td>
<td>353-3918</td>
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<tr>
<td>Minority Organizations</td>
<td>Office of Inclusion and Intercultural Initiatives</td>
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<tr>
<td>Museum</td>
<td>Museum</td>
<td>355-2370</td>
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<tr>
<td>Music</td>
<td>School of Music</td>
<td>353-5340</td>
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<tr>
<td>Newspapers</td>
<td>Fac./Staff News Bulletin</td>
<td>355-2285</td>
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<td>State News</td>
<td>355-3447</td>
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<td>Parking - Vehicle, Bicycle</td>
<td>Department of Police &amp; Public Safety Vehicle Office</td>
<td>355-8440</td>
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<td>Payroll</td>
<td>Payroll Office</td>
<td>355-5010</td>
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<td>Performing Arts</td>
<td>Wharton Center</td>
<td>432-2000</td>
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<td>Personal Assistance</td>
<td>Employee Assist. Prgms</td>
<td>355-4506</td>
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<tr>
<td>Planetarium</td>
<td>Abrams Planetarium</td>
<td>355-4672</td>
</tr>
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<td>Printing Services</td>
<td>MSU Printing Services</td>
<td>355-6610</td>
</tr>
<tr>
<td>Psychological Clinic</td>
<td>Psychological Clinic</td>
<td>355-9564</td>
</tr>
<tr>
<td>Publishing Services</td>
<td>MSU Press</td>
<td>355-9543</td>
</tr>
<tr>
<td>Radio</td>
<td>WKAR AM and FM Radio</td>
<td>355-6540</td>
</tr>
<tr>
<td>Recreation and Sports</td>
<td>Athletic Ticket Office</td>
<td>355-1610</td>
</tr>
<tr>
<td></td>
<td>Forest Akers Golf Crs</td>
<td>355-1635</td>
</tr>
<tr>
<td></td>
<td>Intramural Sports/Recreact Serv.</td>
<td>355-5250</td>
</tr>
<tr>
<td></td>
<td>Union Building</td>
<td>355-3460</td>
</tr>
<tr>
<td>Research Services</td>
<td>Research Development</td>
<td>355-0306</td>
</tr>
<tr>
<td>Animal Care</td>
<td>Laboratory Animal Care Service</td>
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</tr>
<tr>
<td>Safety</td>
<td>Radiation, Chem., Biological</td>
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<tr>
<td>Television</td>
<td>WKAR TV</td>
<td>355-2300</td>
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<tr>
<td>Transportation</td>
<td>Physical Plant Automotive Services</td>
<td>353-5280</td>
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<tr>
<td>University Club</td>
<td>University Club</td>
<td>353-5111</td>
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<tr>
<td>University Relations</td>
<td>Public Relations Office</td>
<td>353-7958</td>
</tr>
<tr>
<td>Women's Organizations</td>
<td>Women's Resource Center</td>
<td>353-1635</td>
</tr>
</tbody>
</table>

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

**MISSION STATEMENT**
The following statement was approved by the Board of Trustees on April 18, 2008.

Michigan State University, a member of the Association of American Universities and one of the top 100 research universities in the world, was founded in 1855. We are an inclusive, academic community known for our traditionally strong academic disciplines and professional programs, and our liberal arts foundation. Our cross- and interdisciplinary enterprises connect the sciences, humanities, and professions in practical, sustainable, and innovative ways to address society’s rapidly changing needs.

As a public, research-intensive, land-grant university funded in part by the state of Michigan, our mission is to advance knowledge and transform lives by:

- providing outstanding undergraduate, graduate, and professional education to promising, qualified students in order to prepare them to contribute fully to society as globally engaged citizen leaders
- conducting research of the highest caliber that seeks to answer questions and create solutions in order to expand human understanding and make a positive difference, both locally and globally
- advancing outreach, engagement, and economic development activities that are innovative, research-driven, and lead to a better quality of life for individuals and communities, at home and around the world

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 scheduled by the Board. In accordance with 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 should be submitted to the 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, Secretary of the Board and Executive Assistant to the President, Executive Director of the MSU Alumni Association, and Senior Advisor to the President for Diversity and Director, Office of Inclusion and Intercultural Initiatives. 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

The following summary information is from the Bylaws for Academic Governance; the Bylaws were approved by the Board of Trustees on October 24, 1997.

Footnote:
The 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).

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.
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.

**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 "fixed term 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.

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 decisions 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 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 Executive Committee. The agenda for Senate meetings is prepared by the faculty members of the Executive Committee, or a subcommittee designated for matters of agenda, in consultation with the president and the provost.

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 Executive Committee, the president, the provost, and designated ex-officio members. Ex-officio members are the Senior Associate Provost, Vice President for Student Affairs and Services, the Vice President for Research and Graduate Studies, the Associate Provost for Undergraduate Education, the Associate Provost for Academic Services, the Associate Provost for Academic Student Services and Multicultural Issues, the Associate Provost and Associate Vice President for Academic Human Resources, the Vice Provost for Libraries, Computing and Technology, the Associate Provost for Graduate Education, the Associate Provost for University Outreach, 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 at-large faculty members of the Executive 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.

The functions of the Academic Council are to consider and act upon all matters brought before the group by the Executive 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 Executive Committee. The agenda is prepared by the Executive Committee, in consultation with the president or the provost. Before each regularly scheduled meeting of the Academic Senate or the Academic Council, the Executive Committee holds a public meeting open to any member of the faculty or student body at which suggestions for agenda items are heard, thereby providing the vehicle through which individual faculty members, students or faculty-student groups and other organizations may initiate action. The Executive 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 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.

III. UNIVERSITY POLICIES

EQUAL OPPORTUNITY AND NON-DISCRIMINATION

The following policy was approved by the Board of Trustees in 1935 and amended on October 28, 1977.

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, disability, height, weight, veteran status, age or familial status. 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 federal and state laws and regulations that may apply to the University. These may include:

- Titles VI and VII of the Civil Rights Act of 1964 prohibiting discrimination in the provision of services and employment on the basis of race, color, religion, national origin or gender.
- Title IX of the Education Amendments of 1972 prohibiting discrimination against students and employees on the basis of gender.
- Age Discrimination Act of 1975 prohibiting discrimination on the basis of age in programs or activities receiving federal financial assistance.
- Title 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 disability in any program or activity receiving federal financial assistance and requiring the facilitation of the employment of individuals with disabilities.
- Retirement Equity Act of 1984 requiring pension equity.
- Michigan Elliott-Larsen Civil Rights Act prohibiting discrimination on the basis of age, sex, height, weight, religion, race, color, national origin, familial status, or marital status.
- Michigan Persons with Disabilities Civil Rights Act prohibiting discrimination against persons with disabilities and prohibiting discrimination based on genetic information that is unrelated to individual’s ability to perform the duties of a particular job or position.
- 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 of Inclusion and Intercultural Initiatives (I3)  telephone 353-3922.

MSU ANTI-DISCRIMINATION POLICY

The following policy was approved by the Board of Trustees on April 9, 1993 and revised on December 5, 2003 and April 13, 2007.

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 engagements, with respect to the following:

- All educational, employment, cultural, and social activities occurring on the University campus;
- University-sponsored programs occurring off-campus, including but not limited to cooperative extension, intercollegiate athletics, lifelong education, and any regularly scheduled classes;
- University housing; and
- 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:

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

Harass any University community member(s) on the basis of age, color, gender, gender identity, disability 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 encouraged.

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.

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


Footnotes:

1 This 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.

2 The Anti-Discrimination Policy Users' Manual, University ordinances, written regulations and policies, and published ADJB decisions approved by the President, provide guidance on the conduct prohibited by Article II of this Policy.

3 Limitations are inappropriate if they are not directly related to a legitimate University purpose. The Anti-Discrimination Policy Users' Manual provides additional guidance on inappropriate limitation as defined by this Policy.

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

5 For the purposes of this Policy, the reference to "gender identity" shall be interpreted to include protection against gender stereotyping based on a person's gender expression. In other words, gender stereotyping is impermissible discrimination or harassment based on a failure to conform to stereotypical gender norms.

6 Consultation 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.

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

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 persons\(^1\), five women, five men, and one handicapper. Membership shall comprise:

Three junior-status, undergraduate students selected by ASMSU. Each student shall serve for a term of two years.

One graduate student, to serve for a term of two years, selected by the Council of Graduate Students.

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.

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.

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.

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.

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.

Article II. Jurisdiction

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".

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.

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.

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.

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

Initial Filing of a Complaint

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.

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:

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);

A copy of this policy and the general rules of conduct for hearings.

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 evidence. After the complainant presents his/her case, the respondent shall present his/her case. Respondent may elect to forego answering a complaint.

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.

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.

Appellate Procedures

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 within 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.

Appeals shall be based on the record established at the initial hearing and shall be limited to the following two issues:

whether the evidence previously presented provides a reasonable basis for the resulting findings and recommended remedies (if any), and

whether specified procedural errors were so substantial as to effectively deny the appealing party fundamental fairness.

The ADJB chairperson shall provide written notice to both parties of the scheduled hearing date.

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.

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.

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.
The hearing shall be closed unless both parties consent to an open hearing.

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.

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**

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.

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**

**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.

**Regular Reports**

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

**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.

**Footnotes:**

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.

2Evidence that is more convincing, more credible, and of greater weight than contrary evidence.

**DISABILITY AND VETERAN SELF-IDENTIFICATION**

Each year, faculty and academic staff who have not identified their veteran and/or disability 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 disability status. Under state and federal laws, qualified individuals with a disability have the right to request and receive reasonable accommodation.

The surveys are conducted by the Office of Academic Human Resources. 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 and revised in May 1999.

**INTRODUCTION**

Michigan State University is committed to maintaining a learning and working environment for all students, faculty, and staff that is fair, humane, and responsible — an environment that supports career and educational advancement on the basis of job and academic performance. Sexual harassment subverts the mission of the University and offends the integrity of the University community. It is reprehensible and is not tolerated at Michigan State University.

Sexual harassment is a form of unlawful gender (sex) discrimination. It may involve harassment of women by men, harassment of men by women, and harassment between persons of the same sex. Sexual harassment is made unlawful by Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and Michigan’s Elliott-Larsen Civil Rights Act. The University and the law also prohibit retaliation against persons who complain about alleged sexual harassment or who cooperate in an investigation of reported sexual harassment.

This Policy applies to all members of the University community — faculty, staff, and students.
PROHIBITION

Members of the University community shall not engage in sexual harassment. Persons who do so are subject to disciplinary action, up to and including discharge for employees and suspension for students.

DEFINITION

What is Sexual Harassment?

“Sexual harassment” means unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome behavior of a sexual nature when:

- submission to such behavior is made, explicitly or implicitly, a term or condition of an individual's employment or status in a course, program, or activity; or
- submission to or rejection of such behavior is used as a basis for a decision affecting an individual's employment or participation in a course, program, or activity; or
- such behavior is so severe, persistent, or pervasive that a reasonable person would find that it:
  - alters the terms or conditions of a person’s employment or educational experience, or
  - unreasonably interferes with an individual’s work or performance in a course, program, or activity,
thus creating a hostile or abusive working or educational environment.

Sexual harassment involves unwanted sexual attention. However, a person’s subjective belief that behavior is offensive does not make that behavior sexual harassment. The behavior must also be objectively unreasonable.

The determination as to whether behavior is sexual harassment must take account of the totality of the circumstances, including the nature of the behavior and the context in which it occurred. Sexually harassing conduct often involves a pattern of offensive behavior. However, a single instance of assaultive, physically threatening, or other especially abusive behavior may constitute sexual harassment.

Examples of Sexual Harassment

Many kinds of behavior may fit within the preceding definition of sexual harassment. The following list is not exhaustive.

- sexual assault
- threats or insinuations which lead the victim reasonably to believe that granting or denying sexual favors will affect her or his reputation, education, employment, advancement, or standing within the University
- sexual advances, sexual propositions, or sexual demands which are not agreeable to both parties
- unwelcome and persistent sexually explicit statements or stories which are not legitimately related to employment duties, course content, research, or other University programs or activities
- repeatedly using sexually degrading words or sounds to describe a person
- unwanted and unnecessary touching, patting, hugging, or other physical contact
- recurring comments or questions about an individual’s sexual prowess, sexual deficiencies, or sexual behavior

Speech and expressive conduct can be sexual harassment. However, this Policy shall not be interpreted to abridge First Amendment rights or to infringe academic freedom, as defined in the Faculty Handbook, the Faculty Rights and Responsibilities policy, and the document entitled Academic Freedom for Students at Michigan State University.

Behavior of a sexual nature that is not sexual harassment may nonetheless be unprofessional in the workplace or disruptive in the classroom and, like other unprofessional or disruptive behavior, could warrant discipline.

VIOLATIONS

Seeking Information on Sexual Harassment

A member of the University community who seeks information regarding sexual harassment and this Policy may contact:

- Women's Resource Center staff
- the Anti-Discrimination Judicial Board Coordinator
- the Director of the Office of Inclusion and Intercultural Initiatives
- the administrator in charge (e.g., chairperson, director, dean, vice president) of the relevant academic or support unit
- the Faculty Grievance Official
- the Coordinator of the Employee Assistance Program
- the Associate Dean for Graduate Student Welfare
- the Director of Human Resources
- the Director or the Coordinator of Sexual Assault Safety Education of the MSU Counseling Center
- University Undergraduate Division staff
- the Ombudsman
- Residence Hall Directors
- the Director of Student Life
- the Director of the Student Employment Office
Unit administrators who need help in applying this Policy should contact: the Director of Human Resources or the Associate Provost/Associate Vice President for Academic Human Resources, whichever is appropriate; the Director of the Office of Inclusion and Intercultural Initiatives; or the Office of the General Counsel.

Complaining about Sexual Harassment

A member of the University community who wishes to complain about sexual harassment by an employee or student of the University should take the following action:

If the alleged harasser is a faculty or staff member, the complaint should be made, orally or in writing, to the alleged harasser’s unit administrator or to the Director for the Office of Inclusion and Intercultural Initiatives.

If the alleged harasser is the unit administrator, the complaint should be made, orally or in writing, to the unit administrator’s superior or to the Director for the Office of Inclusion and Intercultural Initiatives.

If the alleged harasser is a student, the complaint should be made to the Office of Judicial Affairs, Division of Student Affairs and Services.

For the University most effectively to investigate and respond to alleged sexual harassment, the complaint should be made as promptly as possible after the alleged sexual harassment occurs.

A member of the University community who believes that she or he has been sexually harassed may also elect to file a complaint with the Anti-Discrimination Judicial Board for violation of the University’s Anti-Discrimination Policy or to file a grievance against the alleged harasser under applicable University procedures. The submission of such a complaint or grievance does not affect the University’s ability to take disciplinary or other administrative action even though the complaint or grievance is still pending.

Reports of sexual assault and other crimes should be directed to the University’s Department of Police & Public Safety, regardless of whether the matter is also reported as sexual harassment.

Processing Complaints

Complaints of alleged sexual harassment made to the Office of Judicial Affairs, Division of Student Affairs and Services, will be processed under the applicable student disciplinary code.

Complaints of alleged sexual harassment made to the Director of the Office of Inclusion and Intercultural Initiatives (OIII) will be referred to the unit administrator of the alleged harasser or, if the alleged harasser is the unit administrator, to the unit administrator’s superior. Complaints made or referred to the unit administrator of the alleged harasser or the unit administrator’s superior will be processed by those individuals.

Each complaint of sexual harassment must be evaluated with reference to the pertinent circumstances. On occasion, a complaint will be resolved informally. Other complaints will result in investigations, including interviews and the review of documentary material. Both the complainant and the alleged harasser will be notified of the outcome of an investigation. If an investigation results in a determination that sexual harassment has occurred, the University will take remedial, including, where appropriate, disciplinary, action.

In processing sexual harassment complaints, the responsible administrator will normally confer with the Office of the General Counsel and academic or human resources administrators. Guidelines for investigating allegations of sexual harassment are available to administrators.

Members of the University community are expected to cooperate in investigations of alleged sexual harassment by University officials.

Sexual Harassment by Third Parties

If a University student believes that she or he has been sexually harassed in a University academic program by an individual who is not a University employee or student, the student should report the alleged sexual harassment to the unit administrator (department chair or dean) responsible for that academic program or to the Director of the Office of Inclusion and Intercultural Initiatives.

If a University employee (including a student employee) believes that he or she has been sexually harassed within the scope of his or her employment activities by an individual who is not a University employee or student, the University employee should report the alleged sexual harassment to his or her supervisor or to the Director of the Office of Inclusion and Intercultural Initiatives.

If the University determines that a third party has sexually harassed a University student in a University academic program or a University employee within the scope of her or his employment, the University will take corrective action. Individuals who are not students or employees of the University are not subject to discipline under the University’s internal processes, however.

A member of the University community who believes that he or she has been sexually harassed by a University contractor in the execution of a University contract or engagement may also elect to file a written complaint with the Anti-Discrimination Judicial Board for violation of the University’s Anti-Discrimination Policy.

Confidentiality

To the extent permitted by law, the confidentiality of all persons involved in a sexual harassment investigation or complaint will be observed, except insofar as information needs to be disclosed so that the University may effectively investigate the matter or take corrective measures.

Retaliation

Persons who complain about sexual harassment, or who cooperate in the University’s investigation and handling of sexual harassment reports or complaints, shall not be subject to retaliation for complaining or cooperating, whether or not the University finds that there was sexual harassment. If a complainant or witness believes that she or he is being subjected to retaliation, she or he should promptly contact the Director of Human Resources (staff), the Associate Provost/Associate Vice President for Academic Human Resources (faculty and academic staff), the Assistant Vice President for Student Affairs (students), or the Director of the Office of Inclusion and Intercultural Initiatives (faculty, staff, or students).

False Complaints

Any member of the University community who knowingly files a false complaint of sexual harassment, or who knowingly provides false information to or intentionally misleads University officials who are investigating a complaint of alleged sexual harassment, is subject to disciplinary action, up to and including discharge for employees and suspension for students.

OTHER RELEVANT UNIVERSITY POLICIES

Since sexual harassment is a form of unlawful gender discrimination, a member of the University community who violates this Policy also violates the University’s Anti-Discrimination Policy. Other University policies relevant to behavior of a sexual nature by members of the University community include Conflict of Interest in
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:
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.

Footnotes:
1Women's Resource Center staff will supply on request information on how individuals identified in this Policy may be contacted.

CALCIENT FLEEED

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:

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their 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.

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they 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 they are not speaking for the institution.

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:

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.

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

CONFLICT OF INTEREST IN EDUCATIONAL RESPONSIBILITIES RESULTING FROM CONSENSUAL AMOROUS OR SEXUAL RELATIONSHIPS

This policy was approved by the Board of Trustees on November 8, 1996 1 2.

An amorous or sexual relationship between a student and a faculty member, a graduate teaching assistant or another University employee who has educational responsibility for that student may impair or undermine the ongoing trust needed for effective teaching, learning and professional development. Because of the faculty member, graduate assistant or other employee's authority or power over the student, inherently conflicting interests and perceptions of unfair advantage arise when a faculty member, graduate teaching assistant or other employee assumes or maintains educational responsibility for a student with whom the faculty member, graduate teaching assistant or other employee has engaged in amorous or sexual relations.

It is, therefore, the policy of Michigan State University that each faculty member, graduate teaching assistant and other University employee who has educational responsibilities for students shall not assume or maintain educational responsibility for a student with whom the faculty member, graduate teaching assistant or other employee has engaged in amorous or sexual relations, even if such relations were consensual. Whether such amorous or sexual relationships predate the assumption of educational responsibility for the student, or arise out of the educational relationship, the faculty member, graduate teaching assistant or other employee shall immediately disclose the amorous or sexual relationship to the relevant unit administrator, who shall promptly arrange other oversight for the student.

In unusual circumstances, the achievement of the affected student's academic requirements may necessitate continued oversight of the affected student by the faculty member, graduate teaching assistant or other University employee who has engaged in amorous or sexual relations with that student. In such circumstances the unit administrator shall, therefore, have authority, after consulting the affected student, to permit the continued oversight of the affected student by the faculty member, graduate teaching assistant or other University employee, provided that the faculty member, graduate teaching assistant or other University employee shall not grade or otherwise evaluate, or participate in the grading or other evaluation of, the work of the affected student, and that the alternative arrangements for grading or evaluating the affected student's work treat the student comparably to other students.

Footnotes:
1The Board of Trustees approved this policy statement on November 8, 1996. The Board of Trustees adopted a subsequent motion which emphasized the view of the Board that consensual amorous or sexual relations between faculty and students are discouraged.
2Other relevant policies include "Supervision of Academic Work by Relatives" and "Conflict of Interest in Employment".

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:
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.
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.

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."

Supervision and evaluation procedures, even when altered, should ensure comparable treatment of employees.

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 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.

**Footnote:**


**ENDORSEMENTS, SPONSORSHIP AND ADVERTISING**

*The following policy was approved by the Board of Trustees on April 11, 1997.*

As a publicly supported institution of higher education, Michigan State University must be operated in the public trust. Each unit of the University and every University employee is responsible for protecting the integrity of the name of the University.

The University recognizes that many of its activities provide potential sources of revenue through legitimate and worthwhile opportunities for sponsorship, advertising and promotion of entities and their products and services. While this revenue can be beneficial to the University community and in turn to the State of Michigan, the University's reputation and image are paramount and must be protected.

**Endorsements**

No official University publication or statement and no activity carried out in the name of the University, or by any individual officially acting on behalf of the University, shall constitute or be construed as a University endorsement of any commercial product or service. Further, sponsorship and advertising consistent with this policy are not intended and shall not be deemed to constitute the University's endorsement of related commercial products or services.

**Sponsorship, Advertising**

The University may extend the following donor and sponsorship acknowledgment, advertising and promotion opportunities to non-University entities:

- Sports, Performing Arts and Similar Activities. Sponsorship recognition and advertising on programs, tickets, uniforms, equipment, banners, or other media or fixed or electronic recognition panels used in conjunction with University sports, performing arts and similar activities which may be attended by the public on a complimentary or fee basis.
- Public Broadcasting. Sponsorship recognition and advertising on public broadcasting programs in accordance with applicable federal public broadcasting regulations.
- Other Academic Functions

Acknowledgment by the University of donors who provide substantial resources which make structures, facilities or programs possible, provided that acknowledgment through naming opportunities shall be subject to the University's policy on naming gifts.

Acknowledgment of gifts and grants where such recognition is limited to information necessary to identify the donor and the nature or purpose of the gift.
Acknowledgment of the cost underwriting of conference and other academic programs by a commercial donor, provided that such donor acknowledgment is limited to an appropriately modest statement of identification.

Administration

The Office of the Secretary of the Board of Trustees is responsible for the implementation of this policy. Requests for interpretations of the policy shall be referred to that Office. Prior approval of the Board of Trustees shall be required to erect permanent and substantial structures for purposes of commercial recognition. Those responsible for any activity subject to this policy shall exercise reasonable judgment and taste in the acceptance of sponsorship and advertising and consider health implications of products to be advertised.

FIREARMS

The following policy was issued by the Office of the Provost on November 20, 2001.

1. Applicability

This Policy applies to all members of the University workforce.

2. Definitions

1. For the purposes of this Policy only, "workforce" is defined as employees, volunteers, trainees, and other persons whose conduct in the performance of work for the University is under the direct control of the University, whether or not the individual is paid by the University. "Workforce" may include individuals who fall within one or more of the following classifications: executive management, faculty, academic staff, adjunct faculty, clinical faculty, support staff (including regular, temporary, and on-call), student employee, graduate teaching assistant, graduate research assistant, post-doctoral fellow, leased employee, contract employee, or volunteer.

2. For the purposes of this Policy only, "firearm" is defined as a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air.

3. Prohibition

Except as otherwise provided below, members of the University workforce are prohibited at any time while on any property owned, leased, or otherwise controlled by the University, or elsewhere in the course of their employment with the University, from possessing or using any firearm. This Policy applies regardless of whether the member of the workforce has a concealed weapon permit or is otherwise authorized by law to possess, discharge, or use a firearm.

4. Exceptions

The prohibition in this Policy does not apply:

1. to a peace officer who is a member of the University’s Department of Police & Public Safety, who is regularly employed by the University, and who has been authorized by the Director of the Department of Police & Public Safety to carry firearms as outlined by Department of Police & Public Safety policy; or

2. to a certified Michigan peace officer; or

3. when the Director of the Department of Police & Public Safety has waived the prohibition based on extraordinary circumstances. Any such waiver must be in writing, signed by the Director, and must define its scope and duration.

5. Violations

Members of the workforce who violate this Policy may be subject to discipline, up to and including termination.

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.

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 subunit of the University may be filled out by that subunit, 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 (1989\(^2\), 1992\(^3\)), indicate that the simple separation of buildings into "smoking" and "non-smoking" 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.

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.

Cigarettes and other tobacco products will not be sold on university grounds.

This smoke-free policy applies to all Michigan State University facilities and vehicles, owned or leased.

Smoking cessation programs provided by Health4U 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 non-smokers. All employees share in the responsibility for adhering to and enforcing this policy.

**Footnotes**

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


**IV. ACADEMIC HUMAN RESOURCES 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 YEAR (AY) APPOINTMENT STARTING DATES**
The following policy statement was issued by the Office of the Provost on February 12, 1998 and revised on April 30, 2008.

To accommodate recruiting needs, academic year (AY) appointments may begin on August 16 or January 1. While August 16 is the normal AY appointment starting date, an AY appointment starting on January 1 is not an exception.

Academic year (AY) appointed faculty and academic staff perform duties over the nine month academic year, normally from August 16 of a calendar year through May 15 of the following calendar year. The total AY appointment salary is paid in twelve installments, on the last working day of each month from August of a calendar year through August of the following calendar year.

ACADEMIC HUMAN RESOURCES SYSTEM APPOINTMENTS: BASIC EMPLOYMENT COMMITMENT ON AN ACADEMIC YEAR BASIS

The following policy was issued by the Office of the Provost on December 8, 1981; it 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 AN to AY 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 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.

FIXED-TERM APPOINTMENT

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

Visiting and fixed-term 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 fixed-term 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 1, 1982.) The titles of specialist, research associate, senior research associate, librarian, lecturer, and assistant instructor may be used for fixed-term academic staff appointments. (See HIRsite/forms/FacultyForms/default.htm for information about University approved ranks and titles).

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 fixed-term appointments have a specific termination date. Appointments are normally for a period of one year or less; occasionally, fixed-term appointments may be for multiple year periods. Employment as a research associate is limited to a maximum of 60 full time equivalent service months. The University has no obligation
to provide reappointment or extension of a fixed-term 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 an additional teaching, research or service assignments up to a total maximum effort not to exceed 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:

- The summer teaching is done before the term off.
- The teaching and academic advising program of the department is not disadvantaged.
- A Memorandum of Understanding is completed and signed in advance by the faculty member, chairperson, dean, and Provost.
- 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.
- Exchange duties may involve teaching, research, and public service responsibilities.
- 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 policy 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.

A. Areas in which the adjunct or clinical appointment carries faculty status:
   1. Library privileges1
   2. Privilege of attending departmental, college and university faculty meetings
   3. Use of intramural facilities and Forest Akers Golf Courses1
   4. Purchase of athletic tickets at faculty rates1
   5. MSU Identification Card
   6. Eligibility for travel accident coverage when authorized to travel on University business
   7. Eligibility for faculty membership in University Club
   8. Parking privileges (may purchase standard permit or, for limited use, may purchase guest permit)1
   9. Pilot accounts
   10. 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.)
   11. 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.

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

C. Arrangements which are to be made on an individual basis at the unit level:
   1. Amount of time to be spent in the unit
   2. Service on unit committees
   3. Service on graduate committees
   4. Voting at the unit level
   5. Office space to be provided by the unit
   6. Laboratory facilities to be provided
   7. Secretarial help or graduate assistant help to be provided
   8. Authority to teach, do research, or advise students for the unit
   9. Authority to publish as a member of the unit
   10. Authority to propose, receive and implement research grants

D. Emeritus status for adjunct or clinical appointments: Individuals who meet the following criteria may be recommended for emeritus status:
   1. Be 62 years of age and have served as a clinical/adjunct faculty member for fifteen years, or
   2. 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)
- Pilot accounts

E. Malpractice insurance coverage in teaching CHM and COM students

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 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.

Footnotes

1 MSU Identification Card required.
2 Memorandum 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.

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
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 responsible to develop a free and distinguished university and to promote the welfare of mankind through teaching, research, and public service. Their powers and responsibilities are derived from the faculty's status as the primary intellectual resource of the University, and as the primary guardians of academic freedom and responsibility. Faculty members have the rights and responsibilities set forth below, as well as those rights and responsibilities applicable to specific faculty rights and responsibilities, as 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 Freedom and Responsibility

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

- 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;
- The right to determine course content, grading, and classroom procedures in the courses they teach;
- The right to conduct research and to engage in creative endeavors;
- The right to publish or present research findings and creative works;
- The right to engage in public service activities; and
- 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:

- The responsibility to carry out assigned teaching, research, and public service duties in a professional manner and in keeping with University policy;
- 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;
- The responsibility to pursue excellence and intellectual honesty in teaching, research, and other creative endeavors in public service activities; and in publishing or presenting research findings and creative works;
- 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;
- 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
- 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)
As a modern research-intensive land-grant university, Michigan State University must maintain the trust of the general public which supports it and which it serves. For the University to do so, its faculty must pursue their research, teaching, outreach, and service responsibilities with integrity and proper professional judgment in a manner consistent with the highest standards of their respective disciplines and in the best interests of the University. A faculty member’s reputation for integrity and for exercising proper professional judgment can be seriously compromised, however, if the faculty member fails to avoid or disclose a conflict of interest. Moreover, an individual faculty member’s unmanaged and unresolved conflicts of interest can undermine confidence in the university and, thus, harm its standing and that of its entire faculty.

This Policy addresses the disclosure, review, management, and resolution of conflicts of interest relating to the performance by faculty of their research, teaching, outreach, and service responsibilities at the University. For purposes of this Policy, a conflict of interest exists when a faculty member’s financial interests or other opportunities for tangible personal benefit may compromise, or reasonably appear to compromise, the independence of judgment with which the faculty...
member performs his/her responsibilities at the University.

1.1. The President, in consultation with a joint subcommittee of the University Graduate Council (UGC) and the University Committee on Faculty Affairs (UCFA), will appoint a Faculty Conflict of Interest Information Officer (FCOIIO) to serve as a resource to faculty and administrators on defining and addressing conflicts of interest and to convene the Conflict Review Committee described in Paragraph 6.

1.2. Each faculty member is responsible for disclosing his/her own conflicts of interest in accordance with the procedure established under Paragraph 4(a).

2. The FCOIIO shall prepare a model college procedure for faculty members to report their own conflicts of interest.

2.1. Any college that chooses not to adopt the model procedure may develop its own procedure for its faculty to report their conflicts of interest, provided that the Vice President for Research and Graduate Studies (VPRGS) approved the procedure after consulting with the FCOIIO.

2.2. The VPRGS shall establish a mechanism, after consulting with the FCOIIO, for investigating concerns or allegations regarding conflicts of interest on the part of faculty which are not self-reported.

3. The conduct of research by faculty, particularly research involving human subjects, and efforts to commercialize intellectual property created by faculty present situations in which the disclosure and management of conflicts of interest are especially important. The University administrators charged to manage those areas shall, therefore, prepare disclosure processes, in consultation with academic governance, that accord with applicable legal requirements, including rules imposed by external funding sources, and that permit the timely assessment and resolution of conflicts of interest relating to research and to commercialization of intellectual property created by faculty.

3.1. The University will not make expenditures on externally funded sponsored research or transfer rights in intellectual property to entities in which faculty have a financial interest unless all required disclosures have been made and any conflicts of interest identified as a result of the disclosures have been evaluated and resolved.

3.2. The VPRGS shall establish a Conflict Review Committee (CRC) composed of three faculty members from different disciplines, one of whom they will select as chairperson. The deans and the director of the National Superconducting Cyclotron Laboratory (NSCL), after consultation with the relevant faculty advisory body at the college/NSCL, will nominate faculty candidates. Final selection of the faculty members will be made by the joint subcommittee of the UGC and the UCFA. CRC members shall serve for staggered three-year terms. They may be reappointed to additional terms. The FCOIIO shall convene the CRC and may assist the CRC in its deliberations.

4. When a faculty member self-reports a possible conflict of interest pursuant to the procedure established in Paragraph 4(a), the faculty member’s unit administrator should review the disclosure with the faculty member’s dean. If the unit administrator and the dean agree that no conflict of interest exists, they shall inform the faculty member and the VPRGS of that determination in writing.

4.1. If any conflict of interest is identified as a result of the disclosures made by a faculty member under Paragraph 4(a), or as a result of a report made by another party and investigated pursuant to the mechanism established in Paragraph 4(b), the faculty member’s unit administrator shall develop a written plan for the resolution or management of the conflict of interest in consultation with the faculty member, the FCOIIO, and, depending on the subject matter of the conflict, appropriate representatives of the central administration.

4.2. The plan shall be submitted, first, to the faculty member’s dean for approval, then to the CRC for review and comment, and, finally, to the VPRGS, who may accept the plan or decide to implement another plan for the management or resolution of the conflict of interest.

4.3. If the dean does not approve the plan developed by the unit administrator, the dean may adopt a different plan for the management or resolution of the conflict of interest. In that event, both plans shall be submitted to the CRC for its review and comment. After receiving the recommendations of the CRC on the matter, the VPRGS shall decide on the plan for the management or resolution of the conflict of interest, and shall report his/her decision to the CRC, faculty member, unit administrator, and dean.

4.4. If the faculty member does not agree with the unit administrator’s plan for the management or resolution of the conflict of interest, the faculty member may submit an alternative plan to the dean. The dean may accept the faculty member’s plan, the unit administrator’s plan, or formulate a different plan. The plans of the faculty member, unit administrator, and dean shall be distributed to the members of the CRC, which shall submit its recommendations on the matter to the VPRGS. The VPRGS shall decide on the plan for the management or resolution of the conflict of interest, and shall report his/her decision to the CRC, faculty member, unit administrator, and dean.

4.5. In devising the plan to address the conflict of interest, the unit administrator, the dean, and the VPRGS shall seek to employ the least intrusive management techniques that will suffice to resolve the ethical and legal concerns arising from the conflict. Sometimes conflict of interest situations may be satisfactorily addressed through public disclosure of the faculty member’s financial interest (or other opportunity for tangible personal benefit) that is the cause of the conflict of interest. On other occasions, stronger measures may be required to resolve or eliminate a serious conflict of interest.

The University encourages faculty authorship of instructional materials and does not discourage the use of faculty-authored materials in the faculty member’s courses. To avoid the semblance of any conflict of interest, however, each academic unit should establish guidelines appropriate to its circumstances for the selection of instructional materials whose purchase by students results in a financial benefit to the faculty member who assigns those materials.

Each faculty member shall supply the appropriate administrators with all information necessary for those administrators to review, manage, and resolve any conflicts of interest involving that faculty member. The University shall respect the confidentiality of private financial and other private information supplied by
faculty, and shall not release this information publicly unless it is legally required to do so, or unless the resolution or elimination of the conflict of interest requires the public disclosure of the information, or unless the faculty member consents to its public disclosure.

A faculty member who violates this Policy may be subject to disciplinary action as may apply to violations of other University policies.

Any member of the University community who knowingly files a false allegation that this Policy has been violated, or who knowingly provides false information to or intentionally misleads University officials who are investigating an alleged violation of this Policy, may be subject to disciplinary action.

The FCOIO, in consultation with relevant administrators and appropriate faculty committees, shall arrange for the preparation of a handbook for faculty, incorporating a list of frequently asked questions, explaining and interpreting this Policy. Assessment, management, and resolution of conflicts of interest should take into account the different norms, customs, and expectations of the various disciplines found among faculty in the University. Therefore, each college (or relevant non-college unit) is encouraged to prepare, in consultation with the FCOIO, a supplement to the handbook, with frequently asked questions, that addresses conflict of interest issues specific to the disciplines and activities of the faculty of that college.

Appendix: Role, Appointment, and Evaluation of the Faculty Conflict of Interest Information Officer (FCOIO)

1. Role of the FCOIO

A. Serves as an information resource to faculty and administrators on defining and addressing conflicts of interest, as defined in the policy (Paragraph 2).

B. Prepares a model college procedure to be used in establishing conflict reporting mechanisms (Paragraph 4(a)).

C. Convenes the Conflict Review Committee (CRC) and assists the CRC in its deliberations (Paragraph 6).

D. Arranges preparation of a handbook incorporating a list of frequently asked questions explaining and interpreting the Policy in consultation with relevant administrators and appropriate faculty committees (Paragraph 12).

2. Appointment of the FCOIO

A. The FCOIO shall be appointed, preferably from the tenured faculty of Michigan State University, by the President after consultation with a joint subcommittee of the University Graduate Council (UGC) and the University Committee on Faculty Affairs (UCFA).

B. The FCOIO shall report to the President and shall keep the Provost and VPRGS informed about implementation of the Policy and about educational and other activities of his/her office.

C. Should the FCOIO recuse himself/herself from FCOIO duties with regard to a particular conflict of interest, the President shall appoint a replacement after consultation with the chairperson of the Academic Subcommittee of UGC.

3. Evaluation of FCOIO

A. The FCOIO shall submit a report annually to the UGC describing progress on the implementation of the Policy, relevant consultations with college faculty and administrators, the caseload of and topics addressed by the CRC, and educational and other activities by the FCOIO.

B. The UGC shall evaluate the performance of the FCOIO at intervals not to exceed five years pursuant to criteria established by the President, Provost, and VPRGS in consultation with the UGC. The UGC shall submit the results of this evaluation of the FCOIO to the President, the Provost, and the VPRGS.

4. Nature of Appointment and Other Matters

A. The FCOIO shall serve at the pleasure of the President on a half-time basis for renewable terms of five years.

B. The Office of the VPRGS shall provide the FCOIO with administrative support.

Footnotes:

1 Although “faculty” is used throughout for simplicity, this Policy applies to all individuals appointed with pay through the academic personnel system other than graduate assistants.

2 In this Policy, “dean” means deans of colleges and the equivalent unit administrators for faculty appointed in non-college units.

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 arranged through the Office of the University Physician and MSU Occupational Health.

OCCUPATIONAL HEALTH AND SAFETY RULES AND REGULATIONS
All faculty and academic staff are required to comply with University, state and federal occupational health and safety rules and regulations. This requirement includes the appropriate use of personal protective equipment and participation in safety training. Occupational health and safety requirements specific to individual jobs are generally communicated through unit chairs or department heads, but any questions should be clarified by contacting the Office of Occupational Health or the Office of Radiation, Chemical and Biological Safety. Failure to comply with occupational health and safety rules and regulations may result in a direct assessment of regulatory fines, workers compensation costs (to units determined not to be in compliance), and/or in disciplinary action of faculty/academic staff who fail to meet the requirements.

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 ID card.

To obtain an ID card, the faculty/academic staff member and spouse may visit either the Registrar's Office (50 Administration Bldg., Monday through Friday 8:00-5:00) or Human Resources (120 Nisbet Bldg., Monday through Friday 4:00-5:00). A picture ID (driver license, etc.) and the old ID, if available, are necessary for processing.

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 or benefits.

Faculty and academic staff serving on jury duty who are absent from work for 80 continuous hours or less will receive their regular pay and are not required to submit proof of jury duty payment to the University. They must, however, notify the department chairperson/school director of the call to jury duty as soon as it is received.

Faculty and academic staff serving on jury duty who are absent from work for more than 80 continuous hours must notify the department chairperson/school director of the call to jury duty as soon as it is received and are required to submit proof of jury duty payment to the Payroll Office. The faculty/academic staff member will receive the difference between the pay received from the court and normal base pay.

In all cases, 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.

A. 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.

B. EMPLOYEE TAX WITHHOLDING CERTIFICATES. Various forms (W-4, MI-W-4, City Tax Withholding) authorize the University to recognize the appropriate exemptions when calculating Federal, State of Michigan and local 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.

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

The following policy 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 on-going quest to improve its status and quality as a major land-grant, AAU University.

As such, MSU is an institution which expects that its faculty make significant and on going 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 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

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.

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:

- three years after service as an instructor for one year;
- two years after service as an instructor for two years; or
- 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). 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:
   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.)
Footnotes:

1 Consistent with the Committee on Institutional Cooperation (Big Ten) and other peer law school policies/practices, the Law College has slightly different lengths for tenure system probationary appointment periods than those described above. An assistant professor may be promoted to the rank of associate professor without tenure after three years of college tenure system employment. An assistant or associate professor must apply for tenure after completion of ten regular semesters or five years of service at the Law College. A candidate with significant tenure system law teaching experience or exceptional public or private professional experience may be appointed as an associate professor without tenure. In unusual circumstances, an initial appointment may be made at the rank of associate professor with tenure. An appointment at the rank of full professor confers tenure upon appointment. See the Law College’s Policy for the Granting of Tenure and Promotion.

2 Such early reviews would occur on the normal review cycle as established by university, college and department/school procedures.

3 Information 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.

OPERATING PRINCIPLES OF THE TENURE SYSTEM

The following policy was revised by the Board of Trustees on May 18, 2007.

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. A Foreign National holding non-immigrant status may be appointed within the tenure system; however, he/she may not be appointed with tenure unless (a) he/she has acquired permanent resident status or U.S. citizenship or (b) he/she enters into and complies with the terms of a Faculty Tenure Policy Exemption Agreement approved by the Provost.

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.

Footnote

4 In those situations where the Foreign National chooses not to execute a Faculty Tenure Policy Exemption Agreement but has otherwise been endorsed by the Provost as having met all of the requirements for promotion and tenure, he/she will be placed on a fixed term appointment or have his/her appointment period extended on an annual basis, whichever is appropriate, until permanent resident status or U.S. citizenship is granted, at which time a tenure recommendation will be made to 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, March 24, 1999, January 10, 2001, and April 13, 2005.

The tenure system probationary appointment is extended automatically for one year for the following reasons:

• Leaves of absence with or without pay that are six to twelve months.

• Changes in appointment to 50% time or less for one year.

• Upon request from a faculty member on approved leave of absence (paid or unpaid) for twelve weeks or longer for reasons related to the birth or adoption of a child. Automatic extensions for this reason are limited to two separate one-year extensions.

• Immigration/visa status that does not permit the award of tenure for candidates who have been recommended for tenure.
Additionally, extensions of the probationary appointment may be requested from the University Committee on Faculty Tenure (UCFT) for reasons related to childbirth, adoption, the care of an ill and/or disabled child, spouse, or parent; personal illness; to receive prestigious awards, fellowships, and/or special assignment opportunities; or other such serious constraints.

In cases in which extensions of the tenure clock are not automatic, UCFT considers evidence bearing on the question of whether the circumstances justify exceptions to the standard procedures governing the tenure system. UCFT’s role is not to evaluate the substantive issues recommended at the departmental or unit level, but to determine whether, given the circumstances of each case, the proposed decisions are consistent with the general interest of preserving the integrity of the tenure system.

To request an extension of the probationary appointment, the department chair or unit administrator must submit a memorandum to the Associate Provost and Associate Vice President for Academic Human Resources that includes the following information:

- the specific reason delineated in this policy that justifies an exception to the standard procedures governing the tenure system;
- clear explanation of the impact of the specified condition on the normal activities of the faculty member;
- what is expected to be achieved at the end of the requested extension, including the prospects for success, and a description of the resources and/or proposed changes that will be made to facilitate success;
- a current curriculum vitae and a one-page summary of prior assignments in teaching, research, outreach, and administrative duties during the previous three years for the faculty member seeking the extension;
- endorsement and signatures of the faculty member, department chair or unit administrator, and dean.

Additionally, the department chair or unit administrator must provide written documentation from the department or school peer review committee that they reviewed the extension request and had an opportunity to render advice as appropriate. The committee’s approval is not necessary.

Requests endorsed by the Office of the Provost will be considered by UCFT according to the standards specified herein.

**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.

**POST-TENURE REVIEW**

*This statement was issued by the Office of the Provost on December 18, 2002.*

Michigan State University has not adopted a distinct separate policy on the review of faculty following the award of tenure. Post-tenure review is implemented through several existing policies and procedures (contained in the Faculty Handbook), including a clarifying interpretation by the University Committee on Faculty Tenure on the meaning of the term “incompetence” in the disciplinary and dismissal policies. Performance is monitored through the use of annual written performance evaluations as required by the policy on “Faculty Review.” Work performance, as determined in such reviews, is to be reflected in annual merit salary adjustments and as a basis for advice and suggestions for improvement. Although not triggered by a fixed number of years of low performance, discipline in a variety of forms may be invoked under the “Policy for Implementing Disciplinary Action where Dismissal is Not Sought.” In more serious cases, “the Dismissal of Tenured Faculty for Cause Procedure” can be invoked. This procedure involves notice and a formal hearing involving review by peers. Interpretation of the term “incompetence” by the
University Committee on Faculty Tenure includes an expectation for professional development support and review by peers before disciplinary or dismissal action is contemplated. More information is available on the history of post-tenure review deliberations.

FACULTY REVIEW

This policy was issued by the Office of the Provost on February 11, 1997 (to be effective Fall semester 1997) and revised on March 3, 2003; it reflects advice by the Faculty Council and the University Committee on Faculty Affairs.

All units must have procedures for written evaluation of tenure system faculty at all ranks to support the annual merit process and to provide a basis for a clear statement of performance expectations and accomplishments. It is recognized that provisions and practices in units may vary; however, all evaluation procedures must incorporate, at the minimum, the principles included in this model policy for regular faculty review, and must be applied uniformly to all faculty in the unit.

I. Principles

While some variation may occur in the approach to reviews, the following principles as implemented by unit procedures are to be followed by unit administrators (i.e., Deans, Chairpersons and Directors) and faculty. In the case of faculty with joint appointments, a lead unit administrator shall be designated. The process should be clearly defined by the bylaws or established personnel polices and procedures of each academic unit.

Each tenure system faculty shall be evaluated on an annual basis and informed in writing of the results of his/her review by the unit administrator. Each unit shall have clearly formulated and relevant written performance criteria and shall provide these at the time of appointment, and subsequently as necessary, to all faculty to clarify expectations.

Faculty shall be informed of all factors used for evaluation, the evaluation of their performance on each of these factors and the relationship between their performance and decisions on merit salary adjustments and, if appropriate, on reappointment, promotion and tenure. Faculty are entitled to have all their assigned duties given weight in the evaluation.

These annual assessments of faculty reviews shall be reflected in recommendations to the Provost's Office regarding reappointment, tenure, and promotion.

II. Guidelines for Implementation

Units should initiate the annual review process early enough so that the full process, including feedback to faculty, may be completed before the beginning of the fall semester.

Each faculty member shall submit a written summary of activities for the appropriate period of time to the unit administrator in a timely manner prior to the review. These materials will be shared with the faculty in accordance with unit bylaws and procedures.

If unit bylaws or procedures provide for performance evaluation by peer review committees, unit administrators shall rely on the advice of this designated group, in addition to their own judgment.

Unit administrators or their designees, no later than 3 months after completion of the evaluation, shall provide to the faculty member a written evaluation of her/his overall performance. Whenever appropriate, such evaluations shall contain constructive and explicit recommendations and clarify expectations of what is needed to make additional scholarly progress in the tenure system.

If, after receiving the written review, the faculty member disagrees with its content or chooses to provide additional documentation or comment, the faculty member shall have an opportunity to respond to the review. Any additional written faculty comment and/or documentation which is submitted within one month of receipt of the written review shall become part of the documentation for the review.

The full documentation for this written review, including the faculty member's response, shall be placed in the faculty member's unit personnel file.

Meetings between faculty members and unit administrators are encouraged prior to the written summary to provide feedback about expectations and evaluation. Each faculty member shall have the right to meet in person with the unit administrator or designee after the written review is received.

APPOINTMENT, REAPPOINTMENT, TENURE, AND PROMOTION RECOMMENDATIONS

The Office of the Provost sends this policy annually to deans, directors, and chairpersons to assist them in reappointment, promotion, and tenure decisions. During its annual review, the University Committee on Faculty Affairs and the University Committee on Faculty Tenure can suggest changes.

Michigan State University is a research-intensive, land-grant university of international scope. It is a member of the Association of American Universities (AAU), whose members are recognized worldwide for the quality and breadth of their scholarship, research, and undergraduate, graduate and graduate-professional educational programs. MSU is one of only 18 universities that are designated as both land-grant and AAU.

"Boldness by Design" is MSU's strategic planning initiative that will position the university as the nation's leading land-grant research institution. The University is dedicated to educating tomorrow's leaders and scholars through our undergraduate, graduate, graduate-professional and lifelong education programs. Through its faculty, MSU will create knowledge and find new and innovative ways to extend its applications, to serve Michigan, the nation, and the international community. The faculty 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 scholarship and ability to promote learning through our on-campus and off-campus education and research programs. The essence of scholarship is the thoughtful discovery, transmission, and application of knowledge, including creative activities, 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.

MSU must improve continuously. To do so requires that academic personnel decisions must result in a progressively stronger faculty — a faculty who meets continuously higher standards that assures enhanced quality within a national and international context. This process begins with vigorous, effective recruitment and selection of new faculty who are encouraged and helped to grow professionally. These new faculty members are evaluated by demanding standards and required procedures for reappointment, tenure and promotion recommendations. 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. These decisions, in large measure, will determine MSU’s reputation and prominence for many years to come.

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) should be retained even if the performance of the probationary period is acceptable. (See statement on Non-Tenured Faculty in the Tenure System, Faculty Handbook). If so, the unit initiates recommendations for appointment, reappointment, promotion, and tenure, 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. Faculty must be both active scholars and student-focused and must meet academic
standards that assure enhanced quality of the unit for years to come. Individual personnel actions recommending tenure should result in the improvement of academic unit quality. For example, anyone considered for tenure should be viewed as exceptional in accomplishments in the unit and in the top echelon of peers at a similar career stage nationally or internationally in the field or discipline. 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 articulated and relevant to evaluating the performance of faculty members (see Statement on Non-Tenured Faculty in the Tenure System, Faculty Handbook). The 1999 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.) Chairpersons or directors make judgments taking into consideration peer evaluations and other supporting information, yet unit administrators are responsible as individuals for the recommendations made.

Unit standards and criteria for appointment, reappointment, tenure, promotion, and salary changes must serve the objective of continuously improving the academic strength and quality of the faculty, taking into account the mission and goals of the department, school, college, and University. Departments/schools and colleges are required to review regularly their standards, criteria, and procedures to this end.

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; it should also acknowledge the creativity of faculty effort and its impact on students, on others the University serves, and on the field(s) in which the faculty member works. In many cases, faculty demonstrate excellence through individual scholarly activities. Collaborative scholarly efforts, cross-disciplinary activities, and the integration of scholarship into the creation, application, and dissemination of knowledge are also recognized as relevant dimensions of faculty performance.

Deans independently review each recommendation for appointment, reappointment, promotion, and tenure and in each case will focus primarily on how effectively the individual performs academic duties. They approve or disapprove recommendations, 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. In each case the Office of the Provost also will concentrate primarily on the evidence of the individual’s effectiveness 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 into outreach programs.

In addition, the Office of the Provost will consider, as applicable, the following elements, relating to quality and either individual performance or institutional, contextual factors:

- The factors that relate most closely to individual performance include, but are not limited to:
  - Sufficient evidence of consistent and persistent professional improvement and effectiveness at MSU to predict 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) Universities or institutions of comparable quality.
  - History of salary increases awarded the individual compared with 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.
- The factors that 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, including the unit’s progress toward achieving and maintaining diversity and recognizing it in its definition of quality.
  - Fiscal constraints.
  - Extent to which program commitments require the continuation of faculty (relevant primarily for decisions on reappointments and awards of tenure).
  - Advancement of the shared university agenda, including scholarship across the mission.

Deans and directors are to assure that unit administrators in their college make clear to the concerned faculty, in a timely fashion, the procedures and criteria that they will use 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 (hereafter referred to as peer universities):

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 peer universities.

For the assistant professor who has established such a record, the tenure recommendation is effective upon reappointment after two accumulated probationary appointments in the tenure system.

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.

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 for promotion to associate professor at peer universities. A reasonably long period in rank before promotion is usually necessary to provide a basis in actual performance for predicting capacity to become an expert of national stature and long-term, high-quality professional achievement.

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 peer universities. A reasonably long period in rank before promotion is
usually necessary to provide a basis in actual performance to permit endorsement of the individual as an expert of national stature and to predict continuous, long-term, high-quality professional achievement.

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 must evaluate carefully each recommendation to ensure that it is well grounded and fully justified.

Footnotes

1 University 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.

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. Department/school recommendations against reappointment or promotion of a tenured faculty member are reviewed by the dean and provost. 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, graduate, non-credit instruction, and academic advising; research and creative activities; service--within scholarly and professional organizations, within the University, within the broader community, e.g. MSU Extension, professional/patient care activities, International Studies and Programs, Urban Affairs Programs; 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 on the Human Resources website at [HRsite/forms/FacultyForms/FormInfoRptPages.htm](http://HRsite/forms/FacultyForms/FormInfoRptPages.htm)

COLLEGE-LEVEL REAPPOINTMENT, PROMOTION AND TENURE COMMITTEES

This policy statement was issued by the Office of the Provost on January 26, 2005, to be effective with the 2005-06 academic year.

University Policy

Each departmentally organized college is required to establish a college-level reappointment, promotion and tenure committee that is charged to provide advice to the dean about department/school recommendations for reappointment, promotion and tenure. The reappointment, promotion and tenure process is a critical component in enhancing academic excellence and building a progressively stronger faculty – faculty who meet continuously higher standards to assure enhanced quality within a national and international context. Establishment of college-level reappointment, promotion and tenure committees is in accordance with Section 2.1.2.2. of the Bylaws for Academic Governance, which states “deans are responsible for educational, research, and service programs of the respective college or separately reporting unit. This responsibility includes budgetary matters, physical facilities, and personnel matters in his or her jurisdiction taking into account the advisory procedures of the college.”

College-level reappointment, promotion and tenure committees will enhance the dean’s ability to make reappointment, promotion and tenure recommendations that improve academic unit quality.

It is recognized that practices and procedures in colleges may vary; however, all college-level reappointment, promotion and tenure committees must incorporate, at a minimum, the principles included below.

Principles

Each departmentally organized college must include in its written materials governing the reappointment, promotion, and tenure process a procedure for establishing a college-level reappointment, promotion and tenure review committee, including methods for selecting committee members and how the committee will function. At a minimum, the following principles should be clearly defined by the bylaws or established policies and procedures of each college.

1. Eligibility for membership on college-level reappointment, promotion and tenure committees is limited to individuals appointed in the tenure system at Michigan State University, except that because of special appointment circumstances, the Colleges of Human Medicine, Osteopathic Medicine, and Veterinary Medicine may have committee members holding fixed term or Health Programs appointments.

2. Committee members may be selected through an election and/or appointment process.

3. Candidates shall be informed about the nature of the materials to be reviewed by the committee and whether the committee may request additional information/commentary.

4. The College determines the committee’s operating rules and procedures, including form of advice, e.g., secret ballot vote, ranking, commentary, etc., and method for selecting a committee chairperson.

5. In providing advice on recommendations that involve the award of tenure or promotion to full professor in the tenure system, committee member participation is limited to tenured faculty or solely to full professors, respectively.

6. The role of the committee is to provide advice to the dean on all reappointment, promotion and tenure recommendations required or proposed by departments/schools. It may also provide comments on department/school standards, criteria and procedures for reappointment, promotion and tenure, and other matters as requested by the dean.

7. Candidates are reviewed according to the criteria and standards in department/school bylaws or other relevant documents, college bylaws or other relevant documents (if any), and the University’s statement on “Appointment, Reappointment, Promotion and Tenure Recommendations.”

8. The dean of the college will provide faculty members and the Office of the Provost with information concerning the composition, membership, role and functions of the college-level reappointment, promotion and tenure committee.

GUIDELINES FOR ACADEMIC UNIT PEER REVIEW COMMITTEE COMPOSITION

The following advisory 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 LETTERS OF REFERENCE**

*This statement was endorsed by the University Committee on Faculty Affairs on March 14, 2006 and by University Committee on Faculty Tenure on February 8, 2006; it was issued by the Office of the Provost on May 3, 2006. Implementation is encouraged during 2006-07 and is required in 2007-08.*

External letters of reference are required for all reviews of tenure system faculty involving the granting of tenure or promotion. External letters of reference are required in order to ensure that individuals recommended have an achievement and performance level that is comparable with faculties of peer institutions. It is recognized that practices and procedures in units may vary; however, the process of soliciting external letters of reference must incorporate the following principles and procedures, which must be applied uniformly to all faculty in the unit. Any exception to these principles must be approved by the Office of the Provost prior to implementation.

External letters of reference must be submitted by regular mail on institutional letterhead and carry the evaluator’s signature. When timing is critical, a letter may be submitted electronically, but must be followed by a mailed original.

All external letters of reference solicited and received must be included in the review materials. Unsolicited letters will not be included in the review materials. If an external letter of reference is solicited and the referee fails to or declines to submit a letter of evaluation, this information shall become part of the candidate’s review materials. If a reason is provided in writing, it shall become part of the candidate’s review materials unless precluded by an agreement on confidentiality.

College/department/school procedures will specify the minimum number of external letters (with a recommended minimum of four).

The department chairperson/school director/dean of a non-departmentally organized college shall form a list of external referees. Department/school/non-departmentally organized college procedures will specify the number of evaluators to be suggested by the candidate, to which the department chairperson/school director/dean of a non-departmentally organized college (and others as provided by department/school/college procedures) will add names. In accordance with college/department/school procedures, the chairperson/director/dean will determine which of the potential external referees will be asked to provide letters of reference. College/department/school procedures will specify a proportion or number of external letters of reference to be solicited from persons suggested by the candidate.

Candidates must not discuss their case with prospective or actual external evaluators at any stage of the review process, except as provided by department/school/college procedures. Soliciting external letters of reference and providing materials to the referees is solely the responsibility of the department chairperson/school director/dean of a non-departmentally organized college.

External referees must be professionally capable to evaluate the candidate’s scholarly work objectively and to comment on its significance in the discipline. Letters must predominantly represent persons other than collaborators and in no case faculty formerly serving on the equivalent of the candidate’s guidance committee when the candidate was a graduate student.

College/department/school procedures will specify the materials sent to external referees.

1. The unit administrator’s request to an external referee must include:
   a. the unit’s statement on confidentiality, which must be consistent with the University’s statement as contained in the policy “Confidentiality of Letters of Reference for Reappointment, Promotion and Tenure Recommendations”
b. a request to disclose any potential conflicts of interest

2. For each external referee, the unit administrator shall provide:
   a. Name, rank/title, institutional affiliation.
   b. Brief summary of the referee’s qualifications or CV
   c. Name of the person who recommended the evaluator, e.g., candidate, chairperson/director/dean, or other (specified).
   d. An assessment of the evaluator’s relationship to the candidate, including potential conflicts of interest.

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

The following policy 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.

*See the statement on Promotion of Tenured Faculty.

PROMOTION OF TENURED FACULTY

This policy was issued by the Office of the Provost on December 8, 1997.

Recommendations for the promotion of tenured faculty must be in accord with the provisions of the tenure system and provide the same procedural protections that are provided to non-tenured faculty as described in the statement on "Non-Tenured Faculty in the Tenure System." Specifically, tenured faculty are entitled to confer with the unit review group that is designated to make recommendations with respect to promotion before a decision is made in their case and, upon the written request from a tenured faculty member denied promotion, shall receive in writing from the department chairperson/school director the reasons for this decision.

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

The following advisory 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.

Department and school administrators should 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:

- 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.
- To discuss professional objectives and their relationship to the individual's distribution of effort among assigned duties.
- 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 Associate Provost and Associate Vice President for Academic Human Resources and the Vice President for Research and Graduate Studies.

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 fixed-term 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 tenure recommendations. In all cases, except as designated below, responsibility and final decision for salary increases, reappointment, tenure and leave eligibility rests with the designated primary academic unit.

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, and 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...
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, 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 on-going 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.

Footnote:
1 Such 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.

LONG-TERM DISABILITY: AN INTERPRETATION OF THE TENURE RULES

The following policy was approved by the University Committee on Faculty Tenure (UCFT) on May 19, 1975 and revised by UCFT on April 9, 2003.

This Policy is applicable to all tenure system faculty. Tenure system faculty are eligible to go on long-term disability and receive long-term disability insurance benefits through the University’s long-term disability insurance program.

GOING ON LONG-TERM DISABILITY

A faculty member may apply for long-term disability benefits for physical or mental health reasons. Application instructions for long-term disability benefits are available from Human Resources. Final approval for long-term disability benefits is made by the University’s long-term disability carrier. Information related to the University’s long-term disability insurance program can be obtained by contacting the Human Resources, Benefits Office.

Prior to being eligible for long-term disability benefits, a faculty member must complete a six-month short-term disability leave of absence. University policy regarding short-term disability is located in the Faculty Handbook, Medical Leaves section.

There is no limit to the number of times a faculty member may apply for long-term disability benefits for multiple, unrelated medical conditions.

All medical information and records related to the short-term/long-term disability process are confidential to the degree permitted by law and will be retained in the files of the University Physician’s Office and/or Human Resources. Medical information and/or records relating to short-term/long-term disability shall be maintained separately from faculty personnel records. Medical information related to a faculty member’s short-term/long-term disability will be shared with relevant University administrators only on a “need to know” basis.

Pursuant to the process outlined below, a department chairperson, director of a school, or other unit administrator may recommend to the appropriate dean(s) that a faculty member be placed on long-term disability when the faculty member is no longer carrying out the responsibilities for which he/she is appointed and when the University Physician concurs that the health of the faculty member justifies placement on long-term disability. The dean may approve or reject the unit recommendation. If approved, the dean shall forward the recommendation to the Provost. The Provost may approve or reject the dean’s recommendation. If the unit administrator’s recommendation is approved, the faculty member will initially be placed on a short-term disability leave for a period of up to six months.

If the faculty member’s health problem continues to make him/her unable to carry out the responsibilities for which he/she is appointed at the expiration of the six-month short-term disability leave, the faculty member must apply for long-term disability or be placed on unpaid leave for a period of up to six months. If, at the conclusion of the unpaid leave, the faculty member continues to be unable to carry out his/her responsibilities and the faculty member has not applied for or has not been approved for long-term disability, the University disciplinary and/or dismissal procedures for tenure system faculty members may be implemented.

Prior to making a formal recommendation to place a faculty member on long-term disability, the unit administrator will discuss the matter with the faculty member and the University Physician. In accordance with the Health Assessment statement in the Faculty Handbook, the unit administrator may require a comprehensive medical assessment of the faculty member to determine if health might be a primary cause of the faculty member’s failure to carry out his/her assigned responsibilities. This assessment may be by the University Physician or a physician selected by the faculty member and acceptable to the University Physician. Based on the assessment, the University Physician will advise the unit administrator regarding his/her recommendation to place the faculty member on long-term disability.

If the unit administrator requires a medical assessment of the individual faculty member, the faculty member must be informed in writing of the reasons for requiring the assessment and the consequences for failure to cooperate with the assessment, including the possibility of disciplinary action. The faculty member must also be informed in writing that he/she may grieve the unit administrator’s decision to require a medical assessment under the Faculty Grievance Procedure.

When a unit administrator considers recommending that a faculty member be placed on long-term disability, he/she shall seek advice regarding the faculty member’s performance of responsibilities from the relevant faculty advisory group or by faculty members professionally knowledgeable about the responsibilities of the faculty member’s academic position in each of the academic units to which the faculty member is assigned.

When reviewing a unit administrator’s recommendation to place a faculty member on long-term disability, the University Physician will normally arrange for a physician to provide medical advice in the relevant specialty. After consultation with the appropriate unit administrator(s), the University Physician will provide this health care provider with information about the terms and conditions of the faculty member’s appointment, the nature of the work required of the faculty member, and the concerns raised by the unit administrator. The faculty member may also choose to have his/her personal physician contact the University Physician regarding the unit administrator’s recommendation. The University Physician will review the advice of the physician(s) and advise the appropriate University administrators regarding the advice he/she has received from the other physicians and inform the unit administrator if he/she concurs that the health of the faculty member justifies placing the faculty member on long-term disability.

If a unit administrator recommends placing a faculty member on long-term disability, the University Physician concurs with that recommendation, and that recommendation has been approved by the appropriate dean(s) and by the Provost, the faculty member must be informed in writing that he/she may utilize the Faculty Grievance Procedure to grieve the unit administrator’s decision to recommend that the faculty member be placed on long-term disability.
These procedures are in place to assure that the relevant academic administrators place a faculty member on short-term/long-term disability only for bona fide health reasons. A faculty member who believes the short-term/long-term disability process is being used to bypass the procedures governing discipline or dismissal of a tenured faculty member may utilize the Faculty Grievance Procedure, per 5(B) and 5(E) above.

If at any point in this process the faculty member elects to apply for long-term disability, the routine application procedure administered by Human Resources applies.

**REINSTATEMENT / REASSIGNMENT FROM LONG-TERM DISABILITY**

**Probationary Faculty Members:**

The University shall hold a probationary tenure system faculty member’s position “open” for the remainder of the faculty member’s current probationary appointment or a maximum period of two years, whichever is less, filling the vacant position, if necessary, with interim appointments. At any time during the current probationary appointment the faculty member may seek to be reinstated to the position vacated due to his/her long-term disability status. The University shall respond promptly to such a request. If, at the expiration of the current probationary appointment, the faculty member has not been reinstated, the faculty member’s employment will be terminated. The University’s long-term disability insurance coverage may continue to provide benefits after the termination of the faculty member’s employment. Information regarding the University’s long-term disability insurance program is available from the Human Resources, Benefits Office.

A faculty member seeking reinstatement under this provision should address the request for reinstatement to his/her unit administrator in writing. A copy of the request and medical documentation from his/her treating physician to support the request should be sent to the University Physician. Reinstatement under this provision requires approval by the University Physician, the appropriate administrative endorsements, and approval by the Provost.

A faculty member reinstated under this provision shall resume his/her duties consistent with the job expectations currently in place for probationary tenure system faculty with similar positions within that unit at the time reinstatement is granted.

**Tenured Faculty Members:**

The University shall hold a faculty member’s tenured position “open” for two years from the date he/she is placed on long-term disability by the University’s long-term disability carrier, filling the vacant position, if necessary, with interim appointments. At any time during the two-year period the faculty member may seek to be reinstated to the position vacated due to his/her long-term disability status. The University shall respond promptly to such a request. If, at the expiration of two years, the faculty member remains on long-term disability and has not been reinstated, the position need no longer be held “open” and the faculty member’s employment will be terminated. The University’s long-term disability insurance coverage may continue to provide benefits after the termination of the faculty member’s employment. Information regarding the University’s long-term disability insurance program is available from the Human Resources, Benefits Office.

A faculty member seeking reinstatement under this provision should address the request for reinstatement to his/her unit administrator in writing. A copy of the request and medical documentation from his/her treating physician to support the request should be sent to the University Physician. Reinstatement under this provision requires approval by the University Physician, the appropriate administrative endorsements, and approval by the Provost.

A faculty member reinstated under this provision shall resume his/her duties consistent with the job expectations currently in place for tenured faculty with similar positions within that unit at the time reinstatement is granted.

If, within the two-year period, the faculty member is not capable of resuming the assigned duties of the vacated tenured position, but is capable of assuming another full-time tenured position commensurate with his/her education, training, and experience, a reasonable effort shall be made during the two-year period to place him/her in such a position, if such a position is available. A faculty member seeking re-employment under this provision should address the request for re-employment to the Provost in writing. A copy of the request and medical documentation from his/her treating physician to support the request should be sent to the University Physician. Re-employment under this provision requires approval by the University Physician, the appropriate administrative endorsements, and approval by the Provost.

If, after the expiration of the two-year period, the former faculty member asks to return to service at the University, and he/she provides documentation from his/her treating physician that indicates that he/she is capable of performing the responsibilities of a full-time faculty member, the University shall give strong consideration to the re-employment of the individual when a vacancy occurs in the area of his/her professional competence; however, the individual has no prior claim to the vacancy.

An individual seeking re-employment under this provision shall address the request for employment to the Provost in writing. A copy of the request and medical documentation from his/her treating physician to support the request should be sent to the University Physician. Re-employment under this provision requires approval by the University Physician, the appropriate administrative endorsements, and approval by the Provost.

The terms of employment for an individual re-employed under this provision will be consistent with the position for which the individual applied and was re-hired. For example, the individual might be appointed as a fixed-term, probationary, or tenured faculty member, depending on the specific position for which the individual was re-hired.

If, either during or after the two-year period, the faculty member or former faculty member is not capable of performing the duties of a full-time faculty member but provides documentation from his/her treating physician that indicates he/she is capable of other employment within the University, the University shall make reasonable efforts to find a suitable alternative position for that individual at the University.

A faculty member seeking an appointment under this provision should address the request in writing to the Provost or appropriate Vice President, depending on the position sought. A copy of the request and medical documentation from his/her treating physician to support the request should be sent to the University Physician. Appointment under this provision requires approval by the University Physician, the appropriate administrative endorsements, and, as appropriate, approval by the Provost or by the relevant Vice President.

If a tenured faculty member is reinstated in a tenured faculty position within the two-year period and subsequently is unable to perform his/her responsibilities for health reasons:

Long-term disability status will be reinstated (for the same condition for which long-term disability status was originally approved) if the period for which the faculty member has returned to work is twelve months or less.

A six month short-term disability leave will be required to re-qualify for long-term disability if the period of return to work is greater than twelve months and the disability results from the same condition for which the long-term disability status was originally approved, or if the faculty member’s disability is not the same condition for which long-term disability status was originally approved.

In case of 5.A. or 5.B. above, there is no extension of the two-year period for which the tenured position is held open (for the same condition for which the long-term disability status was originally approved).
If a tenured faculty member is reinstated, re-employed, or reassigned to a tenured position, he/she shall have full rights of tenure.

General Principles:
For any reinstatement, reassignment, or re-employment, a faculty member will be expected to perform the job duties and meet the job expectations in place for faculty with similar positions within the unit without exception, unless a reasonable accommodation has been requested and granted.

When reviewing a request for reinstatement, reassignment, or re-employment, the University Physician will review the medical documentation provided from the faculty member's treating physician and will normally arrange for another physician to provide medical advice in the relevant specialty. After consultation with appropriate unit administrator(s), the University Physician will provide this health care provider with information about the terms and conditions of the faculty member’s appointment and the nature of the work required of the faculty member. The University Physician will receive the advice from the physicians and advise the appropriate University administrators regarding reinstatement/reassignment/re-employment.

When a faculty member returns from long-term disability, he/she shall perform the duties of teaching, research, and service with full guarantee of academic freedom.

The academic freedom of a faculty member is in no way compromised by his/her long-term disability status.

**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 Office of 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.

**Footnote:**
In this policy, “Provost” means “Office of the Provost” and that the Associate Provost and Associate Vice President for Academic Human Resources (or other administrator in the Provost’s Office) has been delegated responsibility for this role in order to clearly separate any future decision making required by the Provost pursuant to the Faculty Grievance Procedure with respect to implementation/enforcement of this policy.

**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 CAUSE**

The following policy was approved by the Board of Trustees on March 16, 1967 and revised on May 5, 2006.

**Preamble**

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 outside 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.
Grounds for Dismissal

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. 1, 2

If dismissal proceedings are initiated against a tenured faculty member and result in a finding of cause, dismissal or disciplinary action other than dismissal may be recommended and imposed. Disciplinary action other than dismissal may include, but is not limited to, reprimand, suspension with or without pay, reassignment of duties, reduction in appointment, denial of salary increase, mandatory counseling, and/or monitoring of behavior and performance.

I. INFORMAL RESOLUTION/PRELIMINARY CONFERENCE STAGE

Dismissal for Cause Review Officer’s Recommendation

A dean or separately reporting director (“charging party”) proposing to initiate dismissal for cause proceedings against a faculty member must file a written request with the Provost that details the reasons for considering dismissal and provides copies of all relevant documentation, including copies of any past disciplinary action or warnings to the faculty member that his/her conduct might lead to dismissal.

Upon receipt of such a request, the Provost shall notify the faculty member of the request and ask the Dismissal for Cause Review Officer (see Appendix III) to review the matter and to provide a confidential report and recommendation to the Provost 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 process is intended to provide an opportunity for informal resolution of the matter. Accordingly, meetings between the faculty member and the Review Officer and between the faculty member and the Provost during the review process will proceed without counsel present. At any stage during the review process, the faculty member may elect to forgo meeting or talking with the Review Officer or the Provost.

The Review Officer shall review the reasons for considering dismissal and the evidence in support of dismissal with the charging party. The Review Officer shall also talk with the charging party, faculty member, and the faculty member’s department chairperson/school director, prior to making a recommendation to the Provost.

In reaching his/her recommendation, the Review Officer should consider what steps have been taken to achieve informal resolution of the matter; 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 Review Officer’s report and recommendation should be forwarded to the Provost within 30 days of the Review Officer’s selection by the President, unless an extension of time is approved by the Provost.

Determination by the Provost

The Provost shall review the report and recommendation of the Review Officer and determine whether the matter is of sufficient seriousness to warrant the initiation of dismissal for cause proceedings. 4 In reaching his/her decision, the Provost may discuss the matter with the Review Officer, charging party, and/or faculty member.

The confidential report and recommendation of the Review Officer is advisory to the Provost and shall not be available to either party or become part of the record if dismissal for cause proceedings are instituted.

Conference with the Faculty Member

If the Provost determines that dismissal for cause proceedings are warranted, he/she shall notify the faculty member and the charging party (the “parties”) of that decision in writing and offer the faculty member an opportunity for a personal meeting. No formal charges shall be filed until 30 days after this notification. The matter may be resolved informally during this time, including by the faculty member’s resignation. If the faculty member is not available for a personal meeting during the 30-day period, the Provost may communicate with the faculty member by telephone and/or by correspondence that provides the faculty member with a reasonable opportunity to confer informally with the Provost.

II. MAILING OF NOTICES UNDER THIS POLICY

Whenever possible, the faculty member shall be sent the notices required by this Policy by certified mail to his/her address of record filed with the University. However, if delivery by certified mail is not possible or if the faculty member refuses or waives delivery of certified mail, mailing notices to the faculty member at his/her address of record by first class mail will be considered sufficient. An email will also be sent to the faculty member’s University email address notifying him/her of the fact that a notice required by this Policy has been sent by one of the methods described above.

III. INITIATION OF FORMAL PROCEEDINGS
As soon as practicable following the filing of formal charges, the Presiding Officer shall provide written notice of that determination to the President, along with a recommendation as to whether the faculty member should be relieved from some or all of his/her duties during the pendancy of the dismissal for cause proceedings. The parties should receive a copy of this notice. If the President decides to relieve the faculty member from all of his/her duties, the faculty member shall be placed on a leave of absence with pay during the pendency of the dismissal for cause proceedings.

Following written notification by the Provost to the President, the charging party may initiate dismissal for cause proceedings against a faculty member by filing written charges with the President and Chairperson of the University Committee on Faculty Tenure (“UCFT”). The charges must contain: (1) the allegations; (2) the names of the witnesses, insofar as then known, who will testify in support of the allegations; and (3) the nature of the testimony likely to be presented by each of these witnesses.

The Chairperson of the UCFT shall promptly send a copy of the written charges to the faculty member.

### IV. MEETINGS BETWEEN THE PRESIDING OFFICER AND THE PARTIES

As soon as practicable following the filing of formal charges, the Presiding Officer shall meet with the parties. The purposes of such meetings include:

- **A.** The empaneling of a Hearing Committee (see 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 Presiding Officer.
- **D.** Rulings by the Presiding Officer on any proposed revisions to the charges that might be offered or requested.

The Presiding Officer may ask legal counsel to attend these meetings. The Presiding Officer shall arrange that minutes of these meetings are made and included in the complete case record.

### V. THE HEARING

- **A.** Service on the Hearing Committee shall be a high priority University responsibility for the duration of the hearing. Accordingly, administrators of units shall take all reasonable measures to reduce the Hearing Committee members' other responsibilities. Unit administrators are encouraged to provide additional support (such as graders and graduate assistants) to Hearing Committee members for the duration of their service.
- **B.** The Secretary for Academic Governance shall make available to the Chairperson of the Hearing Committee any necessary secretarial and clerical assistance.
- **C.** Legal counsel to the Hearing Committee shall arrange for a full stenographic record to be made of the hearing. If any party requests additional copies of the record or an expedited copy of the record, the additional costs of that request shall be paid by the requesting party.
- **D.** The Chairperson of the Hearing Committee shall request the presence of any witness or the delivery of any University document germane to the hearing. University administrators are expected to cooperate with such requests.
- **E.** The Chairperson of the Hearing Committee shall schedule the hearing within a reasonable time after the faculty member is provided notice of the charges against him/her, due consideration being given to the faculty member’s opportunity for the preparation of a defense.
- **F.** The hearing shall be closed, except that the Hearing Committee may consider a request from the faculty member to open the hearing. If such a request is made, the Hearing Committee shall hear the views of both parties on the question and shall determine whether the hearing sessions are to be open or closed. Regardless of the faculty member’s request, the Chairperson of the Hearing Committee may, in the interest of orderly and equitable proceedings, rule that a given session or portion of a session be closed. Sessions or portions of sessions that will involve student testimony or testimony that includes personally identifiable student information must be closed. Sessions that will involve non-student witness testimony may also be closed at the discretion of the Chairperson of the Hearing Committee.
- **G.** The Chairperson of the Hearing Committee shall conduct the hearing in accordance with the procedures stipulated in Appendix II.
- **H.** The charging party or his/her representative shall be present at all sessions of the Hearing Committee at 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 charging party’s advisor or legal counsel (if any) may also be present at the request of the charging party.
- **I.** The faculty member and/or his/her representative may be present at all sessions of the Hearing Committee at 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 faculty member’s advisor or legal counsel (if any) may also be present at the request of the faculty member. If the faculty member cannot be present at a hearing session due to circumstances beyond the faculty member’s control, the Chairperson may either reschedule the hearing session or choose to conduct the hearing session in the absence of the faculty member. If the faculty member chooses not to be present, the Chairperson shall conduct the hearing sessions in the absence of the faculty member.
- **J.** The Provost (or his/her designee) shall be available to the Hearing Committee to provide guidance on policy or procedural questions. In the event that a policy or procedural question is at issue in the dismissal for cause proceedings, the Provost may choose to file a position statement with the Hearing Committee regarding the policy or procedural issue. In those cases, the Provost (or his/her designee) will not serve in an advisory capacity to the Hearing Committee regarding policy or procedural questions.
- **K.** The burden of proof shall rest with the charging party. (See Section VI.A.2 of this Policy.)
- **L.** Except as provided below, only those members of the Hearing Committee 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 regarding policy or procedural questions.

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Committee for a member who has missed, for good cause, no more than one session and who has informed the Chairperson in writing that he/she has read the official transcript of that session. This attendance requirement may also be waived by unanimous consent of the parties.

M. Within a reasonable time following final arguments, the members of the Hearing Committee will vote to determine whether cause has been established. If they determine that cause has been established, they shall recommend either dismissal or other disciplinary action(s). If a majority of the Hearing Committee determines that cause has not been established, the matter is closed.7

VI. PROCESSING THE RECORD AND RENDERING JUDGMENT

A. Hearing Committee Report.

Within 30 days following the final arguments, the Hearing Committee shall submit its written report to the parties. If additional time is needed, the Chairperson of the Hearing Committee shall request an extension of time from the Chairperson of the UCFT.

The Hearing Committee report must include an explanation of its determination as to whether cause has been established. If the Hearing Committee determines that cause has been established, the report must also include an explanation of its recommendation for either dismissal or some other disciplinary action(s). A report which recommends dismissal for cause must state that at least one of the charges made against the faculty member has been proven by clear and convincing evidence. A report which recommends discipline other than dismissal must state that at least one of the charges made against the faculty member has been proven by a preponderance of the evidence.8

Subject to subsection 4 below, all members of the Hearing Committee shall sign the report attesting that they have read it and that it constitutes the findings and recommendations of a majority of the Hearing Committee.

Any member(s) of the Hearing Committee may file and sign a minority report, which shall become part of the Hearing Committee report.

B. Appeals.

Grounds for appeal are limited to whether the Hearing Committee committed a prejudicial violation of the required procedures (see Appendix II) during the hearing process.

Either party may appeal the decision of the Hearing Committee to the then-current members of the UCFT, excluding the Presiding Officer and any members of the UCFT who served on the Hearing Committee. The remaining UCFT members shall constitute an appellate body (“the Appeal Panel”) and shall select a chairperson by majority vote.

A party wishing to appeal (“appellant”) must submit a written appeal to the Chairperson of UCFT within 15 days after the date that the Hearing Committee report was mailed. The Chairperson of UCFT will transmit the appeal and a copy of the Hearing Committee report to the Appeal Panel and the appellee.9

The appeal must be in writing and must specify the claimed procedural violation(s) on which the appeal is based.

The appellee may submit a written response to the appeal. The response must be sent to the Chairperson of the UCFT and the party who initiated the appeal no later than 15 days after the date the appeal was mailed to the appellee.

The Appeal Panel will convene to decide the appeal. The Appeal Panel will usually decide the appeal based on the written materials presented and in the absence of the parties. If necessary, the Appeal Panel may request that both parties present oral argument and/or respond to questions regarding the appeal. The Appeal Panel may impose reasonable limits on the time allotted for oral arguments.

The Appeal Panel shall render a decision on the appeal within ten days of receiving all arguments. A decision will be made by a simple majority vote. In rendering a decision, the Appeal Panel may not amend the findings or the recommendations of the Hearing Committee. The Appeal Panel may reach one of the following determinations:

- No violation found. The Hearing Committee did not commit a prejudicial violation of the required procedures during the hearing process.
- Harmless Error. Although a violation of the procedures occurred, it did not materially harm the appellant’s ability to present his/her case fully.
- Rehearing. The Hearing Committee committed a prejudicial violation of the procedures during the hearing process which can and should be corrected by the original Hearing Committee.
- Rehearing/New Hearing Committee. The Hearing Committee committed a prejudicial violation of the procedures during the hearing process which has tainted the hearing to an extent that correction by the original Hearing Committee is impossible. A new Hearing Committee must be established to rehear the case.

C. Final Hearing Committee Report.

After appeals and rehearings, if any, are concluded, the Hearing Committee's report shall be considered final and shall be sent to the President, the Provost, and the parties.

A copy of the complete transcript of the hearing shall be sent to the faculty member.

The Chairperson of the Hearing Committee shall file the complete record of the case with the Office of the Provost. The complete record shall contain: (i) the final Hearing Committee report, (ii) any Appeal Panel decision, (iii) meeting minutes (see Section IV above), (iv) the record required by part 11 of Appendix I, and (v) the transcript of the hearing. The complete record shall be held for review in the Provost's Office and shall be available to the President, the Provost, the Board of Trustees, and the parties, for their review, in a place designated by the Provost.

If the Hearing Committee finds cause, the Provost and the parties may, within 15 days of the date of the mailing of the Hearing Committee’s report, review the record and file written comments with the Chairperson of the Hearing Committee and the President.10

D. The President, within a reasonable time, will review the Hearing Committee’s report and provide his/her preliminary response in writing, accompanied by supporting rationale, to the Chairperson of the Hearing Committee, the Provost, and the parties.

E. The Provost, the parties, and the Hearing Committee, through its Chairperson, may, within 15 days of the date that the President's preliminary response was mailed, submit written comments to the President about his/her preliminary response.

F. Following the 15 day period for submitting written responses, the President will issue a final report on the charges against the faculty member. Copies of the President’s final report will be provided to the Chairperson of the Hearing Committee, the Provost, and the parties.
If the Hearing Committee and the President both determine that there is cause for disciplinary action but not dismissal, the President’s final report will conclude the matter and the disciplinary action recommended by the President will be imposed.12

G. If either the Hearing Committee (by majority vote) or the President recommends dismissal, the President shall submit the following materials to the Board of Trustees: the final Hearing Committee report (along with any written comments), the preliminary response of the President, and the final report of the President. Any Trustee may have access to the complete record of the case.

H. The Office of the Provost shall provide notice to the parties of the date and time that the Board of Trustees is expected to take action on the matter.

I. After reviewing the relevant materials, the Board of Trustees may: (1) dismiss the faculty member for cause, (2) impose discipline other than dismissal, or (3) determine that cause has not been established and close the matter.

VII. CONFIDENTIALITY

All proceedings and records of dismissal for cause proceedings shall be kept confidential to the degree permitted by the law. The Board of Trustees will decide on a case by case basis whether action taken by the Board pursuant to this Policy will identify the affected faculty member by name.

Footnote

1This Policy 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 Policy and Procedure for Rescission and the Policy and Procedure for Implementing Disciplinary Action where Dismissal is not Sought, respectively, shall be followed.

2This Dismissal of Tenured Faculty for Cause Policy (the “Policy”) also applies to the dismissal of non-tenured faculty appointed in the tenure system prior to the expiration of the term of appointment.

3Unless otherwise noted, references to “days” in this Policy refer to calendar days.

4The decision of the Provost as to whether the matter is serious enough to warrant initiation of dismissal for cause proceedings is not a determination regarding the merits of the charges against the faculty member and shall not be viewed as the Provost’s agreement or disagreement with the charges against the faculty member.

5The Provost shall not comment on any information contained in the confidential report of the Review Officer at any stage of the dismissal for cause proceedings unless that information is also contained in the record of those proceedings.

6The Chairperson of the UCFT shall serve as the Presiding Officer for the selection of the Hearing Committee. In the event that one of the parties is from the same college as the Chairperson of the UCFT, the Associate Chairperson of the UCFT shall preside. If the Associate Chair is unable to serve, the most recent past UCFT Chairperson who is available shall preside. The Presiding Officer is not eligible to serve on the Hearing Committee or any Appeal Panel.

7If membership on the Hearing Committee has been reduced to four members (see Appendix I, part 11) and there is a “tie” vote on the issue of whether cause has been established, the Hearing Committee shall issue a split report as its decision to the parties and the matter will proceed.

8“Clear and convincing” means the standard of proof that is beyond a mere preponderance but below that of “beyond a reasonable doubt.” The “clear and convincing” standard would be met where the members of the Hearing Committee have a firm belief that the facts in issue have been established.

9“Preponderance of the evidence” means that the existence of the fact in issue is more probable than not. The “preponderance of the evidence” standard would be met where the members of the Hearing Committee find that the evidence supporting one of the charges is more convincing than the opposing evidence.

10The “appellee” is the party who did not file the appeal.

11When provided an opportunity to comment, the Provost and parties are expected to confine their comments to the record and not introduce new information. However, the Provost may comment on procedural or policy issues at any time.

12Disciplinary action implemented under this Policy may not be challenged through the Faculty Grievance Procedure.

Appendix I: Procedure for Empanelling a Hearing Committee

Except as noted in part 8, below, the Hearing Committee shall consist of five tenured faculty members who are serving as UCFT members on the date of the filing of charges under Section II of the Policy. One alternate will also be selected for potential membership on the Hearing Committee. The expiration of a member’s term on the UCFT shall not affect continued service on a Hearing Committee.

In the presence of at least one other member of the UCFT, the Presiding Officer shall conduct a random drawing of the names of all tenured members of the UCFT, 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 Presiding Officer shall circulate the ordered roster promptly to the parties and to the members of UCFT. The Presiding Officer shall notify the parties of the date of the meeting at which the roster is drawn and the parties and/or their counsel may, if they choose, attend this meeting.

No sooner than two weeks after the circulation of the ordered roster, the UCFT shall meet in the presence of the parties to select the Hearing Committee. All eligible members on the roster are expected to attend. The Presiding Officer shall convene and preside over this meeting. If either party does not attend this meeting, the Presiding Officer may choose to conduct the meeting in the party’s absence.

No later than five days before the selection meeting, any potential Hearing Committee member or potential alternate may make a written request to the Presiding Officer that he/she be excused for an appropriate reason. Requests to be excused shall be the first order of business during the Hearing Committee selection meeting. The Presiding Officer shall, if necessary, question members seeking to be excused and then decide whether to excuse any of them.

The Presiding Officer shall question each potential Hearing Committee member/alternate about his/her personal or professional relationships, if any, with either party, and ask whether there is any reason he/she would be unable to hear the case and render a fair and impartial judgment. The parties may submit additional questions to the Chairperson. The Chairperson may disallow any questions on grounds of lack of relevance.

Each party shall have an unlimited number of challenges for cause and one peremptory challenge. The Presiding Officer shall preside over the challenge process. If a party challenges a potential member/alternate of the Hearing Committee for cause, the party shall state the grounds for the challenge. The standard the Presiding Officer shall follow 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 challenged person would be able to fairly and impartially hear the case and render a fair and impartial judgment. The Presiding Officer shall rule on any challenge for cause.
If a potential member/alternate is removed from the Hearing Committee roster, the next name on the ordered roster will be advanced to keep the potential membership of the Hearing Committee at six (five members, one alternate). All such replacements are subject to the selection procedures described above.

Should the roster of candidates for membership on the Hearing Committee be reduced to less than six, the roster of candidates shall be replenished by randomly selecting available former tenured members of the UCFT in order of most recent service on the UCFT. (All available former tenured members who served during the previous academic year will provide the first supplement, then those who served two academic years ago, and so on.) Should replenishment of the roster be necessary, the Presiding Officer shall identify supplementary candidates in a number sufficient, in the judgment of the Presiding Officer, to fill the Hearing Committee and provide one alternate. Ordering and selection of Hearing Committee members from the supplementary panel shall proceed in the manner described above.

The Hearing Committee shall be composed of the first five present or former UCFT members remaining on the ordered rosters after the completion of the process described above. The next remaining member on the ordered roster will be designated as an alternate.

If, prior to the hearing of evidence, any Hearing Committee member is unable to continue service on the Committee, the UCFT shall appoint the alternate as the replacement member. If, due to attrition, the Hearing Committee membership is reduced to four after hearing evidence has begun, the hearing process shall continue.

The Presiding Officer shall arrange that a record of the Hearing Committee selection process be made and become part of the official case record. Upon request, a copy will be provided to the parties.

After the selection of the Hearing Committee, the Hearing Committee shall elect its Chairperson from its membership by majority vote. The Hearing Committee Chairperson shall be in charge of the hearing process from this point until the Hearing Committee has submitted its report and recommendations.

The University shall provide legal counsel for the Presiding Officer and for the Hearing Committee.

**Appendix II: Procedure for the Hearing**

The Chairperson of the Hearing Committee shall be in charge of the hearing.

Legal counsel for the Hearing Committee may be present at all hearings and deliberations.

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 Hearing Committee members, on University holidays. Reasonable efforts shall be made to accommodate the scheduling requests of the parties and Hearing Committee members.

All discussions and votes by the Hearing Committee shall be in executive session. Minutes will not be taken of such sessions and any notes taken during such sessions will not become part of the record of the case.

The hearing shall be conducted in an informal manner to the greatest extent possible. Formal rules of evidence do not apply.

The Chairperson of the Hearing Committee may, in his/her discretion, exclude evidence, including witness testimony, if the Chairperson determines that such evidence is not relevant to the charges at issue.

The Chairperson of the Hearing Committee shall read the charges against the faculty member.

The Chairperson of the Hearing Committee shall request an initial statement summarizing the faculty member's responses, which may be presented by the faculty member or his/her advisor or legal counsel.

The charging party (or his/her representative, advisor, or legal counsel) shall present documents/testimony to support the charges. The faculty member and his/her advisor or legal counsel have the right to cross-examine all witnesses. The Hearing Committee will normally withhold questions until the cross-examination of the witness has been completed.

The faculty member (or his/her representative, advisor, or legal counsel) shall present documents/testimony to refute the charges. The charging party and his/her legal counsel have the right to cross-examine witnesses. The Hearing Committee will normally withhold questions until the cross-examination of the witness has been completed.

After the faculty member's witnesses have completed their testimony, including any cross-examination, the charging party may present rebuttal evidence. Rebuttal evidence shall be limited to new matters introduced in the faculty member's case. Surrerubtal evidence (limited to evidence rebutting the charging party's rebuttal evidence) shall also be allowed.

The charging party (or his/her representative, advisor, or legal counsel) shall present his/her closing argument.

The faculty member (or his/her representative, advisor, or legal counsel) shall present his/her closing argument.

The Hearing Committee shall deliberate to prepare its report and recommendations.

**Appendix III: Procedures for Selecting Dismissal for Cause Review Officer**

A panel of ten tenured faculty members shall be established from which one shall be selected by the President of the University to advise the Provost when a dean or separately reporting director proposes to initiate dismissal for cause proceedings against a faculty member under Section I of the Policy. The reviewer, called the Dismissal for Cause Review Officer, or the Review Officer, may not be from the same college as the faculty member against whom charges may be filed or the dean/separately reporting director filing the charges.

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. It is preferable for panel members to be tenured faculty selected who have (a) experience in chairing grievance panels, standing or ad hoc committees, (b) training or experience in grievances, arbitration, and/or mediation, or (c) legal training.

Panel members shall serve at the pleasure of the President, with vacancies filled in accordance with the procedure stated above.

**INTERPRETATION OF THE TERM "INCOMPETENCE"**

**BY THE UNIVERSITY COMMITTEE ON FACULTY TENURE**
Incompetence is one of several possible causes for the discipline or dismissal of tenure system faculty members. Exercising its authority under sections 4.7.4 and 4.7.5 of the Bylaws for Academic Governance, the UCFT issued this statement on March 24, 1999 as an interpretation of the term "incompetence" in the Dismissal of Tenured Faculty for Cause policy, one of the "rules of tenure" at Michigan State University.

**Interpretation**

As used in the University policy on Dismissal of Tenured Faculty for Cause, the term "incompetence" refers to faculty performance of assigned duties and responsibilities. Faculty members may be found to be incompetent if:

- their performance is judged to be substantially below their relevant unit's(s') standards and criteria for acceptable faculty performance;
- they have been offered a meaningful development opportunity, the goal of which is to improve their performance to meet their relevant unit's(s') standards and criteria for acceptable faculty performance; and
- they have not improved their performance to meet the relevant unit's(s') standards and criteria as a result of development activities within a reasonable time period.

**Expectations for Implementation**

In issuing this interpretation, the University Committee on Faculty Tenure expects the following will apply:

Dismissal of faculty members for incompetence is an extreme remedy, and other avenues, including the disciplinary procedures described in the Policy and Procedure for Implementing Disciplinary Action Where Dismissal Is Not Sought, should be carefully considered as possible alternatives to correct unacceptable performance.

Colleagues in departments and schools play a primary role in determining if individuals are competent to serve as faculty members at Michigan State University. The search, appointment and tenure processes provide the mechanisms that units use to judge whether an individual is suitable for appointment to the faculty. Similarly, units (and especially the department chair) have primary responsibility to identify those rare cases where faculty members belonging to their unit are no longer competent to perform their duties at an acceptable level. The annual review of faculty performance plays a central role in evaluating faculty performance and communicating with faculty about the strengths and weaknesses of their performance. The University community expects that each department, college, and school has in place a process of annual faculty review consistent with the statement on Faculty Review issued on February 11, 1997.

Performance reviews in different units use different terms to describe levels of performance. Whatever the specific label, unacceptable performance is performance of duties at such an unsatisfactory level that it cannot be allowed to continue. Because of the serious consequences of this evaluation, it is recommended that faculty colleagues in the department or school (or, if necessary, from outside the university) review a unit administrator's determination that an individual's performance is unacceptable.

Faculty members whose performance is found to be unacceptable must reasonably expect to know in writing:

- which standards and criteria they must meet to reach acceptable levels of performance in the relevant unit(s);
- within what time period their performance must be remediated; and
- the developmental opportunities in which they should engage to remediate their performance.

The University Committee on Faculty Tenure's statement entitled "Long-Term Disability: An Interpretation of the Tenure Rules" will continue to govern situations involving a tenured faculty member's physical or mental incapacity to carry out the responsibilities for which he or she was appointed.

A faculty member's choice of topic or subject for scholarly research or creative endeavors is an exercise of her or his academic freedom rights. Particularly in evaluating unpopular, unfashionable, or unusual research or creative scholarly activities, care must be used to ensure that faculty members' academic freedom rights are respected. In such cases, external peer review should be obtained.

**Footnote**

1 Policy and Procedure for Implementing Disciplinary Action Where Dismissal Is Not Sought and Dismissal of Tenured Faculty for Cause.

**LIBRARIAN CONTINUOUS APPOINTMENT SYSTEM**

*The following policy was approved by the Board of Trustees on June 25, 1977 and revised on June 12, 1987 and September 3, 2003.*

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.

Probationary appointment periods are calculated from August 16 of the calendar year in which the appointment is effective.

An individual appointed as Librarian I or Librarian II is appointed for a probationary period that expires on the fourth August 15 after the appointment year. This appointment may be followed by an additional three-year period. After these periods, continuous appointment will be granted if the librarian is reappointed.

If at any time during the initial probationary period the individual is approved for promotion, the changed appointment will be for a period that expires on the fourth August 15 following the date of the change. If reappointed upon the conclusion of this 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 August 15 after the appointment year. If the librarian is reappointed, 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 that expires on the fourth August 15 after the appointment year. 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 fixed-term, 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 fixed-term 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.

See the Academic Specialist Handbook for additional information.

ADMINISTRATIVE REVIEW
This policy was issued by the Office of the Provost on April 24, 1991 and revised on October 19, 2001.

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 supersed 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 Associate Provost and Associate 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 (Associate Provost and Associate 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.

Time Limits: Responses by the relevant administrator to the original request or for an appeal should be provided within thirty (30) calendar days, excluding the period May 16 through August 15 if the requirement for usual peer review advisory procedures cannot be met. The administrator may extend the response deadline up to an additional thirty (30) calendar days at her/his discretion. The administrator will notify the faculty/academic staff member whenever this right to extend the response deadline is invoked, with a copy to the dean and/or the Associate Provost/Associate Vice President for Academic Human Resources. Responses by chairpersons, directors and deans must be appealed by the faculty/academic staff member within thirty (30) calendar days following receipt of response(s). Failure to appeal means that the matter is concluded on the basis of the last response under the Administration Review 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 28, 2002.

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 Faculty Grievance Procedure (FGP) shall not preempt or replace the functioning of the Anti-Discrimination Judicial Board (ADJB) with this exception: a grievant facing disciplinary action short of dismissal, where the grievant asserts that the Anti-Discrimination Policy has been violated, may invoke only the FGP. In such a case, a faculty member from the ADJB shall serve on the initial hearing panel.

1.2.1. The FGP shall not preempt or replace the functioning of the University Committee on Faculty Tenure (UCFT) other than 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.

1.5. The President, the General Counsel, and members of his/her staff, and the FGO cannot be named as respondents to a grievance under the FGP.

1.6. Actions of the University Committee on Research in Human Subjects (UCRIRHIS) and its Chairperson, and those of other Institutional Review Boards (IRBs) and their Chairpersons, cannot be grieved under the FGP. However, disciplinary action imposed by an administrator on the basis of UCRIRHIS or another IRB action is grievable under the FGP.

1.7. Decisions and actions taken under the Procedures Concerning Allegations of Misconduct in Research and Creative Activities cannot be grieved under the FGP. Only disciplinary action imposed by any administrator on the basis of a decision under the Misconduct Procedures is grievable under the FGP.

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)

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.

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.

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.

3.1.5.7. Whether any other jurisdictional or procedural issue(s) need to be decided as part of the initiation of a grievance, and if so, an explanation regarding the matter(s) so decided.

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.

3.1.9 A grievant may amend a grievance until five (5) days before a scheduled formal hearing, so long as the proposed amendment concerns the same subject matter as the grievance and is shown to be based on information that became known to the grievant within 30 days before the submission of the proposed amendment. The acceptability of the proposed amendment, including any procedural and/or jurisdictional issues generated by the proposed amendment shall be decided by the hearing panel at the beginning of the hearing.

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, the 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 tenure 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 peremptory 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.

**Footnotes**

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

2. For 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.

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:

5.2.3.1. three faculty members selected by the UCFT from its membership
5.2.3.2. 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 FGO

a. 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.

b. 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.

c. The office of the FGO shall be independent of the administrative structures of the University.

d. 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.

e. 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

a. The UCFA shall annually evaluate the FGO pursuant to criteria established by the UCFA in consultation with the Provost and the President.
b. 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.

c. 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.

d. 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.

III. Reappointment of the FGO

a. 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.

b. 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.

c. 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.

Footnote:

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

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:

• Carry on the instruction, research, extension and administrative duties of the faculty/academic staff member,
• Fulfill obligations to graduate students whose programs or theses are being directed by the faculty member and
• 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.
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 two years.

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 advisory 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.

This policy 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.
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) specific 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 Associate Provost and Associate Vice President for Academic Human Resources after review and concurrence by the chairperson(s) and dean(s)/separately reporting director(s).

**Footnote**

Eligibility 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 Associate Provost and Associate 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.

**MEDICAL**

### Short-Term Disability

This policy was issued by the Office of the Provost in 1978 and revised in 2000.

Faculty and academic staff members who are appointed on a full time basis are eligible for up to six months of paid leave if health problems prevent the individual from working. (Normally, short term disability leave related to pregnancy, childbirth and/or recovery is for six weeks, but may be longer with proper medical certification). 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. The leave of absence form must be accompanied by medical certification specifying the dates of the period of disability.

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.)

**Footnote:**

1. Short-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. In such cases of short term disability leave, additional leave under the Parental Leave policy for faculty and academic staff may be provided. Note that the combination of Short Term Disability and Parental leave replaces the 12 weeks normally provided by the Maternity Leave policy, which has been discontinued.

**PARENTAL LEAVE FOR FACULTY AND ACADEMIC STAFF**

This policy was issued by the Office of the Provost on December 27, 2000.

Faculty and academic staff who are appointed on at least a 50 percent basis for nine months or more are eligible for parental leave in accordance with this policy. This policy is to be read in coordination with the Short-Term Disability policy and the Family Medical Leave Policy for faculty and academic staff.
Faculty and academic staff are eligible to receive up to six (6) weeks of paid parental leave in connection with the birth of a child. Faculty and academic staff who adopt a child younger than age six and/or not attending school full-time are eligible to receive up to six (6) weeks of paid parental leave. Additional unpaid leave may be available for the birth of a child or the placement of a child for adoption or foster care in accordance with the Family Medical Leave Policy and/or the policy regarding Leaves of Absence Without Pay for faculty and academic staff.

In situations where the University employs both parents of a newborn/adopted child as faculty/academic staff, a combined maximum of six (6) weeks of paid parental leave is available under this policy. Both parents are expected to coordinate leave arrangements between their respective units so that the maximum parental leave period is not exceeded. Depending on the circumstances, additional unpaid leave may be available pursuant to the Family Medical Leave Policy or with the approval of the academic unit administrator.

Requests for parental leave must be accompanied by evidence of adoption or by a health care provider’s medical certification that provides the projected delivery date. Faculty and academic staff are expected to make leave arrangements with the academic unit administrator as far in advance as possible. The timing of parental leave can be arranged to provide some variation in scheduling the leave of absence period before and/or after the projected delivery/adoption date in recognition of constraints associated with academic responsibilities. Faculty and academic staff are encouraged to schedule leave periods with input from the academic unit administrator regarding the needs of the individual unit.

Leave for purposes relating to ongoing child care is not to be confused with parental leave or medical leave of absence relating to pregnancy and child birth. Faculty and academic staff may arrange to use available vacation time or leave without pay for child care purposes with the approval of the academic unit administrator.

**Footnote**

*In cases where a faculty/academic staff member provides medical certification that she is unable to work due to a disability related to pregnancy, childbirth and/or recovery, such absences will be covered by the Short Term Disability Policy for faculty and academic staff. Normally, short term disability leave related to pregnancy, childbirth and/or recovery is for 6 weeks but may be longer with proper medical certification. Note that the combination of Short Term Disability and Parental leave replaces the 12 weeks normally provided by the Maternity Leave policy, which has been discontinued.*

**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) for the following reasons: incapacity due to pregnancy, prenatal medical care or child birth; to care for the employee’s child after birth, or placement for adoption or foster care; to care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or for a serious health condition that makes the employee unable to perform the employee’s job.

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a 12-month period beginning on the first day of leave. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

The Act provides that an employee may use his/her leave entitlement intermittently or on a reduced leave schedule when medically necessary. Leave due to qualifying exigencies may also be taken on an intermittent basis.

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.

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 fixed-term 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 pregnancy, childbirth and/or recovery 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. Vacation leave for such purposes is counted toward the twelve weeks of leave permitted under the FMLA.

FMLA leave shall be concurrent with parental 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 leave provided under the short-term disability and parental leave policies.

FMLA leave will not be provided beyond the end date of a fixed-term 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 Human Resources (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 up to 15 calendar days when ordered to active duty for training, and for up to ten additional calendar days per fiscal year when ordered to active duty for the purpose of handling civil disorders.

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

This policy was issued by the Office of the Provost in 1970.

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.

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 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 Human Resources 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 Human Resources, 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 Human Resources, 5-1526; contact the Benefits office, 3-4434, regarding eligibility for benefit coverage.

CREDIT FOR PAST SERVICE

This policy was issued by the Office of the Provost on March 16, 1987.

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 at half-time or more 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 Human Resources, 120 Nisbet, 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 Human Resources, 355-1526.

RETIREMENT

The following policy was approved 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 at [HRsite/forms/FacultyForms/forms.htm#retr].
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.

Footnote:
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.

WORKING RETIREMENT OPTIONS

The following advisory 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.

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 post-retirement 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 Associate Provost and Associate 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 Associate Provost and Associate 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 140 Nisbet Building, telephone number 353-4434.

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.

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.

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.

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.

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.

Footnote

1In this policy, “Provost” means “Office of the Provost” and that the Associate Provost and Associate Vice President for Academic Human Resources (or other administrator in the Provost’s Office) has been delegated responsibility for this role in order to clearly separate any future decision making required by the Provost pursuant to the Faculty Grievance Procedure with respect to implementation/enforcement of this policy.

COURSE FEE COURTESY POLICY

The following policy was approved by the Board of Trustees on July 23, 1982, and amended on June 28, 2002.

1. Dependent children, spouses, and MSU-recognized same-sex domestic partners 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 Health Programs faculty members upon the commencement of the first additional appointment, full-time fixed term faculty and academic staff with at least 60 Full-Time-Equivalent (FTE) service months, 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. Domestic partner shall be defined as the MSU-recognized same-sex domestic partner.

6. 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.

7. The course fee courtesy will be granted through the semester in which the 120th credit is attempted provided the dependent child or spouse/same-sex domestic partner 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 equals 120.

8. Except as stipulated below, the Course Fee Courtesy for dependent children and spouses/same-sex domestic partners 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/same-sex domestic partner 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/same-sex domestic partner 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.

9. If the dependent child or spouse/same-sex domestic partner drops courses or withdraws from school during the refund period, any refund applicable to the course fee courtesy will revert to the University.

10. Dependent children and spouses/same-sex domestic partners of eligible faculty and staff on approved leave of absence will be eligible for the course fee courtesy.

FACULTY AWARDS

Distinguished Faculty Awards

Distinguished Faculty Awards are made each year to members of the regular faculty, i.e. tenure system faculty and librarians in the continuing appointment system, for outstanding total service to the University. MSU College of Law tenure system faculty and Health Programs (HP) faculty are also eligible for nomination. 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. In addition to the collegiate nominations, a current Michigan State University faculty member who received the Distinguished Faculty Award in 1988, or later, may make one nomination annually directly to the Awards Committee. The departments, schools and colleges in which such nominees are appointed have the opportunity to make comments – in addition to the regular supporting materials – on such candidates, if they choose. After nomination for the award by the nominating units, or previous Distinguished Faculty Award recipient, screening will be carried out at the direction of the Awards Committee, through subcommittees or other means which they judge appropriate. The All-University Awards Committee will consider the mix of candidates' assigned duties over time in making its evaluation. No more than ten Distinguished Faculty Awards shall be made each year.

Footnote

4 Detailed nomination information is available from the Office of the Provost or on the web at http://www.msu.edu/unit/provost/awards.html.

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 normally made by department chairpersons/school directors after consultation with an appropriate committee of 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 the number of nominations to the Office of the Provost as shown in the table below.

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. In addition, nominees must not have more than ten years of employment experience of all kinds since receipt of the terminal degree applicable to their discipline. Years spent in “postdoc” appointments will not be counted in determining eligibility. 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. (MSU College of Law and Health Programs [HP] faculty are also eligible for nomination).

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<thead>
<tr>
<th>Number of Eligible Tenure System Assistant/Associate Professors in College</th>
<th>Maximum Number of Teacher-Scholar Nominations forwarded by the College</th>
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<tr>
<td>Less than 40</td>
<td>2</td>
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<td>40-45</td>
<td>3</td>
</tr>
<tr>
<td>More than 45</td>
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Additional information can be found on the web at http://www.msu.edu/unit/provost/awards.html.

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 the number of nominations as indicated in the table below.

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.

<table>
<thead>
<tr>
<th>Number of Teaching Assistants in College</th>
<th>Maximum Number of Excellence-in-Teaching Nominations forwarded by the College</th>
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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. 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 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.

Footnote
It 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.

Additional information can be found on the web at [http://www.msu.edu/unit/provost/awards.html](http://www.msu.edu/unit/provost/awards.html)

**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.

#### 1.4.1. Administrators who report to the President

- Provost
- Vice President for Research and Graduate Studies
- Vice President for Student Affairs and Services

#### 1.4.2. Administrators who report to the Provost

- Dean, International Studies and Programs
- Provost for University Outreach
- Director, Libraries
- Director, Honors College
- Associate 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 academic hiring 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:

1. **Academic Year (AY) or Annual Year (AN) appointment basis as a faculty member as distinct from appointment basis as an administrator.**

2. **Salary rate as a faculty member as distinct from salary rate as an administrator (including administrative increment, when applicable).**

3. **Primary academic unit (department(s), school(s), and/or residential or nondepartmentally 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.**

4. **Duties to be performed as a faculty member while on assignment as an administrator.**

5. **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 nondepartmentally 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. 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 11/12 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 AN 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.

Footnote

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.

ANNUAL EVALUATION OF CHAIRPERSONS/DIRECTORS

This policy 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 May 5, 2006.

1. Policy Overview

Full time faculty members are compensated for full time professional effort for the University. Faculty may have duties in instruction, research, or outreach, or in a combination of these areas. Regardless of the character of the faculty member’s duties, 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 University. Within this framework, the University recognizes that, through consulting and other relationships...
with government, industry, not-for-profit organizations, and others outside the University, its faculty members can make valuable contributions off campus while enhancing their expertise in their discipline.

This Policy is intended to protect the integrity of the faculty-University professional relationship, to ensure that approved outside work for pay is consistent with the University’s mission, and to provide that faculty members remain accessible to students, colleagues, and the public.

II. Applicability

This Policy applies to all faculty members (tenure system and fixed term) at the rank of instructor through professor who hold appointments of at least 50% time. Faculty appointed less than full-time are not eligible to perform outside work for pay during regular University duty periods. With the exception of the approval process, outside work for pay performed during non-duty periods is subject to the remaining provisions of this Policy.

Certain activities are expected of faculty members as part of their normal scholarly activities and are not regulated by this Policy (even if a faculty member is paid to do them by a person or entity other than the University). These include, but are not limited to:

- presentations at professional meetings and other similar gatherings
- peer review of articles and grant proposals
- leadership positions in professional societies
- preparation of scholarly publications
- editorial services for educational or professional organizations
- service on advisory committees or evaluation panels for government funding agencies, nonprofit foundations, or educational organizations
- musical and other creative performances and exhibitions, if there is an expectation in the faculty member’s discipline that he/she will engage in such performances or exhibitions.

III. Limitations on Performing Outside Work for Pay During Duty Periods

Faculty members may request approval to engage in outside work for pay during duty periods if all of the following conditions exist:

- All approved outside work for pay and overload pay assignments for the faculty member will not exceed a total average of four (4) days a month.
- The work in question will enhance the faculty member’s expertise as a teacher and scholar in his/her discipline.
- The work will not interfere with the performance of the faculty member’s University duties, including those non class responsibilities expected of all faculty members.
- The work will not adversely affect the University’s interests or violate University policies or regulations.
- The work will be of a professional nature.

The work will be of a professional nature.

IV. Definitions

"Outside work" is any work performed for a person or entity other than Michigan State University.

"Work" is any service or activity in the general area of expertise for which the faculty member is employed by the University. Examples of work include, but are not limited to, consulting, advising, research, demonstrating, performing, outreach, or teaching in the faculty member’s discipline.

"Pay" is anything of value received in consideration for work (except reimbursement of expenses, indemnification, or insurance coverage for claims arising out of or occurring in connection with the work). Examples of pay include, but are not limited to, salary, fee, honorarium, stock, stock option, monetary gift or contribution beyond actual expense, or the promise of any of these in the future. Work for any business or other for-profit enterprise owned or operated by a faculty member or by his/her relative(s), shall be considered “pay” (whether or not the faculty member receives anything of value in consideration for the work) because of the likelihood that the faculty member’s work will increase the value of the business or enterprise to the faculty member’s direct or indirect financial benefit.

V. Required Approval

A faculty member must request and obtain the written approval of his/her unit administrator and dean/separately reporting director before engaging in outside work for pay. (See the Outside Work for Pay Authorization form.)

University administrators to whom the Authorization Form is submitted may seek additional information or clarification from the faculty member regarding the proposed outside work for pay.

University administrators shall process completed Authorization Forms in a timely fashion.

If a request to engage in outside work for pay is denied, the unit administrator shall provide the faculty member with written reasons for the denial. A faculty member may not challenge a decision to deny approval for outside work for pay through the Faculty Grievance Procedure unless the faculty member alleges that the denial is contrary to University policy or established practice.

Each dean/separately reporting director shall keep Authorization Forms submitted by faculty on file for at least three years.

Each dean/separately reporting director shall submit annual reports to the Office of the Provost concerning the outside work for pay performed by faculty in that college/administrative unit. The reports shall not identify individual faculty by name.

VI. Non-Duty Periods

Faculty who hold academic year appointments or part-time appointments of at least 50% time may engage in outside work for pay during non-duty periods if the work does not adversely affect the University’s interests, violate University policies or regulations, or circumvent University policies or regulations that would apply if the work was performed during the duty period. The University does not limit the amount of time faculty may spend on outside work for pay at times other than their duty periods.

A faculty member must provide written notice to his/her unit administrator prior to engaging in outside work for pay during non-duty periods by submitting an Outside Work for Pay Authorization form.
VII. Intellectual Property

The University’s policies regarding intellectual property are applicable to faculty members engaging in outside work for pay.

VIII. Indemnification

Outside work for pay is not covered under the University’s Indemnification Policy or its Travel Accident Plan.

IX. Other Provisions

Faculty may use University facilities, supplies and materials, equipment, services, or employees for outside work for pay, but only if (a) such use would not be contrary to University policy or collective bargaining agreements, (b) such use would not adversely affect the use or availability of such facilities, supplies and materials, equipment, services, or personnel for unit and other University activities and operations; and (c) the University is reimbursed in full for the fair market value of the use of the facilities, supplies and materials, equipment, services, or employees. 4

If a faculty member seeks to use intellectual property owned by the University in outside work for pay, the unit administrator must consult with the Office of Intellectual Property before the outside work for pay may be approved or performed. The purposes of this consultation are to avoid violation of third party licenses, to prevent loss of patent rights through premature public disclosure, and to preserve the rights of other authors or inventors.

When engaged in outside work for pay, faculty members must make it clear that (a) they are acting in their individual capacities and not on behalf of the University, and (b) that the University does not endorse, sponsor, or support the outside work. A faculty member may use his/her University title when signing reports and letters pertaining to outside work for pay so long as it is clear that the University title is used solely to document his/her professional credentials. Official University letterhead shall not be used in outside work for pay.

Faculty members shall not divert to outside work for pay research or teaching opportunities that might reasonably be offered to the University, nor should they knowingly participate in outside work for pay that might compete with the University’s programs.

The involvement of University students or staff (especially those for whom the faculty member has oversight responsibilities) in a faculty member’s outside work for pay must be disclosed and may require monitoring.

Approval for outside work for pay is subject to termination at any time the University considers such action to be advisable. Written reasons for the decision to terminate approval will be provided to the faculty member by his/her unit administrator. Decisions to terminate approval for outside work for pay are not disciplinary action. A faculty member who wishes to challenge a decision terminating outside work for pay through the Faculty Grievance Procedure must allege that the termination is contrary to University policy or established practice.

When involvement in outside work for pay substantially interferes with a faculty member’s performance of his/her University duties, the faculty member’s unit administrator may issue an administrative warning to the faculty member or the faculty member and his/her unit administrator may arrange by mutual agreement a voluntary unpaid leave of absence or a reduction in the faculty member’s appointment. Voluntary leaves of absence should normally not exceed six months, and the frequency and duration of leaves of absence should not impair a faculty member’s contributions to the University.

Violation of this Policy may be the basis for discipline under applicable University policies.

Individual colleges or other units may establish lower maximum time limits for outside work for pay than those stipulated in this Policy and may promulgate guidelines and impose reporting requirements for outside work for pay in addition to those set forth in this Policy.

X. Applicability to the Medical Colleges

Faculty in the Colleges of Human Medicine, Nursing, and Osteopathic Medicine may engage in outside work for pay pursuant to this Policy, provided that, if the outside work for pay includes patient care or 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 Practice Plan. Faculty in the College of Veterinary Medicine may engage in outside work for pay pursuant to this Policy, provided that private practice by faculty in the College of Veterinary Medicine may occur only in accordance with College of Veterinary Medicine policy, and provided further that, if a practice plan is established for the College of Veterinary Medicine in the future, any income derived by a faculty member of the College of Veterinary Medicine from private practice will be subject to the provisions of that practice plan.

Footnotes

4This Policy does not apply to unrenumerated outside activities, whether of a charitable or professional nature. However, faculty members are expected to arrange their outside activities so as to avoid conflicts of commitment. A “conflict of commitment” occurs when the time and attention a faculty member devotes to outside activities interferes with the performance of his/her responsibilities to the University.

Executive managers (senior level University administrators, including associate and assistant vice presidents and specified directors) and academic administrators (e.g., deans, department chairs, and school directors) are also subject to this Policy and must obtain prior written approval from their direct supervisor before engaging in outside work for pay.

4A faculty member or unit administrator may (1) request an individual or group exemption from specific provisions of this Policy, or (2) request that a particular activity or type of activity be exempt from this Policy. Such requests must be approved in writing by the applicable department chair/director and dean/separately reporting director and by the Provost or his/her designee. Failure to request or receive exemption approval in writing results in coverage of the activity under this Policy.

4Faculty using University facilities, supplies and materials, services, or equipment for outside work for pay do not need to reimburse the University for the fair market value of the use if it is a de minimis, incidental use which imposes no, or little, additional cost or expense on the University.

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 policy was approved by the Board of Trustees on October 16, 1970 and revised on May 5, 2006. (A college may establish a more restrictive policy.)

I. Applicability

This Policy applies to full-time faculty members (tenure system and fixed term) at the rank of instructor through professor, full-time academic staff (including specialists, librarians, and extension field service staff), full-time executive managers, and full-time academic administrators (e.g., deans, department chairs, and school directors).

II. Overload Pay

Faculty and academic staff may request approval for overload pay for overload assignments related to teaching, research, outreach activities, and academic and student support activities. Executive managers and academic administrators may request approval for overload pay for overload assignments related to their administrative duties and/or expertise.1

III. Required Approval

Overload pay assignments require prior written approval (a) by the immediate supervisor of the individual who will undertake the proposed overload pay assignment; (b) by the administrator of the major administrative unit (“MAU”) in which that individual is appointed; and (c) if the unit in which the overload pay assignment is to be performed is different from the unit in which the individual is appointed, by the administrator of, and the MAU administrator for, the unit in which the overload pay assignment is to be performed.

In order to be approved, an overload pay assignment must meet the following minimum criteria:

a. The individual requesting overload pay must have a full-time assignment in her/his department, school, or other administrative unit and be satisfactorily performing her/his assigned duties; and

b. The individual’s immediate supervisor, after consultation with the administrator of the MAU in which the individual is appointed, must determine that:

   i. the proposed assignment represents a substantial increase over the individual’s regularly assigned duties; and

   ii. after considering the other commitments of the individual, including her/his regularly assigned duties, approved outside work for pay, and other professional obligations, the proposed assignment will not adversely affect the individual’s performance of her/his regularly assigned duties.

The approval of each overload pay assignment must be recorded on the Overload Pay form.

IV. Summer Appointments

Faculty and academic staff members appointed on an academic year basis may have part-time or full-time summer appointments in teaching, research, and/or outreach. The salary for such a summer appointment may not exceed 3/9 of the faculty or academic staff member’s salary during the previous academic year. These summer appointments are not considered overload pay assignments and are not subject to this Policy. However, faculty and academic staff members who hold full-time summer appointments are also eligible for overload pay assignments during the summer if such assignments are made pursuant to this Policy.

V. Other Provisions

The Office of the Provost shall provide an annual summary of overload pay disbursements made during the prior fiscal year to appropriate MAU administrators.

In recognition of collegial expectations usual in a community of scholars, University units may not pay honoraria to faculty members, academic staff, executive managers, or academic administrators for talks, seminars, etc., provided in usual classroom/seminar settings. Individuals performing overload pay assignments pursuant to this Policy remain subject to the same University policies and procedures as are in effect during the performance of their regularly assigned duties.

Assignments which might normally justify the payment of overload pay may, by mutual agreement, be compensated for by subsequent release time for research, the assignment of additional graduate assistants/other support staff, or other forms of programmatic/professional support instead of by overload pay.

Major administrative units may establish lower maximum time limits for overload pay than those stipulated in this Policy.
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 (http://www.reg.msu.edu/Courses/Search.asp). Faculty/academic staff members are urged to consult these publications.

The report on Academic Freedom for Students at Michigan State University, the Graduate Student Rights and Responsibilities document, and the Medical Student Rights and Responsibilities document contain guidelines on the rights and duties of students in matters of conduct, academic pursuits, the keeping of records, and publications, and for channeling student complaints, grievances or concerns. These documents are printed in Spartan Life (http://www.vps.msu.edu/SpartanLife/index.htm), which is available from the Division of Student Affairs and Services.

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 staff 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. 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.

Footnotes

1 In this policy, “Provost” means “Office of the Provost” and that the Associate Provost and Associate Vice President for Academic Human Resources (or other administrator in the Provost’s Office) has been delegated responsibility for this role in order to clearly separate any future decision making required by the Provost pursuant to the Faculty Grievance Procedure with respect to implementation/enforcement of this policy.

2 If 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.

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

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:

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.

Footnote

1 In accordance with the policy on Outside Work for Pay, faculty, executive managers, and academic administrators may request approval to engage in overload pay and/or outside work for pay for up to a total average of four (4) days per month during duty periods. Academic staff (who are not eligible to engage in outside work for pay) may request approval to engage in overload pay for up to an average of four (4) days per month.
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. 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.

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.

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 titles "Undergraduate Education," "Graduate Education." Academic Programs and COURSES are updated to reflect approved curricular changes in programs and policies within several weeks of each Academic Council meeting.

Instructors shall be responsible for providing their own academic apparel for use at commencement exercises and other ceremonies when such apparel is appropriate. University funds may not be used to purchase academic apparel for individual faculty. However, on a limited basis, colleges and departments may purchase (or rent) a small number of pre-made University gowns for collective use.

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 to purchase academic apparel for individual faculty. However, on a limited basis, colleges and departments may purchase (or rent) a small number of pre-made University gowns for collective use.

Academic Programs and Policies

The Michigan State University Catalog is comprised of two separate volumes: Academic Programs and COURSES. Electronic versions of these documents, known as Academic Programs and COURSES, are updated to reflect approved curricular changes in programs and policies within several weeks of each Academic Council meeting. Academic Programs, available from the Office of the Registrar or at http://www.reg.msu.edu, 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 includes topics such as costs, attendance, examinations, grading system, integrity of scholarship, student housing, campus activities, student organizations and services and the campus. Admission and graduation requirements for undergraduate and graduate programs in the individual colleges are described in the the Colleges, Faculty, and Programs of Study. Descriptions of Courses provides information about the courses offered by the departments, schools and colleges. Its printed version is used mostly for incoming students. Its electronic archive (1970 to 2002) and its current version, known on-line as COURSES, are available via the Office of the Registrar or University Curriculum and Catalog (http://www.reg.msu.edu/ucc/ucc.asp). The COURSES system includes complete course request forms and shows courses as pending, with interim (college-level) approval, or final (university-level) approval.

Schedule of Courses is available through the Office of the Registrar. A separate print edition of the Schedule contains summer session offerings, which are also available on the web.

Code of Teaching Responsibility

This policy was approved by the Academic Council on November 4, 1969 and the Academic Senate on November 19, 1969; it was subsequently revised by Academic Council on May 19, 1976, February 27, 1996, and April 19, 2005 (effective Fall semester 2005).

Satisfaction of teaching responsibilities by instructional staff members (herein referred to as instructors) is essential to the successful functioning of a university. This University conceives these responsibilities 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. **Course Content**: Instructors shall be responsible for ensuring 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 shall direct class activities toward the fulfillment of course objectives and shall evaluate student performance in a manner consistent with these objectives.

2. **Course Syllabi**: Instructors shall be responsible for distributing a course syllabus (either in print or electronic form) at the beginning of the semester. The syllabus shall minimally include:
   a. instructional objectives;
   b. instructor contact information and office hours;
   c. grading criteria and methods used to determine final course grades;
   d. date of the final examination and tentative dates of required assignments, quizzes, and tests, if applicable;
   e. attendance policy, if different from the University attendance policy and especially when that attendance policy affects student grades; and
   f. required and recommended course materials to be purchased, including textbooks and supplies.

3. **Student Assessment and Final Grades**: Instructors shall be responsible for informing students, in a timely manner so as to enhance learning, of the grading criteria and methods used to determine grades on individual assignments. Instructors shall be responsible for assessing a student’s performance based on announced criteria and on standards of academic achievement. Instructors shall submit final course grades in accordance with University deadlines.

4. **Testing Documents**: Instructors shall be responsible for returning to students student answers to quizzes, tests, and examinations with such promptness to enhance the learning experience. Instructors shall retain final examination answers for at least one
semester to allow students to review or to retrieve them. All testing questions (whether on quizzes, tests, or mid-semester or final examinations) are an integral part of course materials, and the decision whether to allow students to retain them is left to the discretion of the instructor.

5. **Term Papers and Comparable Projects:** Instructors shall be responsible for returning to students student term papers and other comparable projects with sufficient promptness to enhance the learning experience. Term papers and other comparable projects are the property of students who prepare them. Instructors shall retain such unclaimed course work for at least one semester to allow students to retrieve such work. Instructors have a right to retain a copy of student course work for their own files.

6. **Class Meetings:** Instructors shall be responsible for meeting their classes regularly and at scheduled times. To allow units to take appropriate action, instructors shall notify their units if they are to be absent and have not made suitable arrangements regarding their classes.

7. **Applicability of the Code of Teaching Responsibility to Student Assistants:** Instructors of courses in which assistants are authorized to perform teaching, grading, or other instructional functions shall be responsible for acquainting such individuals with the provisions of this Code and for monitoring their compliance.

8. **Instructor Accessibility to Students:** Instructors shall be responsible for being accessible to students outside of class time and therefore shall schedule and keep office hours for student conferences. Office hours should be scheduled at times convenient to both students and instructors with the additional option of mutually convenient prearranged appointments for students whose schedules conflict with announced office hours. Each teaching unit shall determine the minimum number of office hours for instructors in that unit. Instructors who serve as academic advisors also shall be responsible for maintaining appropriate office hours before and during enrollment periods. In addition to office hours, instructor accessibility through e-mail and other means is encouraged.

9. **Commercialization of Course Notes and Materials:** The University prohibits students from commercializing their notes of lectures and University-provided class materials without the written consent of the instructor. Instructors may allow commercialization by including permission in the course syllabus or other written statement distributed to all students in the class.

### Hearing Procedures

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 teaching units' chief administrators or their designates. 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 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 Ombudsman 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](#). 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 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.

Such complaints must normally be initiated no later than the middle 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.

### COURSEPACKS

The Code of Teaching Responsibility requires the provision of materials such as syllabi and study guides to the students. Similarly, scantron exam sheets are provided free of charge by the Scoring Office and should also not be included in coursepacks. These items are covered through the tuition that students pay for their courses.

### FACULTY RELATIONSHIPS WITH STUDENT-ATHLETES

This statement was issued by the Office of the Provost on August 6, 1996 and revised on August 4, 2003.

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 electronically to faculty members by the Office of the Registrar during the fifth and eleventh weeks of Fall and Spring semesters. 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:** Counselors 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 (UUD) 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 incomplete coursework and have the grade entered in the Student Information System (SIS) before the first day of class in the next semester if the course is necessary for academic eligibility. Authorized staff in departments and colleges that offer the course enter the final grade in SIS. 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:
1. serve as a member of a relative's graduate committee;
2. serve as a member of a relative's honor's thesis, master's thesis degree, or doctoral dissertation committee;
3. 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 OBSERVANCE

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.

As Michigan State University has become increasingly multicultural, the incidence of conflicts between mandatory academic requirements and religious observances has increased. In the absence of a simple and dignified way to determine the validity of individual claims, the claim of a religious conflict should be accepted at face value. Be aware that some degrees of observance may have a more extensive period of observance. Instructors may expect a reasonable limit to the number of requests by any one student. Some instructors attempt to cover all reasons for student absences from required academic events such as quizzes or exams with a blanket policy, e.g., allowing the student to drop one grade or two quizzes without penalty. If this is meant to extend to religious observances, the instructor should state this clearly at the beginning of the term. If instructors require make-up exams, they retain the right to determine the content of the exams and the conditions of administration, giving due consideration to equitable treatment.

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 shall 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, 114 Computer Center, telephone 355-1819.

STUDENT PUBLIC EVALUATION SYSTEM

(STUDENT OPINION OF COURSES AND TEACHING)

_The policy on the Student Public Evaluation System provides an opportunity for students to have access to a range of information regarding courses and instructors in order to make more informed decisions in selecting courses. It is separate and distinct from the SIRS policy (above) and is intended for different purposes: whereas the results of the SOCT forms will be public, results of the SIRS forms are intended to be confidential and are used as one tool for faculty evaluation. This statement was approved by the Academic Council on October 24, 2000._

Students at Michigan State University have an interest in being able to make informed judgments in selecting courses and faculty members as students pursue their academic programs. To this end, the University Committee on Academic Policy has framed a set of questions that should provide the type of information that students seek. In order to facilitate the transmission of this information to the students, the following procedures are established:
In addition to using standard university or unit-based SIRS forms in every class each semester in compliance with the Student Instructional Rating System policy, faculty members at the rank of instructor or above, and specialists who are assigned to teach, shall administer a standard form (Student Opinion of Courses and Teaching) in all of their regular undergraduate classes.

The SOCT forms shall be administered within the last two weeks of classes. Instructors should leave the room until the forms have been completed and collected. The forms should be collected by a neutral party, turned in to a predetermined location, and not accessible to the instructor until grades are submitted.

Results will be disseminated in summary form, displayed by instructor and department, once per year through a Web site accessible to students and other members of the University community with the appropriate identification.

Footnote

1 Forms are available in the Scoring Office, 114 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 the Department of Police & 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, 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 or an academic specialist 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 for as long as the graduate student continues in good standing. Any desired 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.

Footnote

1 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." 2 For the DMA degree, the guidance committee will consist of at least four regular MSU faculty, at least two of whom, including the committee chairperson, possess the DMA degree.

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 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.

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.

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 the Vice President for Research and Graduate Studies, 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
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.
GUIDELINES FOR POTENTIAL CONFLICTS OF INTEREST PERTAINING TO APPLICATIONS FOR NSF AND PHS RESEARCH SUPPORT

The following policy 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 non-profit entities, (3) income from service on advisory committees or review panels for public or non-profit 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 Interests 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.

c. **Non-compliance:** These new rules require major changes in the way University Investigators operate. There may be minor issues of non-compliance 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 non-compliance.

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.

d. **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.

e. **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).

**Footnote**

In this policy, "Provost" means "Office of the Provost" and that the Associate Provost and Associate Vice President for Academic Human Resources (or other administrator in the Provost’s Office) has been delegated responsibility for this role in order to clearly separate any future decision making required by the Provost pursuant to the Faculty Grievance Procedure with respect to implementation/enforcement of this policy.

### 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 the Vice President for Research and Graduate Studies, 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.

### OFFICE OF THE VICE PRESIDENT FOR RESEARCH AND GRADUATE STUDIES

This office assists faculty in a number of ways:

1. It administers the Intramural Research Grants Program, which supports projects that are judged to be competitive for external funding or are otherwise expected to advance the scholarly enterprise of the university, and the Strategic Partnership Grants program, which provides larger grants for projects deemed to be strategically significant to the university.
2. It provides support and oversight for major centers, analytical facilities, animal care facilities, safety and environmental services, and other functions that enhance research activities.
3. 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.)
4. It helps identify opportunities for external support of research and creative activities; manages participation in programs that limit the proposals an institution may submit; provides guidance and support for meeting requirements of the Michigan Life Sciences Corridor program; offers instruction on preparing and submitting proposals.

5. It maintains a World Wide Web site (http://www.msu.edu/unit/vprgs) with information about conducting research at Michigan State and links to other sources of information about research activity.

6. Also part of the Office of the Vice President for Research and Graduate Studies are the Office of Research Ethics and Standards, which promotes the ethical conduct of research and assures compliance with federal, state, and university laws and policies, and the Office of Intellectual Property, which protects faculty inventions, represents the university in licensing those inventions, manages MSU’s portfolio of patents and licenses, and administers patent policy.

INTERNAL RESEARCH FUNDING

The Intramural Research Grant Program (IRGP) is a competitive program that provides support of up to $75,000 to seed projects that are judged to be competitive for external funding or are otherwise expected to advance the scholarly enterprise of the university. Proposals are accepted in three categories: Small Grants Program, New Faculty Research Initiation Program, and Incubator Program. Details about the program are available from the Office of the Vice President for Research and Graduate Studies (http://www.msu.edu/unit/vprgs). All proposals are peer reviewed by MSU faculty, then by faculty panels in the following areas: Arts and Humanities, Life Sciences, Physical Sciences and Engineering, and Social Sciences and Education. The quality of proposals submitted has historically been quite high, and the process is highly competitive—overall success rates in the competition typically are at about 25 percent. Application forms and guidelines are available on-line and from the Office of the Vice President for Research and Graduate Studies. IRGP proposals are due in mid-September; a mailing from the OVPRGS the previous April serves as a request for proposals. The funding period is for 18 months, beginning about December 15.

The Strategic Partnership Fund supports larger projects (about $150,000-200,000/year for 2-3 years) that are aimed at establishing long-term centers of excellence on the campus. Funding under this program generally requires that the project be multidisciplinary, that the area is an area of high priority for the units involved, and that it have a high probability of attracting external support for a sustained period of time. The Vice President for Research and Graduate Studies and the Provost select projects for this funding.

The Research Excellence Fund (REF) is a general fund allocation that supports research in centers and in individual projects through the IRGP. The OVPRGS directs review of center plans and accomplishments and makes funding recommendations. A center director may choose to use a limited portion of available resources for seed projects relevant to the activities of the center; for more information, contact the center director.

University-level programs administered outside the Office of the Vice President for Research and Graduate Studies include the Michigan Applied Policy Research Program and the Michigan Life Sciences Corridor, which 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.

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 University patents and licenses and returns funds to MSU for a variety of research purposes. For example, funding for Strategic Partnership Grants and for some awards in the Intramural Research Grants Program and the funds available for development of intellectual property are derived from the MSU Foundation. The Foundation does not directly accept proposals from MSU faculty. Recommendations for projects to receive Foundation funding are the joint responsibility of the Office of the Provost and the Office of the Vice President for Research and Graduate Studies. Faculty are encouraged to discuss potential proposals first with their department chairpersons and deans who will forward requests to the Provost and the VPRGS. Support for projects is often contingent on cost-sharing by the college and department involved. A portion of MSU Foundation funds supports larger projects, involving multidisciplinary collaborations, which may lead to 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.

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. Preproposals and draft proposals should be cleared with this office before contact is made with granting organizations to insure conformity with University policies on overhead, costsharing and similar matters. A proposal to be sent to a potential sponsor should be accompanied by a combined Transmittal Sheet/Gift and Grant form, which signifies approval by the relevant department chairperson(s), dean(s) and the Office of Contract and Grant Administration. This form also facilitates formal acceptance of the award by the Board of Trustees. When Contract and Grants receives official notification of an award from a funding organization, an account can be established for initiating the project.

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 available from the Office of Radiation, Chemical and Biological Safety.

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.

HUMAN RESEARCH PROTECTION PROGRAM

This document is a compilation and description of the many components of Michigan State University’s comprehensive Human Research Protection Program. It was approved by the Vice President for Research and Graduate Studies on April 21, 2005, after review by the Institutional Review Boards, University Research Council, University Graduate Council and MSU Legal Counsel. The document is included in the MSU Human Research Protection Manual as Section 3-1, available at http://www.humanresearch.msu.edu/.

Mission Statement

The Michigan State University (MSU) human research protection program’s (HRPP) primary mission is the protection of individuals who are the subjects of research. MSU is committed to follow the ethical standards described in the Belmont Report, and all applicable federal, state and local regulations and university policies and procedures. The HRPP at MSU sets forth the structure, policies and procedures to implement this mission and commitment. The processes of education, review and monitoring described in the HRPP serve to ensure the safe and ethical conduct of research that will protect human subjects in an atmosphere of mutual trust and integrity in the pursuit of knowledge and human benefit.

University Policy

The original MSU policies on protection of human research subjects are included here to emphasize MSU’s long history of commitment. In the years following, Federal regulations and procedures were enacted that required many of the same activities that MSU had already instituted. MSU policy is to follow all applicable regulations.


“The University’s Institutional Review Board (known as UCRHIS) shall be responsible for the establishment of appropriate University review procedures so that all biomedical and behavioral research involving human subjects is adequately and effectively reviewed. This review should extend to such activities regardless of whether they are funded from external sources, internal sources or require no supplemental funding, and would also apply to research conducted by graduate and undergraduate students.”

“MSU shall adopt a single code of ethics and behavior for the protection of human subjects engaged in biomedical and behavioral research. The uniform code of ethics will be developed by UCRHIS and reviewed by the University Graduate Council and the University Committee on Faculty Affairs before final approval by the Academic Council.”

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“The policies and procedures of the University and its units governing the use of human subjects in biomedical and behavioral research shall be consistent with federal and state laws and guidelines.”

“The University Committee on Research Involving Human Subjects (UCRIHS) shall prepare a formal set of procedures and bylaws governing its operations. These shall be subject to review by the Academic Council and serve for any successor to UCRIHS.”

*Bylaws for Academic Governance, sections 4.47 and 4.87*

The Vice President for Research and Graduate Studies and the Provost and/or the Dean of the Graduate School have the responsibility to present policies that pertain to research development to academic governance for advice and consultation: University Committee on Academic Policy and University Graduate Council respectively.

*The Graduate School, Final Submission of Thesis/Dissertation*

“Human or Animal Subjects Form – All students must complete and submit this form, even if no human or animal subjects were used. The form must be signed by the student and by the major professor and must include the UCRIHS or AUF number(s) as appropriate. In cases where the student’s research involves human subjects, an approval letter from the University Committee on Research Involving Human Subjects (UCRIHS) must be submitted with the form.”


*Human Research Protection (HRP) Manual*

Information regarding the structure of MSU’s Institutional Review Boards, their policies and their formal procedures for reviewing human subject research for the protection of human subjects are set forth in the Human Research Protection (HRP) Manual which is available through the MSU Office of Vice President for Research and Graduate Studies (OVPRGS) and on the Internet at http://www.humanresearch.msu.edu/. The manual includes information regarding evaluation criteria for approval and initial and continuing review, as well as conflict of interest, unanticipated problems and noncompliance.

**Federal Policy and Regulations**

MSU is committed under its assurance to the federal Office for Human Research Protection (OHRP) to apply the federal Policy for the Protection of Human Subjects found in 45 CFR 46 and all of its subparts “to all of its human subject research regardless of source of support.” MSU will also comply with any additional human subject research regulations and policies of supporting federal agencies, of the Food and Drug Administration (21 CFR 50 and 56) and the Standards for Privacy of Individually Identified Health Information (45 CFR 160 and 164).

**Applicability**

The policies and procedures comprising the MSU HRPP apply to all of MSU’s human subject research related activities regardless of funding support, and to all activities of its designated Institutional Review Boards (IRBs). The policies and procedures apply to the human subject research activities conducted by employees of MSU (faculty and staff), by students of MSU or by individuals who are members (employees) of entities that have a formal written agreement with MSU for review and approval of their human subject research. The MSU HRPP does not apply to clinical faculty who are not employees of MSU (volunteer faculty) unless they have a formal written agreement with MSU or are an employee of an entity that does have such an agreement.

**Ethical Principles**

MSU is committed under its assurance to the federal OHRP to apply the ethical principles found in the Belmont Report to all of its activities related to human subject research, regardless of funding. The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research wrote the Belmont Report in 1979. The principles found in the Belmont Report are summarized as follows:

1. **Respect for Persons** – Individuals should be treated as autonomous agents. They should voluntarily enter into research by being adequately informed. Special protection should be given to individuals with diminished autonomy and/or of special circumstances since they may not be able to make a considered judgment even if they are adequately informed. One group entitled to special protections is prisoners who may be subtly coerced or unduly influenced.

2. **Beneficence** – Researchers are obligated to do no harm by maximizing possible benefits and reducing possible risks to subjects. In some cases where research may pose risk to individual subjects with no direct benefit to them the principle of beneficence requires careful assessment of the benefits to others or to society.

3. **Justice** – The risks of research should be equally distributed and should not unduly involve persons from groups unlikely to be among the beneficiaries of the research. Selection of individuals or classes of individuals should be fair. Vulnerable classes of subjects should be given special protection and not be unduly selected as research subjects due to their ready availability or dependent status.

**Institutional Official: Authority and Responsibility**

The President of Michigan State University has designated Dr. J. Ian Gray, Vice President for Research and Graduate Studies, as the Institutional Official for the protection of human research subjects under its Federal Wide Assurance #00004556 with the U.S. Department of Health and Human Services, Office for Human Research Protections (OHRP).

In this federally mandated role, Dr. Gray shares responsibility with MSU’s Institutional Review Boards and investigators for the protection of human research subjects. Dr. Gray is responsible for ensuring that all human subject research at Michigan State University, regardless of source of support, will follow the ethical principles as stated in the Belmont Report and will follow the laws and regulations governing human subjects research including 45 CFR 46 and all its subparts. He is also responsible for fostering open communication with regard to, and a culture of respect for, human subjects at the university.

The Institutional Official has the authority and responsibility to support the Institutional Review Boards for the review of human subjects research; to educate the IRB, researchers and staff on the ethical conduct of human subjects research; to monitor the human research protection program; and to delegate responsibilities to others as needed to carry out these duties.

The institutional Official and other MSU officials may further review, approve or disapprove human subjects research that has been approved by an MSU IRB as appropriate. They may not, however, approve the research if it has not been approved by an MSU Institutional Review Board (45 CFR 46.112).
MSU has established two Institutional Review Boards (IRBs) that have oversight for all research conducted under its Federal Wide Assurance #00004556. The designated IRB’s are:

1. Michigan State University (University Committee on Research Involving Human Subjects or UCRIHS) – DHHS registration #00000297
2. Community Research Institutional Review Board (CRIRB) – DHHS registration #00003392

UCRIHS is the original MSU IRB and reviews all human subject research protocols to which the MSU HRPP applies, with the exception of multi-community research. The CRIRB was recently designated as an MSU IRB in 2002 and reviews multi-community research protocols. These IRBs have the authority and responsibility to approve, require modifications in, or disapprove all human subject research before it is initiated in order to comply with ethical principles and federal, state and local regulations (e.g., 45 CFR 46.109). Except for research that is exempted, all human subject research is subject to continuing oversight and review by the IRB at least annually. The IRBs have the authority to observe the consent process and the research (45 CFR 46.109(c)). The IRBs have the authority to suspend or terminate approval of research that is not being conducted in accordance with their requirements or that has been associated with unexpected serious harm to subjects. The IRBs are responsible for prompt reporting to appropriate officials and entities (university, federal or state agencies, regulatory bodies, OHRP, sponsor agency, reliant IRB, etc) of any unanticipated problems involving risks to subjects or others, of any serious or continuing noncompliance with federal regulations or IRB requirements, and of any suspension or termination of IRB approval (45 CFR 46.113). Details of the procedures for implementing these responsibilities are contained in the MSU HRP Manual available from the Office of the Vice President for Research and Graduate Studies (OVPRGS) and on the website http://www.humanresearch.msu.edu/.

Organization & Structure of IRBs

Details of the organization and structure of the MSU IRBs are contained in the MSU HRP Manual available from the Office of the Vice President for Research and Graduate Studies (OVPRGS) and on the website http://www.humanresearch.msu.edu/.

Administration and Contact Information

Each of the two MSU IRBs is chaired by an MSU faculty member appointed by the Vice President for Research and Graduate Studies. Each IRB has a staff administrator who upholds MSU’s ethical standards and who is trained in the regulatory requirements and operations of human subject institutional review boards. The MSU IRB office is located in 202 Olds Hall and can be reached at (517) 355-2180 or by email: ccrihs@msu.edu, criirb@msu.edu, and/or irbchair@msu.edu.

University Committee on Research Involving Human Subjects (UCRIHS) Membership

“The UCRIHS shall be composed of one representative from each of the following colleges: Social Science, Natural Science, Human Ecology, Human Medicine, Osteopathic Medicine, Communication Arts and Sciences, Education, Agriculture and Natural Resources, Veterinary Medicine, The School of Nursing, University College, Engineering, Arts and Letters. These college representatives shall be selected by the faculties of the respective colleges in accordance with college procedures. Up to five additional representatives may be appointed by the Vice President for Research and Graduate Studies to represent the Residence Halls Office or the Office of the Vice President for Student Affairs and areas of expertise not represented by the college selectees. Terms shall be for three years and members may serve for more than one term. The chairman of the UCRIHS shall be the Vice President for Research and Graduate Studies or his/her designee.” Policies and Procedures for Protecting Human Subjects Used in Research, approved by Academic Council, January 23, 1979 [Note: The names and organizational structure of the academic colleges and schools have changed since 1979.]

The UCRIHS membership must also include members as required by federal regulations: at least one member who whose primary concern is nonscientific, at least one member who is not otherwise affiliated with the institution, and, if research reviewed regularly includes vulnerable subjects, one or more individuals who are knowledgeable about and experienced in working with vulnerable categories, e.g., children, prisoners, pregnant women, or handicapped or mentally disabled persons. 45 CFR 46.107 IRB membership

Community Research Institutional Review Board (CRIRB) Membership

The CRIRB is composed of a minimum of five members and a maximum of 25 members having representatives from each of the following: MSU-East Lansing, from the community campuses of MSU, IRBs from CRIRB affiliated hospitals and institutions, and non-affiliated and non-scientific members who may be from participating or centrally located communities. Details on CRIRB membership are in the HRP Manual. Like UCRIHS, the membership must comply with federal regulations found in 45 CFR 46.107.

CRIRB members and alternates are appointed for two-year terms with no limit to the number of two-year terms an individual may serve.

Relationship and Communication of MSU IRBs

Research Protocols: The MSU IRBs differ in the types of research protocols that come under their jurisdiction. UCRIHS covers all human subject research protocols to which the MSU HRPP applies with the exception of multi-community research. The CRIRB covers these multi-community research protocols.

Organizational Structure: The MSU IRB Chairs directly report to the same individual, the Vice President for Research and Graduate Studies (or his/her designee) as do the chairs or administrators of many related HRPP components, e.g., Conflict Review Committee, Institutional Biological Safety Committee, Chemical Safety Committee, Radiation Safety Committee, Chemical Hygiene Subcommittee and the Office of Regulatory Affairs (ORA). This structure promotes and requires direct communication of the IRB chairs with the Institutional Official and MSU Administration.

Procedures: The MSU HRP Manual details the common procedures for the MSU IRBs. The exceptions to the shared procedures occur only when necessary to accommodate the specific structure or organization of each IRB and are included in the HRP Manual, e.g., meeting dates, protocols coming under their review.

Physical Structure: Proximity of location promotes communication between the MSU IRBs and MSU administration. The offices of the IRB Chairs, administrators, support staff and files and the ORA staff are located in the same or adjacent offices in 201, 202, 204 and 205 Olds Hall. ORA staff include the Senior Assistant Vice President for Regulatory Affairs, the Educational Program Coordinator, the Director of Regulatory Affairs Operations (RAO), and additional support staff.

Relationship and Communication with External IRBs and Institutions

MSU IRBs enter into formal written agreements with other institutions in two ways: becoming the IRB of record for an external institution, or having a formal reliance agreement with an external IRB. In neither instance does the MSU IRB rely on an external IRB or institution for approval of human subject research conducted by MSU employees or students.

When the MSU IRB is the IRB of record for an external institution the MSU IRB assumes the review responsibilities for research protocols submitted to it by members of that institution. In these cases the external institution must formally register this arrangement with the federal Office for Human Research Protection (OHRP). The MSU IRB communication (e.g., approval letters, continuing review actions, etc) is directed to the researchers submitting protocols for review. Additional
communications with the external institution are listed in the formal written agreement. An example of this type of relationship applies to Blue Cross Blue Shield of Michigan which lists UCRHIS (Michigan Ste U IRB #1) as their IRB of record on their FWA #00007636.

“The IRB will follow written procedures for reporting its findings and actions to appropriate officials at BCBSM. Relevant minutes of IRB meetings will be made available to BCBSM upon request. BCBSM remains responsible for ensuring compliance with the IRB’s determinations and with the terms of any OHRP-approved Assurance.” 

IRB Authorization Agreement

When the MSU IRB enters into a formal reliance agreement with an external institution the agreement is effective when that institution obtains their Federal Wide Assurance with OHRP. The MSU IRB communication (e.g., approval letters, continuing review actions, etc) is directed to the researchers submitting protocols for review. In addition, MSU IRB administrators communicate with the IRB administrators and chairs of the reliance institution informing them of the decisions and actions of the MSU IRB relative to research from their investigators. Examples of this type of relationship include the participating CRIRB members which rely on the MSU IRB #2 (CRIRB). This agreement defines the specific communication between the IRBs:

“Minutes of CRIRB meetings and individual project documentation shall be made available to Institution B. Institution B remains responsible for ensuring compliance with the CRIRB’s determinations and with the terms of its OHRP-approved Federal Wide Assurance.” IRB Collaborative Authorization Agreement with the Michigan State University Community Research Institutional Review Board

Communication with other MSU HRPP Components

Conflict Review Committee: The Chair of the IRB communicates with the Chair of the CRC for advice, consultation and notification of IRB determinations of conflict of interest that affect the rights and welfare of participants. These may include but are not limited to instances of conflict of interest of IRB members, IRB consultants, investigators, students, sponsors or administrators. The CRC is responsible for developing and enforcing a management plan and informing the IRB of their decisions. The IRB has the authority to approve the research, to require modifications that incorporate the CRC management plan and/or additional IRB determined modifications, or to not approve the research. The CRC may not approve the research if it has not been approved by the IRB.

University Intellectual Integrity Officer (UIIO): Any case of research misconduct or serious or continuing noncompliance with government regulations pertaining to research and/or university policy can be reported to the MSU University Intellectual Integrity Officer (UIIO) as an allegation of misconduct. These allegations can be presented to the UIIO by the chair of the IRB, any member of the IRB, IRB staff, human subject of the research, or any other individual.

Office of Radiation, Chemical and Biological Safety (ORCBS): Acquisition, use and disposal of some research substances may require oversight by ORCBS. The administrative head of ORCBS is the Senior Assistant Vice President for Regulatory Affairs who also has a direct reporting line to the Institutional Official for MSU’s HRPP. The Chair of the Chemical Safety Committee reports directly to the Senior Assistant Vice President for Regulatory Affairs. Communications occur regularly among these administrators as part of their reporting structure.

Jurisdiction of the IRB

The MSU IRB is responsible for review of all human subject research activities to which this HRPP applies (see section on Applicability). The definitions of “human subject” and “research” required by regulation are included in MSU’s HRPP. MSU’s HRPP, however, also applies to activities that may be more broadly defined by the MSU academic community as “research.” These broader definitions are critical to protecting the human subjects with whom MSU investigators interact or about whom MSU investigators obtain private information. When there is a question about whether an activity constitutes human subject research subject to IRB review, MSU requires that “a qualified person or persons other than the investigator or research team” verify that the activity qualifies for exemption from IRB review.

Regulatory Definitions

Human Subject:
A “human subject means a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information.” 45 CFR 46.102(f).

A human subject for purposes of FDA-related research also “means an individual who is or becomes a participant in research, either as a recipient of the test article or as a control. A subject may be either a healthy human (individual) or a patient”. 21 CFR 50.3(g) and 21 CFR 56.102(e).

Research:
“Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. Activities which meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.” 45 CFR 46.102(d)

Research also includes clinical investigation which is defined as “any experiment that involves a test article and one or more human subjects and that either is subject to requirements for prior submission to the Food and Drug Administration . . . or is not subject to requirements for prior submission to the Food and Drug Administration . . . but the results of which are intended to be submitted later to, or held for inspection by, the Food and Drug Administration as part of an application for a research or marketing permit. 21 CFR 50.3(c) and 21 CFR 56.102(c)

“The terms research, clinical research, clinical study, study, and clinical investigation are deemed to be synonymous for purposes of this part.” 21 CFR 56.102(c)

[Note: These are definitions from the regulations. In academic settings these definitions are understood to be broader, e.g., behavioral studies and quality of care studies in a clinical setting may be understood as a clinical investigation by the investigators.]

Education

The HRPP provides for education on ethical principles, regulations and policies regarding human subject research for IRB members, IRB staff, investigators and their key personnel and appropriate administrators. The VPRG provides resources for these activities as appropriate. All IRB members, staff, investigators and administrators have the responsibility to uphold the ethical standards upon which the MSU HRPP is based. The Graduate School also provides educational resources on the ethical and responsible conduct of research to graduate students.

IRB members and staff are instructed on an ongoing basis through a variety of means including but not limited to updates at regular meetings (IRB or staff), subscription to IRB publications, bi-annual IRB workshops and orientation (personal and tutorial).

Investigators and their research staff are required to complete an online tutorial on ethical principles, regulations and university policy on human subject research. Completion of the online tutorial is required for responsible investigators to submit human research applications to IRB #1. This requirement is scheduled for implementation for IRB #2 in the near future. Investigators are required to have their research staff complete the online tutorial.
Ongoing education for researchers is available through a variety of means including but not limited to “Crosstalk” meetings with the IRB chair and staff, an email “newsletter” from the IRB Chair to investigators, special workshops (e.g., audio-seminars on HIPAA issues), website postings, and formal seminars (RCR seminar series, individual course seminars). The Graduate School provides ongoing education through their publication, the Research Integrity Newsletter.

Education on human subject research is made available to participants via a participant’s webpage: [http://www.humanresearch.msu.edu/participants.html](http://www.humanresearch.msu.edu/participants.html).

**Evaluation of HRPP**

**Evaluation of the MSU HRPP** is the shared responsibility of the Vice President for Research and Graduate Studies (VPRGS), the IRB Chairs, investigators and their administrators, sponsors and participants. This shared responsibility is implemented by several mechanisms to acquire and evaluate information regarding the human research protection program. The evaluation plan includes formal and informal elements.

**Informal Evaluation Elements**

Input is encouraged by wide publication of contact information asking for calls to answer questions.

**IRB Office - The MSU IRB staff** has a telephone number, fax number, address and email address that is included on consent documents, IRB applications, the human research website, etc. Consent documents also include contact information for the IRB Chair. Concerns and suggestions are welcomed and are discussed with the IRB Chair.

**Office of Regulatory Affairs (ORA) - The contact information for ORA** is available on the MSU Research website of the VPRGS. Concerns and suggestions are welcomed and are discussed with the IRB chair, the Senior Assistant Vice President for Regulatory Affairs and/or the VPRGS, and the Educational Program Coordinator, as appropriate.

Concerns and suggestions received during the presentation of seminars and other educational events are welcomed and are discussed with the IRB chair, the Senior Assistant Vice President for Regulatory Affairs and/or the VPRGS, and the Educational Program Coordinator, as appropriate.

**Formal Evaluation Elements**

- **Audit of IRB protocols:** ORA and/or the IRB staff conduct audits of IRB protocols in conjunction with IRB members and/or the IRB chair. Results of the audits are shared with the IRB members, the Senior Assistant Vice President for Regulatory Affairs and/or VPRGS as appropriate. Audits are conducted at least quarterly.

- **Evaluations of education events:** Formal evaluation forms are used for workshops and request input on the specific event as well as suggestions for other events and/or concerns.

**Annual Report:** The IRB Chair is requested to provide information on an annual basis to the Director of Regulatory Affairs Operations in order to develop plans for the coming fiscal year. This report can include an assessment and evaluation of physical space, staff resources and funding. The report is shared with the Assistant VPRGS and/or the VPRGS as appropriate.

**Human Research Protection Program (HRPP) Advisory Committee:** The VPRGS has constituted an HRPP Advisory Committee to provide advice and consultation regarding the evaluation of MSU’s HRPP. The committee consists of representative investigators, human subject participant groups, IRB members, sponsors and administrators. The committee includes individuals who are not affiliated with MSU. The Senior Assistant Vice President for Regulatory Affairs and Director of Regulatory Affairs Operations are ex-officio members.

**Staff Evaluations:** IRB staff are evaluated on an annual basis following MSU Human Resource guidelines.

**IRB Member Evaluations:** The IRB Chair provides input to the VPRGS or his/her designee on the participation of IRB members. This input includes but is not limited to an accounting of their attendance at scheduled meetings, the number and types of reviews conducted, the timeliness of reviews, participation in workshops, etc. This evaluation is done annually and input provided to appropriate administrators for MSU faculty who are IRB members.

**USE OF ANIMALS IN RESEARCH, TEACHING, AND OUTREACH**

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 Ethics and Standards 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.

Project directors are responsible for the humane treatment of animals under their supervision, and for adherence to applicable University, state, and federal regulations. Faculty members planning to use live vertebrate animals for any University-related activity must submit an animal use form (AUF) to the AUCAUC for review, or request an exemption from the Committee Chairperson and receive approval, prior to the start of the project, regardless of the source of funding for the project. The AUF can be obtained from AUCAUC; the completed form should include complete 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 or an exemption has been granted.

**LABORATORY ANIMAL CARE**

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.

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 and the AUCAUC.
This policy was approved by the Board of Trustees on November 15, 1930 and revised on February 14, 2001.

Consistent with its public service mission and with regulations governing federally-funded research, the University endeavors to foster the development of its inventions and discoveries through patenting and licensing to industry. A patent provides an incentive for a company to license an invention from the University and to invest in developing and marketing products based on the invention. Licensing proceeds provide a means for the University to recognize and reward the creative research efforts of inventors and to support additional University research.

Any discovery or invention which a) results from research carried on by, or under the direction of, any employee of the University which is supported by University funds or by funds controlled or administered by the University, or b) results from an employee's duties with the University, or c) has been developed in whole or in part through the utilization of University resources or facilities not available to the general public shall belong to the University (“University Inventions”).

In order to assist the University in protecting University Inventions, University employees and students (including postdoctoral appointees, graduate and undergraduate students) shall disclose any University Inventions to the University prior to disclosing such discoveries or inventions through publications, presentations, or communications with third parties (including research sponsors) in a manner which may inhibit or preclude the University from obtaining patent protection. Such disclosure may also be required to comply with legal and/or contractual obligations owed to governmental or non-governmental research sponsors. University faculty shall not disclose University Inventions in the course of performing Outside Work for Pay unless and until the University has had the opportunity to take the steps necessary to protect University Inventions through patent or otherwise.

The University’s goal is to manage University Inventions in such a manner as to produce the greatest benefit to the University and to the public. The University may, but is not obligated to, seek to protect any University Inventions by patent or otherwise. After receiving disclosure of a University Invention, the University may elect to assign title to the University Invention to the inventor(s).

The University will recover all direct expenses incurred for the patenting, protection and licensing of each University Invention from its licensing proceeds before distributing the net proceeds remaining among the inventor(s), the inventor’s major administrative unit, and the University according to the following schedule:

<table>
<thead>
<tr>
<th>Net Licensing Proceeds on a Particular University Invention</th>
<th>Inventor(s)</th>
<th>Major Administrative Unit</th>
<th>University</th>
</tr>
</thead>
<tbody>
<tr>
<td>First $5,000</td>
<td>100%</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Next $100,000</td>
<td>33 1/3%</td>
<td>33 1/3%</td>
<td>33 1/3%</td>
</tr>
<tr>
<td>Next $400,000</td>
<td>30%</td>
<td>30%</td>
<td>40%</td>
</tr>
<tr>
<td>Next $500,000</td>
<td>20%</td>
<td>20%</td>
<td>60%</td>
</tr>
<tr>
<td>All Additional Net Licensing Proceeds over $1,005,000</td>
<td>15%</td>
<td>15%</td>
<td>70%</td>
</tr>
</tbody>
</table>

The President shall be responsible for administering this policy and managing University Inventions, including technological know-how that may be licensable but may not be patented or patentable. The President has delegated this authority under this policy to the Vice President for Research and Graduate Studies. The President may authorize exceptions to this policy that she/he determines to be in the best interest of the University.

Particular University Inventions or licensing proceeds may be transferred to the Michigan State University Foundation for administration consistent with the net licensing proceeds distribution table above.

**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 at 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 COPYRIGHTED MATERIALS**

The following policy was approved by the Board of Trustees on June 22, 2001 and revised on May 6, 2005; it replaces the statement on Development of Instructional Materials approved by the Board of Trustees on November 16, 1973.
**Introductory Concepts**

"Circular 1: Copyright Basics", issued by the United States Copyright Office in the Library of Congress, begins with the following definition:

"Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

+ To reproduce the work in copies or;
+ To prepare derivative works based upon the work;
+ To distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
+ To perform the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works;
+ To display the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work; and
+ In the case of sound recordings, to perform the work publicly by means of a digital audio transmission.

In addition, certain authors of works of visual art have the rights of attribution and integrity as described in section 106A of the 1976 Copyright Act."

Among its several other provisions, Circular 1 states:

"Copyright protects "original works of authorship" that are fixed in a tangible form of expression."

"Copyright protection subsists from the time the work is created in fixed form. The copyright in the work of authorship generally becomes the property of the author who created the work. Only the author or those deriving their rights through the author can rightfully claim copyright. In the case of works made for hire, the employer and not the employee is considered to be the author. Section 101 of the copyright law defines a "work made for hire" as: (1) a work prepared by an employee within the scope of his or her employment; or (2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire. The authors of a joint work are co-owners of the copyright in the work, unless there is an agreement to the contrary."

"Copyright in each separate contribution to a periodical or other collective work is distinct from copyright in the collective work as a whole and vests initially with the author of the contribution."

**Section I -- Ownership Principles**

MSU follows standard academic practice in disclaiming ownership of, and royalties proceeding from, traditional academic works (books, essays, works of art, musical compositions and recordings, and the like), unless one or more "Special Circumstances" exist. The Special Circumstances that cause the University to retain copyright ownership are set forth in Section II, below. Works for which Special Circumstances exist and of which the University retains ownership are called "University-owned" works in this Policy.

It is also the tradition at Michigan State University and its peer institutions for eligible "University Authors" to share in third-party licensing revenue received by the University in those cases where Special Circumstances cause the University to retain copyright ownership. Eligible University Authors are identified in Section III.

Students who author or create copyrighted works which are submitted to meet course requirements own the copyrights in such works, even if they have been created using University facilities. Neither the course instructor nor the University may utilize or distribute student-owned copyrighted works for purposes beyond those of the course in which they are submitted without obtaining the written permission of the student. Students also own the copyrights in their theses and dissertations.

**Section II -- Special Circumstances in which the University Retains Copyright Ownership**

The University retains the ownership of copyrighted works created by one or more of its employees within the scope of their employment whenever at least one of the following Special Circumstances applies:

1. Creation of the work involved substantial use without charge of equipment, materials, or staff services of any of the various units of the University;
2. Creation of the work was supported with money, released time, or other substantial resources from any unit of the University;
3. Creation of the work was directly commissioned by the University or one of its units, where the employee(s) who created the work did so using some part of the time for which compensation was received from any University budget, including any grant or contract budget administered by the University or any budget based on special legislative appropriations; or
4. Creation of the work occurs in University-approved faculty outside work for pay, if in the opinion of the administrators approving such outside work for pay the work predictably competes with University functions or products that are, or reasonably might be, developed and offered by the University in the furtherance of its mission.

In some cases, University units may wish to provide substantial support for the creation of copyrightable works without such support constituting a Special Circumstance. (For example, manuscript completion subventions are common in certain disciplines.) In such event, the unit should contact the Office of the Provost prior to providing the support. The Office of the Provost shall have discretion to grant a waiver in appropriate cases, after obtaining the agreement of all units providing support for the work in question.

Payment of salary to an individual on sabbatical shall not be construed as support for the creation of a specific work, and hence shall not by itself constitute a Special Circumstance.

Any person who has a question as to whether the creation of a particular work falls within the scope of employment and/or qualifies under one or more of the Special Circumstances should initiate an inquiry with the Office of the Provost as soon as possible after the question arises.

**Section III — University Authors of Works Owned by MSU**
For the purposes of this Policy, a University Author of a work is anyone of the following who, in the scope of his/her employment at the University, authors or creates, either alone or in collaboration with others, a University-owned work:

a. faculty member,
b. specialist,
c. librarian,
d. executive manager,
e. postdoctoral research fellow,
f. research associate appointed through the academic personnel system,
g. MSU Extension or Experiment Station field staff member,
h. NSCL continuing appointment system staff member,
i. graduate or graduate professional student conducting academic research or creative activity, or
j. undergraduate student conducting academic research or creative activity.

Any member of the University community who contributes to the creation of a University-owned work may be treated as a University Author with respect to that work upon the written agreement of all authors or creators of that work who are themselves University Authors.

In addition, the Office of the Provost shall have discretion to enter into agreements whereby University Author status is granted to and accepted by other individuals who hold a copyright interest in a given work and who assign such interest to the University.

If for a given University-owned work there exists no living or dead University Author, then the provisions of this Policy regarding University Authors are inapplicable to that work.

Section IV -- External Constraints on Copyright Ownership

Copyrighted works created by University employees and produced under grants to the University from the federal government or other extramural funding sources, or produced under contracts between the University and third parties, shall be subject to the contract or grant with respect to copyright ownership, distribution and use, and other rights.

Section V -- Internal Use of University-Owned Works

Each use of a University-owned work by any unit of the University shall be subject to the following conditions:

1. Use internal to the University requires approval of the unit primarily responsible for the creation of the University-owned work. Such approval will be deemed implicit when the sponsoring unit agrees to storage and distribution by the University and if the sponsoring unit schedules courses and assigns instructional duties to which the University-owned instructional work is relevant.

2. As long as a faculty member who is a University Author of University-owned material that was not directly commissioned by the University remains a member of the faculty of the University, his/her approval shall be required for internal use of the University-owned work, and his/her contribution should be explicitly acknowledged by the University user.

3. To ensure the viability of long-term programs dependent upon University-owned works directly commissioned by the University, units of the University may use such directly commissioned works on a continuing basis, with or without the approval or further involvement of their University Authors. The contribution of University Authors should be explicitly acknowledged by the University user. A University Author of such work may petition the Office of the Provost that it be withdrawn for good cause (e.g., if the work contains serious errors or deficiencies in content or pedagogy that are not being resolved through amendment). The Office of the Provost may seek peer evaluations of the work in question, to assist it in assessing such withdrawal requests.

4. When a University Author is no longer an employee of the University, the University may make internal use of the University-owned works he or she created without his/her approval or further involvement. A University Author no longer employed by the University may petition the Office of the Provost that such work be withdrawn for good cause (e.g., if the work contains serious errors or deficiencies in content or pedagogy that are not being resolved through amendment). The Office of the Provost may seek peer evaluations of the work in question, to assist it in assessing such withdrawal requests.

Section VI -- External Use and Publication

1. Subject to the provisions of this Policy, the University may, at its discretion, assign, transfer, lease, or sell all or part of its legal rights in a University-owned work, or place such work in the public domain. Where academically appropriate and feasible, the University may obtain other forms of legal protection for such University-owned works in the name of the University.

2. University Authors who create a peer-reviewed or public service/outreach work that is University-owned under the provisions of Section II are delegated authority to transfer the copyright in that work to a publisher without administrative intervention, provided all of the following conditions are met:

   a. such transfer is agreed to in advance by the complete set of authors,
   b. the work in question was not directly commissioned by the University,
   c. neither the authors nor their unit(s) will receive compensation for such transfer,
   d. such transfer is reported promptly to the University via the administrative system provided for that purpose,
   e. except for the transfer of copyright, the transfer agreement does not contractually bind the University,
   f. the work and the copyright transfer do not violate third party rights, and
   g. the work and the copyright transfer otherwise conform to scholarly norms.

   This authorization may be extended to works involving compensation of authors and/or units where such compensation does not exceed a level periodically approved by the University.
Section VII -- Revision of University-Owned Works

1. The University Author(s) of a University-owned work may revise it at any time, provided that the revision does not require substantial University resources, and that he/she gives the University other University Authors of the work (if any) notice of the revision. When substantial University resources are required for an author-initiated revision of a University-owned work, the University Authors shall request advance approval of the resource allocation from the unit(s) sponsoring the work and/or providing the resources.

2. All surviving University Authors primarily responsible for the creation of a University-owned work must concur in its revision, unless the work was directly commissioned by the University.

3. The revision of University-owned works that were directly commissioned by the University may also be initiated by the University at its election, with or without the approval or participation of the work's original University Authors. However, the University Authors of the original work are entitled to continuing credit for their contributions to the derivative work created through such revision, if they desire to have their names associated with the derivative work. In addition, if the derivative work is externally sold or licensed, the University Authors of the original work are entitled to such participation in University Author royalty sharing under Section VIII as may be equitable in the specific circumstances.

Section VIII -- Payments to University Authors

1. Payments
   a. If the University markets a University-owned work for external use, any net income actually received by the University (after the documented cost of production, sales, advertising, distribution, and any unrecovered overhead, but not to include the costs of original development unless specifically stipulated in the contract or grant) shall be distributed so that the University Author (or all University Authors collectively if there is more than one) receives the first $5,000 of such net income, 50% of the next $20,000, 30% of the next $50,000, and 25% of all additional net income. The University shall retain and use the remainder of the net income to encourage further development of copyrightable works.
   b. If the University contracts with a third party to reproduce and sell a University-owned work, the total royalties shall be negotiated between the University and the third party, and the net income shall be distributed to the University Author(s) and retained and used by the University in accordance with the schedule and for the purpose set forth above.

2. If a University-owned work prepared for use in another unit of the University is used for extension instruction with the advice and assistance of its University Author(s), then Michigan State University Extension, in accordance with its existing policies, may make additional payment to the University Author(s) for such advice and assistance.

3. A University Author may be compensated for use of University-owned video materials in which the University Author personally and prominently appears, when such materials are used while the University Author is not on assignment with the University (e.g., when the University Author is not appointed during the summer session, or is on leave). Compensation should be mutually agreed upon in advance by the University Author and the unit(s) involved, based upon (a) the amount of continuing responsibility of the University Author for the use of the University-owned video material; (b) whether the University-owned video material is complete in itself or embedded in another work; and (c) the extent to which the University Author's time and creative efforts have previously been compensated. As a guideline for works in video format, the University author may be compensated on the basis of load credit or salary equal to 1% of the annual salary for each six video hours developed. Such payment or credit should be limited to a period of two years.

Section IX -- Transfer of Rights to University Author

If the University discontinues use of University-owned instructional materials in their existing form for more than two years, if no revision is in process, if the University is not otherwise bound by grant or contract, and if all living University Authors of the instructional materials so request in writing, the University shall transfer the copyrights in such instructional materials to the University Author(s), provided that the University Author(s) 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 X -- Protection and Liability

1. Protection
   a. The Office of the Provost shall investigate allegations of unauthorized use or copyright infringement of University-owned works and shall recommend appropriate action. If the University initiates legal action in response to an unauthorized use or infringement, all costs of such action (including attorney's fees) shall be borne by the University, which shall control the action. All net proceeds of such action in excess of such costs shall be shared by the University and the University Author(s) in accordance with the formula set forth in Section VIII-1(a).
   b. If the University decides not to initiate legal action, the University Author(s) may do so, and the University shall assign to the University Author(s) such rights as are necessary for the limited purpose of pursuing redress for the unauthorized use or infringement. Costs of such action (including attorney's fees) shall be borne by the University Author(s) who shall have the right to all proceeds resulting from that action.

2. Liability
   a. The University Author(s) of a University-owned work shall obtain appropriate written releases, granting all necessary rights to the University to allow the full exercise of its copyright in the work. These releases shall be kept by the unit producing the work until such time as the work is withdrawn from circulation.
   b. Before any external use is made of a University-owned work, the University Author(s) shall certify in writing to the Office of the Provost that the work does not infringe any existing copyright or other legal right held by third parties.
   c. In the event third parties assert claims against the University and University Author(s) arising out of or related to a University-owned work, the University shall assume responsibility for the defense and control of any legal action arising from such claims, in accordance with the University's Indemnification Policy.
Section XI -- Implementation

This Policy shall take effect upon approval by the Board of Trustees and shall be administered and interpreted by the Office of the Provost.

Footnotes
1 The quoted text may be found at http://lcweb.loc.gov/copyright/circs/circ1.html
2 The use of personal computers for word-processing is not considered "substantial" for the purposes of this policy; access to such equipment is provided to members of the general public at various sites on the MSU campus. Other specific examples of equipment, materials, and service uses that are considered substantial or non-substantial by the Office of the Provost may be found in a supplemental handbook.
3 "Released time" is an adjustment to normal assigned duties that is made to facilitate the creation of the copyrighted work.
4 "Commissioned" as used herein means the creation of the work was requested, initiated, authorized, or assigned by the University. It does not imply or necessitate that any supplemental payment is made.
5 Questions regarding the identity of such a unit may be referred to the Office of the Provost for resolution.

PROCEDURES CONCERNING ALLEGATIONS OF MISCONDUCT IN RESEARCH AND CREATIVE ACTIVITIES

These Procedures were approved by the Board of Trustees on April 11, 1997 and revised on June 28, 2002.

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. Definition

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. "Bad Faith" means the intentional or reckless disregard of information known or readily available to a Complainant or witness that would have led a reasonable person in the position of the Complainant or witness to have testified or acted differently than the Complainant or witness did. "Bad Faith" is not mistaken judgment, honest error, or mere negligence; it denotes (a) the doing of a wrong for an interested, malicious, or other improper purpose (e.g., to abuse or harass a Respondent through intentional or reckless disregard of information that would have led a reasonable person to conclude an Allegation of Misconduct had no merit); or (b) a conscious attempt to mislead or deceive. The context in which actions or testimony have occurred is a relevant and important factor to be taken into account in determining whether a Complainant or witness has acted in Bad Faith.

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. Serious or continuing non-compliance with government regulations pertaining to Research may constitute Misconduct. Retaliation also constitutes Misconduct.

L. "NSF" means the National Science Foundation.
M. "Preliminary Assessment" means initial information gathering to determine whether there is credible evidence to support further review of the Allegation of Misconduct and whether the Respondent’s alleged conduct could constitute Misconduct, Questionable Research Practices, or Unacceptable Research Practices.

N. "Procedures" means these Procedures Concerning Allegations of Misconduct in Research and Creative Activities.

O. "Proceeding" means a Preliminary Assessment, an Inquiry, an Investigation, or an appeal under Section IX of these Procedures.

P. "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.

Q. "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).

R. "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, and must have been an employee or a student at the time the Misconduct allegedly occurred.

S. "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.

T. "Retaliation" means an adverse action against a Complainant or a witness who has not acted in Bad Faith, who has engaged in a protected activity during a Proceeding, and who has suffered an adverse action, where there is a clear causal link between the protected activity and the adverse action. An adverse action is an action which materially and negatively affects the terms and conditions of the Complainant’s or witness’ status at the University. Providing information about, or otherwise cooperating in the review of, an Allegation of Misconduct is a protected activity.

U. "Review Panel" means a body described in Section II(l).

V. "UGC" means the University Graduate Council.

W. "UIIO" means the University Intellectual Integrity Officer.

X. "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.

Y. "VPRGS" means the University's Vice President for Research and Graduate Studies.

Footnotes
1 The University views a finding that an individual acted in Bad Faith as grounds for disciplinary action up to and including the termination of employment of faculty and staff and the dismissal of students.

2 In December, 2000, the Office of Science and Technology Policy ("OSTP") published a definition of Misconduct that does not include retaliation. Federal agencies are in the process of adopting new definitions of Misconduct that conform to the OSTP definition. New federal regulatory approaches to retaliation arising out of research misconduct are also under consideration. As the federal government takes action in these areas, it is anticipated that the definition of Misconduct will be amended to remove Retaliation from the definition of Misconduct. Pending such an amendment, the UIIO may suggest to Complainants that Allegations of Misconduct based on Retaliation be withdrawn and filed under other University procedures in which retaliation charges may be considered (e.g., under the Faculty Grievance Procedure).

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, an Investigative Committee, or a Review Panel, 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, an Investigative Committee, or a Review Panel, 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 members of Inquiry Panels, Investigative Committees and Review Panels who are University employees or students. Indemnification shall be provided to non-University members of Inquiry Panels, Investigative Committees, and Review Panels 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 good faith 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
a. a possible criminal violation,
b. an immediate health hazard or other imminent risk of danger to public health or safety or to experimental subjects,
c. 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,
d. the need to take immediate action to protect any Complainant, Respondent, witness, member of an Inquiry Panel, an Investigative Committee, or a Review Panel, or other person involved in any Proceeding,
e. 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,
f. 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
g. 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 official 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, 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.

a. Time Periods. Unless otherwise specified in these Procedures:
   i. the failure to exercise any right granted under these Procedures within the stated time period shall constitute a waiver of that right; and
   ii. references to days in these Procedures shall mean calendar days.

b. 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.

c. Headings. Headings used in these Procedures are for convenience of reference only and shall not be used for interpreting content.

L. Challenges; Review by VPRGS/Panel; Bad Faith.

a. Challenges. The Complainant may challenge a determination by the UIIO at the end of the Preliminary Assessment that no Inquiry into the Allegation of Misconduct is warranted, but only on the grounds that (A) the Respondent’s alleged conduct could constitute Misconduct, and (B) there is credible evidence to support further review of the Allegation of Misconduct.

   Both the Respondent and the Complainant may challenge the UIIO’s identification of the Responsible Administrator, but only on the basis of asserted Conflict of Interest on the part of the Responsible Administrator.

   Both the Respondent and the Complainant may challenge the Responsible Administrator's identification of an Inquiry Panel member or an Investigative Committee member, but only on the basis of asserted Conflict of Interest on the part of the Inquiry Panel member or Investigative Committee member.

   A Respondent or Complainant who wishes to file such a challenge must do so in writing, with accompanying rationale, within ten days of receiving notice of the determination or identification. The challenge shall be submitted to the UIIO. The UIIO or the Responsible Administrator, as appropriate, must respond to the challenge in writing within five business days, either accepting it and taking appropriate action, or rejecting it for stated cause.

b. Reviews. If not satisfied with the UIIO’s or the Responsible Administrator’s response to a permissible challenge, the Respondent or Complainant may have the UIIO’s or the Responsible Administrator’s response reviewed by the VPRGS or a Review Panel. The request for review must be in writing, must set forth the basis for the request, and must be filed with the VPRGS within five business days after the Respondent’s or the Complainant’s receipt of the UIIO’s or the Responsible Administrator’s response to the challenge. A Respondent may request that the review be conducted either by a Review Panel or by the VPRGS alone. A Complainant may request that the review be conducted by the VPRGS or by a Review Panel, but the Respondent has the right to require that the review be conducted by the VPRGS.

   If the review is to be conducted by a Review Panel, the VPRGS shall convene that Panel within five business days of the filing of the request for review. The Review Panel shall be composed of three members selected by the VPRGS from a pool of 25 individuals chosen every two years by the University Research Council. The pool may include emeritus faculty.

   Within five days of being convened, the Review Panel will review the challenge, the response, and the request for review, and render a binding decision on the challenge.

   If the review is to be conducted by the VPRGS, the VPRGS will review the challenge, the response, and the request for review, and render a binding decision on the request for review within five business days of the filing of the request for review.

c. Appeals of Findings of Bad Faith. Complainants and other witnesses may appeal a finding of Bad Faith made against them by the UIIO during the Preliminary Assessment or by an Inquiry Panel or an Investigative Committee. Appeals must be filed with the UIIO within ten days of receipt of notice of a finding of Bad Faith. The appellant should state whether the appeal is to be heard by the VPRGS or by a Review Panel.

   If the appeal is to be heard by a Review Panel, the VPRGS shall convene that Panel within five business days of the filing of the appeal. The Review Panel shall be composed of three members selected by the VPRGS from a pool of 25 individuals chosen every two years by the University Research Council. The pool may include emeritus faculty.
Within five business days of being convened, the Review Panel will review the finding of Bad Faith and the appeal and render a decision on the appeal. If the appeal is to be heard by the VPRGS, the VPRGS will review the finding of Bad Faith and the appeal, and render a decision on the appeal within five business days of the filing of the appeal.

If the finding of Bad Faith is overturned on appeal to the VPRGS or a Review Panel, the University's review of the finding of Bad Faith will be concluded. If the finding of Bad Faith is sustained on appeal to the VPRGS or a Review Panel, the appellant will have an additional appeal to the President. The appeal must be filed with the UIIO within ten days after notice of the initial appellate decision. The President will render a final and binding decision on the appeal within five business days of receipt.

d. Extensions of Time. The deadlines in this Section III(i) may be extended by the UIIO through written notice to the parties for good cause shown.

e. Other Objections and Complaints. If the Complainant or Respondent objects to any other decision, procedural or substantive, made during the current or any previous Proceeding in the review of the Allegation of Misconduct, he or she may raise that objection: (a) with the UIIO during the Preliminary Assessment; (b) with the Inquiry Panel during the Inquiry; (c) with the Investigative Committee during the Investigation; and (d) with the President during an appeal under Section IX below.

Neither procedural or substantive decisions nor findings made under these Procedures by the UIIO, a Responsible Administrator, an Inquiry Panel, an Investigative Committee, a Review Panel operating under this Section III(i), the VPRGS, or the President can be challenged or overturned under the Faculty Grievance Procedure, the Anti-Discrimination Policy, Graduate Student Rights and Responsibilities, or any other University policy, contract, or procedure.

Footnote

1 In this policy, “Provost” means “Office of the Provost” and that the Assistant Provost and Assistant Vice President for Academic Human Resources (or other administrator in the Provost’s Office) has been delegated responsibility for this role in order to clearly separate any future decision making required by the Provost pursuant to the Faculty Grievance Procedure with respect to implementation/enforcement of this policy.

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 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 an Inquiry or an Investigation into that alleged Misconduct. 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.

1. 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. 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.

2. 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.

3. 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.

4. 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 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.

5. 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.

6. 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).

7. **VPRGS Authority.** The VPRGS shall have authority to:

8. 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;
   a. 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;
   b. 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
   c. 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.

9. **Precedence of Proceedings.** Subject to Section IV(I) 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 Preliminary 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 Preliminary 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, the VPRGS, the Review Panel, 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, the VPRGS, and each member of an Inquiry Panel, an Investigative Committee and a Review Panel 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. **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. Allegations of Misconduct and Preliminary Assessments

A. **Allegation of Misconduct.** Any member of the University community or other person who wishes to make an Allegation of Misconduct shall contact the UIIO. An Allegation of Misconduct need not be made in writing.
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.

The UIIO shall advise the VPRGS and the Provost of all formal Allegations of Misconduct. An Allegation of Misconduct becomes formal when preliminary discussions with the UIIO do not resolve the Complainant’s concerns or redirect them to another venue, such as that provided under the Faculty Grievance Procedure or Graduate Student Rights and Responsibilities.

B. Preliminary Assessment. In the event of an Allegation of Misconduct, the UIIO shall promptly conduct a Preliminary Assessment to determine whether an Inquiry is warranted.

C. Purpose and Nature of Preliminary Assessment. The Preliminary 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 Preliminary Assessment, the UIIO is 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.

D. Preliminary Assessment - Standard for Determination. The UIIO shall determine that an Inquiry is warranted if, in his or her judgment, (1) the Respondent's alleged conduct could constitute Misconduct, Questionable Research Practices, or Unacceptable Research Practices, and (2) there is credible evidence to support further review of the Allegation of Misconduct.

E. Inquiry Warranted. If the UIIO determines that an Inquiry is warranted, the UIIO shall prepare an Assessment Referral which explains the basis for his or her determination. The UIIO shall transmit copies of the Assessment Referral to the Respondent and the VPRGS. The UIIO shall also notify the Complainant of the outcome of the Preliminary Assessment and provide the Complainant with a brief summary of the Assessment Referral.

After completing the Assessment Referral, the UIIO shall identify the Responsible Administrator, who shall then immediately initiate an Inquiry.

F. Inquiry Not Warranted.

a. (1) If the UIIO determines that an Inquiry is not warranted, the UIIO shall prepare an Assessment Report that states the basis and rationale for his or her determination. The UIIO shall provide a copy of the Assessment Report to the Respondent, the Complainant, and the VPRGS.

b. Within ten days following receipt of the Assessment Report, the Complainant may challenge the UIIO’s determination that an Inquiry is not warranted, pursuant to Section II(l) above, but only on the grounds that (A) the Respondent’s alleged conduct could constitute Misconduct, and (B) there is credible evidence to support further review of the Allegation of Misconduct.

c. The UIIO’s determination that an Inquiry is not warranted, unless overturned pursuant to Section II(l) above, shall conclude the University's review of that Allegation of Misconduct.

G. Bad Faith. If the UIIO finds that the Complainant acted in Bad Faith in making the Allegation of Misconduct, or that the Complainant or any witness acted in Bad Faith during the Preliminary Assessment, the UIIO shall include that finding, with a brief explanation of the basis for the finding, in either the Assessment Referral or Assessment Report, as appropriate. The individual found to have acted in Bad Faith may appeal that finding pursuant to Section II(l)(3) above.

H. Retention of Report or Referral. If the UIIO determines that an Inquiry is warranted, the UIIO shall keep the Assessment Referral for at least three years after the completion of the Inquiry. If the UIIO determines that an Inquiry is not warranted, the UIIO shall keep the Assessment Report for three years after the completion of the Preliminary Assessment and then destroy it.

VII. Inquiry

A. Panel. If the UIIO or, pursuant to Section II(l) above, the VPRGS or a Review Panel 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 Referral. The Responsible Administrator shall submit that Charge and a copy of the Assessment Referral 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 his or her judgment, an Investigative Committee could reasonably conclude that Misconduct occurred. To so determine, the member of the Inquiry Panel, like the UIIO in the Preliminary Assessment, must find that the Respondent's alleged conduct could constitute Misconduct and that there is credible evidence to support further review of 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 VIII(e) below, that Misconduct occurred.

E. Purpose and Nature of Inquiry. Like the Preliminary 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 Preliminary Assessment, the members of the Inquiry Panel, like the UIIO, 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 Inquiry Panel may request the assistance of the UIIO during its deliberations and in the preparation of the Inquiry Report, but shall not seek the UIIO’s opinion as to whether an Investigation is warranted.
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, attaching any UIIO comments regarding procedural questions and concerns. 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.**

   a. **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.

   b. **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.

   c. **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.

   d. **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 acted in Bad Faith in making the Allegation of Misconduct, or that the Complainant or any witness acted in Bad Faith during the Inquiry, the Inquiry Panel shall include that finding, with a brief explanation of the basis for the finding, in the Inquiry Report. The individual found to have acted in Bad Faith may appeal that finding pursuant to Section II(l)(3) above.

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.

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**VIII. Investigation**

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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 - Funding Source. When the alleged Misconduct involves Research or Creative Activity supported by non-University funds, the UIIO shall also notify the source of the funding 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, grant number, or other identification for the support.

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 Referral, 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. The Investigative Committee may request the assistance of the UIIO during its deliberations and in the preparation of the Inquiry Report, but shall not seek the UIIO's opinion as to whether Misconduct occurred.

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 therefor 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.

   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. Bad Faith. If a majority of the members of the Investigative Committee finds that the Complainant acted in Bad Faith in making the Allegation of Misconduct, or that the Complainant or any witness acted in Bad Faith during the Preliminary Assessment, the Investigative Committee shall include that finding, with a brief explanation of the basis for the finding, in the Investigation Report. The individual found to have acted in Bad Faith may appeal that finding pursuant to Section II(I)(3) above.

M. 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.

N. 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.

O. 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. HHS/NSF. 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.

3. Other funding source. When the Alleged Misconduct involves Research or Creative Activity supported by a non-University source other than HHS or NSF, the UIIO shall notify the funding source of the outcome of the Investigation promptly after its completion and provide the funding source with a brief summary of the Investigation Report.

P. 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. In addition, all Respondents who are found to have committed Misconduct, Unacceptable Research Practices, or Questionable Research Practices 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, Unacceptable Research Practices, or Questionable Research Practices.

B. HHS/NSF. The Respondent shall send the UIIO copies of all documents filed by the Respondent in appeals at HHS or NSF.

C. Procedure.

1. Internal Appeal. The Respondent may appeal a finding of Misconduct, Unacceptable Research Practices, or Questionable Research Practices to the UIIO within 30 days of the date of the finding. The appeal must be in writing and must set forth the reasons (whether substantive or procedural) the Respondent believes the finding of Misconduct, Unacceptable Research Practices, or Questionable Research Practices 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 Proceedings 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 Proceedings 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 Proceedings, as clarified or supplemented by the UIIO in response to any request for further information about the Proceedings, 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, Unacceptable Research Practices, or Questionable Research Practices 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, Unacceptable Research Practices, or Questionable Research Practices, the President shall remand the finding of Misconduct to the Inquiry Panel or the Investigative Committee that made the finding for its consideration of the new evidence. The Inquiry Panel or the Investigative Committee shall notify the President within 14 days that it finds the evidence immaterial to its prior finding or that it wishes to reopen the matter. The President may extend this period for good cause by notice to the Respondent and the UIIO.

E. Decision. The President shall issue a decision and rationale affirming or reversing the finding of Misconduct, Unacceptable Research Practices, or Questionable Research Practices 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 Preliminary 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, by 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 finding 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 appropriate actions 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. Grieving Disciplinary Decisions. A decision by an academic unit administrator to impose on a faculty member, specialist, research associate, librarian, lecturer, instructor, or assistant instructor disciplinary action short of dismissal is grievable under the Faculty Grievance Procedure. Graduate students may grieve the imposition of disciplinary action through procedures prescribed by Graduate Students Rights and Responsibilities. Employees other than those who are covered under the Faculty Grievance Procedure may grieve the imposition of disciplinary action by an administrator through the appropriate procedures.

4. 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
VII. FACULTY AND ACADEMIC STAFF RETIREMENT AND BENEFIT PROGRAMS (Cont.)

VII. FACULTY AND ACADEMIC STAFF RETIREMENT AND BENEFIT PROGRAMS

Appointment and Evaluation of the University Intellectual Integrity Officer

Appointment of the UIIO

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.

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Should the UIIO recuse himself or herself from the UIIO's duties under these Procedures with respect to a particular Allegation of Misconduct, the President shall appoint a replacement after consultation with the Chairperson of the Academic Subcommittee of the UGC (or his or her designee).

Evaluation of the UIIO

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.

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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.

Provisions for Changing these Procedures

A. Referral from Proceedings. An Inquiry Panel, or an Investigative Committee may find that, while a Respondent's conduct does not warrant an Investigation or constitute Misconduct, it nevertheless may constitute an Unacceptable Research Practice or a Questionable Research Practice. Any such finding shall be referred to the Responsible Administrator for review and further appropriate action.

B. 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.

C. Discipline. The University views Unacceptable Research Practices as grounds for appropriate disciplinary action pursuant to existing University policies, procedures, and contracts.

D. Grieving Disciplinary Decisions. A decision by an academic unit administrator to impose on a faculty member, specialist, research associate, librarian, lecturer, instructor, or assistant instructor disciplinary action short of dismissal is grievable under the Faculty Grievance Procedure. Graduate students may grieve the imposition of disciplinary action through procedures prescribed by Graduate Students Rights and Responsibilities. Employees other than those who are covered under the Faculty Grievance Procedure may grieve the imposition of disciplinary action by an administrator through the appropriate procedures.

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.

New Evidence. If, following a final nonappealable decision that Misconduct has occurred, the Respondent finds new 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 new evidence to the Investigative Committee that conducted the Investigation of the Misconduct. The Investigative Committee shall promptly consider the new 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 new evidence. Based on the new evidence and the information from the Investigative Committee and the VPRGS, the President may reverse or affirm the previous finding of Misconduct, or remand the matter to the Investigative Committee to conduct a new Investigation in light of the new evidence. 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.

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.

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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.

For 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.

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:

A. Expanded Life
   1. 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.
   2. 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.
   3. Cost: No enrollment application is necessary and the entire cost of this benefit is paid by the University.

B. Long-Term Disability (full-time only)
   1. 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 National Superconducting Cyclotron Laboratory (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.
   2. Coverage: The benefits provide a disabled faculty/academic staff member (as defined by the master contract) with a monthly income equal to 60% of the basic monthly salary (minus any workers' compensation, Social Security or auto wage loss benefits, if applicable) up to the limits defined in the plan. 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 adjustment and a minimum benefit of $50.00 per month.
   3. Cost: The cost of this benefit is totally paid by the University.
   4. 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, a University premium contribution will be continued for the health, dental and employee-paid life programs for the faculty/academic staff member during the period of disability benefit payments.

C. 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 subject to age rules and participation; a lifetime income in the event of total permanent disability for the faculty/academic staff member; 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.

D. 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.

E. 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 MSU Human Resources Unemployment Compensation, Office of Human Resources (517/884-0104).

F. 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 MSU Human Resources Workers' Compensation, (517/353-4434).

OPTIONAL BENEFITS

A. Accidental Death & Dismemberment (AD&D)
1. **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.

2. **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.

3. **Cost**: Cost of the various coverages offered is described in the brochure available in MSU Human Resources Benefits.

**B. 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.

1. **Coverage**

Dental plan coverage is available through Delta Dental, a traditional dental plan or Aetna, a dental maintenance organization (DMO).

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.

Aetna DMO utilizes primary care dentists to lower the cost – it is a managed-care dental plan. Members select a primary care dentist (PCD) from the provider network and visit their PCD as needed for treatment and care. Highlights of the plan include:

- Fixed co-pays for services
- No annual or lifetime benefit maximums
- No annual or lifetime deductibles
- Orthodontia is available for adults and children

2. **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.

**C. 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 during Open Enrollment.

1. **Eligibility**: Faculty/academic staff appointed 50 percent time or more for nine months or more are eligible to enroll for coverage.

2. **Coverage**: The coverage is decreasing term insurance with no cash or loan value. Coverage may be selected in varying amounts up to a $500,000 maximum depending on age and plan selected, as shown in the brochure.

Optional dependent coverage (for spouse or MSU recognized same-sex domestic partner and children, if any) may also be selected. Benefits are payable to the designated beneficiary in the event of death while the plan is in force. Beneficiaries are designated by the faculty/academic staff member and may be changed at any time.

3. **Cost**: Costs vary according to the plan selected; rates are subject to future group experience.

**D. Health Plan Coverage**

If active faculty/academic staff members enroll in health plan 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. Coverage is currently provided by Community Blue PPO or Physicians Health Plan. In addition, a Blue Cross Blue Shield of Michigan Transition Plan is available to those who have a mix of Medicare and non-Medicare eligible family members. Enrollment 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:

1. **Eligibility**: A faculty/academic staff member appointed 50% time or more for nine months or more may enroll themselves, their spouse or MSU recognized same-sex domestic partner, 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. Eligible spouses (or MSU recognized same-sex domestic partners) who are eligible to enroll for health plan coverage through other employment must enroll in that coverage if the annual premium cost to the spouse/partner is $600 or less. MSU's health plan coverage then becomes the secondary payer.

2. **Coverage**: The health 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 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. Physicians Health Plan is primarily available to employees who live in the service area. Community Blue PPO is a preferred provider organization that offers both in- and out-of-network coverage. Out-of-network services require a higher out-of-pocket cost.

3. **Prescription Drugs**: The prescription drug plan is a co-pay plan for generic and brand drugs and is administered through Caremark. Caremark has a large network of over 51,000 participating retail pharmacies, including some of the largest drug store chains. Employees may choose to purchase their prescriptions at a participating retail pharmacy, at an MSU pharmacy (Olin Health Center or the MSU Clinical Center pharmacies) or through Caremark's mail order program:

<table>
<thead>
<tr>
<th>Type of Drug</th>
<th>At a Network Pharmacy (34-day supply)</th>
<th>Through Mail Order (90-day supply)</th>
<th>At an MSU Pharmacy (34-day supply)</th>
<th>At an MSU Pharmacy (90-day supply)</th>
</tr>
</thead>
</table>

99
<table>
<thead>
<tr>
<th></th>
<th>$10</th>
<th>$20</th>
<th>$20</th>
<th>$20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Generic</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brand Name on Formulary</td>
<td>$20</td>
<td>$40</td>
<td>$20</td>
<td>$40</td>
</tr>
<tr>
<td>Brand Name not on the Formulary</td>
<td>$40</td>
<td>$80</td>
<td>$40</td>
<td>$80</td>
</tr>
<tr>
<td>Bio-Tech Drug</td>
<td>$50</td>
<td>$100</td>
<td>$50</td>
<td>$100</td>
</tr>
</tbody>
</table>

4. **Cost:** MSU provides a monthly University contribution toward the premium for health plan 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 paycheck.

E. **Waiver of Health Plan Coverage**

A faculty/academic staff member who is covered by another group health plan is eligible to waive their MSU health care coverage and receive up to a $600 cash payment. (Retirees and faculty/academic staff whose spouses or MSU-recognized same-sex domestic partners are employed at MSU are not eligible for the waiver option.) The normal waiver period is July 1 through June 30, with payment to be received the following July.

- The cash payment is considered taxable income.
- If other coverage is involuntarily discontinued, the faculty/academic staff member has 31 days to enroll in an MSU health care plan with the waiver payment prorated.
- Individuals newly hired, terminated, going on unpaid leave of absence, or retiring will also receive a prorated payment.

Individuals accrue points based on their employment percent and the number of months they are enrolled in the waiver: 1 point for each month in waiver if full-time; .75 for 3/4-time or .5 if half-time. See chart below.

<table>
<thead>
<tr>
<th>Points accrued</th>
<th>Waiver payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full 12 points</td>
<td>$600</td>
</tr>
<tr>
<td>9 through 11.75 points</td>
<td>$450</td>
</tr>
<tr>
<td>6 through 8.75 points</td>
<td>$300</td>
</tr>
<tr>
<td>3 through 5.75 points</td>
<td>$150</td>
</tr>
<tr>
<td>Less than 3 points</td>
<td>$0</td>
</tr>
</tbody>
</table>

**Eligibility:** Faculty/academic staff appointed 50% time or more for nine months or more are eligible to waive MSU’s health plan coverage within 60 days of appointment or during the annual open enrollment period. A completed form is not required each year during open enrollment in order to continue participation in the waiver.

F. **Dependent Care Spending Account (DCSA)**

A Dependent Care Spending Account provides employees the opportunity to pay for dependent care expenses for a child, disabled spouse or dependent parent, on a pre-tax basis. The amount you contribute and the amount you are reimbursed from your DCSA are income tax-free. You may contribute up to $5,000 per household. If you are married and file a separate income tax return, contributions cannot exceed $2,500 for each of you.

Eligible expenses must be work related and include the following example:

- The cost of care provided in or out of your home for a qualified dependent
- According to IRS regulations, the following are examples of expenses that are non-reimbursable:
  - Payments made to anyone you claim as a tax dependent
  - Payments made to your children under age 19 who provide care to one of your dependents
  - Overnight summer camp expenses
  - Schooling for children in kindergarten or higher
Reimbursements can be made only for dependent care services that are provided during the plan (calendar) year. A complete list of DCSA eligible/ineligible expenses is available online or in the FSA brochure.

A qualifying dependent is defined as a child under age 13 who is your IRS tax dependent; your spouse who is physically or mentally disabled and unable to care for herself or himself; or your IRS tax dependent, such as an elderly parent or child over the age of 13, who is physically or mentally disabled and unable to care for herself or himself. According to IRS definition, a disabled person is one who is not physically or mentally able to dress, clean, or feed himself or herself or requires constant attention to prevent self-injury.

To file a claim for reimbursement from your account, complete and submit a DCSA Reimbursement Claim Form along with a receipt from your day-care provider. Mail or fax the request to Meritain Health for reimbursement via check or direct deposit.

Please note that if a reimbursement request exceeds the account balance, reimbursement will only be up to the balance available in the account.

Changes in FSA Elections: IRS regulations require any money not used for eligible expenses in a plan (calendar) year, be forfeited. Once you enroll in an FSA, participation must continue unchanged until the end of the plan (calendar) year unless you have a qualifying life event (marriage, divorce, death, birth/adoption or change in employment). An adjustment in your election must be consistent with the change in status, i.e. if your employment status goes down, then your election would too. Any adjustment to your election must occur within 31 days of the occurrence.

Reimbursement: To receive reimbursement from the HCSA or DCSA account, complete the Reimbursement Request Form or contact MSU's FSA Plan Administrator to receive a form.

Attach a receipt from your dependent care provider for DCSA or an EOB from your insurance company (if applicable), or itemized receipt for HCSA and mail or fax to:

Meritain Health
P.O. Box 30132
Lansing, MI 48909
Fax: 517-381-6600
Local: 517-349-7010
Toll-free: 800-748-0003

Checking the status of your account:
You may call Meritain Health toll-free at 800-748-0003 or you may view your FSA via the web at www.hr.msu.edu, click the eHR Services Login link to open the eHR Services Login page. Enter your MSUnetID and press the Tab key. Enter your password and click Submit. On the eHR Main Menu click the Flexible Spending Account Status Link to view your personal Flexible Spending Account information.

Contact MSU Human Resources Benefits (telephone 517-353-4434 or e-mail benefitsinfo@hr.msu.edu) with any questions.

RETRA...
DOMESTIC PARTNERS

Domestic partners of eligible faculty/academic staff who meet the following criteria are eligible for benefits if they:

- are same-sex and for this reason are unable to marry each other under Michigan law;
- are in a long-term committed relationship, have been in the relationship for at least 6 months, and intend to remain together indefinitely;
- are not married to others and neither has another domestic partner;
- are at least 18 years of age and have the capacity to enter into a contract;
- are not related to one another closely enough to bar marriage in Michigan;
- share a residence and have done so for more than 6 months;
- are jointly responsible to each other for the necessities of life; and
- provide a signed “partnership agreement” that obligates each of the parties to provide support for one another, and provides for substantially equal division, upon termination of the relationship, of earnings during the relationship and any property acquired with those earnings.

Domestic partners’ children are eligible for health and dental benefits if they:

- are qualified and claimed as an IRS-defined dependent by the domestic partner;
- are members of the employee’s household or a full-time student; and
- are unmarried and under the age of 19 (up to the end of the calendar year they turn 23 for dental coverage if a full-time student, and up to the end of the calendar year they turn age 25 for health plan coverage if an IRS-defined dependent).

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 plan 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 plans under the provisions stipulated below.

The following health plans are available to postdoctoral fellows: Community Blue PPO or Physicians Health Plan. The Blue Cross Blue Shield of Michigan transitional plan is available only to those postdoctoral fellows enrolling a sponsored dependent with Medicare. Information about these plan options can be obtained from MSU Human Resources Benefits. Funds for a postdoctoral fellow's individual health plan premiums can be provided as follows:

Institutional Grants: Health plan 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 plan 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 plan 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. Exceptions are permitted in cases where a sponsor allows costs associated with family health coverage as part of the postdoctoral award. In such an instance, the allowable family health coverage costs must be included in the award for the postdoctoral fellows who have families and who are eligible for family health coverage at Michigan State University.

Arrangements should be made with MSU Human Resources Benefits for payment of health plan premiums either by individual payment or by arrangements to charge these costs to an appropriate account.

HEALTH CARE PLAN BENEFITS FOR VISITING FACULTY/SCHOLARS

Visiting faculty/scholars may be eligible to enroll for health plan coverage with Blue Cross Blue Shield of Michigan. These health plan options may be available 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 health plan which is not available to them while appointed at Michigan State University.

Information relating to the Blue Cross Blue Shield of Michigan health plan options available to visiting faculty/scholars is indicated below:

Individuals may be eligible for a Blue Cross Blue Shield of Michigan non-group plan option.
Individuals participating in this plan must pay the premiums. Blue Cross Blue Shield of Michigan will bill eligible visiting faculty/scholars directly for the cost of participation.

To receive additional information regarding Blue Cross Blue Shield of Michigan non-group plan options, contact the MSU Non-Group Customer Service Unit at 1-800-848-5101.

RETIREMENT PLANS

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 or deferred compensation plan.

A. Base Retirement Plan

1. Eligibility

   Participation in the Base Retirement Plan, with the University contribution, is initially optional and required for faculty/academic staff when certain service and age requirements are met. The general rules follow:

   Faculty appointed 50 percent time or more for nine months or more with the rank of assistant professor, associate professor, professor or senior research associate may elect immediate participation, with University contribution, or may defer participation until completing 24 FTE service months and attaining age 35, at which time participation is mandatory for faculty/academic staff.

   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 specialist appointments may be deferred until completing 24 FTE service months and attaining age 35.

   Faculty/academic staff appointed 50 percent time or more for nine months or more as instructors, lecturers, or assistant instructors become eligible for the University contribution 24 FTE service months from the date of initial appointment to an eligible status. (See #4, below, for change in eligibility for research associates). Participation is required for instructors, lecturers and assistant instructors upon completion of 24 FTE service months and attainment of age 35. Instructor/residents and instructor/interns are never required to participate.

   Effective October 1, 2006, faculty/academic staff appointed 50 percent time or more for nine months or more as a research associate become eligible for the University contribution 36 FTE service months from the date of initial appointment to an eligible status. Participation is required for research associates upon completion of 36 FTE service months and attainment of age 35.

   Once required participation commences for faculty/academic staff appointed for nine months or more, it is not possible to withdraw from the Base Retirement Plan while employed at the University.

   Faculty/academic staff members appointed 50 percent time or more previously enrolled in a contributory retirement program before appointment at MSU or are age 55 or older upon appointment, may elect immediate participation regardless of rank, with the University contribution.

   Participation in the Base Retirement Plan is possible at any time without University contribution.

   Faculty/academic staff must enroll in the Base Retirement Plan by completing an investment sponsor application and a salary deferral election prior to the first of the month the application is to be effective. Failure to 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.

2. Coverage

   The Base Retirement Plan provides retirement income based upon the total amount accumulated from the employee's contribution, the University's contribution, and any 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.

3. 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%.

Footnote

For 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.

2 If enrolled after January 1, 1996, the University 10% contribution is restricted to a maximum of base salary/wage ($200,000) due to the Omnibus Budget Reconciliation Act (OBRA) 1993. There is an indexing component on the dollar maximum amount; MSU Human Resources Benefits may be contacted for the current maximum.

B. 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

A. To be considered a retiree from Michigan State University, a faculty/academic staff member must meet one of the following minimum University retirement requirements:
   1. Be at least 62 years of age and have completed 15 years of service; or
   2. Have completed 25 years of service at any age.

B. Faculty/academic staff meeting the minimum University retirement requirements will remain eligible to maintain health and dental coverage and receive a University contribution toward the premiums based on the number of full-time equivalent (FTE) service months at retirement.

   For faculty and academic staff hired on or after July 1, 2005, the University will contribute to the lowest cost health plan’s single rate for which the employee/retiree is eligible. (The contribution is based on the full-time equivalent (FTE) service months at the time of retirement).

   At retirement, the employee must designate whether the employee receives the University contribution or whether the contribution is to be split 50/50 between the employee and his/her spouse or MSU-recognized same-sex domestic partner. This designation is irrevocable regardless of circumstance, including returning to work or death. The designation of the 50/50 contribution is also non-transferable to future spouses or MSU recognized same-sex domestic partners.

   Retirees (their spouse or MSU-recognized same-sex domestic partner) age 65 and over are required to enroll for Medicare Parts A & B at which time MSU's health plan coverage is adjusted to a Medicare supplement policy. Medicare Part B requires a monthly premium that is not reimbursed by MSU. Individuals may contact their local Social Security office for information on the monthly premium cost for Medicare Part B.

C. Faculty/academic staff meeting the minimum University retirement requirements may continue participation in the employee-paid life program after retirement until age 70.

D. Faculty/academic staff meeting the minimum University retirement requirements and who are appointed less than 90% time may be eligible to continue receiving the full University contribution toward the health and dental plans based on their FTE service months; continue coverage under Long Term Disability, Expanded Life, and may continue participation in the Course Fee Courtesy program. If you are vested for retirement, please contact MSU Human Resources Benefits at (517)353-4434.

E. 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.

F. 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 MSU Human Resources Benefits.

G. Retirement survivor options, 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.

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.

LEAVE OF ABSENCE 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 MSU Human Resources Benefits 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 in an eligible benefits status.

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 canceled.

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 MSU Human Resources Benefits. (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:

A. Health, employee-paid life, and accidental death and dismemberment coverages will continue in force until the end of the month of termination of employment.

B. Dental coverage continues through the last day of active employment.

C. Long-term disability, expanded life, and travel accident coverages cease on the last day of active employment.
D. Coverage under the health and/or dental plans may be continued in accordance with the Consolidated Omnibus Reconciliation Act (COBRA) of 1986, for up to 18 months (29 months if currently disabled and receiving Social Security Disability (SSD) or deemed disabled by SSD any time during the first 60 days of COBRA coverage) by paying a monthly premium. Contact MSU Human Resources Benefits for details.

E. Employee-paid and expanded life coverages may be converted by contacting the company directly.

DEATH

In addition to life benefit payments to beneficiaries, it may be possible for the surviving spouse or MSU recognized same-sex domestic partner and eligible dependents to continue health and/or dental coverages by contacting MSU Human Resources Benefits. The University may contribute toward the health and dental premiums for the surviving spouse or MSU recognized same-sex domestic partner if the faculty/academic staff member was eligible for retirement.* The surviving spouse or MSU recognized same-sex domestic partner 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 deceased person's health plan benefits instead of the health plan for which they are eligible as an active employee.

*Refer to the Retirement Plans Policy (in the Faculty Handbook)
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