

attend the meeting. If any party cannot personally attend for good cause, as determined by the Chair of UCFA, that individual may participate through alternate communication methods (e.g., telephone, video conference) or send a representative to the meeting. If the faculty member does not appear for the meeting, the meeting will be conducted in the faculty member's absence.

No member of the review panel shall participate in a meeting involving a faculty member from the same college in which the panel member is appointed. The faculty member may also request that any member of the panel recuse themselves if a conflict of interest exists. If the panel member refuses to recuse themselves, the Chair of the UCFA will determine whether, in light of the challenged person's knowledge of the case or personal or professional relationships with a party, the challenged person would be able to participate fairly and impartially in the meeting and make a fair and impartial recommendation.

3. Recommendation of the Review Panel

Following its meeting, the review panel will provide its recommendation to the dean, with a copy to the faculty member, within seven (7) days about whether the proposed serious discipline should be imposed, lesser discipline should be substituted, or no discipline should be imposed. The recommendation is not binding on the dean but shall be given all due consideration. If the dean does not take the advice of the review panel, they will provide a detailed reply to its recommendation for consideration and possible amendment by the panel within seven (7) days, copying the faculty member. If the panel decides to amend its original recommendation, it must do so within seven (7) days, copying the faculty member. This documentation will form a part of the permanent record of the discipline process.

4. Imposition of Disciplinary Action

After receiving the response (and amendment, if any), the dean shall make a decision regarding the disciplinary action and notify the faculty member in writing. If the review panel recommended against imposition of serious discipline, or recommended lesser discipline, the dean must meet with the unit administrator and the Office of the Associate Provost before proceeding with disciplinary action.

VII. DISMISSAL FOR CAUSE PROCESS

A. INITIATING DISMISSAL FOR CAUSE PROCEEDINGS

1. Request to Initiate Dismissal for Cause Proceedings

A dean ("charging party")¹² proposing to initiate dismissal for cause proceedings against a faculty member must file a written request with the Provost, copying the faculty member, that provides the reasons for considering dismissal in sufficient detail for the faculty member to address the specifics of the charges, if necessary, and provides copies of all relevant documentation, including copies of any past disciplinary action or warnings to the faculty member that their conduct might lead to dismissal.

2. Determination by the Provost

The Provost must determine whether the matter is of sufficient seriousness to warrant the initiation of dismissal for cause proceedings. To reach this determination, the Provost will discuss the matter with the charging party and the faculty member individually. Both parties have a right to decline the meeting. The faculty member also has the right to submit to the Provost a written response to the dean's request to initiate dismissal for cause proceedings. The faculty member has seven days after the dean's request to submit their response. The Provost's determination on whether dismissal for cause proceedings are warranted will be made within seven (7) days after the deadline for the faculty member's response.

B. WRITTEN CHARGES AND EGREGIOUS DETERMINATION

If the Provost determines that the matter is serious enough to warrant initiation of dismissal for cause proceedings, the Provost shall immediately provide written notice of that determination to the President.

Following written notification by the Provost to the President that the matter is of sufficient seriousness, the charging party has seven (7) days to initiate dismissal for cause proceedings against a faculty member by filing written charges with the President and Chair 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 Chair of the UCFT shall promptly send a copy of the written charges to the faculty member.

Following written notification by the Provost to the President that the matter is of sufficient seriousness, a three-person review panel (see Appendix I) shall decide, in consultation with the President, whether the faculty member's conduct is egregious.¹³ The decision is based on the dean's request to initiate dismissal for cause proceedings and the faculty member's response under VII(A)(2), and must be made within seven (7) days of receiving these documents. If the review panel unanimously decides that the conduct is egregious, the faculty member will be relieved from all duties during the dismissal for cause proceedings without pay.¹⁴ If the review panel does not unanimously decide that the conduct is egregious, the unit administrator, in consultation with the dean, shall decide within three (3) days of receiving the decision whether the faculty should be relieved from some or all of their duties (with pay) during the dismissal for cause proceedings. The parties must be copied on the review panel's and unit administrator's decisions.

If the review panel unanimously determines that the faculty member's conduct is egregious, upon notice of this determination, a faculty member may no longer obtain official retiree status from the University during the pendency of the dismissal for cause proceedings.¹⁵ A faculty member who is dismissed for cause at the conclusion of the dismissal for cause process is not eligible for official retiree status or emeritus status.

1. Meetings between the Presiding Officer and the Parties

Within fourteen (14) days after the faculty member receives notice of the written charges, the Chair of the UCFT shall meet with the parties. The purposes of the meeting is permit:

- a. Challenges to any members of the Hearing Committee for conflict of interest (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 Chair of the UCFT may ask legal counsel to attend this meeting. The Chair of the UCFT shall arrange for the recording of the meeting and include it in the complete case record. The relevant administrator and faculty member will be expected to adjust their schedules to attend.

2. 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 Chair of the Hearing Committee any necessary administrative and/or 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 parties are responsible for arranging the presence of any witness they wish to serve as a witness at the hearing.
- e. The Chair of the Hearing Committee shall schedule the hearing within 21 days after the faculty member is provided notice of the written charges against them.
- 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 Chair 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 Chair of the Hearing Committee.
- g. The Chair of the Hearing Committee shall conduct the hearing in accordance with the procedures stipulated in Appendix II.
- h. The charging party or their 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 their 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 Chair may grant permission for the faculty member to participate through alternate communication methods, reschedule the hearing session, or choose to conduct the hearing session in the absence of the faculty member.
- j. If the faculty member chooses not to be present, the Chair shall conduct the hearing sessions in the absence of the faculty member.
- k. The Provost (or their 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 their designee) will not serve in an advisory capacity to the Hearing Committee regarding policy or procedural questions.
- 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 Chair of the Hearing Committee for a member who has missed, for good cause, no more than one session and who has informed the Chair in writing that they have 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 (usually not to exceed 14 days), 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.

3. Processing the Record and Rendering Judgment

a. Hearing Committee Report.

1. Within 14 days following the final arguments, the Hearing Committee shall submit its written report to the parties.
2. 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 or other discipline must state that at least one of the charges made against the faculty member has been proven by clear and convincing evidence.
3. 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.
4. 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.

1. 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.
2. 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 Chair by majority vote.
3. A party wishing to appeal (“appellant”) must submit a written appeal to the Chair of UCFT within 7 days after the date that the Hearing Committee report was mailed. The Chair of UCFT will transmit the appeal and a copy of the Hearing Committee report to the Appeal Panel and the appellee.¹⁶
4. The appeal must be in writing and must specify the claimed procedural violation(s) on which the appeal is based.
5. The appellee may submit a written response to the appeal. The response must be sent to the Chair of the UCFT and the party who initiated the appeal no later than 7 days after the date the appeal was mailed to the appellee.
6. 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.

7. The Appeal Panel shall render a decision on the appeal within 7 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:

i. No violation found. The Hearing Committee did not commit a prejudicial violation of the required procedures during the hearing process.

ii. Harmless Error. Although a violation of the procedures occurred, it did not materially harm the appellant's ability to present their case fully.

iii. 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.

iv. 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.

1. 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 within 7 days of conclusion of any appeals and rehearings.

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

3. The Chair 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, and (iv) 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.

d. The President, within 7 days of the date of receipt, unless an extension of time has been granted by the Chair of the Hearing Committee, will review the Hearing Committee's report and provide their report in writing, accompanied by supporting rationale, to the Chair of the Hearing Committee, the Provost, and the parties.

f. If the Hearing Committee and the President both determine that there is cause for disciplinary action but not dismissal, the President's report will conclude the matter and the disciplinary action recommended by the President will be imposed.¹⁷

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 and the final report of the President. Any Trustee may have access to the complete record of the case.

h. The Board of Trustees shall act on the matter at their next regularly scheduled meeting, but no

earlier than 7 days from the date of the President’s report. 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.

VIII. Policy History

This policy was approved by the Board of Trustees on December 18, 2015, with an effective date of January 1, 2016. It replaces the Policy and Procedure for Implementing Disciplinary Action Where Dismissal is Not Sought¹⁸ and the Dismissal of Tenured Faculty for Cause policy.¹⁹

[Appendices I, II](#)

Footnotes:

¹ Limitations of this Policy: (1) A faculty member who 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 cases, the faculty Leaves of Absence policy shall be followed. (2) A tenure-system faculty member’s material misrepresentation made to the University in obtaining employment shall be addressed by the Policy and Procedure for Rescission.

² This Policy also applies to the discipline and dismissal of untenured faculty appointed in the tenure system prior to the expiration of the term of appointment.

³ The term “incompetence” refers to professional incompetence, as defined in the Interpretation of the Term “Incompetence” by the University Committee on Faculty Tenure.

⁴ This would include violations of criminal or civil (e.g., anti-harassment or discrimination) laws that have a nexus with the faculty member’s professional responsibilities.

⁵ For purposes of this Policy, “dean” refers to separately reporting Directors as well.

⁶ For purposes of this Policy, “Associate Provost” refers to the Associate Provost and Associate Vice President for Faculty and Academic Staff Affairs.

⁷ “Clear and convincing” means the standard of proof that is beyond a mere preponderance (i.e. more probable than not) but below that of “beyond a reasonable doubt.” The “clear and convincing” standard would be met when those making the determination have a firm belief that the facts in issue have been established.

⁸ If the chair is not tenured, the chair may request that a tenured member of the personnel subcommittee fill this role.

⁹ Unless otherwise noted, references to “days” in this Policy refer to calendar days.

¹⁰ If the chair is not tenured, a tenured member of UCFA may fill this role at the request of the chair, the unit administrator, or the faculty member.

¹¹ The unit administrator shall consider the written statement of the faculty member and confer with the Dean and the Office of the Associate Provost, after providing copies of the faculty member's statement to both, before proceeding with disciplinary action.

¹² In situations where a dean fails to seek dismissal of a faculty member, the Associate Provost and Associate Vice President for Faculty and Academic Staff Affairs may file a written request to initiate dismissal for cause proceedings to the Provost. This individual will fulfill the responsibilities of the dean under Section VII. of this Policy.

¹³ Egregious conduct includes, but is not limited to (1) causing or attempting to cause substantial damage to the University's physical or intellectual property; (2) committing or attempting to commit violence against University community members; or (3) violating or attempting to violate fiscal norms (i.e., fraud or theft) or scholarly norms (i.e., falsification or fabrication of research).

¹⁴ If the Hearing Committee determines there is no cause for dismissal, the faculty member shall receive back pay for the period of time during which the faculty member was on an unpaid leave of absence.

¹⁵ The term "official retiree status" refers to the minimum retirement requirements as listed in the Retiring from the University Policy and the applicable university contribution to retiree health care and dental coverage as listed in the Retiree Benefits Policy, and does not include a faculty member's 403(b) Base Retirement Program account balance.

¹⁶ The "appellee" is the party of the original dispute who did not file the appeal.

¹⁷ Disciplinary action implemented under this Policy may not be challenged through the Faculty Grievance Procedure.

¹⁸ Approved by the Board of Trustees on June 11, 1993.

¹⁹ Approved by the Board of Trustees on March 16, 1967 and revised on May 5, 2006.

[Appendices I, II](#)

[User's Guide: Discipline and Dismissal of Tenured Faculty for Cause Policy](#)

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Discipline and Dismissal of Tenured Faculty for Cause (continued)

IV. ACADEMIC HUMAN RESOURCES POLICIES (Cont.)

Dismissal of Tenured Faculty for Cause Appendices

Appendix I

Procedure for Empaneling Hearing Committees and Review Panels

Hearing Committee

A standing panel of at least 18-20 tenured faculty members will be selected by the Provost in consultation with the Chairs of the University Committee on Faculty Tenure and the University Committee on Faculty Affairs. Panel members shall serve at the pleasure of the Provost, with vacancies filled in accordance with this procedure.

1. The Chair of the UCFT, in consultation with the Office of the Provost, shall select from the panel a three-person Hearing Committee for each proceeding. The members of the Hearing Committees will serve throughout the duration of the hearing and any appeal processes, if applicable. A list of three alternates will also be maintained for each proceeding in the event that a panel member is unavailable. The Hearing Committee members and alternates must hold the same rank or higher of the faculty member subject to the dismissal proceeding. The Office of the Provost will arrange training about academic personnel policies and the dismissal for cause process for the Hearing Committee and alternates.
2. An alternates will also serve in the event a conflict of interest or other exceptional circumstance precludes a member of the Hearing Committee from serving.
3. No member of a Hearing Committee may serve on a hearing involving a faculty member from the same college in which the hearing member is appointed.
4. During the meeting referenced in Section VII(B)(1)(a) of of the Policy, either party may challenge a member of the Hearing Committee on the grounds that the member has a conflict of interest. The standard the Chair of the UCFT shall follow in ruling on the challenge is whether, in light of the challenged person's knowledge of the case or personal or professional relationships with a party, the challenged person would be and be seen to be able to fairly and impartially hear the case and render a fair and impartial judgment. The Chair of the UCFT shall rule on any challenges.
5. After the selection of the Hearing Committee, the Hearing Committee shall elect its Chair from its membership. The Hearing Committee Chair shall be in charge of the hearing process from this point until the Hearing Committee has submitted its report and recommendations.
6. The University shall provide legal counsel for the Chair of the UCFT and for the Hearing Committee.

Review Panel to Determine Egregiousness

The Provost, in consultation with the Chair of the UCFT, shall select three individuals from the panel to consider whether the faculty member's conduct is egregious and will be relieved from all duties without pay during the dismissal for cause proceedings, as outlined in Section VII(B) of the Policy. The faculty members selected under Section VII(B) must hold the same rank or higher of the faculty member subject to the dismissal proceeding, and may not be from the same college as the faculty member subject to the dismissal proceeding or as the dean filing the charges. The Provost will ensure that none of the three individuals have a conflict of interest as defined in (4) above.

Appendix II

Procedure for the Hearing

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

1. Legal counsel for the Hearing Committee may be present at all hearings and deliberations.
2. Hearing sessions may be scheduled, at the discretion of the Chair, on any weekday; weekends during the hours 8:00 a.m.–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.
3. The hearing shall be conducted in an informal manner to the greatest extent possible. Formal rules of evidence do not apply.
4. The Chair of the Hearing Committee may, in their discretion, exclude evidence, including witness testimony, if the Chair determines that such evidence is not relevant to the charges at issue.
5. The Chair of the Hearing Committee shall read the charges against the faculty member.
6. The Chair of the Hearing Committee shall request an initial statement summarizing the faculty member's responses, which may be presented by the faculty member or their advisor or legal counsel.
7. The charging party (or their 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.
8. The faculty member (or his/her representative, advisor, or legal counsel) shall present documents/testimony to refute the charges. The charging party and their 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.
9. 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. Surrebuttal evidence (limited to evidence rebutting the charging party's rebuttal evidence) shall also be allowed.
10. The charging party (or their representative, advisor, or legal counsel) shall present their closing argument.
11. The faculty member (or their representative, advisor, or legal counsel) shall present their closing argument.
12. The Hearing Committee shall deliberate to prepare its report and recommendations.

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Faculty Handbook

Outside Work For Pay

Last updated: 5/5/2006

IV. ACADEMIC HUMAN RESOURCES POLICIES (*Cont.*)

The following policy was approved by the Board of Trustees on August 9, 1951 and revised on May 5, 2006.

I. 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. Applicability¹

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.² 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 to³ :

- 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:

1. 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.

2. The work in question will enhance the faculty member's expertise as a teacher and scholar in his/her discipline.
3. The work will not interfere with the performance of the faculty member's University duties, including those non classroom responsibilities expected of all faculty members.
4. The work will not adversely affect the University's interests or violate University policies or regulations.
5. The work will be of a professional nature.

IV. Definitions

1. "Outside work" is any work performed for a person or entity other than Michigan State University.
2. "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.
3. "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, any 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

1. 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.
2. 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.
3. University administrators shall process completed Authorization Forms in a timely fashion.
4. 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 Policy unless the faculty member alleges that the denial is contrary to University policy or established practice.
5. Each dean/separately reporting director shall keep Authorization Forms submitted by faculty on file for at least three years.
6. 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

1. 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
2. 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.
3. 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.
4. 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.
5. 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.
6. 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 Policy must allege that the termination is contrary to University policy or established practice.
7. 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.
8. Violation of this Policy may be the basis for discipline under applicable University policies.
9. 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.

[Outside Work for Pay Form](#)

[Outside Work for Pay Frequently Asked Questions](#)

Footnotes:

¹This Policy does not apply to unremunerated 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.

²Executive 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.

³A 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.

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Faculty Handbook

Revocation of Honors and Awards

III. UNIVERSITY POLICIES (*Cont.*)

This policy was drafted and approved by the University Council and adopted by the Office of the Provost on June 1, 2021

I. Introduction

Michigan State University establishes this policy on the revocation of honors and awards in cases of misconduct to ensure that the university's honorary recognition and financial support: respects those who have been harmed by individuals at MSU; shows consideration toward those individuals who support MSU with financial contributions; and, reflects our values and protects our integrity as an institution.

II. Purpose

The purpose of this policy is to ensure that members of the MSU community who are recognized with university-wide awards, hold endowed positions, or are supported by endowment or gift funding understand they are in positions of trust and will be held to the university's standards of academic, financial, and professional conduct.

III. Applicability

This policy applies¹ to executive managers, faculty, and academic staff, as well as individuals holding postdoctoral positions, graduate students and undergraduates who receive honorific awards, regardless of the passage of time since the misconduct or investigative or adjudicative outcome. This policy applies only to honorific awards for individuals holding postdoctoral positions, graduate and undergraduate students, not to financial awards. In cases where a group receives an award or honor, this policy applies only to the individual who commits misconduct.

IV. Policy

In cases of misconduct defined below, depending on the nature and severity of the violation, an individual may no longer be allowed to (1) use an honorific title; (2) identify themselves as having received an all-university award; (3) continue to receive support from MSU university-wide internal grants; and (4) continue to receive endowed or gifted funding, temporarily or permanently.

This policy only applies to instances where individuals have been adjudicated and confirmed to have committed misconduct.

This policy does not apply in cases where an individual may have violated norms of civility or professional conduct that do not rise to the level of formal investigation and disciplinary action.

V. Definitions

A. The term "misconduct" in this policy includes:

- Violations of university policy, including but not limited to violations of the relationship violence and sexual misconduct policy, anti-discrimination policy, and procedures concerning allegations of misconduct in research and creative activities.
- Any civil rights violation that the individual admitted or was determined by a court or other adjudicative process to have committed;
- Any serious crime² for which the individual was convicted or pled "no contest;"

- Behavior after which an individual ends employment or status as a student while suspended or during the investigation or termination process.
- B. Honors and awards refers to: endowed positions; all-university awards, including but not limited to teacher-scholar awards, outstanding faculty awards, university distinguished professorships, and graduate student excellence-in-teaching citations; internal university awards, such as the Humanities Arts and Research Program (HARP) and Strategic Partnership (SPG) grants; and, work substantially supported by endowment or gifts.

Footnotes:

1. This policy does not apply to support staff. It is recommended that the university consider a parallel policy on the revocation of honors and awards for support staff members.
2. A “serious crime” includes but is not limited to drug distribution; sexual offenses; violence involving physical injury to another person; child abuse, molestation, or child endangerment; theft or embezzlement.

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PROTOCOL FOR COORDINATED RESPONSE BETWEEN FASA, OER, OCR, OIE, HCI, AND UNIT LEADERSHIP OF REPORTED VIOLATIONS OF THE RVSM & TITLE IX POLICY AND ADP

Purpose and Coverage

This protocol serves to outline the roles and responsibilities of offices in responding to known reports alleging employee¹ violations of the *Relationship Violence and Sexual Misconduct and Title IX Policy (RVSM & Title IX Policy)* and the *Anti-Discrimination Policy (ADP)* in order to (1) *increase communication, transparency, and accountability;* (2) *ensure a seamless interconnection between the different offices and unit administrators within the university;* (3) *enable a process for immediate review and action (if deemed necessary) by the appropriate offices and unit administrators;* and (4) *comply with university policies and regulatory requirements.*²

The offices to which this protocol applies include:

- FASA:** Faculty and Academic Staff Affairs
- OER:** Office of Employee Relations
- OCR:** Office for Civil Rights and Title IX Education and Compliance, which includes:
 - **OIE:** Office of Institutional Equity (Initial response & investigations)
 - **RO:** Resolution Office (Hearings, student sanctions, remedies, decisions)
 - **SET:** Support and Equity Team (Interim and supportive measures)
 - **ERO:** Equity Review Officer (Appeals)
- Administrative Unit Leadership:** appropriate administrators and leadership of Respondent employee's unit.
- HCI:** MSU Health Care Inc.
- OHS:** Office of the Executive Vice President for Health Sciences

Unique circumstances of a given report may generate issues not addressed by this document and may necessitate communication between units to ensure an equitable, appropriate, and supportive coordinated response.

FIRST NOTIFICATION TO FASA AND/OR OER AND ADMINISTRATIVE UNIT LEADERSHIP OF REPORTS TO OIE

1. **Initial Notification of Report to OIE:** OIE will notify FASA and/or OER and administrative unit leadership of reported violations involving employees as respondents.
 - a. OIE will notify FASA of reports involving respondent faculty, academic staff, executive management, and no pay appointees.
 - b. OIE will notify OER of reports involving respondent support staff.

¹ This protocol covers academic no pay appointees but does not cover "student employees" and graduate students who are employed as Research Assistants or Teaching Assistants.

² This Coordinated Response document furthers the purpose of applicable policies and does not supersede those policies.

- c. *OIE will also notify employee respondent's unit leadership and appropriate administrators.* For academic units, Deans, appropriate Associate Deans, and chairs will be notified. For non-academic units, the major administrative unit head will be notified. *OIE's notifications will be based upon the information contained within the weekly HR report prepared for OIE.* If there are other unit leaders or other internal administrators to whom a notification should be sent about a specific report, OIE will send a notification to the person so identified.
2. **Format:** Notifications will occur by email, unless circumstances warrant more immediate action.
3. **Timing:** The timing and source (case manager or investigator) of first notification from OIE is dependent upon the type of report; available details of the reported conduct; potential safety risk; need for immediate interim employment action; need for unit involvement to implement supportive measures, and need for consideration under other policies.
 - a. For ***RVSM and Title IX Policy cases***, absent circumstances that require early notification, the OIE investigator or designee will send notification as set forth above (1 a-c) when a signed formal complaint is submitted initiating the request for a formal grievance process and Notice of Investigation is sent to the Respondent and Claimant. In cases of early notification, an OIE case manager will send notification as set forth above (1 a-c).
 - b. For ***ADP cases***, absent circumstances that require an early notification, the assigned Investigator or the Investigator's designee will send notification as set forth above (1 a-c) during initial assessment. In cases of early notification, an OIE case manager will send notification as set forth above (1 a-c).
4. **Contents of Notification:** Generally, the notification will include the following (if known):
 - a. Identity of Respondent;
 - b. Alleged policy violation(s);
 - c. Details of reported conduct (early notifications may have limited information);
 - d. Any prior reports of misconduct made about Respondent; and
 - e. Notice that if interim actions or administrative removal is to be considered, the Title IX Coordinator or SET (ocr.cen@msu.edu) should be consulted prior to any action.
5. **Identification of Additional Notifications:** FASA, OER, or unit leadership will identify additional supervisors or administrators who need to be aware of the reported conduct and inform OIE of any request to include additional recipients on future notifications or updates for that specific case, including employees who may hold multiple assignments or appointments. The notification must include a statement that retaliation is strictly prohibited.
6. **Privacy & Integrity:** To maintain privacy and facilitate preservation of information for the processes under the RVSM & Title IX policy and ADP, sharing of information about reported conduct must be limited to those who need to know.
 - a. Names of claimants and witnesses will not be shared except where there is a need to know (*e.g.* in order to facilitate supportive measures, prevent further

prohibited conduct, address other policy violations by the respondent, where the claimant is an HCI patient, etc.)

MSU HEALTH CARE

1. Coordinated response to cases involving MSU Health Care will follow all provisions of this Protocol except as stated this section.
2. If reported allegations indicate that a respondent may be an HCI provider or support staff, OIE will confirm by contacting HCI human resources or risk management. Providers are also listed on the HCI website:
<https://healthcare.msu.edu/providers/index.aspx>.
3. **Faculty/Physician Provider** - If respondent is an HCI provider:
 - a. **Initial Notification** - OIE will immediately notify the following:
 - i. FASA
 - ii. Dean, College of Human Medicine
 - iii. Dean, College of Osteopathic Medicine
 - iv. Executive Vice President, OHS
 - v. Chief Executive Officer, HCI
 - vi. Chief Medical Officer, HCI
 - vii. Chief Nursing Officer, HCI
 - viii. Risk Manager, HCI
 - ix. Assistant Vice President for HR, OHS
 - x. Health Care Civil Rights Specialist, OCR
 - b. **RVSM and Blend Cases** - if the reported conduct could be a violation of the RVSM Policy:
 - i. **Triage Response Team:** The MSU Health Care Triage Response Team will be convened to determine any interim employment actions, including (i) change to assigned clinical duties and responsibilities; and (ii) actions related to non-clinical faculty or other roles. *See MSU Health Care Policy ADM-106, Coordinated Response to Reports of Potential Sexual Misconduct.*
 - c. **ADP Cases:** if the reported conduct could be a violation of the ADP:
 - i. **Interim Employment Actions Meeting:** HCI Risk Management will convene appropriate supervisors, FASA, OGC, and OCR to determine any interim employment actions, including (i) change to assigned clinical duties and responsibilities; and (ii) actions related to non-clinical roles.

4. **Support Staff:** If respondent is HCI support staff:
 - a. **Initial Notification:** OIE will notify the following:
 - i. OER
 - ii. Human Resources, HCI
 - iii. Assistant Vice President for HR, OHS
 - iv. Chief Executive Officer, HCI
 - v. Chief Medical Officer, HCI
 - vi. Chief Nursing Officer, HCI
 - vii. Risk Manager, HCI
 - viii. Health Care Civil Rights Specialist, OCR
 - b. **Interim Actions Meeting:** if the reported conduct could be a violation of the RVSM Policy, ADP or both, HCI Risk Management will convene appropriate supervisors, HCI HR, OER, OGC, and OCR to determine any interim employment actions, including (i) change to assigned clinical duties and responsibilities; and (ii) actions related to non-clinical staff roles.

INTERIM/SUPPORTIVE EMPLOYMENT ACTIONS

1. **Overview:** The Title IX Coordinator and designees (Deputy Title IX Coordinators and SET), are responsible for assisting parties involved in OCR policies and processes, regardless of the filing of a report or formal complaint, with obtaining reasonable and available supportive measures.
2. **Contact Information:** The SET can be reached via email at ocr.cen@msu.edu. The Title IX Coordinator can also be reached at OIE.NicoleSchmidtke@msu.edu.
3. **Definition:** "Supportive Measures" are "non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge, to the claimant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed." Supportive measures may or may not be time limited provided that measures remain effective, appropriate based on the totality of circumstances, reasonably available and non-disciplinary.

Supportive measures are designed to restore or preserve equal access to MSU's education programs or activities, including but not limited to protecting the safety of all parties or the University's educational or employment environment or to deter conduct prohibited under the RVSM & Title IX Policy and ADP. Supportive measures will not unreasonably burden the other party.

Supportive measures may include referrals to confidential resources; extensions of deadlines or other adjustments; modifications of work schedules; mutual no contact directives; changes in work locations; leaves of absence; increased security and monitoring of certain areas of the campus; interim administrative

leave prior to or following of a formal complaint and through the final resolution of the formal grievance process; and other similar measures.

4. Roles and Responsibilities:

- a. Absent safety concerns, FASA/OER and administrative units must involve the Title IX Coordinator, a Deputy Coordinator, or SET in all final decisions regarding supportive measures implemented through the RVSM & Title IX Policy or ADP.
- b. Any supportive, interim employment action will be taken consistent with the University's rights as an employer. To that end, the Title IX Coordinator, Deputy Coordinator, or SET as well as administrative units must involve FASA and/or OER in all decisions involving employment actions (e.g., changes in work locations, shifts, and interim administrative leave).
- c. Unless otherwise specified by FASA and/or OER, consideration and implementation of supportive employment actions are the responsibility of the administrative unit leadership.
- d. If there are time-sensitive safety concerns, FASA and/or OER and administrative units may implement immediate supportive measures prior to consultation with the Title IX Coordinator the Title IX Coordinator, a Deputy Coordinator, or SET. In such cases, the following should be considered:
 - i. Decision makers must be equitable at all times regardless if a party is a Claimant or Respondent.
 - ii. Decisions must not be made based upon fixed rules or operating assumptions that favor one party over another.
 - iii. Measures must be individualized and appropriate based on the specific needs and information reasonably available.
 - iv. Measures must not be disciplinary in nature.
 - v. FASA and/or OER or the administrative unit must promptly notify the Title IX Coordinator and SET at ocr.cen@msu.edu.
 - vi. Although an administrative unit should consult FASA and/or OER in advance, if an administrative unit implements immediate supportive measures absent consultation with FASA and/or OER, the administrative unit must immediately notify FASA and/or OER.
 - vii. If employment actions are taken pursuant to other policies, the Title IX Coordinator, a Deputy Coordinator, or SET Team should be promptly notified in all cases in which there is a known, open report under the RVSM & Title IX Policy or ADP. The Title IX Coordinator (and designees) will not have involvement in such decisions.
- e. OCR may notify FASA and/or OER and administrative units of reported conduct not covered or otherwise dismissed or closed under the **ADP or RVSM and Title IX Policy**, but may fall within the purview of other policies, protocols, or standards of conduct.

STATUS UPDATES AND INFORMATION SHARING

1. OCR will provide regular status updates to FASA and/or OER and to administrative unit leadership.
 - a. OIE will provide FASA and/or OER and administrative unit leadership bi-weekly status updates about its open cases that have not been dismissed or otherwise closed.
 - i. For ***RVSM and Title IX Policy*** cases where the formal grievance process is initiated, the OIE investigator or designee will send a copy of the signed Formal Complaint Form and Notice of Investigation to FASA and/or OER and administrative unit leadership.
 - ii. For ***ADP cases*** in which an investigation is initiated, the OIE investigator or designee will send a copy of the Notice of Investigation to FASA and/or OER and administrative unit leadership.
 - b. RO will provide FASA and/or OER and administrative unit leadership bi-weekly status updates about open cases assigned to the Resolution Office.
 - c. The ERO will update FASA and/or OER and administrative unit leadership at relevant points during the appeal process.
 - d. FASA and/or OER and administrative unit leadership may contact OIE, RO, or ERO to request updates as needed.
2. Prior to and/or during the formal grievance process, OIE and/or RO may provide additional information to FASA and/or OER and administrative unit leadership to support continued efforts to provide an equitable, safe work environment and to address emerging concerns in the work environment.
3. FASA and/or OER and administrative unit leadership will promptly share information with OIE and/or RO to the extent that it may be relevant to investigations and hearings.
4. The relevant OCR office will notify FASA and/or OER and administrative unit leadership of the outcome of an initial assessment and, if applicable, formal grievance process, including notification of conduct that did not meet the definition of prohibited conduct covered by the ***ADP or RVSM & Title IX Policy*** and may fall within the purview of other policies.
5. If during the initial assessment and/or formal grievance process, OCR identifies recommendations relating to unit policies, procedures, protocols, training, education, or other personnel matters, OCR will provide such information to administrative unit leadership and FASA and/or OER in the form of a memo. FASA and/or OER and administrative unit leadership will review and consider the recommendations and, where appropriate, implement the recommended actions. Administrative unit leadership will maintain written documentation of the response including documentation of implementation and justification for any recommendations which were not implemented. Administrative unit leadership is responsible for providing the foregoing documentation to the RO.

NOTIFICATION OF EMPLOYMENT ACTIONS FOLLOWING THE FORMAL GRIEVANCE PROCESS

1. **Notification of Final Determination:** When the formal grievance process under the **RVSM & Title IX Policy and/or the ADP** results in a finding that an employee violated the **ADP or RVSM & Title IX Policy**, OIE or RO will notify the parties, FASA and/or OER, and Respondent employee's administrative unit leadership.
2. **Responsibility of Administrative Unit for Discipline/Employment Actions:** In consultation with OER and/or FASA, the administrative unit leadership will determine appropriate discipline and/or other employment actions in accordance with applicable policies and consistent with the University's rights as an employer. Administrative units must promptly inform the RO regarding said determination(s), including confirmation of timely implementation of discipline or other employment actions.
3. **Notification of Discipline to Parties:** Simultaneous written notifications will be provided to Claimants and Respondents when discipline is imposed on an employee resulting from a finding that the employee violated the **ADP** (*gender discrimination only) or **RVSM & Title IX Policy**.³ RO is responsible for communicating notifications of discipline to Claimants only when discipline is imposed on an employee resulting from a finding that the employee violated the **ADP** (*gender discrimination only) or **RVSM & Title IX Policy**. OER and/or FASA and the administrative unit will coordinate with RO to effectuate simultaneous notification from the administrative unit to employee Respondent and RO to Claimant.
4. If a Claimant is not affiliated with the University, the administrative unit will include a statement in the written discipline to the employee receiving discipline that the University is notifying the Claimant of the disciplinary action.
5. If discipline is later altered as a result of an employee grieving the discipline (or for any other reason), OER and/or FASA will immediately inform RO, and RO will notify Claimant of the change in discipline.

PERSONNEL FILES

1. The existence of all final Title IX investigation reports and determinations involving employee Respondents (staff, faculty, academic staff, and administrators) must be noted in the employee Respondent's personnel file, consistent with state and local laws, University policies, and applicable collective bargaining units.
2. At the conclusion of the investigation and formal grievance process for matters involving employee Respondents under the **RVSM and Title IX Policy** and **ADP** (*gender discrimination only), the ERO will provide a summary of the allegations and findings to include in the employee Respondent's personnel file. The ERO will send the summary to AVPHR.FileReq@msu.edu for inclusion in the official personnel file in Human Resources. The ERO will also send the summary to Respondent employee's administrative unit leaders to include in any unit personnel file. The summary shall provide sufficient detail for a reasonable reviewer to identify potential patterns of behavior and indicate whether a finding of violation was made.

³ Notification will occur as soon as reasonably practicable after employee discipline is final.

Working Draft

3. Where the investigation and formal grievance process resulted in a finding that an employee violated the ***RVSM & Title IX Policy*** or ***ADP*** (*gender discrimination only), Respondent employee's administrative unit leadership is responsible for ensuring that any discipline imposed is in writing and included in the Respondent employee's personnel file.

Created March 19, 2018.⁴

Revised February 20, 2019; July 10, 2019; January 3, 2020; August 2021; [April 2022].

⁴ Originally titled "Protocol for the Coordination of Reported Violations of the RVSM and ADP between OIE, FASA, OER, and Unit Leadership."

Faculty Policies and Procedures

Standards of Official Conduct for Senior University Administrators

Last updated: 6/15/16 (see bottom for details)

Handbook

This is the handbook for the Standards of Official Conduct for Senior University Administrators (the "Policy"). The text in boldface is the text of the Policy, which was adopted by the Board of Trustees on June 18, 2004 and revised on June 15, 2016. The other text explains how the Policy is to be interpreted and implemented.

I. PRINCIPLES

Administrators at Michigan State University are expected to abide by the highest ethical standards in discharging their responsibilities for the University, to act in the best interests of the University, to accord the University their primary professional loyalty, and to arrange their other obligations, financial interests, and activities in a manner consistent with these commitments to the University. These Standards of Official Conduct for Senior University Administrators ("the Policy") are adopted to implement these principles.

This is a fairly strong statement of the employee's duty of loyalty to his/her employer, which is appropriate because of the responsibilities those who manage the University bear to maintain public trust in the University and to protect its reputation.

II. SCOPE

This Policy applies to all individuals who hold positions as deans, separately reporting directors, school directors, department chairpersons, or executive managers, including the President. This Policy also applies to individuals whose employment duties require significant responsibility and oversight for University entertainment, hospitality, or development activities, intercollegiate athletics, procurement, software/computer system development, and vendors. In this Policy, these individuals are referred to as "Administrators."

1. The President, like the members of the Board of Trustees and unlike other University employees, is a "state officer" under Section 3 of Michigan's Conflict of Interest statute, MCL 15.301 et seq, and is, therefore, subject to that law. The Policy also applies to the President.
2. The Policy applies to deans, separately reporting directors, school directors, department chairpersons, executive managers, and support staff positions with responsibilities listed above, including individuals holding those positions on an interim or acting basis, and also to faculty members on special assignment to the Provost's Office and to offices of other Vice Presidents.
3. Administrators who are faculty members will be subject to this Policy and also to the Faculty Conflict of Interest Policy with respect to their research, teaching, and service/outreach responsibilities (i.e., their faculty roles).

III. CONFLICTS OF INTEREST

A "conflict of interest" exists when an Administrator's financial interests or other opportunities for personal benefit may compromise, or reasonably appear to compromise, the independence of judgment with which the Administrator performs his/her responsibilities at the University.

Administrators should be sensitive to potential conflicts of interest. Though Administrators may seek to avoid conflicts of interest, circumstances may arise in which it proves impractical for an Administrator to do so. In those situations, the Administrator must promptly identify and disclose the conflict of interest and comply with the plan for its management or elimination.

1. Failing to regulate conflicts of interest can undermine public confidence in the University and adversely affect its reputation and ability to achieve its goals. The main purpose of Section III of the Policy is to increase Administrators' awareness that their private interests may conflict with those of the University and to ensure that, when they do, such situations are disclosed, properly reviewed, managed, and resolved.
2. Determining whether a conflict of interest exists requires the application of subjective and objective standards. If an Administrator believes, or is concerned, that his/her financial or other private interests will compromise his/her judgment in performing his/her responsibilities at the University, the Administrator should treat the situation as one involving a conflict of interest and make appropriate disclosure.

But even if the Administrator is confident that he/she can separate his/her financial or other private interests from the exercise of his/her judgment, if a reasonable person would question whether the Administrator's actions or decisions at the University are affected or determined by considerations of personal gain, the Administrator should treat the situation as one involving a conflict of interest and make appropriate disclosure. An Administrator would generally meet this disclosure obligation by identifying any situation where the Administrator's performance of his/her responsibilities at the University could affect or be affected by a significant financial interest held by the Administrator or a by member of the Administrator's immediate family, or a significant financial interest held by a relative of the Administrator if the Administrator knows, or reasonably should know, that the relative has the significant financial interest. The terms "significant financial interest", "member of the Administrator's immediate family", and "relative" are all defined in the attached Glossary.

3. An Administrator's duty to disclose a conflict of interest is described in more detail in Section VI(B) of the Policy.
4. The President is responsible for establishing plans for the management or elimination of other Administrators' conflicts of interest. See Section VII(A)(1) of the Policy.

IV. RULES

In addition to their obligations with respect to conflicts of interest, Administrators shall abide by the following rules.

A. Confidential Information. Administrators shall exercise care regarding confidential and proprietary information acquired in the course of their employment at the University. Administrators shall not use or disclose such information for personal gain or benefit.

1. Definitions and examples of "confidential information" and "proprietary information" are included in the attached Glossary.
2. The main purpose of Section IV(A) is to prevent Administrators from disclosing confidential or proprietary information to persons outside the University in return for a benefit to the Administrator or a relative of the Administrator. "Relative" is defined in the attached Glossary. Section IV(A) is not intended to discourage Administrators from cooperating with the Freedom of Information Office in responding to Freedom of Information Act requests or from complying with court orders, subpoenas, or other legal mandates for the release of information. Nor is Section IV(A) intended to discourage Administrators from sharing information with other University employees who have a legitimate interest in the information, i.e., who need it to perform their duties at the University, or with individuals outside the University when the purpose of sharing the

information with those individuals is to benefit the University, e.g., by acquiring information the University needs in return, or acting in good faith as a whistleblower.

B. Outside Influence. No Administrator shall solicit any gift for personal gain or benefit. No Administrator shall accept any unsolicited gift from anyone outside the University, if the gift would tend to influence improperly the manner in which the Administrator performs his/her duties at the University.

1. "Gift" is defined in the attached Glossary.

2.(a) Section IV(B) does not prevent an Administrator from soliciting any gift on the University's behalf or on behalf of any organization that exists to benefit the University, e.g., the Michigan State University Foundation and the Green & White PAC (assuming compliance with federal and State laws that prohibit the use of University property and resources for this purpose without full reimbursement by the Green & White PAC), or any organization closely affiliated with the University, e.g., the Michigan State University College of Law and MSU Safe Place. "Property and resources" is defined in the attached Glossary.

(b) Section IV(B) does not prevent an Administrator from soliciting a gift on behalf of another organization in a fund-raising campaign approved by the University, e.g., the annual Capital Area Campaign for the United Way.

3. Section IV(B) prohibits an Administrator from soliciting any gift for himself/herself or for any of his/her relatives from any individual or entity that does business, or, to the best of the Administrator's knowledge, intends to do business, with the University. "Entity" is defined in the attached Glossary.

4. Section IV(B) prohibits an Administrator from accepting:

(a) an unsolicited gift of money (or of the equivalent of money, e.g., a gift certificate), in any amount, from any individual or entity that does business, or, to the best of the Administrator's knowledge, intends to do business, with the University; or

(b) any other unsolicited gift from any individual or entity that does business, or, to the best of the Administrator's knowledge, intends to do business, with the University, if, in the Administrator's judgment, the gift would tend to influence improperly the manner in which the Administrator performs his/her duties at the University; or

(c) any other unsolicited gift from any individual or entity that does business, or, to the best of the Administrator's knowledge, intends to do business, with the University if a reasonable person would find that the gift would tend to influence improperly the manner in which the Administrator performs his/her duties at the University.

An Administrator should exercise great caution in accepting any unsolicited gift with a value of over two hundred fifty dollars (\$250), especially if the Administrator has accepted any other gift from the same individual or entity within the prior 12 months. But see (5), (6), and (7) below.

Gifts of consumables (e.g., tins/baskets of fruit, candy, cookies, nuts, cheese) should generally be shared with others in the Administrator's office or unit.

5.(a) Section IV(B) does not prohibit an Administrator from accepting meals and entertainment (i) provided without charge to all those at meetings the Administrator attends as part of his/her University duties; or (ii) from anyone outside the University if the meals and entertainment are obtained in the course of the Administrator's institutional advancement, fund-raising, or development activities on behalf of the University.

(b) Section IV (B) does not prohibit an Administrator from attending, in connection with his/her University duties, a reception (e.g., a Christmas party or a reception at a conference) that is sponsored by an individual or

entity that does business or intends to do business with the University and at which food and entertainment typical to business receptions are provided without charge.

6. Occasionally, an Administrator will be called upon to exchange gifts or to receive a gift as part of his/her University responsibilities, particularly when traveling abroad or receiving visitors from abroad. Many such gifts will be of minimal value, but some will not. It is important that Administrators be respectful of the practices of other cultures in such situations. An Administrator who receives a gift of property worth more than two hundred fifty dollars (\$250) in such situations, or otherwise in the course of his/her University duties when it would be discourteous or awkward for him/her to reject or return the gift, does not violate Section IV(B) if he/she promptly:

(a) buys it from the University for its fair market value; or

(b) submits it to a University unit (e.g., WKAR, Surplus) which accepts it for sale in one of the periodic sales or auctions of merchandise conducted by that unit; or

(c) otherwise sees that it is used for a University purpose or to benefit the University, rather than for the Administrator's personal benefit.

7. Section IV(B) does not prevent an Administrator from receiving gifts from relatives of the Administrator, even if the relative does, or intends to do, business with the University, provided that the Administrator complies with the rest of the Policy, especially Sections V and VI. "Relative" is defined in the attached Glossary.

C. Use of Authority, University Resources.

1. No Administrator shall use University property or resources, or his/her authority or title at the University, to obtain or provide others with a private benefit which is inconsistent with the University's interests, nor shall any Administrator personally profit, or cause others to profit, by trading on his/her University position or authority.

2. Administrators shall not represent their personal opinions as those of the University.

1. "Property and resources" is defined in the attached Glossary.

2. Private use of University property and resources is not prohibited by Section IV(C)(1) if (a) it is part of the Administrator's remuneration; or (b) the private use would not adversely affect the availability of the property and resources for University activities, and (i) the University is reimbursed for the private use by the Administrator at fair market value for the benefit received by the Administrator, or (ii) the private use is a de minimis, incidental use which imposes no, or little, additional cost or expense on the University.

3. The prohibition against trading on University position or authority in Section IV(C)(1) prevents an Administrator from giving, or stating/implying that he/she will give, any individual or entity an advantage of any kind in doing business with the University in return for a personal benefit to the Administrator or a relative of the Administrator. "Relative" and "entity" are defined in the attached Glossary. For a similar concept, see the Faculty Rights and Responsibilities policy: "Faculty members have the responsibility not to abuse their standing within the University for personal or private gain."

4. In applying Section IV(C)(2), note the following text from the Faculty Rights and Responsibilities policy: "When the situation warrants, faculty members acting or speaking as citizens have a responsibility to make clear that these actions or utterances are entirely their own and not those of the University or any component of the University." Administrators have the same responsibility.

D. Conflicting or Incompatible Service. No Administrator shall render paid or voluntary services on behalf of any individual or entity, whether public or private, for-profit or not-for-profit, other than the

University, when those services: (1) would be incompatible or in conflict with the discharge of that Administrator's duties at the University; or (2) would require that Administrator to disclose, to the University's detriment, confidential or proprietary information acquired in the course of his/her employment at the University.

Regarding Section IV(D), the University recognizes that its Administrators have interests and activities outside the University and that both the University and the community benefit greatly from their involvement in these interests and activities. Therefore:

1. Section IV(D) does not apply if the Administrator has been assigned by the University to render services to or for an individual or entity or if the University recognizes the Administrator as the University's representative on the entity. "Entity" is defined in the attached Glossary.

2. Absent special circumstances, the following are not prohibited by Section IV(D):

(a) service by the Administrator to or for entities (i) which exist to benefit the University, e.g., the Michigan State University Foundation and the Green & White PAC (assuming compliance with federal and State laws that prohibit the use of University property and resources for this purpose without full reimbursement by the Green & White PAC); or (ii) which are closely associated with the University, e.g., Michigan State University College of Law; the University Club of Michigan State University; Mid-Michigan MRI, Inc.; University Rehabilitation Alliance, Inc.; Radiation Oncology Alliance; and Great Lakes Cancer Institute; or

(b) service by the Administrator to or for any professional association of which the Administrator or the University is a member; or

(c) participation by the Administrator in advisory or peer review processes for government agencies, accreditation agencies, other educational institutions, or foundations; or

(d) service by the Administrator as an editor, an editorial board member, or a reviewer for a professional journal.

This is not an exclusive list. "Property and resources" is defined in the attached Glossary.

3. Many potential conflict situations involving board membership on other entities can be satisfactorily resolved by the traditional devices of disclosure and nonparticipation: the Administrator discloses the potential conflict to the University and to the entity when accepting the board membership and does not participate in the consideration of, or vote on, any matter involving a potential conflict between the entity and the University. Management of occasional conflicts through the use of these devices is particularly appropriate when the University, in general, benefits from the Administrator's service on the other entity's board.

4. Some situations require special care. These include:

(a) when the services the Administrator will undertake on behalf of the other entity include institutional advancement, fund raising, or development, particularly if the institutional advancement, fund-raising, or development activities will involve contact with individuals or entities with whom the Administrator also has contact in fulfilling his/her University duties; or

(b) if the Administrator's title at the University will receive special emphasis or visibility (more than what is normal or necessary for purposes of identification) in connection with the services the Administrator is performing for the other entity; or

(c) if the Administrator may be perceived as the University's representative or spokesperson on the entity, but is not performing that function on behalf of the University.

In these situations, and any others in which the Administrator is concerned that her/his services to another individual or entity might conflict with the standards included in Section IV(D), the Administrator should

consult with the Administrator to whom she/he reports prior to undertaking the service.

5. Administrators who render paid services to any individual or entity other than the University must also comply with applicable University policies relating to outside work for pay/conflict of commitment.

6. Definitions and examples of “confidential information” and “proprietary information” are included in the attached Glossary.

E. Competition with University. No Administrator shall knowingly compete with the University for any property, asset, or opportunity needed by the University.

F. Diversion of Opportunities. No Administrator shall divert an opportunity which may be of interest to the University to another individual or entity for the Administrator’s personal gain or benefit or for the gain or benefit of any relative of the Administrator unless the University has been informed of the opportunity on a timely basis and has declined to act on it.

Sections IV(E) and (F) address different aspects of the same principle. For example, an Administrator should not purchase—Section IV(E), or profit by advising others of an opportunity to purchase—Section IV(F), real property abutting the University, unless the Administrator has verified that the University has no interest in purchasing that property at that time. The same would be true of other unique investment opportunities (e.g., purchasing stock in a start-up that licenses intellectual property from the University) which the Administrator wishes to pursue. Sections IV(E) and IV(F) apply only to prospective purchases of property and assets, and to other investment opportunities, in which the Administrator knows, or reasonably should know, the University might be interested and which the University could not easily replicate. For example, an Administrator’s purchase of marketable securities should not affect the University’s ability to purchase securities in the same entity, even if the Administrator knows the University is planning to make a similar investment. But, an Administrator cannot try to acquire the last available shares in an IPO if he/she knows the University is seeking these shares and others are not available on the same terms obtained by the Administrator.

“Entity” and “relative” are defined in the attached Glossary.

V. CONTRACTS WITH THE UNIVERSITY

A. Prohibitions. An Administrator shall not directly or indirectly solicit, take any part in approving, take any part in negotiating, renegotiating, or amending, or in any other way represent any party to, any contract between the University and

- 1. the Administrator; or**
- 2. a relative of the Administrator; or**
- 3. any corporation, partnership, unincorporated association, trust, or estate in which the Administrator has a significant financial interest; or**
- 4. any corporation, partnership, unincorporated association, trust, or estate in which the Administrator knows or reasonably should know that a relative of the Administrator has a significant financial interest.**

1. Administrators in direct contact with suppliers or potential suppliers to the University, or who have direct or indirect control or influence over purchasing decisions or contracts, or who otherwise have official involvement in the purchasing or contracting process, should exercise special care to comply with Section V of the Policy.

2. The prohibitions in Section V(A) are procedural. Section V(A) does not prohibit any individual or entity listed in Section V(A) from entering into a contract with the University, as long as the Administrator keeps his/her distance from the transaction, as mandated by Section V(A), and other applicable legal and Policy requirements are met. See Section V(B) of the Policy, for example.
3. Section V(A) is not intended to prevent an Administrator from representing himself/herself in negotiating the terms of his/her employment at, or separation from, the University, including any employment contract or separation agreement between the Administrator and the University. Nor is Section V(A) or any other provision of the Policy intended to limit any Administrator's ability to represent the University in any way in connection with any contract for or relating to employee benefits at the University, or to manage or administer employee benefit plans at the University, solely because the Administrator or a relative of the Administrator will or could benefit from that contract or plan as a University employee.
4. "Relative," "entity," and "significant financial interest" are defined in the attached Glossary.

B. Board Approval. Administrators shall take all steps necessary to assist the University to comply with the State law requiring Board approval of contracts between the University and the Administrator or between the University and entities in which the Administrator has a financial interest specified by the State law.

1. Under the Michigan statute entitled "Contracts of Public Servants with Public Entities" MCL 15.321 et seq., a contract between the University and any of the following requires Board of Trustees approval:

- (a) an Administrator; or
- (b) any firm, meaning, in this case, a partnership or unincorporated association, of which the Administrator is a partner, member, or employee; or
- (c) any private corporation of which the Administrator is (i) a director, officer, or employee; or (ii) a stockholder owning more than one percent (1%) of the total outstanding stock of any class if the stock is not listed on a stock exchange or stock with a total market value in excess of \$25,000 if the stock is listed on a stock exchange; or
- (d) any trust of which the Administrator is a beneficiary or trustee.

In obtaining the Board's approval, the pecuniary interest of the Administrator in the contract is publicly disclosed to the Board of Trustees. The disclosure is made a matter of record in the Board's official proceedings.

After this notice has been given to the Board, the Board votes whether to approve the terms of the contract at a subsequent formal session of the Board. A vote of at least two-thirds (2/3) of the full membership of the Board is required to approve the contract. The following are made part of the official record of the Board meeting at which the vote is taken: the name of each party to the contract; the nature of the employee's pecuniary interest in the contract; the duration of the contract; the financial consideration between the parties to the contract; a description of any use of University facilities or services pursuant to the contract; and a description of any work to be performed by University employees assigned to fulfill the University's obligations under the contract.

2. When Board of Trustees approval of a contract may be required by State law, the relevant Administrator should contact the Office of the General Counsel to receive guidance and, if necessary, assistance in preparing the materials to present to the Board to obtain its approval. Because of the Board's meeting schedule, obtaining the requisite approval from the Board will generally take at least 60 days.

3. Unless otherwise required by University policy or applicable law, Board approval is not sought if the relevant contract:

(a) is between the University and any entity to which the University has assigned the Administrator to act as a board member, or otherwise to render services; or

(b) is an employment or separation agreement between the University and the Administrator.

“Entity” is defined in the attached Glossary.

4. The University does not generally construe a gift or grant as a contract for purposes of compliance with this State law.

VI. REPORTING

A. Disclosure of Significant Financial Interests. Each year a questionnaire shall be distributed to each Administrator asking the Administrator to provide information about organizations that do business, or intend to do business, with the University and in which the Administrator or members of the Administrator’s immediate family have a financial interest prescribed in the questionnaire. Each Administrator shall provide the requested information.

1. Since each Administrator is responsible to disclose conflicts of interest in which he/she becomes involved (see Sections III and VI(B)(1) of the Policy), a major purpose of the circulation of the annual questionnaire pursuant to Section VI(A) is to give each Administrator an opportunity to consider potential conflicts of interest and how best to avoid them.

2. The Internal Audit Department will compile and collect the questionnaire.

3. A definition and explanation of the phrase “member of the Administrator’s immediate family” is included in the attached Glossary.

4. The questionnaire is distributed once each year, usually prior to the beginning of the academic year. An Administrator whose financial interests change during the succeeding year has no obligation to update the information provided in response to the questionnaire. New or increased financial interests may trigger immediate obligations for the Administrator under other Sections of the Policy however. See, for example, Sections III, V(A), V(B), and VI(B) of the Policy.

5. To the extent permitted by law, the University shall seek to preserve the confidentiality of private financial and other private information disclosed by an Administrator in response to the annual questionnaire or in connection with the review, management, and resolution of conflicts of interest involving that Administrator. See Section VI(B) of the Policy.

Nonetheless, it is possible that the University may be compelled to release some or all of the information disclosed by the Administrator if that information is included in records which are sought pursuant to Michigan’s Freedom of Information Act. The University may also have to release the information in response to a subpoena or a court order, or as part of the discovery process in a litigation.

B. Disclosing Conflicts of Interest.

1. Disclosure of conflicts of interest is the responsibility of the Administrator who becomes involved in activities that may be in conflict. The Administrator shall make disclosure to the Administrator to whom he/she reports as soon as he/she becomes aware of the situation that gives rise to the conflict of interest, except that the President shall make such disclosure to the Chairperson of the Board of Trustees. An Administrator who has questions about a possible conflict of interest, or about compliance with other parts of this Policy, should direct them to the same individual.

2. In considering possible conflicts of interest, Administrators should err on the side of disclosure. It is the role of the University, not the Administrator, to decide whether the disclosed interest constitutes a conflict

of interest and, if it does, how best to address it.

1. Regarding Section VI(B)(1), Vice Presidents and other Administrators who report directly to the President should disclose conflicts of interest to the President. Deans and other academic Administrators should make disclosure to the Provost. Other Administrators should make disclosure to the Vice Presidents to whom they report. If any Administrator feels that it would be inappropriate to disclose a conflict of interest to the Administrator to whom he or she reports because that individual shares the conflict or has another conflict, the Administrator may seek advice on how to proceed from the General Counsel or from the Associate Provost and Associate Vice President for Faculty and Academic Staff Affairs.

2. Administrators (other than the President) who receive conflict of interest disclosures or questions about conflicts of interest should advise the President of such disclosures and questions before responding to them.

3.(a) If an Administrator is concerned that he/she might have a conflict of interest, he/she should bring it to the attention of the Administrator to whom he/she reports.

(b) Even if Administrators are confident that their financial and other private interests will not impair the independence of judgment with which they perform their duties at the University, they are urged to make disclosure when they are concerned that others might question the propriety of their behavior or the motivation for their conduct.

4. Although the judgment about what to report as a potential conflict of interest lies first and foremost with the Administrator, the University is ultimately responsible for deciding whether a conflict of interest exists in a given situation, and, if it does, how it should be managed and resolved. Administrators are reminded that the existence of a conflict of interest must be measured by objective, as well as subjective, standards. See (2) under Section III above.

5. When disclosing a conflict of interest, the Administrator must provide sufficient information about the conflict to ensure that its nature and scope are understood.

C. Complaints. The University shall maintain a process for receiving reports, including anonymous reports, of undisclosed conflicts of interest and other violations of this Policy by Administrators.

The University has established a telephone and web reporting hotline for misconduct, including violations of the Policy. The Internal Audit Department monitors the hotline. More information about the hotline can be found at misconduct.msu.edu.

VII. IMPLEMENTATION

A. Authority. The President shall be responsible for implementing this Policy for all other Administrators, and thus has authority with respect to such Administrators to:

1. determine whether a conflict of interest exists and, if it does, establish a plan for its management or elimination;

2. designate appropriate individuals to investigate alleged violations of this Policy and report back to him/her;

3. decide whether an Administrator has violated this Policy;

4. institute disciplinary action for any such violation; and

5. delegate any of these tasks to the Provost or the Executive Vice President for Administrative Services on a case-by-case basis.

The Chairperson of the Board shall review any issues relating to the implementation of this Policy with respect to the President and report to the Board about the results of such review.

1. Regarding Section VII(A)(1), the President may employ a variety of techniques for the management or elimination of an Administrator's conflicts of interest. While disclosure is often sufficient to resolve conflicts of interest involving faculty, it is less likely to be the sole means of resolving an Administrator's conflict. Other techniques for addressing an Administrator's conflict of interest might include monitoring of the conflict situation by another Administrator; disqualifying the Administrator from participating in all or part of the situation that gives rise to the conflict; instructing the Administrator to divest the financial interest, or to sever the relationship, that gives rise to the conflict; or instructing the Administrator not to undertake the activity that gives rise to the conflict.

2. Regarding Section VII(A)(2), individuals designated by the President to conduct or participate in an investigation of a reported conflict of interest may include representatives of the Internal Audit Department, of the Office of the General Counsel, or of other University offices, or outside professionals, depending on the circumstances. Members of the University community are expected to cooperate in such investigations.

3. Regarding Sections VII(A)(3) and VII(A)(4), if the President determines that an Administrator violated the Policy, the President will take such steps as are necessary and appropriate to respond to and remedy the situation. The President may also take appropriate disciplinary action. See Section VIII of the Policy.

B. Handbook. A handbook explaining and interpreting this Policy shall be made available to Administrators.

This Section of the Policy is self-explanatory. This is the handbook to which the Policy refers.

C. Annual Certification. Each Administrator will affirm annually that he/she has complied with this Policy during the previous year and will comply with this Policy during the next year.

1. Since each Administrator is responsible under Section VI(B)(1) of the Policy to disclose conflicts of interest in which he/she becomes involved, the main purpose of the annual affirmation is to remind each Administrator of the Policy and his/her obligations under it, and to give each Administrator an opportunity to consider his/her financial and other personal interests and how they might trigger conflicts. In other words, it provides an occasion for an annual self-examination on a set of issues which is the subject of public concern and scrutiny.

2. The annual certification will be collected by the Internal Audit Department as part of the annual questionnaire. See Section VI(A) above.

D. Annual Report. The President shall make an annual report to the Finance and Audit Committee of the Board of Trustees on the implementation of this Policy during the previous year.

The Finance and Audit Committee receives this report in connection with its oversight of the University's financial processes and internal controls.

VIII. SANCTIONS

Administrators who violate this Policy are subject to disciplinary action, up to and including discharge.

No University policies prescribe procedures which must be followed before deans, directors, or executive managers may be discharged from these positions. A serious and intentional or reckless violation of the Policy

by an Administrator who is also a tenured faculty member could form the basis for that Administrator's dismissal for cause from the University, but only after the University complies with the Discipline and Dismissal of Tenured Faculty for Cause policy.

PLEASE NOTE: The Standards of Official Conduct for Senior University do not change, supersede, or substitute for other University policies governing conduct of Administrators. For example, an Administrator should be familiar with the Conflict of Interest in Employment policy if any of his/her relatives are employed by the University. "Relative" is defined in the attached Glossary.

GLOSSARY

"Confidential information" means information/records whose public disclosure is restricted by law, contract, University policy, professional code, or practice within the applicable discipline or profession. Examples of information/records that are typically or often confidential include patient records; most student records and personally identifiable information about students; medical information about employees; social security numbers; human subject research records; certain financial information provided to the University in connection with a potential investment by the University; and letters of reference for appointment, reappointment, promotion, and tenure recommendations for faculty.

"Entity" means any corporation; limited liability company; partnership; limited partnership; joint venture; sole proprietorship; firm; franchise; association; organization; holding company; joint stock company; foundation; receivership; business, real estate, or other trust; estate; or other legal entity, however organized, private or public, for-profit or not-for-profit, but excluding the University or any entity controlled by or affiliated with the University.

"Gift" includes any good, property, service, loan, or other thing of value for which the Administrator pays less than its fair market value, as well as any good, property, service, loan, or other thing of value which the Administrator receives free of charge. "Gift" includes the promise to make or provide a "gift" in the future.

"Member of the Administrator's immediate family" means the Administrator's spouse or domestic partner, minor children, and any relative who resides with the Administrator or who is the Administrator's dependent for tax purposes. This definition is limited to those relatives about whose significant financial interests an Administrator can reasonably be expected to know.

"Property and resources" include facilities, supplies and material, equipment, personnel, and intellectual property.

"Proprietary information" means information or data with potential commercial value, whose value would be lost or reduced by disclosure or by disclosure in advance of the time prescribed for its authorized public release, or whose disclosure would otherwise adversely affect the University financially. Examples of proprietary information include non-patentable technical information or know-how that enhances the value of a patented invention or that has independent commercial value, or information about the University's intention to buy, sell, or lease property whose disclosure would increase the cost of that property for the University or decrease what the University realizes from that property.

"Relative" is a connection between the Administrator and another person by blood, marriage, adoption, domestic partnership, or cohabitation, or an intimate relationship in which objectivity might be impaired. This definition is based upon, and essentially conforms to, the definition of "relative" in the University's Conflict of Interest in Employment policy.

"Significant Financial Interest" means:

(a) anything of monetary value, including, without being limited to, payments relating to services (e.g., salary, commissions, consulting fees, or honoraria), equity interests (e.g., stock, stock options, or other ownership

interests), beneficial interests (e.g., as a beneficiary of a trust or estate), indebtedness (e.g., loans, mortgages), and intellectual property rights (e.g., patents, copyrights, and royalties from such rights), EXCEPT:

- (i) salary, royalties, or other remuneration from the University or paid for or on behalf of the University (including remuneration from a University-approved practice plan); or
 - (ii) income from seminars, lectures, or other educational activities sponsored by public or not-for-profit entities; or
 - (iii) income from service on advisory committees or review panels for public or not-for-profit entities; or
 - (iv) any financial interest of any amount arising solely by means of investment in a mutual, pension, or other institutional investment fund over whose management and investments neither the individual in question nor a member of his/her immediate family exercises control (e.g., TIAA-CREF); or
 - (v) an equity interest that, when aggregated for the individual in question and the members of his/her immediate family and any entity that one or more of them owns or controls, is worth less than \$10,000 (as determined through reference to market prices or any other reasonable measure of fair market value) and also does not constitute more than a five percent (5%) ownership or voting interest in any single publicly traded entity or more than a one percent (1%) ownership or voting interest in any single non-publicly traded entity; or
 - (vi) salary, royalty, and other payments of any kind from a single entity that, when aggregated for the individual in question and the members of his/her immediate family and any entity that one or more of them owns or controls, did not exceed \$10,000 during the last 12 months and are not anticipated to exceed \$10,000 during the next 12 months; or
 - (vii) indebtedness of any kind to or from a single entity that, when aggregated for the individual in question and the members of his/her immediate family and any entity that one or more of them owns or controls, does not exceed \$10,000; or
 - (viii) a mortgage on a residence, or a car loan, or credit card debt, or a student or college loan, in any amount, from a bank, credit union, or other commercial lender; or
- (b) service as an officer, director, trustee, partner, or in any fiduciary or managerial role, or on a governing or advisory board, for:
- (i) any for-profit entity, whether or not remuneration is received for such service; or
 - (ii) any not-for-profit entity, if remuneration in any amount is received for such service (remuneration does not include reimbursement for expenses or indemnification or insurance for that service); or
- (c) service as a trustee, executor, or personal representative for any trust or estate.

The definition of “significant financial interest” is based in large part on the definition of that term in the University’s “Guidelines for Potential Conflicts of Interest Pertaining to Applications for NSF and PHS Research Support” and on the State law referenced in Section V(B) of the Policy and described in Section V(B) (1) of this handbook.

Revision History:

6/15/16 - Policy revised and approved by MSU Board of Trustees.

[Back to Faculty & Academic Staff Policies and Procedures](#)

**MICHIGAN STATE
UNIVERSITY**

May 5, 2015

Dr. Sanjay Gupta
Acting Dean, Eli Broad College of Business
Russell E. Palmer Endowed Professor of Accounting
Business Complex
632 Bogue St. Room N520
East Lansing, MI 48824
Campus

Dear Sanjay:

I write to confirm that President Simon and I are delighted to recommend to the Michigan State University Board of Trustees your appointment as the Eli and Edythe L. Broad Dean of the Eli Broad College of Business effective June 17, 2015. I shall recommend an initial salary rate as dean of \$425,000 on an annual (12 month) basis. Salary adjustments are based on merit and normally are effective October 1; you will be considered for a merit salary adjustment in Fall 2016. In addition, through Broad College funds, you will receive research funding equivalent to that received by named endowed professors in the Broad College, to be used consistent with the practice for Broad College endowed professors. This amount will not be less than \$30,000 per year.



**OFFICE OF THE
PROVOST**

Michigan State University
Hannah Administration Building
426 Auditorium Road, Room 430
East Lansing, Michigan 48824

Phone: 517-355-6550
Fax: 517-355-9801
provostmsu.edu

Those of us appointed on an annual basis are eligible for 22 days of vacation each year. You will retain your current benefits as a faculty member. The policy on consulting and outside work for pay also allows for an average of four days of consulting per month.

Your appointment as dean may be discontinued by the President and Provost at any time. The *MSU Bylaws for Academic Governance* require the review of deans at intervals not to exceed five years. As is my practice for deans selected from within Michigan State, we will conduct your first review after three years.

The University's basic commitment to tenured faculty is for an academic year (9 month) appointment. In the event of a shift to regular faculty duties, your salary rate will be adjusted to the average salary rate of the five highest paid professors with tenure on an academic year basis (excluding administrators, but including named professors/chairs and University Distinguished Professors) in the Eli Broad College of Business. However, the adjusted salary will be no less than your de-annualized salary. In addition, at the time a shift to regular faculty duties occurs, you will be eligible for a six-month research assignment prior to assuming faculty duties, which may be combined with a sabbatical leave if eligibility requirements are met.

In accepting the position of dean, you will relinquish your appointment as the Russell E. Palmer Professor of Accounting. Upon your return to the faculty, you will be appointed as a John A. Hannah Professor, Broad Professor, or other available endowed professorship in the Broad College, with research support in effect at that time.

As Dean, the benefits provided by the University do not change from those you receive in your current role. Question about any of the benefit programs can be addressed to Theodore Curry at 517-353-5300 or at thcurry@msu.edu.

Based on your position as Dean of the Eli Broad College of Business, the University will provide the opportunity for you to purchase two tickets for football, men's basketball and hockey for your personal use, upon request and based on availability. These tickets and the seat location are available to you only during the time you serve as Dean. The cost of tickets and any required seat premium must be paid for personally and not on a University account.

As noted above, final approval for your appointment rests solely with the MSU Board of Trustees. Also, your appointment as dean is contingent on completion of a criminal background check.

As we discussed, I am eager to see progress over the next three years in a number of areas. Each of these, as you shared, has substantial activity, so we agree they are both important for the College and that continued attention is a priority for the College. These areas include:

- Identifying strong leadership for the undergraduate program, and an emphasis on continual enhancement of undergraduate education. We discussed continuing to sure up the Residential Program, and generally being as strategic about the enhancement of the undergraduate program as has been the case with the MBA program.
- Recruiting faculty from geographically diverse areas of the country – and world.
- Increasing the number and quality of external business and industry partners.
- Strategically increasing collaborations across the campus, both in areas of research and instructional programs.
- Enhancing the opportunities for international/intercultural learning, particularly for undergraduate students.
- Continuing the emphasis on philanthropy and fund raising, and establishing a stronger alumni network of support.
- Enhancing efforts within the College to seek external funding to support scholarship, as it is available.

We also discussed some of your short-term goals for the College. To support these goals, I will commit to:

- Providing funding for external searches for two department chairs.
- Increasing the start-up funds by 80% each year for the next three years.
- Supporting an additional staff person to assist with alumni/development.

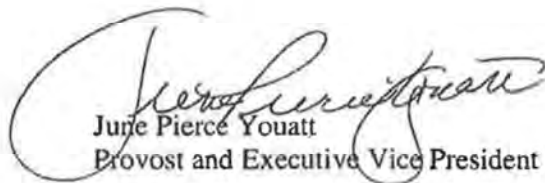
Additionally, we will seek clarification about the expectations of additional costs that may be associated with the planned graduate school pavilion, realizing that your understanding of the development goal (and expectation) is simply the cost of the actual construction of the space (not carrying costs or renovations).

Finally, the Office of the Provost will provide funding to support your wife, Kiran, in a 50% appointment in the Employee Assistance Program.

Sanjay, I trust that all these details do not deflect from my enthusiasm for your appointment as Dean. Members of the Search Committee and the College's faculty and staff are excited about the contributions you will be able to make to the College and MSU and look forward to working with you. I, too, look forward to continuing to work closely with you as we address the opportunities and challenges ahead for Michigan State University.

In order to finalize this appointment offer, please indicate your acceptance below and return a copy to me.

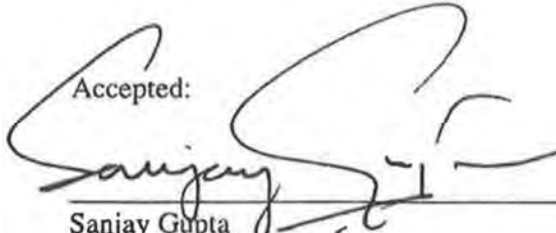
Sincerely,



Julie Pierce Youatt
Provost and Executive Vice President for Academic Affairs

c: Theodore H. Curry II
Lou Anna K. Simon

Accepted:



Sanjay Gupta

May 6, 2015
Date

MICHIGAN STATE UNIVERSITY

October 5, 2022

Dear Chairperson Byrum:

I understand Provost Woodruff shared a letter with the Board of Trustees earlier today about the ongoing investigation into Dr. Gupta's personnel matter. I too write to express concern over the manner in which this matter is being handled.

As Quinn Emanuel continues its review of the personnel action surrounding former Broad College Dean Dr. Sanjay Gupta, I find it imperative to remind you of the importance of the university's non retaliation policy and also to stress the need for the existing OIE investigation to not be influenced or impacted.

I have heard about some of the outreach the law firm is making to employees, including those who are actively engaged in the current OIE investigation related to Dr. Gupta's failure to mandatory report. It is critical that the OIE investigation be allowed to proceed and not be encumbered or influenced by the Quinn Emanuel review.

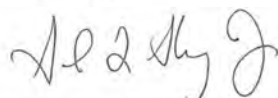
Further, employees should not feel pressured or intimidated for fear of retaliation from the Board as part of this review process. I would expect Quinn Emanuel to be utilizing our policy, which I'm posting below as a reminder:

<https://civilrights.msu.edu/policies/Notice-of-Non-Discrimination-Anti-Harassment-and-Non-Retaliation.html#:~:text=MSU%20also%20prohibits%20retaliation%20against%20those%20who%20report,will%20take%20strong%20responsive%20actions%20if%20retaliation%20occurs.>

While I still don't believe this external review is needed, as I feel the university made the right decision, the administration is cooperating with the law firm by providing documents and materials requested on this matter. But it is also my duty to ensure that employees are protected from undue pressure and that the Title IX and OIE investigations still underway are not influenced. Please be advised that MSU employees will not be compelled to participate in Quinn Emmanuel's review, and for those who do voluntarily participate, the university will offer legal counsel to those employees.

I hope you can share my concerns with those who are managing this process.

Sincerely,



Samuel L. Stanley Jr., M.D.
President



Office of the President

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MICHIGAN STATE UNIVERSITY

October 5, 2022

Dear Board of Trustees:

I write today after learning that the Michigan State University Board of Trustees directed their outside counsel to depose [REDACTED] regarding the resignation of Dr. Sanjay Gupta as dean of the Broad College of Business following an OIE finding of 'failure of mandatory reporting' and a leadership review of his activities associated with this matter. I most vigorously defend the rights of our faculty and staff to work independent of outside incursion and the right of the university to work through its rigorous processes for discipline without undue pressure on behalf of an individual. Your stated goals in the September 30, 2022, memo is 'to investigate the 2021 Title IX certification process, provide guidance to the Board in reviewing Title IX reports, identify shortfalls in the process, and make recommendations to improve the process'. The questions asked of [REDACTED] are 'circumstances...including disputes as to whether Dr. Gupta failed to comply with mandatory reporting obligations and disputes concerning the voluntary or involuntary nature of Dr. Gupta's resignation.' The latter is a personnel matter on which you were fully briefed, and the seven individuals targeted by your law firm would have limited knowledge on the matter. The former matter is not in dispute. Dr. Gupta failed to comply with mandatory reporting obligations (see inset below). Importantly, the Board of Trustees declined direct engagement with me on these matters, asking me to leave a Zoom meeting wherein any questions you had could be addressed in a legitimate and timely manner, and you have sought no further input in the interregnum. Thus, it is my assessment that you are working in a manner that does not comport with ordinary fact finding and I therefore ask you to halt the manner of your investigation.



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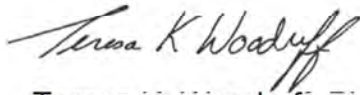
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"In the June 20 meeting that FASA convened with Dr. Gupta and various university leaders to discuss possible interim measures, Dr. Gupta himself indicated that during the week following the April 22 incident, faculty and students contacted him about the event to share information that aligned with the OIE notification about the event, which included alleged intoxication, inappropriate dancing, and touching. Dr. Gupta acknowledged that he did not report this information to OIE."

I also ask that you do not send inquiries of a legal matter directly to members of campus. The Board is in possession of specific knowledge about people in roles who are working on behalf of the university. These aggressive and unparalleled actions are causing harm to individuals and creating a chilling effect over work that is difficult. Staff are led to question whether the work they are doing is worth it; whether their work on behalf of the university is supported by Board members as university leaders; what other cases/individuals will be given 'special treatment' by the Board of Trustees; who is next to get a letter from the Board of Trustees' legal counsel. The protections of an orderly workplace must be restored.

These actions by the Board of Trustees are doing harm to the campus, harm to the reputation of MSU and harm to the process you seek to improve.

Sincerely,



Teresa K Woodruff, Ph.D.
Provost and Executive Vice President for Academic Affairs
MSU Foundation Professor
Michigan State University

Office for Faculty and Academic Staff Affairs
Case Management Document: OIE Case [REDACTED]
Failure to Report and Leadership Response Analysis - Dean Sanjay Gupta

Situation Timeline

The following is a timeline, documenting the events and information related to the failure to report.

April 22, 2022

MBA end-of-year off-campus event for faculty and students. In the following days reports were made to OIE regarding a possible RVSM violation of [REDACTED] Dean Gupta's [REDACTED].

April 22-29²

- [REDACTED] informed Dean Gupta that [REDACTED] became intoxicated and behaved inappropriately, without going into detail, and apologized.
- [REDACTED] and [REDACTED] reported to Dean Gupta that students reported to [REDACTED] that [REDACTED] appeared intoxicated and was "dancing suggestively with students and may have touched one of them."

May 10, 2022

The college sent a request to FASA to approve a leave to retirement beginning 7/1/22 for [REDACTED] related to family health concerns (Appendix I). FASA approved, unaware of the report to OIE about an Eli Broad College of Business incident.

Thursday, June 16, 2022

FASA received notification from OIE regarding the potential RVSM misconduct of [REDACTED]. FASA reached out to Dean Gupta and other related parties to set up a meeting to discuss the situation and possible interim actions. Dean Gupta indicated that he was out until Monday but could talk by phone, and that [REDACTED] had submitted retirement paperwork and that [REDACTED] last day would be June 30th. FASA also learned from [REDACTED] that [REDACTED] was working from home the remainder of the week and would be on vacation most of the following week.

Monday, June 20, 2022

FASA met at 8 a.m. with Dean Gupta, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] to discuss the OIE notification and possible interim actions. Points clarified in the meeting include:

- Dean Gupta indicated that the week following the incident, [REDACTED] went to him and admitted that [REDACTED] had been intoxicated and inappropriate, and apologized. Dean Gupta also stated that during that week, other faculty and students told him information that was consistent with the OIE report, including the sexually inappropriate behavior. He was informed that he should have contacted FASA and OIE at that time, which he acknowledged.
- When asked about the leave to retirement, Dean Gupta indicated that he knew about this before the incident and that [REDACTED] had taken a new job with another university (which was different than the rationale provided to FASA in the request for approval of a leave to retirement). When Dean Gupta was told that the leave to retirement forms indicated [REDACTED] was requesting it due to family health issues, he had no comment.

¹ Mandatory Reporting Failure Investigative Memorandum

² This information was found in the Mandatory Reporting Failure Investigative Memorandum and aligned with what Dean Gupta said in a meeting on 6/20/22.

- Interim actions were determined to limit [REDACTED] interactions with students to virtual and only related to academics or the students' careers. There was a desire to keep students safe, while also not limiting their academic progress unnecessarily, as [REDACTED] was likely a mentor to some.
- Dean Gupta sent the interim actions (Appendix II) to [REDACTED] via email.

June 22, 2022

- FASA notified OIE that there may have been a failure to report issue with Dean Gupta, based on what he shared in the meeting on June 20 (Appendix III).

June 22-29, 2022

- FASA and OGC became aware that [REDACTED] was currently teaching at [REDACTED] (Appendix IV). No requests had been made to FASA for an exception to the Dual Appointment policy, therefore, [REDACTED] did not have appropriate approvals to do so.
 - When asked on June 21 whether an Outside Work for Pay (OWP) form was completed regarding this work, Dean Gupta said (on June 22) that it was not necessary since [REDACTED] wouldn't be paid until [REDACTED] leave started on July 1 (even though he was working in June) (Appendix V). FASA informed Dean Gupta that it was still needed.
 - Dean Gupta then promptly sent an OWP form to FASA with signatures dated June 15 ([REDACTED]) & 17 ([REDACTED]); however, the form was created on June 22 (per document properties), just prior to the document being sent to FASA from Dean Gupta (Appendix VI). It was unclear whether Dean Gupta knew that the form was back dated, as he didn't sign it.
- FASA and OGC reviewed the leave to retirement issue and decided to revoke approval for the leave to retirement until a determination is made on the OIE case.

June 29, 2022

- [REDACTED] sent a notice to [REDACTED] making [REDACTED] aware of the leave to retirement revocation (Appendix VII). This communication also notified [REDACTED] that [REDACTED] was in violation of the Dual Appointment Policy by working at [REDACTED] and needed to come into compliance with the policy. Dean Gupta was copied on this notification.

June 30, 2022

[REDACTED] submitted his resignation, effective immediately (Appendix VIII).

July 21, 2022

FASA was notified by OIE that a Mandatory Reporting Failure Investigative Memo would likely be issued to Dean Gupta.

August 2, 2022

OIE issued the Mandatory Reporting Failure Investigative Memo to Dean Gupta, the Provost, and FASA (Appendix IX).