

**POLICY MANUAL  
OF THE MICHIGAN STATE UNIVERSITY BOARD OF TRUSTEES**

**Table of Contents**

Introduction

Explanation of Policy Numbering System

	<b>Policy No.</b>
I. The Board of Trustees	
A. Amendment of Policies .....	01-01-01
B. Meetings	
1. Addressing (Public Comments).....	01-01-02
2. Agenda Contents.....	01-01-03
3. Committee Structure .....	01-01-09
4. Participation of Board .....	01-01-11
C. Board of Trustees Liaison	
1. With President .....	Bylaws
2. With Faculty.....	01-01-06
3. With Staff .....	Bylaws
4. With Students .....	01-01-07
D. Business Affairs	
1. Auditor Rotation.....	01-01-04
2. Expenditure Guidelines .....	01-01-05
3. Voter Registration.....	02-16-02
4. Trustees Emeriti .....	01-01-08
5. Conflict of Interest .....	01-01-10
II. The President	
A. Authority	

1.	Redelegation of .....	02-02-01
2.	Specific	
a.	Athletic Council .....	02-18-01
b.	Courses of Instruction and Degrees .....	Bylaws
c.	University Organization.....	Bylaws
B.	Cowles House .....	02-02-02
C.	Presidential Performance Evaluation Policy.....	02-17-02
III.	Academic Affairs	
A.	Access to University.....	06-08-01
B.	Archives and Records .....	02-12-01
C.	Faculty Guidelines (See Section IV-B)	
D.	Faculty Rights and Responsibilities .....	Bylaws
E.	Research Guidelines.....	03-05-01
F.	Computer Policy.....	06-05-01
IV.	Personnel	
A.	General Policies	
1.	Course Fee Courtesy .....	02-10-01
2.	Disruption of University Activities .....	02-09-01
3.	Conflict of Interest in Employment.....	04-17-01
4.	Indemnification .....	02-17-01
5.	Anti-Discrimination Policy.....	02-03-01
6.	Smoke and Tobacco-Free Policy.....	02-09-04
7.	Domestic Partner Benefits.....	04-17-04
8.	Drug and Alcohol Policy.....	02-09-03

9.	Consensual Amorous Sexual Relationships Policy.....	04-17-05
10.	Base Retirement Plan Policy.....	04-17-06
11.	Emeritus Title.....	04-17-07
 B. Faculty (Academic Personnel)		
1.	Academic Freedom .....	Bylaws
2.	Conflict of Interest .....	03-17-01
3.	Outside Work for Pay .....	03-17-02
4.	Overload Pay.....	03-17-03
5.	Political Candidacy .....	03-17-04
6.	Appointments .....	03-17-05
7.	Appointment Periods .....	03-17-06
8.	Librarian System .....	04-17-02
9.	Medical Practice Guidelines .....	03-17-11
10.	Patents and Copyrights	
	a. Patents .....	03-19-01
	b. Copyrights and Legal Title .....	03-19-02
11.	Public Radio and Television .....	02-16-01
12.	Retirement.....	03-17-12
13.	Sabbatical Leaves .....	03-17-07
14.	Specialist System .....	04-17-03
15.	Tenure System	
	a. General Policies .....	03-17-08
	b. Discipline and Dismissal of Tenured Faculty for Cause .....	03-17-09
	c. Nontenured - in Tenure System .....	03-17-10
16.	Faculty Grievance Procedure.....	03-17-13

V. Business Affairs

A. Financial and Business Policies

1. Accounting System--Adoption of MI Uniform System ..... 05-07-01
2. Auditor Rotation..... 01-01-04
3. Conflict of Interest ..... 03-17-01
4. Contracts ..... Bylaws
5. Endorsement of Products..... 02-07-01
6. Expenditure Policy..... 05-07-02
7. Traffic Fines Loan Fund ..... 06-09-02
8. Fee Waiver (Application Fee)..... 06-08-02
9. Lottery Tickets ..... 02-09-02
10. Patents and Copyrights
  - a. Patents ..... 03-19-01
  - b. Copyrights and Legal Title ..... 03-19-02
11. Risk Management and Quality Assurance ..... 02-07-02
12. Settlement of Claims and Litigation.....02-07-03

B. Financial Management

1. Investments
  - a. Investment Policy .....01-07-01
  - b. Investments--Republic of South Africa ..... 01-07-02
2. Revenue Recognition ..... 05-07-03
3. Debt Policy ..... 01-07-03

C. Properties and Facilities

1. General Policies

- a. Capital Project Planning and Approval ..... 02-06-01
- b. Responsible Contractor ..... 02-06-06
- c. Naming of Buildings and Facilities..... 02-06-03
- d. Political Use ..... 02-06-04
- 2. Property: Sale and Acquisition ..... 02-06-05

VI. Student Affairs

A. General

- 1. Disruption of University Activities ..... 02-09-01
- 2. Speakers on Campus..... 06-09-01
- 3. Student Rights and Responsibilities..... Bylaws
- 4. University Housing Policy ..... 06-09-03
- 5. Voter Registration..... 02-16-02
- 6. Student-Athlete Conduct Policy..... 06-18-01
- 7. Student Disorderly Conduct Policy..... 06-11-01
- 8. Drug and Alcohol Policy..... 02-09-03

B. Admission and Enrollment

- 1. Access to the University ..... 06-08-01

C. Financial Affairs

- 1. Traffic Fines Loan Fund ..... 06-09-02
- 2. Fee Waiver (Application Fee)..... 06-08-02

VII. University Development

- A. Development Program ..... 02-13-01

- B. Gifts and Grants..... 02-13-02

VIII. Stipulations and Supporting Documents

## **INTRODUCTION TO BOARD OF TRUSTEES POLICY MANUAL**

In order to make the principles stated in the Preamble of the Board of Trustees Bylaws effective and to fulfill the Mission of the University, the Board of Trustees has established policies for the direction of Michigan State University. The policies set forth the Board's position on issues which are vital to the University. Although Board policy is reprinted and interpreted in several official University publications, the statements of these policies herein, in the event of any conflict or questions, are authoritative and controlling. They may be amended only by formal Board of Trustees action. The Board delegates to the President the authority to implement and interpret these policies and, in order to do so, authorizes him to promulgate further University policies that are consistent with the policies of the Board of Trustees.

## EXPLANATION OF NUMBERING SYSTEM

The numbering system used in the Board of Trustees Policy Manual and related University publications is designed to facilitate research of all statements of policy on a given subject, by a given official or affecting a given group.

Each policy statement is assigned a number under the following format:

**XX-XX-XX.X**

**A B C D**

**A GROUP AFFECTED BY THE POLICY**

- 01 Board of Trustees
- 02 General University Community
- 03 Faculty
- 04 Faculty and Staff
- 05 Staff Only
- 06 Students and Prospective Students

**B GENERAL SUBJECT MATTER**

- 01 Board of Trustees
- 02 Powers and Duties of the University President
- 03 Affirmative Action/Equal Opportunity
- 04 University Governance
- 05 University Academic Programs
- 06 Buildings and Lands
- 07 Business Affairs
- 08 Admission of Students
- 09 General Conduct
- 10 Student Tuition Fees and Charges
- 11 Student Services
- 12 Record Retention
- 13 Development
- 14 Use of University Facilities
- 15 Use of University Services
- 16 Public Service
- 17 Personnel Policies
- 18 Athletic Affairs
- 19 Patents and Copyrights

**C SEQUENTIALLY ASSIGNED NUMBER (01-99)**

**D EFFECTIVE DATE OF POLICY IS THE BOARD OF TRUSTEES' ACTION DATE UNLESS OTHERWISE NOTED. POLICIES CONTAINING REFERENCE DATES EARLIER THAN FEBRUARY 3, 1984, WERE REAFFIRMED BY THE BOARD OF TRUSTEES ON THAT DATE.**

1. The Board of Trustees will, from time to time, adopt statements of policy expressing the position of the University on certain matters.
2. The Board of Trustees reserves the right to change its policies as circumstances require.
3. The official copy of the Board's policies, including effective amendments thereto, is maintained in the Office of the Vice President and Secretary to the Board of Trustees.
4. Board of Trustees Policy is amended by formal action of the Board at a regular meeting or a special meeting.
5. Proposals for changes in Board of Trustees policies may come from a member of the Board of Trustees or from the Office of the President.
6. Any proposed Board policy revision, addition, or deletion shall be clearly identified as such.

Enacted: 12/3/82



## **BOARD OF TRUSTEES--ADDRESSING**

**01-01-02**

Meetings of the Board of Trustees are open to the public as provided by law. The Board regards the opportunity for expression of public views on issues before the Board as an important part of its deliberations.

To accommodate such expression, the Board reserves a portion of its regular meeting for persons who wish to address the Board. Those wishing to address the Board must submit a Public Speaker Request Form to the Vice President and Secretary to the Board of Trustees in advance of the posted deadline for doing so.

Individual presentations on topics that are germane to the action items on the Board's agenda are limited to three (3) minutes and the total time for presentations on any such item or topic is limited to fifteen (15) minutes.

Individual presentations on topics that are not germane to the action items on the Board's agenda are limited to three (3) minutes and the total time for presentations on any such topic is limited to twelve (12) minutes.

The Office of the Vice President and Secretary to the Board of Trustees is responsible for the implementation of this policy and may develop guidelines consistent with this policy. Requests for interpretations of the policy shall be referred to that Office.

Enacted: 2/25/77

Amended: 1/26/79, 7/28/83, 2/3/84, 2/5/97, 12/11/09

**BOARD OF TRUSTEES--AGENDA CONTENTS**

**01-01-03**

No motion or resolution shall be voted upon at an MSU Board meeting which is not included on the agenda mailed to the Board members prior to the meeting, unless the motion or resolution is endorsed in writing by six or more Trustees.

Enacted: 1/26/79

## **BOARD OF TRUSTEES--AUDITOR ROTATION**

**01-01-04**

It shall be the policy of the Board of Trustees to periodically rebid the University's financial audit work. The external audit firm, selected through a bidding process overseen by the Trustee Audit Committee, shall be appointed annually for not more than six consecutive audits. At the completion of the sixth consecutive audit by the same firm, a request for proposals shall be issued to select a firm for the next audit cycle of six years.

If the incumbent audit firm is selected to continue to perform the financial audit for subsequent six-year period, a change in the partner in charge of the audit will be required.

While the Board reserves the right, notwithstanding this policy, to change audit firm at any time, the Board recognizes that both the University and the audit firm selected make substantial initial investments at the beginning of the audit relationship and that both parties anticipate recovery of their costs over the six-year period. Therefore, the Board does not intend to change the audit firm during the six-year audit cycle so long as the service and the fees of the audit firm remain satisfactory through the six year period.

Enacted: 10/26/79

Amended: 12/3/82, 10/13/89, 2/10/95, 5/6/05, 2/16/18

## **BOARD OF TRUSTEES--EXPENDITURE GUIDELINES**

**01-01-05**

Trustees will be reimbursed for all expenses when presented. Expenses will be reviewed periodically by the Chairperson of the Board and Chairperson of the Finance Committee. The Vice President and Secretary shall keep a record of all expenses reimbursed to each Trustee.

Enacted: 2/26/82

Amended: 2/8/85

The following persons shall serve as faculty liaison representatives to the Board of Trustees:

1. The Chairperson of the Steering Committee of University Council.
2. The Vice Chairperson of the Steering Committee of University Council.
3. One faculty representative from the University Committee on Faculty Affairs, selected by the Committee.
4. Two additional representatives selected by the Chairperson and Vice Chairperson of the Steering Committee of University Council from the faculty who are members of the Steering Committee of University Council or members of an ad hoc special committee constituted by the Steering Committee of University Council. These individuals should be chosen to provide additional or special insights or counsel to the Board on topics of present interest to the faculty or topics currently being addressed by the Board. They may, but need not necessarily, change from meeting to meeting.

These representatives will participate with the Board in its regular meetings.

Enacted: 4/22/77  
Amended: 6/21/13

The following persons shall serve as student liaison representatives to the Board of Trustees:

1. Chairperson or his/her designate of the Student Board of the Associated Students of Michigan State University.
2. Chairperson or his/her designate of the elected Student Council.
3. President or his/her designate of the Council of Graduate Students.
4. This student will be an at-large appointment by the Vice President for Student Affairs and Services with the advice of the University Committee on Student Affairs.

These representatives will participate with the Board in its regular meetings.

Enacted: 4/16/71

Amended: 6/7/85

Trustees Emeriti are former members of the Board of Trustees of Michigan State University who have completed at least one full elected term of service<sup>1</sup>. Members who do not complete a full term of service for reasons other than death or disability, including those who are appointed to fulfill an unexpired term, may be awarded Trustee Emeriti status upon approval of the Board.<sup>1</sup>

The University benefits when Trustees Emeriti continue to function as advocates for the University with donors, alumni, government officials, representatives of business and labor, members of the media, and Michigan's citizens. The Office of the Vice President and Secretary will work with University officials to make sure that information about the University and higher education generally is provided regularly to Trustees Emeriti. This information will include copies of the President's letters to supporters of the University, the Alumni Magazine, the magazines published by the Colleges, athletic booster group mailings, and Wharton Center materials, along with complimentary subscriptions to *The State News* and to *The Chronicle of Higher Education*.

To facilitate activities by Trustees Emeriti on behalf of the University, the following will be offered to Trustees Emeriti: library card; university email address; car registration permit; parking lot gate pass; the option to purchase up to four tickets to Wharton Center events; the option to purchase up to four season football and up to four season men's and women's basketball tickets, in the same seat locations they had the previous season, with the obligation to pay any seat premiums normally mandated for that seat location<sup>2</sup>; admission to the indoor section of the Spartan Club prior to and during each home football game for themselves and up to three guests; the option to purchase up to two season hockey tickets in the same seat location they had the previous season, with the obligation to pay any seat premiums normally mandated for that seat location<sup>2</sup>; the option to purchase one parking pass per sport in zone 1 for home football and basketball games and lot J(67) for hockey games; the option to purchase up to four tickets to the University of Michigan/Michigan State football game when that game is played at the University of Michigan; the option to purchase up to two tickets to the Notre Dame/Michigan State football game when that game is played at Notre Dame; and the option to purchase up to four tickets to any post-season game in any sport.

In addition, Trustees Emeriti may receive complimentary tickets to athletic contests and Wharton Center events, and a free pass to use the Forest Akers golf courses, when, upon the request of the President or the Vice President for Advancement, the tickets/pass will be used for entertainment purposes to benefit the University. Information about the University purpose for which the tickets/pass will be used must be provided to the Office of the Vice President and Secretary at the time the complimentary tickets/pass are requested.

Trustee Emeriti status may be revoked by vote of at least three-fourths of the members of the Board under exceptional circumstances where conduct occurring or discovered after being awarded emeritus status is deemed to be substantially inconsistent with the university's mission or values.

Enacted: 3/31/78

Amended: 12/1/83, 2/3/84, 6/7/91, 9/18/98, 7/17/06, 4/16/10, 9/10/21

<sup>1</sup>This shall not apply to trustees who began their term of service prior to the effective date of this amendment (9/10/21).

<sup>2</sup>Access to special seating areas in athletic venues is contingent solely upon donor status and is not covered under this policy.

**Committee on Budget and Finance**

The committee responsibilities include oversight of the operating and capital budgets of the university, review of policies which have significant financial impact, review of contracts for construction, assurance of debt, management of real estate owned or gifted to the university and any such other matters which the Board finds may have financial or budget implications.

The committee shall review the annual financial statements and other financial data such as credit agency ratings.

The committee shall also have the role and responsibilities assigned to it under the Board's Investment Policy 01-07-01.

The committee shall also assist the Board in determining compensation for the President and advise the President regarding appropriate compensation for senior executives. The committee shall coordinate the annual evaluation of the President. The President or the Executive Vice President for Administrative Services may consult with the committee on any matters concerning the administration of the university, including such areas as information technology services, human resources and purchasing and procurement.

**Investment Advisory Subcommittee**

The Investment Advisory Subcommittee is a subcommittee of the Committee on Budget and Finance. Membership of the committee will be determined as set forth in the Stipulations for Membership of the Investment Advisory Subcommittee contained in the Stipulations and Supporting Documents section of the Board's Policy Manual. The role and responsibilities of the Investment Advisory Subcommittee are set forth in the Board's Investment Policy 01-07-01.

**Committee on Audit, Risk and Compliance**

The committee responsibilities include reviewing the financial reporting processes and audits of financial reporting processes and audits of financial statements, the internal audit program and the review and selection of the independent auditors.

The committee shall provide oversight for university risk management in order to drive accountability across the entire community. The committee may identify threats and risks that need to be subjected to greater scrutiny by appropriate university leaders. The committee will also review reports from the Chief Compliance Officer (COO) and senior leadership regarding priorities, operation and effectiveness of the university's compliance efforts. The chief compliance officer will report on the effectiveness and compliance by the university representatives and employees with both the Code of Conduct and Code of Ethics.

The committee will review any violations and failures to comply with federal, state, and local laws, rules and regulations, as well as institutional policies.

The committee will oversee compliance with the Board of Trustees Conflict of Interest policy.

**Committee on Academic Affairs**



The responsibilities of the committee are to assist in attaining the goal stated in the university bylaws that requires the "...University to offer undergraduate and graduate education of the highest possible quality..." And "to encourage moving our research and experimentation" and to "diffuse...the knowledge and information." Unless designated to another committee, the committee shall have responsibility for the Board of Trustees bylaws, Board of Trustees policy manual, Board-approved documents such as Bylaws for Academic Governance, the Ordinances and any proposed changes to Board-approved policies and such other matters as shall be determined by the Board. In the event that policy changes are proposed by other standing committees of the board, the Committee on Academic Affairs shall review such proposals for consistency and compatibility with existing policies.

The committee will review recommendations for hiring, promotion and tenure where appropriate as in the case of the Provost or College Deans and recommend such appointments for Board approval.

The committee will attend to issues related to institutional and programmatic accreditation. They may review the policies and operations of critical academic units like FRIB, Outreach and Engagement, International Studies, Admissions, Office of Inclusion and Intercultural Initiatives, Honors College, Libraries and Research and Graduate Studies.

The committee will also oversee university policy with regard to tech transfer, intellectual property, copyright and commercialization.

The committee shall serve as Board of Trustee liaison to the Faculty Steering Committee and other bodies and as the Faculty Senate and University Council and be the Board of Trustee's lead on the public service role of the university as it relates to off-campus services and education.

### **Committee on Student Life and Culture**

The committee responsibilities include oversight of all of the out-of-classroom activities and what is often called the "student experience," and student health and wellness.

The committee will work with Residential and Hospitality Services and with Student Affairs and Services to assure that life in a residence hall, in a Greek house or in off-campus housing and the services that a student needs on campus, are consistent with the expectations of our world-class university. Included in the responsibility is health: physical, emotional, and mental of our community of learners; safety: on campus or off campus. The committee is concerned with all General Student Rights and Responsibilities (SRR) including those for graduate and medical students (GSRR and MSRR). The committee reviews policies and issues related to student conduct and the Office of Institutional Equity. They are liaison to ASMSU, COGS and RHS.

The committee will also be the liaison to the Department of Athletics for our student athletes, as well as the intramural programs that reach thousands of students. The Ombudsperson and Dean of Students will report regularly to this committee so there is Board awareness of student concerns and issues. The committee also addresses issues around the relationship of the University to surrounding communities.

Enacted: 7/25/86

Amended: 10/20/06, 6/22/18, 12/14/18

The people of Michigan, through the State Constitution, established the Board of Trustees of Michigan State University and granted the Board general supervision of the University. "The Constitution confers upon the Board of Trustees the freedom, power, and responsibility to develop a free and distinguished university and to promote the welfare of mankind through teaching, research and public service." Preamble, Michigan State University Board of Trustees Bylaws. In carrying out its public trust, the Board of Trustees has adopted this policy to enhance public confidence in the Board.

- I. **Fiduciary Responsibilities.** Trustees will act in a manner consistent with their fiduciary responsibilities to the University. Trustees will place the University's interests ahead of their private interests. Trustees will exercise their powers and duties in the best interests of the Board and the University and for the public good.
- II. **Conflict of Interest.** (a) A conflict of interest exists when a Trustee's financial interests or other opportunities for personal benefit may compromise, or reasonably appear to compromise, the Trustee's independence of judgment in fulfilling his/her Board duties. (b) Trustees will endeavor to remain free from the influence of, or the appearance of, any conflicting interest in fulfilling their Board duties. Trustees will exercise care that no detriment to the University results from conflicts between their interests and those of the University. (c) Trustees will attempt to refrain from accepting duties, incurring obligations, or engaging in activities that would be incompatible with, or in conflict with, their Board duties.
- III. **Contracts.** No Trustee shall have a pecuniary interest, whether direct or indirect, in any contract with the University that would induce or have the potential to induce action on the part of the Trustee to promote the contract for his/her own personal benefit.
- IV. **Use of Authority/Information.** Trustees will not use their positions, or any privileges or information attendant to their offices, to obtain or provide others with a benefit that is inconsistent with the University's interests.
- V. **Outside Influence.** No Trustee will solicit or accept any gift, loan, or other thing of value, or the promise thereof in the future, from anyone outside the University, which would tend to influence improperly the manner in which the Trustee performs his/her duties.
- VI. **Competition with University.** No Trustee will knowingly compete with the University for any property, asset, or opportunity, which may be of interest to the University, unless the University has been informed of the opportunity on a timely basis and has declined to act on it.
- VII. **Diversion of Opportunity.** No Trustee will divert to another individual or entity an opportunity which may be of interest to the University, unless the University has been informed of the opportunity on a timely basis and has declined to act on it.
- VIII. **Disclosure of Conflicts.** If a Trustee believes that he/she may have a conflict of interest or is notified of a complaint of non-compliance with this Policy, the Trustee shall

promptly and fully disclose the details of the potential conflict to the Secretary to the Board of Trustees and shall refrain from participating in any way in the matter to which the conflict relates until the conflict question has been resolved. The Secretary to the Board of Trustees shall inform the Chairperson of the Board, the President, and the General Counsel of all conflict of interest questions which have been disclosed to the Secretary.

- IX.** Determining Conflicts. The opinion of the General Counsel shall be final with regard to determining compliance with this Policy.
- X.** Addressing Conflicts. If it is determined that a conflict of interest exists, the Chairperson of the Board, the President, and the General Counsel shall work with the affected Trustee to address the conflict and explore alternative arrangements that would eliminate the conflict. If after reasonable efforts, it is not possible to reach a mutually acceptable alternative arrangement, the transaction shall be prohibited.
- XI.** Violations. If a Trustee fails to disclose a conflict of interest or a conflict is otherwise discovered after the fact, the matter shall be forwarded to the Office of Audit, Risk and Compliance for review and corrective action.
- XII.** Trustees Emeriti. This Policy shall apply to Trustees Emeriti for a period of one year following the end of their term of office.
- XIII.** Interpretation. This Policy is to be interpreted and applied in a manner that will best serve the interest of the University.
- XIV.** State Law. This Policy is in addition to any obligations imposed on a Trustee by the State law on conflicts of interest, P.A. 1968, No. 317, MCL 15.321 et seq.

Enacted: 12/6/06

Amended: 05/15/2020

## **PARTICIPATION OF BOARD**

**01-01-11**

Trustees may participate in any meeting of the Board by means of videoconference, conference telephone, or other similar communications equipment whereby all persons participating in the meeting, including any members of the general public in attendance, can see or hear each other. Participation as described in the preceding sentence is the same, for all purposes, as participation in person.

Enacted: 9/12/03

**I. General Statement**

As stated in the Constitution of the State of Michigan and in the Bylaws of the Board of Trustees of Michigan State University (Board), the Board is responsible for the “control and direction of all expenditures from the institution’s funds.” In carrying out this responsibility with respect to the University’s investments, the Board has established a framework for active, professional investment management. This policy states the responsibilities of the parties involved in carrying out the investment program.

The Board will establish an investment program for the investment of University funds for maximum return with an acceptable degree of risk. Within the context of its fiduciary responsibilities, the Board will exhibit social conscience in the administration of the University’s investments.

All institutional funds available for long-term investment (generally at least five years), with the exception of funds limited by law or by special donor restrictions, will be consolidated into the Board’s Common Investment Fund (CIF). (See Exhibit A for the CIF Statement of Investment Objectives.) All institutional cash except as otherwise required by contract or by another legal constraint, will be consolidated into the Board’s Pooled Cash Fund for investment purposes. The Pooled Cash Fund shall consist of i) the Liquidity Pool (short and intermediate-term commercially available funds) and ii) the Liquidity Reserve Pool. (See Exhibit B for the Pooled Cash Fund Statement of Investment Objectives.) The CIF, Liquidity Pool, and Liquidity Reserve Pool may be referred to in this Policy as the University’s investment portfolios.

**II. Nature of Assets**

Three distinct types of assets are covered by this policy:

1. Institutional Funds - Assets owned and held for long-term investment by the University, such as employee retirement funds and endowment funds, which include endowment trusts and funds functioning as endowments.
2. Annuity and Life Income Funds - Assets held for permanent investment by the University as trustee for the benefit of named beneficiaries, to revert to the University upon the demise of the last beneficiary or after a specified period of time, which should be invested to produce annual returns at least equal to contractually required payments to beneficiaries.
3. Institutional Cash – Cash being pooled and invested pending its intended use.

**III. Role of Board of Trustees**

## The Board:

1. Shall, upon the recommendation of the Committee on Budget and Finance and the President, approve (a) investment policies relating to the administration of the Pooled Cash Fund, including, but not limited to, investment objectives, which will include, but not be limited to, performance goals, strategic asset allocation, and risk budgets, (b) endowment spending rates, and (c) institutional liquidity targets;
2. Shall, upon the recommendation of the Investment Advisory Subcommittee, and in consultation with the Chief Investment Officer (CIO), approve investment policies relating to the administration of the CIF, including, but not limited to, investment objectives, which will include, but not be limited to, performance goals, strategic asset allocation, and risk budgets.
3. Shall approve the appointment of the Chief Investment Officer (CIO); and
4. Shall receive periodic reports on investment results through the Committee on Budget and Finance and Investment Advisory Subcommittee, and, through the Investment Advisory Subcommittee and President, on the performance of the CIO.

## IV. Role of Committee on Budget and Finance

### The Committee on Budget and Finance:

1. Shall, in consultation with the Senior Vice President, Chief Financial Officer and Treasurer, and the President, make recommendations to the Board about policies relating to the administration of the Pooled Cash Fund; and
2. Shall receive periodic reports on the investment status of the Pooled Cash Fund from the Senior Vice President, Chief Financial Officer and Treasurer, and shall transmit relevant information from such reports to the Board.

## V. Role of the Investment Advisory Subcommittee

### The Investment Advisory Subcommittee:

1. Shall, in consultation with the CIO, President and Senior Vice President, Chief Financial Officer and Treasurer, make recommendations to the Committee on Budget and Finance and the Board about policies relating to the administration of the CIF;
2. Shall advise the CIO in the review and evaluation of investment opportunities and strategies;
3. Shall provide knowledgeable, objective, and independent advice to the Committee on Budget and Finance, the Board, and the CIO on investment

policies and objectives, strategic investment planning and policy, investment opportunities, and such other matters as shall be determined by the Board;

4. Shall, in consultation with the CIO, annually review the performance and investment objectives of the CIF;
5. Shall, in consultation with the Senior Vice President, Chief Financial Officer and Treasurer, receive periodic reports on the investment status of the Pooled Cash Fund and annually review the performance and investment objectives of the Pooled Cash Fund;
6. Shall advise the CIO concerning Investment Consultants and investment managers for the CIF and advise the Senior Vice President, Chief Financial Officer and Treasurer concerning the Investment Consultants and investment managers for the Pooled Cash Fund;
7. Shall meet with the CIO on a regular basis, but in no case less frequently than three times a year, to receive reports on the performance of the CIF, the Investment Consultant(s), and investment managers; and
8. Shall consult and advise the President regarding the appointment and performance evaluation of a CIO.

## VI. Role of the President

The President:

1. Shall recommend to the Committee on Budget and Finance, upon the recommendation of the Senior Vice President, Chief Financial Officer and Treasurer, investment policies relating to the administration of the Pooled Cash Fund;
2. Shall recommend a CIO for appointment by the Board of Trustees and shall appoint an interim CIO when the position is vacant;
3. Shall assume supervisory responsibility for the CIO position, including, but not limited to:
  - a. developing, in consultation with the Investment Advisory Subcommittee, performance standards, evaluation and compensation for the CIO; and
4. Shall provide broad administrative oversight of the University's investment activities.

## VII. Role of the Chief Investment Officer

The Chief Investment Officer:

1. Shall develop and recommend to the Investment Advisory Subcommittee, an appropriate strategy to meet the Board's long-term investment objectives, which will include, but not be limited to, liquidity available for investments, performance goals, strategic asset allocation, and risk budgets, for the CIF;
2. Shall, after considering advice from the Investment Advisory Subcommittee, President, and Senior Vice President, Chief Financial Officer and Treasurer, be responsible for the selection, retention, and termination of any Investment Consultant(s) for the CIF;
3. Shall manage the day-to-day activities of the CIF within the broad guidelines established by the policies adopted by the Board;
4. Shall monitor capital markets and economic forecasts, and provide the Board and President with an ongoing analysis of the global economic situation as it relates to the University's investment policies and objectives;
5. Shall seek the advice of the Investment Advisory Subcommittee, President, and appropriate Investment Consultant(s) on issues related to the management of the CIF;
6. Within ranges and risk budgets established within Exhibit A of the Investment Policy, shall appoint new investment managers, terminate investments, reallocate assets, make follow-on investments with existing managers, and have authority to allocate funds through use of a joint investment vehicle entity, such as a limited liability entity, and authority to take all actions and execute all documents in connection with the formation, management, operation, and dissolution of any such joint investment vehicle entity;
7. For investments with material liquid commitments or gated redemptions longer than 3-years, shall obtain the approval of the Senior Vice President, Chief Financial Officer and Treasurer as regards the investment remaining within liquidity constraints specified in Exhibit A.
8. Shall provide a monitoring and measurement program that will permit evaluation of the performance of the CIF portfolio, asset classes within the portfolio, and investment managers in comparison with applicable investment market benchmarks and with other managers;
9. Shall report to the Investment Advisory Subcommittee, President, and Senior Vice President, Chief Financial Officer and Treasurer on a periodic basis, but not less than quarterly, rebalancing transactions and all new financial commitments to private investments completed during the quarter, and shall provide quarterly reports to the President and Investment Advisory Subcommittee showing potential rebalancing transactions that are likely to occur over the ensuing



quarter;

10. Shall report monthly to the Investment Advisory Subcommittee, the President, and Senior Vice President, Chief Financial Officer and Treasurer any market value decline of 10 percent or greater in the value of the CIF;
11. Shall report quarterly to the Investment Advisory Subcommittee, the President, and the Senior Vice President, Chief Financial Officer and Treasurer any market value decline with respect to an investment manager that is in excess of two standard deviations of the long-term volatility of the applicable benchmark listed in Exhibit A;
12. Shall maintain communications, as appropriate, among the Board, the Committee on Budget and Finance, the Investment Advisory Subcommittee, the Investment Consultant(s), and the investment managers.

#### VIII. Role of the Senior Vice President, Chief Financial Officer and Treasurer

The Senior Vice President, Chief Financial Officer and Treasurer:

1. Shall advise the President and CIO on investment policies relating to the CIF and Pooled Cash Fund;
2. Shall develop and recommend to the President, through consultation with the Investment Advisory Subcommittee, investment policies relating to the administration of the Board's Pooled Cash Fund;
3. Shall consult with the CIO with respect to private equity and long-term illiquid strategy and asset commitments and shall approve, in conjunction with the CIO, new private equity and long-term illiquid investment managers and make follow-on investments with existing managers;
4. Shall have the authority to appoint the investment custodians for the CIF and Pooled Cash Fund;
5. Shall have the authority to appoint, or may act in the role of, an investment manager for the Pooled Cash Fund and shall report any such appointments to the Committee on Budget and Finance, and the Investment Advisory Subcommittee,
6. Shall consult with the Committee on Budget and Finance and have the discretion and authority to terminate Pooled Cash Fund investment managers for reasons including, but not limited to, performance concerns, organizational changes, deviation from investment mandate, investment mandate is inconsistent with the current market environment, or restructuring of the relevant investment portfolio;
7. Shall provide a monitoring and measurement program that will permit evaluation of the performance of the Liquidity Reserve Pool and investment managers in

comparison with applicable investment market benchmarks and with other managers; and

8. Shall provide a monitoring and measurement program that will permit evaluation of the performance of the Liquidity Pool and investment managers in comparison with applicable investment market benchmarks and with other managers.

#### IX. Role of Investment Consultants

An Investment Consultant:

1. Shall provide advice and consultation to the CIO in the areas of policy development, asset allocation, investment structure and analysis, investment manager selection, risk parameters, and investment performance review with respect to the CIF;
2. Shall provide advice and consultation to the Senior Vice President, Chief Financial Officer and Treasurer in the areas of policy development, asset allocation, investment structure and analysis, investment manager selection, investment custodian selection, risk parameters, and investment performance review with respect to the Pooled Cash Fund, and regarding endowment spending rates;
3. Shall provide, as requested by the President, advice and consultation in developing CIO performance standards and evaluations; and
4. Shall provide such other information pertaining to the Board's investment program as may reasonably be required and shall report immediately to the CIO any major change in its confidence regarding the investments, investment managers, sector, or securities markets for which it is providing advice to the University.

#### X. Role of the Investment Managers

Each investment manager:

1. Shall report at least quarterly to the CIO and/or Senior Vice President, Chief Financial Officer and Treasurer as applicable, on its performance and other appropriate matters;
2. Is authorized to execute investment transactions within its established guidelines, subject to any restrictions established by the Board and/or CIO and/or Senior Vice President, Chief Financial Officer and Treasurer as applicable;
3. Shall provide other necessary information for the development of interim reports and shall meet, as necessary, with the CIO and/or Senior Vice President, Chief Financial Officer and Treasurer as applicable; and

4. Shall vote all proxies in a manner most likely to preserve or enhance the value of the underlying investments and normally to support management on routine matters.

#### XI. Role of the Investment Custodians

Each investment custodian:

1. Shall hold all securities in an agreed-upon nominee name and form;
2. Shall execute all transactions as directed by the relevant investment manager;
3. Shall collect all income pertaining to the securities held, and shall temporarily invest such income in cash equivalents;
4. Shall periodically remit accumulated income to the University, for credit to the appropriate funds or trusts, pursuant to instructions received from the Senior Vice President, Chief Financial Officer and Treasurer;
5. Shall provide the University with a full monthly accounting of all transactions, together with a listing of all holdings at cost and market; and
6. Shall provide such other information as may reasonably be required.

#### XII. Endowment Spending

1. In fulfillment of its fiduciary duties as trustee of the University's endowment and other Institutional Funds, the Board causes those Funds to be invested to generate amounts that may be expended for the purposes for which those Funds were established ("programmatic spending") and amounts that may be accumulated for reinvestment to preserve the value of those Funds, and their purchasing power, against inflation. These are the priorities for the use of the University's endowment and other Institutional Funds. The Board may also permit reasonable and appropriate costs to be charged to the endowment and other Institutional Funds. These charges may include reasonable and appropriate costs of administering and managing the Institutional Funds, such as reasonable and appropriate internal and external investment costs and, for certain Institutional Funds, fund-raising costs. Additional returns, if any, generated by the investment of the Institutional Funds may be used to add real principal growth to such Funds, to better preserve their long-term value, to improve and further diversify the investment options for such Funds, and, thus, to enhance opportunities to stabilize and increase annual expenditure for such Funds.
2. In accordance with these precepts:

- a. (i) The University will make available for programmatic spending 4.4 percent of the average market value of the CIF as calculated for the period comprising 20 quarters of the five fiscal years ending one year prior to the beginning of the fiscal year in which the spending is expected to occur, expressed as a dollar per unit annual distribution amount based on the number of units in the CIF at the time of the calculation. Programmatic spending distributions will be made to CIF unit holders on a periodic basis during the fiscal year based on the number of units in the CIF held when each periodic programmatic spending distribution is made.<sup>1</sup> The Senior Vice President, Chief Financial Officer and Treasurer will determine when the periodic programmatic spending distributions will occur.
- (ii) This programmatic spending rate shall be approved annually by the Board, upon the recommendation of the Committee on Budget and Finance, in consultation with the Investment Advisory Subcommittee and President. The Senior Vice President, Chief Financial Officer and Treasurer shall develop, in consultation with the CIO and Investment Consultant(s), and recommend to the President the programmatic spending rate. In connection with each of these recommendations, the University's financial staff shall present an analysis of the projected impact of inflation on the University's endowment and other Institutional Funds, including how inflation is expected to affect their purchasing power (i.e., the expenditures of amounts for the purposes for which those funds were established).
- b. Reasonable and appropriate internal and external investment costs for the CIF, including the costs of the investment consultant, the investment managers, and the investment custodians and the University's own investment management costs (staff and support), shall be deducted in determining the average market value of the CIF available for programmatic spending pursuant to Section XII (2)(a)(i) of this policy.
- c. The President, in consultation with the CIO and the Senior Vice President, Chief Financial Officer and Treasurer is authorized to establish annual assessments for endowment stewardship, including fund raising, against those of the University's endowment and other Institutional Funds established entirely or primarily with private donations. The amount of the assessments must be reasonable and appropriate, particularly when considered in the context of the University's priorities for the use of its endowment and other Institutional Funds. In any event, the amount assessed may not, without further Board action, exceed 1 percent of the

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<sup>1</sup> The per unit annual distribution amount will be allocated evenly over the periodic programmatic spending distributions during the fiscal year. The amount of the periodic programmatic spending distributions will not be reduced if the number of units in the CIF increases between when the per unit annual distribution amount is calculated and when the periodic programmatic spending distributions occur.

average market value of the CIF units held by such Funds. The calculation of the amount assessed and its allocation to the Funds subject to assessment shall be conceptually consistent with the methodology by which programmatic spending distributions are calculated and allocated under Section XII (2)(a)(i) of this policy. Assessments will be made periodically during the fiscal year, as jointly determined by the CIO and Senior Vice President, Chief Financial Officer and Treasurer. Not less than 30 days prior to the annual review of the programmatic spending rate pursuant to Section XII (2)(a)(ii) of this policy, the President and the Senior Vice President, Chief Financial Officer and Treasurer shall provide a written report to the Committee on Budget and Finance and other members of the Board stating the amount, if any, of the assessment for the following fiscal year and how it was determined.

3. If the University has accepted a gift to an endowment fund documented by a gift instrument in which the donor gives legally binding instructions for the investment of, or expenditures from, that fund which are inconsistent with the foregoing, the University will comply with those special instructions. The Senior Vice President, Chief Financial Officer and Treasurer shall calculate the annual programmatic spending distribution and assessment for each endowment fund which is not invested in the CIF in accordance with applicable law and report the programmatic spending rate and assessment amount for each such fund to the Committee on Budget and Finance. Insofar as possible, given each such fund's investments and the instructions of its donor, the priorities for the use of such funds should be the same as those for endowment funds invested in the CIF.

Enacted: 1/26/79

Amended: 4/15/83, 6/8/84, 2/6/87, 10/14/88, 12/6/91, 4/10/98, 9/22/00, 6/5/03, 5/7/04, 11/12/04, 5/18/07, 12/05/08, 4/24/09, 4/16/10, 9/17/10, 12/10/10, 10/21/11, 12/14/12, 1/25/13, 4/12/13, 6/21/13, 9/11/15; 12/18/15, 4/15/16, 10/28/16, 10/27/17, 12/14/18, 9/10/21

## **Statement of Investment Objectives**

### **Exhibit A: Michigan State University's Common Investment Fund**

#### **INTRODUCTION**

This statement defines the investment objectives of Michigan State University's Common Investment Fund ("CIF"), which is composed primarily of the University's endowment funds. While other Institutional Funds (e.g., the Retirement Fund) may use the CIF as an investment vehicle, the separate statements of investment objectives for these funds shall govern their investment if their investment objectives are materially different from those of the endowment funds.

#### **INVESTMENT OBJECTIVES**

The investment objectives of the CIF are:

1. to achieve a total rate of return sufficient to generate the amount annually made available for spending by the University's programs supported by endowment funds and still provide a modest increase in the inflation-adjusted unit value, and
2. to achieve the desired return while assuming only moderate risk.

The University will seek to achieve these investment objectives by diversifying across major asset classes (e.g., marketable equities, private investments, hedge funds, fixed income) as well as within each asset class (e.g., by investment style, capitalization, industry).

#### **SHORT-TERM PERFORMANCE GOALS**

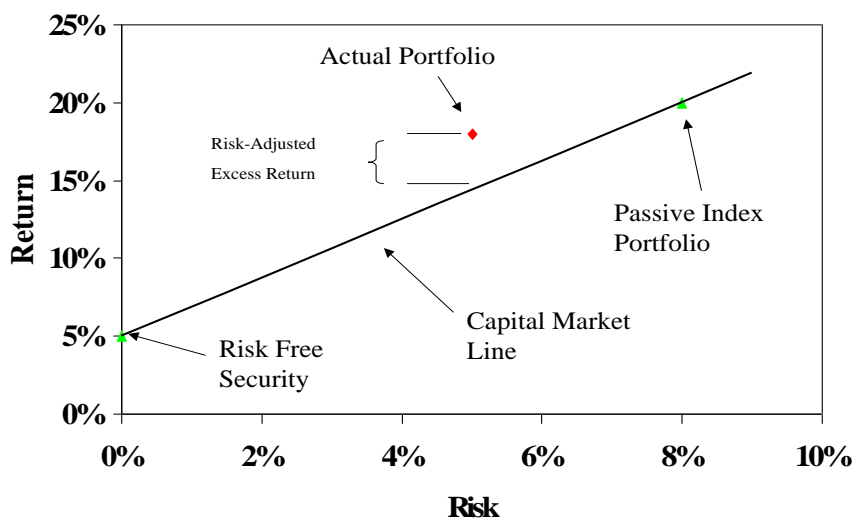
Short-term performance goals for the CIF and for individual managers will be to outperform appropriate market and peer benchmarks over rolling three and five-year periods. Furthermore, adherence to the investment style for which individual managers were selected will be monitored. Private investments will be expected to outperform their respective median vintage year benchmarks.

#### **LONG-TERM PERFORMANCE GOALS**

The following long-term performance goals of the CIF are expected to be achieved over rolling ten-year periods:

1. A total annual return greater than the rate of inflation plus 6.0%, after fees and expenses.
2. To the extent an actively managed strategy is used, a risk-adjusted, excess annual return greater than 1.0%, after fees and expenses. Risk-adjusted, excess return is defined as a portfolio's actual return over and above that of the benchmark portfolio as predicted by the Capital Asset Pricing Model. (See Figure No. 1.) The Jensen measure is used to calculate the risk-adjusted return.

**Figure No. 1**  
**Illustrative Example**



\*The passive index portfolio will be composed of benchmark indices, for which passive index funds exist, and weighted to reflect the CIF's asset allocation. It should be noted, however, for private investments for which passive index funds do not exist, well-established indices corresponding to marketable securities will be used.

Table No. 1 lists the benchmark indices and long-term performance goals for each major asset class. The long-term performance goal for each individual manager will be based on the asset class and investment style for which the manager was selected.

<b>Table No. 1 Benchmarks &amp; Long-Term Performance Goals</b>		
<b>Major Asset Class</b>	<b>Benchmark</b>	<b>Long-Term Performance Goals</b>
Global Equities	MSCI World	If passive, benchmark. If active, risk-adjusted excess return of 1.0% after fees
Emerging Markets Equity	MSCI Emerging Markets	If passive, benchmark. If active, risk-adjusted excess return of 1.0% after fees
Marketable Real Estate	FTSE NAREIT Equity Index	If passive, benchmark. If active, risk-adjusted excess return of 1.0% after fees
Other Marketable Real Assets	Real Asset Blended Benchmark (67% MSCI U.S. Natural Resources / / 33% S&P GSCI)	If passive, benchmark. If active, risk-adjusted excess return of 1.0% after fees
Private Real Estate and Real Assets	Vintage year median IRR for asset class	Meet or exceed benchmark
Private Investments	Vintage year median IRR for asset class	Meet or exceed benchmark
Hedge Funds	HFRI Fund of Funds Diversified Index	Meet or exceed benchmark
Fixed Income	Barclays Aggregate	If passive, benchmark. If active, risk-adjusted excess return of 0.50% after fees



## ASSET ALLOCATION

Table No. 2 sets forth the policy targets and ranges for each major asset class:

<b>Table No. 2 Asset Allocation</b>			
Major Asset Class*	Target	Range	Rationale*
Global Equities	26.0%	19.0% - 47.0%	Maximize real returns
Emerging Markets Equity	8.0%	4.0% - 12.0%	Maximize real returns & diversification
Real Estate	2.5%	1.0% - 5.0%	Real Asset & diversification
Other Real Assets	7.5%	5.0% - 12.0%	Real Asset & diversification
Private Investments	26.0%	12.0% - 32.0%	Higher returns than equities & diversification
Hedge Funds	22.0%	17.0% - 30.0%	Low volatility & moderate correlation with equities
Fixed Income	8.0%	3.0% - 17.0%	Deflation hedge & diversification

\* See detailed descriptions of each asset class listed below.

Global Equities. This asset class consists of marketable equity securities of companies that are based in the U.S. and developed countries outside the U.S. Several sub-categories of this asset class include: large capitalization companies, small capitalization companies, value-style investing and growth-style investing.

Emerging Markets Equity. This asset class consists of marketable equity securities in emerging markets. It is intended to provide long-term performance and volatility similar to or slightly higher than U.S. equities, and will provide some diversification due to imperfect correlation. This class will be diversified geographically.

Real Estate. The University will seek to reduce the volatility of the CIF and provide a hedge against sudden, unanticipated inflation by investing a portion of its available funds in both public and private real estate. Risks related to the real estate investments will be minimized by diversifying through use of real estate investment pools or partnerships that are varied as to property type, location, investment life cycle and investment manager. This core real estate portfolio may be supplemented with less diversified specialty funds or direct investments.

Other Real Assets. The University will seek to reduce the volatility of the CIF and provide a hedge against sudden, unanticipated inflation by investing a portion of its available funds in both public and private natural resource investments, such as oil, gas, timber and minerals oriented investments. Risks related to natural resource investments will be controlled by diversifying among operators and

acquisition prospects and by geography. This core real asset portfolio may be supplemented with less diversified specialty funds or direct investments.

Private Investments. The University will seek to enhance the total return of the CIF by investing a portion of its funds in private investments, which include distressed, private equity and venture capital investments. These investments are illiquid and higher risk/return assets than marketable securities. Risk will be controlled by diversifying across a number of fund managers and by geographic focus, industry emphasis, financing stage and vintage year. This core private investments portfolio may be supplemented with less diversified specialty funds or direct investments.

Hedge Funds. The University will seek equity-like returns while reducing the volatility of the CIF. The University will consider funds with a diversifier mandate (lower expected volatility and lower correlation to broad market trends) as well as funds with a growth oriented mandate (higher expected volatility and higher correlation to broad market trends). Managers with either type of mandate will employ risk management techniques intended to reduce downside potential, to a degree considered appropriate for their respective strategy. Managers employing “long/short” strategies invest primarily in equities and mitigate market risk by purchasing equity shares that are expected to appreciate in value and selling short equity shares that are expected to decline in value. Managers employing event-driven and arbitrage strategies seek to maximize returns by investing in publicly announced corporate transactions, such as mergers, tender offers, liquidations, bankruptcies and reorganizations or in arbitraging temporary discrepancies in securities pricing in the equity and fixed income markets. Distressed security managers invest primarily in bonds and bank loans trading at a significant discount to par value as a result of the debtor’s troubled financial condition.

Fixed Income. This asset class is intended to reduce the portfolio’s exposure to market risk and provide a hedge against sudden, unanticipated deflation. Foreign currency bonds may be held to enhance total return and provide diversification.

## INVESTMENT GUIDELINES

- 1) Investment guidelines are provided in Exhibit C.
- 2) Additional guidelines may be adopted by separate Board action. They will be communicated to the affected investment managers.

Updated: 10/14/88, 6/8/90, 12/6/91, 12/11/92, 3/31/94, 7/14/95, 11/8/96, 9/22/00, 6/5/03, 11/14/03, 11/12/04, 6/17/05, 2/10/06, 5/18/07, 12/5/08, 6/19/09, 9/17/10, 10/21/11, 12/14/12, 4/12/13, 9/11/15, 12/18/15, 10/28/16, 02/17/17

**Statement of Investment Objectives**  
**Exhibit B: Michigan State University’s Pooled Cash Fund**

**INTRODUCTION**

This statement sets forth the investment objectives of Michigan State University’s Pooled Cash Fund (“PCF”), which is a subset of the University’s overall cash pool. (See Figure No. 1.)

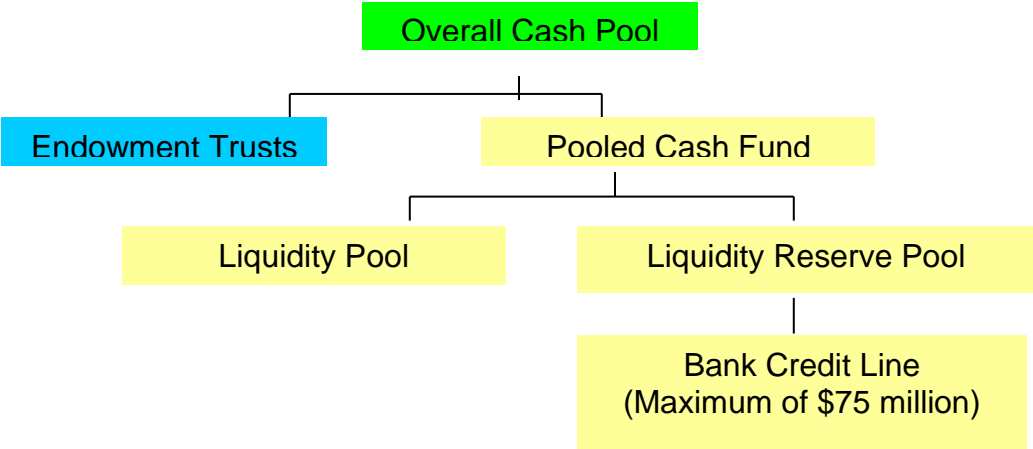
**PCF ASSETS**

The PCF has two components -- the Liquidity Pool and the Liquidity Reserve Pool. The Liquidity Pool shall be composed of short-term (less than one-year maturity) and intermediate-term (maximum ten-year maturity) commercially available funds (three-year maximum average portfolio duration). These funds shall be available on a daily basis. The target range for the Liquidity Pool shall be 30 - 60 days of operating cash <sup>(1)</sup>.

The Liquidity Reserve Pool shall be composed of commercially available funds (six-year maximum average portfolio duration) and up to a \$75 million bank line of credit or its equivalent. (See Figure No. 1.) The target amount for the Liquidity Reserve Pool shall be 30 days of operating cash. <sup>(1)(2)</sup>

The PCF minimum amount shall be the greater of (1) 45 days of operating cash or (2) the minimum daily liquidity to support five days of maximum commercial paper maturities.

**Figure No. 1**  
**Structure of MSU’s Overall Cash Pool**



(1) One day of operating cash equals the daily average of operating expenses less depreciation as reported in MSU’s Audited Financial Statements for the prior fiscal year.

- (2) See also footnote 1 to Table No. 1 in the event the University employs a bank line of credit in the Liquidity Reserve Pool.
- (3) Overall Cash Pool amounts in excess of 60 days of operating cash may be invested on a long-term basis with other Institutional Funds in the University's Common Investment Fund (CIF).
- (4) The PCF minimum amount shall be the greater of (1) 45 days of operating cash or (2) the minimum daily liquidity to support five days of maximum commercial paper maturities.

Table No. 1 summarizes the target allocations for each component of the PCF.

<b>Table No. 1 PCF Composition</b>		
	Target Allocation	
	Minimum Amount	Target Amount/Range
Liquidity Pool	The greater of (1) 45 days of operating cash or (2) the minimum daily liquidity to support 5 days of maximum commercial paper maturities	30-60 days of operating cash
Liquidity Reserve Pool		30 days of operating cash <sup>(1)</sup>

1. Up to \$75 million of this amount may be represented by a bank line of credit or its equivalent. Any Liquidity Reserve Pool target amount for which the bank line of credit would substitute would count towards satisfying the PCF minimum amount.

## **INVESTMENT OBJECTIVES**

The investment objectives for each component of the PCF are:

Liquidity Pool. The primary objective is to provide a liquid source of funds to meet the University’s daily cash requirements. A secondary objective is to yield a competitive investment return while bearing minimal principal risk.

Liquidity Reserve Pool. The primary objective is to provide a source of funds in the event the Liquidity Pool is insufficient to meet the University’s cash needs. A secondary objective is to earn a higher investment return than the Liquidity Pool. Because of the very low likelihood that these funds would be needed to meet cash flow requirements, a greater degree of principal risk is acceptable in order to obtain a higher return.

## **SHORT-TERM PERFORMANCE GOALS**

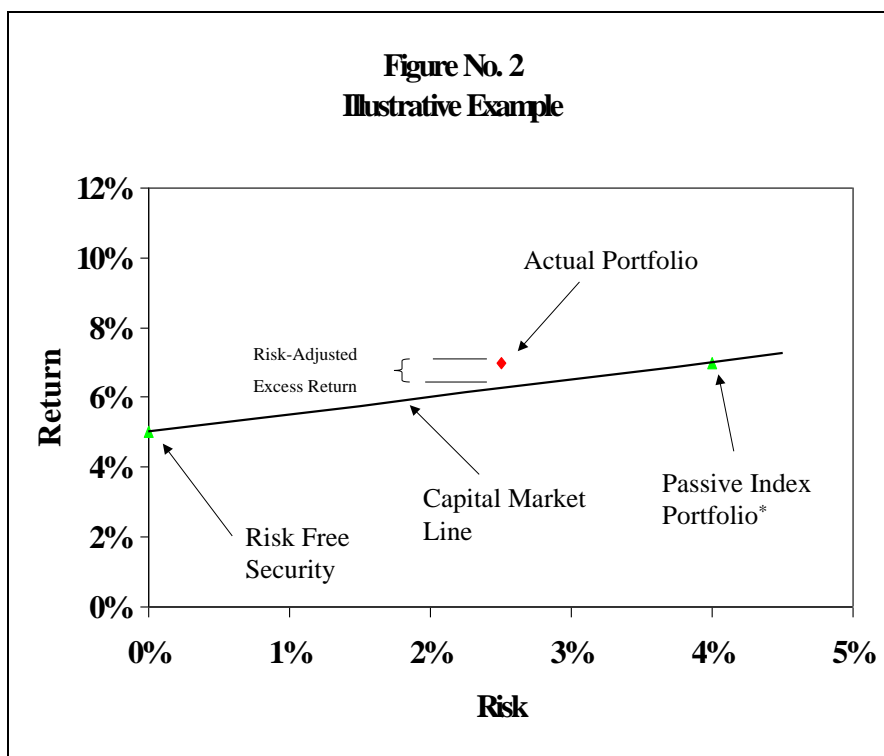
Short-term performance goals for each component of the PCF, and for individual managers, will be to outperform (if actively managed) net of fees appropriate market and peer benchmarks over rolling one, three and five-year periods. Furthermore, adherence to the investment style for which individual managers were selected will also be monitored.

## **LONG-TERM PERFORMANCE GOALS**

The following long-term performance goals of the PCF are expected to be achieved over a ten-year period, measured on a ten-year rolling basis.

- 1) A total annual return net of fees greater than the rate of inflation
  - a. plus 1.5% for the Liquidity Pool, and
  - b. plus 3.0% for the Liquidity Reserve Pool.
- 2) To the extent an actively managed strategy is used, a risk-adjusted, excess annual return net of fees greater than
  - a. 0.25% for the Liquidity Pool, and
  - b. 0.50% for the Liquidity Reserve Pool.

Risk-adjusted, excess return is defined as a portfolio's actual return less the capital market line return corresponding to the same risk level. (See Figure No. 2.)



\*The passive index portfolio would be the appropriate fixed income benchmark index.

Table No. 2 lists the benchmark indices and long-term performance goals for each PCF component. Similarly, the long-term performance goal for each individual manager will be for it to contribute a risk-adjusted return corresponding to its respective component of the PCF.

<b>Table No. 2 Benchmarks &amp; Long-Term Performance Goals</b>		
<b>PCF Component</b>	<b>Benchmark</b>	<b>Long-Term Performance Goals</b>
Liquidity Pool	Merrill Lynch 1-3 year Treasury Index	If passive, benchmark. If active, risk-adjusted excess return of 0.25% after fees
Liquidity Reserve Pool	Barclays Aggregate	If passive, benchmark. If active, risk-adjusted excess return of 0.50% after fees

**INVESTMENT GUIDELINES**

- 1) Liquidity Pool - Investment guidelines are provided in Exhibit C.
- 2) Liquidity Reserve Pool – Investment guidelines are provided in Exhibit C.
- 3) Additional guidelines may be adopted by separate Board action. They will be communicated to the affected investment managers.

Updated: 6/24/83, 2/3/89, 2/7/92, 6/10/94, 10/24/97, 12/8/00, 11/12/04, 12/5/08, 4/16/10, 12/14/12, 6/21/13

**Statement of Investment Objectives  
Exhibit C: Investment Guidelines**

<u>Liquidity Pool</u>		<u>Liquidity Reserve Pool</u>		<u>Common Investment Fund</u>	
<b>Separately Managed Funds</b>					
<b>Permitted Securities</b>					
Marketable fixed income securities such as: U.S. government and agency issues; corporate debt; certificates of deposit; time deposits; repurchase and reverse repurchase agreements; mortgage-backed; asset-backed; securities issued under Rule 144A; dollar denominated U.S. and foreign issuers; derivatives for hedging purposes and creating portfolio risk profiles that could otherwise have been achieved using fixed income instruments authorized in these guidelines; commingled and global funds that invest in securities authorized in these guidelines.		Marketable fixed income securities such as: U.S. government and agency issues; U.S and non-U.S. corporate debt; certificates of deposit; time deposits; repurchase and reverse repurchase agreements; inflation indexed bonds; mortgage-backed; asset-backed; securities issued under Rule 144A; obligations of state and local governments and non-U.S. government and agency issues; derivatives for hedging purposes and creating risk portfolio profiles that could otherwise have been achieved using fixed income instruments authorized in these guidelines.		Marketable securities. Non-marketable securities may be held in the Real Assets , Private Investments and Absolute Return asset classes.	
<b>Diversification:</b>					
No more than 15% of the portfolio's market value may be invested in dollar denominated foreign securities of developed countries. No more than 10% of the portfolio's market value will be invested in securities of any single issuer, except those which are obligations of, or fully guaranteed as to both principal and interest by, the U.S. government or its agencies.		No more than 10% of the portfolio's market value may be invested in securities below BBB. No more than 30% of the portfolio's market value may be invested in securities denominated in foreign currencies. No more than 10% of the portfolio's market value will be invested in securities of any single issuer, except those which are obligations of, or fully guaranteed as to both principal and interest by, the U.S. government or its agencies.		In accordance with asset allocation guidelines.  Individual investment managers' guidelines at time of manager appointment or as later amended by agreement of both parties.	
<b>Fixed Income:</b>					
<b>Minimum Quality:</b>					
<b>Portfolio:</b>					
AA		AA		AA	
<b>Security (at purchase):</b>					
Short-term		Long-term		Short-term	
A1/P1		BBB		A2/P2	
				Long-term	
				B	
				BB	
<b>Maturity/Duration:</b>					
10 year maximum maturity of any security.		No maximum maturity of any security.		No maximum maturity of any security.	
3 year maximum average duration of the portfolio.		6 year maximum average duration of the portfolio.		6 year maximum average duration of the portfolio.	
<b>Commingled Funds: Funds' investment guidelines at time of manager appointment or as later</b>					



amended prevail.

**Statement of Investment Objectives**  
**Exhibit C: Investment Guidelines**  
**Continued**

Updated: 11/12/04, 5/18/07, 4/16/10, 10/21/11, 9/11/15, 12/18/15

A Resolution of the Michigan State University Trustees  
Concerning Sanctions against the Republic of South Africa

Whereas, the Trustees with the faculty, staff and students of Michigan State University, in common with millions of people around the world, have sought to support their common cause with the peoples of South Africa in eliminating discrimination on the basis of race, creed, and gender;

Whereas, since 1978, the Michigan State University has supported the struggle against the apartheid system of racial discrimination in South Africa through education research, and extension, including conferences, workshops, and publications;

Whereas, the Transitional Executive Council of South Africa has announced elections in April 1994 in which, for the first time, all South Africans will be eligible to vote;

Whereas, representatives of the majority peoples of South Africa have called on all the friends of South Africa to end economic and cultural sanctions in light of the irreversibility of the process which they believe will create in 1994 a majority-rule and democratic government to represent all the people of South Africa;

*Therefore, be it resolved that the Board of Trustees of Michigan State University:*

Hereby revokes its resolutions passed in 1978 sanctioning South Africa and divesting from corporations operating in the Republic of South Africa;

Hereby urges the Michigan State University Foundation to undertake a similar revocation of its resolutions sanctioning South Africa;

Calls on the corporations, public and private institutions, and individuals in Michigan to re-engage with South Africa to seek to build educational and citizen exchange as well as foreign trade and investment between the two peoples as the foundation for a more just, prosperous, and democratic non-racial South Africa;

Urges the faculty, staff, and students of Michigan State University, through its departments, centers, and institutes, to continue and to increase their activities to assist in the educating and training of disadvantaged South Africans and to assist the State of Michigan in establishing and enlarging such educational, trade, financial, and citizen exchange as is helpful in building a non-racial and democratic South Africa and increasing the foreign trade and linkages of the State of Michigan;

Urges all corporations, institutions, and individuals in Michigan to continue to honor the special United Nations sanctions against South Africa relating to arms, nuclear matters, and oil, until those sanctions are revoked by the Security Council of the United Nations;

Calls on all those who re-invest in South Africa to abide by the Code of Conduct of the South African Council of Churches (attached), as revised from the *Platform of Guiding Principles for Foreign Investors* of the African National Congress and the Congress of South African Trade Unions,

States unequivocally that these actions to end sanctions and to re-engage with South Africa do not constitute a recognition of the white minority government as though it were representative of all the people of South Africa; and,

Asserts that the Trustees of Michigan State University, as representatives of the people of Michigan, stand ready to re-impose our acts of sanction if we are called to do so by the democratic movement of South Africa because of any interference with the orderly progress to democracy and majority rule by the present or succeeding government or other powerful minority forces in South Africa.

Enacted: 3/31/78

Amended: 12/8/78, 12/3/82, 11/19/93

**Purpose**

The Board of Trustees of Michigan State University (Board of Trustees) has determined that prudent use of external debt and debt-related derivative instruments can help MSU achieve its strategic objectives while maintaining its credit ratings at desirable levels, based on an appropriate balance of access to capital markets, financial risk and cost of capital. This policy states the principles that shall govern the use of external debt and debt-related derivative instruments to finance capital projects and the acquisition of capital assets.

**Debt Subject to Policy**

As used in this Policy, “Debt” means MSU obligations for the repayment of borrowed money, however evidenced, incurred to fund the construction of capital projects or the acquisition of capital assets (including installment purchase obligations and lease purchase agreements), and related derivative interest rate swaps, caps, floors, and similar arrangements, except that obligations payable from specified sources other than MSU General Revenues (as defined in MSU bond indentures) are not included in the definition of “Debt” as used in this Policy.

**Guidelines**

1. The Board of Trustees of Michigan State University is a Michigan constitutional body corporate with the authority to incur Debt payable from and/or secured by the revenues it controls.
2. MSU incurs Debt in strict compliance with applicable law and with Debt-related contractual covenants, and engages in regular internal compliance monitoring.
3. MSU incurs Debt to fund Capital Projects that are consistent with MSU’s mission and strategic priorities and approved in accordance with Board of Trustees Policy 02-06-01: “Capital Project Planning and Approval” and the procedures thereunder, and financings shall be coordinated to minimize the fixed costs of undertaking a borrowing.
4. In addition to capital assets included as part of an approved Capital Project, MSU incurs Debt to fund acquisition of capital assets:

- a. As part of a Master Lease Purchase Program approved by the Board of Trustees,
  - b. Upon recommendation by the Senior Vice President, Chief Financial Officer and Treasurer, and the Committee on Budget and Finance and approval by the Board of Trustees, or
  - c. As may be authorized under the resolution adopted by the Board of Trustees for specific Debt issuance.
5. MSU seeks to maintain national credit ratings in the AA/Aa range at a minimum and uses selected actual and pro forma financial ratios, consistent with major credit rating agency criteria, to confirm that it is operating within appropriate parameters for its desired credit rating.
6. MSU incurs variable rate Debt when advantageous in light of market condition.
7. MSU does not enter into Debt-related derivative transactions for speculative purposes, but rather uses Debt-related derivatives only to minimize Debt-service costs and manage interest rate risk. The Senior Vice President, Chief Financial Officer and Treasurer makes the determination if any Debt-related derivative is in the best interests of the university, Debt-related derivative transactions are reported to the chair of the Board of Trustees' Committee on Budget and Finance prior to execution.
8. Debt-related agreements are reviewed and approved by legal counsel prior to execution.
9. When entering into interest rate swaps and other derivative transactions, MSU (a) limits counterparty risk through protections such as (i) diversity in counterparties, (ii) assessment and monitoring of counterparty credit ratings and (iii) collateralization for credit support requirements, and (b) limits structural risk by protections such as (i) closely coordinating derivative amortization schedules with related Debt and (ii) using recognized market interest rate indices.
10. Acquisitions under a Master Lease Purchase Program are a form of Debt. All acquisitions under a Master Lease Purchase Program must be approved by the Senior Vice President, Chief Financial Officer and Treasurer or his/her designee.

## **Implementation**

The authority for the following actions relating to incurring and managing Debt is delegated to the Senior Vice President, Chief Financial Officer and Treasurer and the Director of Investments and Financial Management, or either of them individually:

- Establishing procedures and practices to implement the foregoing guidelines;
- Engaging Debt advisors, underwriters, remarketing agents, swap counterparties, liquidity providers, Debt-service trustees or other external parties necessary to issue or administer Debt; and
- Executing and filing the annual disclosure required by Rule 15c2-12 of the United States Securities and Exchange Commission.

## **Reporting Requirements**

The Senior Vice President, Chief Financial Officer and Treasurer will provide an annual report to the President and the Trustee Committee on Budget and Finance that will detail all outstanding Debt (by series, for bond Debt), including the amount outstanding, interest rates, maturity dates, terms, performance and market values of related derivative instruments, and associated Debt-service requirements, and will summarize the changes in outstanding Debt since the last report. The report also will compare MSU's Debt capacity to rating agency medians of public institutions of higher education with comparable credit ratings.

Enacted: 06/16/06

Amended: 09/06/19, 9/10/21

## **PRESIDENTIAL REDELEGATION**

**02-02-01**

When the President redelegates his authority to another University officer, such action shall be recorded in a redelegation statement filed in the Office of the Vice President and Secretary to the Board of Trustees.

Enacted: 10/1/82

## **COWLES HOUSE**

**02-02-02**

Michigan State University maintains Cowles House as the official residence for the President and family and requires that the President reside there as a condition of employment.

Enacted: 3/16/50

Amended: 12/3/82



**Article I. Purpose**

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

**Article II. Applicability**

This policy states expectations for institutional and individual conduct. It applies to all University community members, including faculty, staff, students, registered student organizations, student governing bodies, and the University's administrative units, and to the University's contractors in the execution of their University contracts or engagements<sup>1</sup>, with respect to the following:

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

**Article III. Prohibited Discrimination**

Unlawful acts of discrimination or harassment are prohibited.

In addition, the University community holds itself to certain standards of conduct more stringent than those mandated by law. Thus, even if not illegal, acts are prohibited under this policy if they<sup>2</sup>:

1. Discriminate against any University community member(s) through inappropriate limitation<sup>3</sup> of employment opportunity<sup>4</sup>, access to University residential facilities, or participation in education, athletic, social, cultural, or other University activities on the basis of age, color, gender, gender identity<sup>5</sup>, disability status, height, marital status, national origin, political persuasion, race, religion, sexual orientation, veteran status, or weight; or
2. Harass any University community member(s) on the basis of age, color, gender, gender identity, disability status, height, marital status, national origin, political persuasion, race, religion, sexual orientation, veteran status, or weight.

These prohibitions shall not be construed in a manner that abridges University community members' right of free expression or other civil rights.

#### **Article IV. Informal Resolution**

Informal resolution of disputes, through consultation provided by offices serving the University, is encouraged<sup>6</sup>. Informal resolution is typically used when a claimant asks to participate in an informal resolution, requests anonymity, does not consent to participation in an investigation, or the alleged conduct, even if it does not rise to the level of a policy violation, suggests the need for remedial, educational, or preventive action. Participation in informal resolution is voluntary, and either party may terminate the informal resolution process at any time. If a party terminates attempts at informal resolution, or the parties are unable to resolve the matter informally, a formal review of the complaint will begin.<sup>7</sup>

#### **Article V. Complaints and Investigations**

Complaints under this Policy are processed and investigated by the Office of Institutional Equity (OIE) pursuant to the OIE Complaint Procedures. Allegations involving gender discrimination, including sexual and gender-based harassment, assault, and violence, are processed and investigated pursuant to the Relationship Violence & Sexual Misconduct (RVSM) Policy.

#### CONTACT INFORMATION:

Office of Institutional Equity  
Olds Hall  
408 W. Circle, Room 4  
Michigan State University  
East Lansing, MI 48824  
(517) 353-3922  
[oie@msu.edu](mailto:oie@msu.edu)  
[www.oie.msu.edu](http://www.oie.msu.edu)

The University investigates complaints involving conduct occurring at the locations, programs, and activities listed in Article II above. The University also investigates complaints of conduct occurring off-campus, even if not occurring in the context of a University program or activity, if the alleged conduct creates or contributes to a hostile environment on campus.

#### **Article VI. Violations of the Policy**

Violations of the policy may result in disciplinary action pursuant to the applicable student conduct or employee disciplinary process. Discipline may include, but is not limited to, suspension or dismissal for students or employees.

#### **Article VII. History**

This Policy was approved by the Board of Trustee on April 9, 1993 and revised on December 5, 2003, April 13, 2007, and October 30, 2015.

*This document is currently pending approval from the U.S. Department of Education, Office for Civil Rights.*

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

<sup>ii</sup> This Anti-Discrimination Policy User’s Manual, University ordinances, and written policies provide guidance on the conduct prohibited by Article III of this Policy.

<sup>iii</sup> Limitations are inappropriate if they are not directly related to a legitimate University purpose. The Anti-Discrimination Policy User’s Manual provides additional guidance on inappropriate limitation as defined by this Policy.

<sup>iv</sup> For purpose of this Policy, “employment opportunity” is defined as job access and placement, retention, promotion, professional development, and salary.

<sup>v</sup> For the purposes of this Policy, the reference to “gender identity” shall be interpreted to include protection against gender stereotyping based on a person’s gender expression. In other words, gender stereotyping is impermissible discrimination or harassment based on a failure to conform to stereotypical gender norms.

<sup>vi</sup> Consultation with one or more of the following may be useful:

- the chairperson, director, or dean of the relevant unit,
- supervisory support personnel,
- the Title IX Coordinator or Deputy Title IX Coordinator for Investigations,
- the ADA Coordinator,
- the Office for Inclusion and Intercultural Initiatives,
- the University Ombudsperson,
- the Faculty Grievance Official,
- REHS staff,
- faculty or staff academic advisors, and
- the MSU Counseling Center.

<sup>vii</sup> The availability and appropriateness of informal resolution involving claims of gender discrimination, including sexual and gender-based harassment, assault, and violence, is governed by the Relationship Violence & Sexual Misconduct (RVSM) Policy.

Enacted: 2/28/70

Amended: 2/19/71, 4/21/72, 2/25/77, 4/9/93, 12/5/03, 4/13/07, 10/30/15

**Approval Requirement:** Prior approval of the Board of Trustees is required for the following:

1. planning and implementation of a Capital Project for which the estimated cost would exceed \$5,000,000; and
2. the implementation of a Capital Project that the University Zoning Administrator and the Campus Infrastructure Planning Work Group (CIPWG) has determined would result in a material change to the landscape or would be inconsistent with the Campus Land Use Master Plan.

For purposes of this Policy, “Capital Project” means a project that requires a long-term substantial investment to acquire, plan, build, renovate or maintain the University’s land, buildings, roads, and other infrastructure. Such projects are typically coordinated through Infrastructure Planning and Facilities (IPF) and require substantial planning and design. Other types of projects that could also fall under this Policy include public private partnerships (P3) and leasehold improvements. This Policy is not intended to apply to projects whose approval is covered under the Board policies applicable to real property or the acquisition of capital assets such as furnishings and equipment.

**Procedures.** The Administration shall prepare written procedures for obtaining the required Board of Trustees approval. The written procedures will specify the types of approvals necessary for a particular project and whether more than one approval is required to proceed with the project. When preparing the written procedures, the Administration will take into account project factors that include:

1. the level of design and planning services,
2. costs to be incurred prior to budget development, and
3. ownership of the project (owned, leased or P3)

**Emergency Construction.** If an emergency (such as damage or destruction resulting from fire, flood, or explosion) compels immediate action involving construction so that waiting to obtain Board of Trustees approval would jeopardize, for example, the safety, security, or viability of a building or increase the later cost of restoration or replacement, the Administration is authorized to undertake and continue to implement measures to secure the building and to remediate the damage or destruction arising from the emergency, and to approve work necessary in light of the circumstances, even though no Board approvals for that project have been obtained. In such a situation, the Vice President for Strategic Infrastructure Planning and Facilities (VPSIPF) shall follow the notification process described below.

**Changes During Approved Construction.** Approval of a Capital Project also authorizes the Administration to award contracts and incur other costs on the project that exceed the approved budget, but in total, do not exceed the approved project budget by more than ten percent. If

during the performance of construction approved under this Policy an unforeseen exigent condition or occurrence is identified that requires immediate action, the Administration is authorized to undertake and continue to implement measures to resolve or remediate the unforeseen exigent circumstances and to approve work necessary in light of the circumstances, even though such action may result in total construction project expenses exceeding the approved budget by more than ten percent. In such a situation, the VPSIPF shall follow the notification process described below.

**Notification Process.** Upon the occurrence of an emergency requiring immediate construction planning and implementation or upon the discovery of an exigent circumstance that is likely to result in total construction project expenses exceeding the approved budget by more than ten percent, the VPSIPF will promptly notify the Executive Vice President for Administration (EVPA) who will inform the Chair of the Trustee Committee on Budget and Finance of the situation, provide information about the emergency or the exigent circumstances, identify the project costs (as known at the time), and identify the planned source of funding for the new or additional costs. The Trustee Committee on Budget and Finance will be apprised of the information previously provided to the Chair at its next scheduled meeting unless requested earlier. The VPSIPF will add to the file a written memorandum that will include the EVPA's approval of expenditures, the information discussed with the Chair of the Trustee Committee on Budget and Finance and a description of the circumstances precipitating the costs. The Board shall receive a copy of the file memorandum. Once final costs are determined, a project budget, for emergency construction, or an amended project budget, reflecting additional work on an approved project due to exigent circumstances will be presented to the Board for approval.

\*A copy of these procedures is available by contacting Infrastructure Planning and Facilities at [IPF.Communications@msu.edu](mailto:IPF.Communications@msu.edu)

Enacted: 7/24/81

Amended: 9/13/02, 10/10/13, 4/13/06, 2/22/08, 1/25/13, 4/12/19

**PROLOGUE:**

Naming buildings and facilities at Michigan State University has become increasingly significant because of the growing importance of private giving and the value of naming gifts for institutional advancement. For this reason, and because of the longevity of named buildings and facilities and the need to maintain the integrity of MSU's values and public image, a relatively predictable, published process for considering such gifts is advantageous. At the same time, each naming opportunity and gift has a different context, and the University must remain flexible enough to seize special funding opportunities. Therefore, though it is expected that these naming guidelines will serve as generally used standards for naming buildings and facilities, they are not intended as a set of rigid policies that permits no occasional, well-justified exception.

**I. COMMITTEE**

- A. There shall be a University Advisory Committee on the Naming of Buildings and Facilities.
- B. The Committee shall advise the President on the appropriateness of proposed names or changes in names for buildings and facilities at Michigan State University. Facilities shall include designated areas of the campus, major spaces within buildings, streets and any other physical facilities of the University.
- C. Authority for naming University buildings and facilities is vested in the Board of Trustees. The Policy Committee of the Board has responsibility for evaluating proposed names for buildings and facilities.
- D. This procedure neither constrains the authority of the Board, nor supplants the responsibility of its Policy Committee. The Advisory Committee provides a mechanism for advising the President on the appropriateness of proposed names for buildings and facilities at Michigan State University. This procedure is based on the premise that the Board and its Policy Committee look to the President for guidance in naming buildings and facilities at the University.

**II. COMPOSITION**

- A. The University Advisory Committee on the Naming of Buildings and Facilities shall be composed of four faculty members, one non-faculty staff member, one alumnus of the University, and one student. In addition, the University Archivist shall serve ex officio as a member of the Advisory Committee without vote.
- B. The terms of the faculty, staff and alumni members of the Committee shall be six years. The term of the student member of the Committee shall be two years.

- C. The members of the Committee shall be appointed by the President. For each vacant faculty position, the faculty of the University Committee on Academic Governance will provide the President with at least two nominees. For each vacant staff position, the President will request one nominee from each of the unions representing University employees. For each vacant alumni position, the Michigan State University Alumni Association will provide the President with at least two nominees. For each vacant student position, the President will request one nominee each from the Council of Graduate Students and the Associated Students of Michigan State University. At the discretion of the President, additional nominations may be requested from any or all nominating groups. The President will appoint the members of the Committee from the persons nominated.
- D. At the time the Committee is initially constituted, the alumni representative shall serve a term of five years, the non-faculty staff representative shall serve a term of three years, and one term each of three, four, five and six years shall be allocated to the four faculty representatives by lot.
- E. In the event that a member of the Committee is not able to complete the term of office, the President shall request a list of nominees from the appropriate group or groups described in II.C. At the discretion of the President, additional nominations may be requested from any or all of the nominating groups. The President will appoint a person from among the nominees to fill the remainder of the term of office.
- F. The members of the Committee are representatives not only of their constituent groups, but also of the collective institutional values of the University. Insofar as possible, nominees for the Committee shall be distinguished members of their groups.

### **III. GUIDELINES**

In considering suggested names for buildings and facilities and making recommendations to the President, the Committee shall utilize the following guidelines:

- A. Academic buildings and facilities may be named on the basis of primary academic use, location or for a person or business entity.
- B. Non-academic buildings and facilities may be named on the basis of primary use, location, for a person or business entity, or, in the case of athletic facilities, in recognition of the primary sports conducted therein.
- C. Proposals for naming buildings and facilities solely on the basis of primary use or location, shall be submitted directly to the President, and are not considered by the Committee.

D. When a proposal is made to name a building or facility at MSU after an individual, that individual should be a person whose life, work or activities exemplify values for which Michigan State University stands. The following criteria are suggested:

1. Buildings and facilities may be named in honor of extraordinary faculty, staff or alumni who a) have been deceased for five years or longer, b) over a long and illustrious career, exemplified values for which Michigan State University stands, and c) brought great credit to the University through major scholarly, professional or public service contributions that have stood the test of time. It should be noted that faculty, staff and alumni, living or deceased, who are worthy of recognition for exceptional University service, but who are not qualified donors or their designees (as noted below), are eligible for commemoration in a variety of significant ways other than having buildings or facilities named in their honor.
2. Buildings and facilities may be named in honor of living persons, if such persons are a) major donors who exemplify values for which Michigan State University stands and who satisfy conditions for major donors as outlined in these guidelines, or b) persons who exemplify values for which Michigan State University stands and who are designated by a major donor who satisfies conditions for major donors as outlined in these guidelines.
3. In the case of donations for buildings and facilities, the building or facility designated with the name of a donor or designee shall be consistent with the donor's wishes and commensurate with the magnitude of the gift. Except in unusual circumstances, it is expected that naming a building or facility for a donor or designee will not be considered unless the gift covers –
  - a) in the case of a new building or facility, approximately 50% of the private support portion of the costs of the new building or facility. Naming gifts for new buildings or facilities that are substantially State financed will be handled on a case-by-case basis;
  - b) in the case of an existing building or facility, approximately 25% of the building's or facility's replacement costs, as determined by the University;
  - c) in the case of an addition to, or a substantial renovation of, an existing building or facility, approximately 50% of the cost of the addition or renovation.

Whenever possible, donors will be encouraged to consider providing endowments for maintaining the building or facility to be named. More than one building or facility may be named by and/or for the same donor or designee, provided that such buildings' or facilities' names include language to distinguish them.

4. Buildings or facilities may be named for corporations or other business entities, if the business entity's overall history and activities are consistent with values for which Michigan State University stands. When naming



buildings and facilities for business entities, the appropriateness of the business' name in a public context should be taken into consideration. Ordinarily, a building or facility named for a business entity would retain that business entity's name as long as that business entity remains in existence. If the name of a business entity changes after a University building or facility is named for the business entity, the name of the University building or facility would not change unless a change is recommended by the President and approved by the Board of Trustees in accordance with these guidelines.

5. Hyphenating or changing the name of buildings or facilities named for, or at the designation of, a donor will rarely be appropriate, and any such situation will require careful consideration on a case-by-case basis. The names of other buildings or facilities may be changed or hyphenated to honor one or more other persons, business entities or groups that meet the naming criteria if the President recommends the change and the Board of Trustees approves the change in accordance with these guidelines.

#### **IV. PROCEDURES**

- A. Proposals for the naming of buildings and facilities of Michigan State University shall be submitted to the President of the University (with prior approval of the Provost or appropriate Vice President).
- B. The President shall inform the University Advisory Committee on the Naming of Buildings and Facilities of all proposals for naming of buildings and facilities, except proposals for naming buildings and facilities solely for their primary use or location. The President shall seek the advice of the Committee in a manner and on a schedule appropriate to the circumstances relating to the specific proposal. The manner and schedule for the Committee's consideration of a proposal shall be determined by the President or his /her designee in consultation with the Committee.
  1. When the President and the Committee determine that it is appropriate and feasible, ample opportunity for all constituencies of the University community to react to a naming proposal may be provided to guide the Committee in its recommendation. The Committee may seek comments from the current or prospective faculty, student and staff occupants of the building or facility. College and department advisory committees, staff groups, student groups and alumni groups may be consulted as appropriate. Open meetings may be held to receive public comment on a proposed name.

2. Proposals for permanent names for new buildings or facilities, which require Board approval, should be submitted to the President and the Committee during planning and design. The Board of Trustees may approve the permanent names of the buildings and facilities along with their construction budgets, thus eliminating assignment of working titles for buildings and facilities.
  3. Prompt and expeditious consideration by the Committee may be appropriate to some proposals. In these cases, the President may seek the advice of the Committee on short notice and may request that the Committee provide its advice after brief consideration. A single meeting advisory session may be utilized when immediate response to a prospective donor is required.
  4. The President may ask the office of Campus Park and Planning and the Executive Space Committee to provide the University Advisory Committee on the Naming of Buildings and Facilities with information relating to the building or facility proposed to be named.
- C. The Committee shall provide the President with a recommendation on each proposal submitted to it.
  - D. The President will provide the Secretary of the Board of Trustees with a recommendation for each naming proposal requiring Board approval.
  - E. Except in unusual circumstances, and then subject to appropriate consultation, namings should not be announced publicly prior to consideration by the MSU Board of Trustees. The preferences of donors regarding confidentiality of proposed naming gifts should be given careful consideration.

Enacted: 4/25/80

Amended: 2/3/84, 11/9/89, 10/12/01

Michigan State University recognizes the basic role of political parties and partisan elections in the American system of governance and, therefore, acknowledges the University's responsibility to facilitate the free exchange of ideas in a political as well as an academic sense. The eligibility of a great majority of its students to vote further obligates the University to assist students, as well as faculty and staff, to exercise their elective franchise in as enlightened a manner as possible.

Nevertheless, as a public institution serving and supported by all the people of Michigan, the University must take extreme care to avoid political favoritism and improper partisan activity. In order to meet these dual public responsibilities, the University's policy on the use of facilities is:

1. Subject to other provisions of this policy, University facilities may be used for the following purposes:
  - a. Educational conferences sponsored by a political party.
  - b. County, state or national committee meetings of a political party.
  - c. Meetings or rallies with or on behalf of candidates for political office.
  - d. Voter registration and/or polling places.
2. Activities referred to in Section 1 must be sponsored in accordance with the following criteria:
  - a. Political and public organizations may have access to facilities normally available to the public (e.g., Kellogg Center, the Union, etc.) for purposes specified under Section 1.a. or 1.b. above, subject to the usual rules governing the use of such facilities.
  - b. Registered campus organizations may request use of University facilities only for purposes specified under Section 1.c. above. The "All-University Policy for Use of University Facilities and Services by Students and for Revenue Producing Projects for Students" shall apply to such requests.
  - c. Contingent on agreements between the University, the City of East Lansing, and the East Lansing Public Schools, facilities may be utilized for voter registration or as legal polling places. In the latter instance, state or local election laws restricting campaign activity in these locations shall apply.
3. Established rates, fees, maintenance, etc., provided for under University policy, shall be charged for the use of all facilities.
4. Residence halls are specifically excluded from this policy but remain subject to all established rules governing their use.
5. Established University rules and regulations to which this policy is subject include, but are not necessarily limited to:

- a. All-University Policy for Use of University Facilities and for Revenue Producing Projects for Students.\*
  - b. Ordinance 13 (Buildings).
  - c. Ordinance 16 (Disorderly Assemblages or Conduct).
  - d. Outside Speakers Policy. (See: Speakers on Campus 06-09-01)
  - e. Student Organization Registration Policy.
6. All requests for the use of University facilities under this policy shall be submitted to the Office of the President or the designee of the President for approval.

Enacted: 4/22/72

Amended: 2/3/84

**BACKGROUND**

This Real Estate Policy supplements Article 11 of the Bylaws of the Board of Trustees of Michigan State University ("Board"). "Real Estate" means interests in land (surface or subsurface), buildings, air rights, water rights, and mineral rights.

**POLICY**

**Purposes:** University real estate should (i) serve the University's instructional, research, or outreach missions, (ii) provide protection for other University real estate, or (iii) be held for future such uses ("University Purposes").

**Purchase:** Based upon its assessment of the University's needs and independent appraisal of real estate suitable for University Purposes that becomes available for purchase, the administration may recommend that the Board purchase the real estate. Purchase of real estate will require the Board's approval. If necessary, the administration may obtain options to purchase real estate pending final action by the Board with respect to the purchase, preferably after obtaining independent appraisal of the real estate to be optioned.

**Gifts:** The Board may accept gifts of real estate to be used for University Purposes, including gifts subject to restrictions that do not render such use impractical. Gifts of real estate also may be accepted for sale.

**Sale:** When University real estate is not needed for University Purposes, the real estate may be publicly offered for sale, with the terms of the offer, such as asking price and inclusion or exclusion of mineral rights, to be based upon independent appraisal and upon consultation with the Board Finance Committee. Any sale of University real estate will require Board approval.

**Easements:** The President and the Vice President for Strategic Infrastructure Planning and Facilities are each authorized to grant easements and similar rights in University-owned real estate that do not materially affect its use for University Purposes or its value.

**Real Estate Leases:** The President and Vice President for Strategic Infrastructure Planning and Facilities are each authorized to execute on behalf of the Board, as lessor or lessee, leases of real estate for terms of less than ten years and to execute on behalf of the Board, as lessor, oil and gas leases in accordance with the Board's prior separate delegation of authority concerning such leases. Board approval will be required for execution of any other real estate leases.

Enacted: 4/2/82

Amended: 4/4/86, 2/13/04

Michigan State University is committed to having responsible and ethical contractors and subcontractors on its construction projects. To achieve that goal, the University will take the following steps.

**Contractor Qualifications**

The University will obtain information from and about the contractors on its major construction projects. Depending on the extent of the University's prior experience with a contractor, that information may include:

- The contractor's experience on projects of similar size and complexity.
- References from other owners.
- The contractor's creditworthiness/financial condition.
- The contractor's safety record and prior history of OSHA/MIOSHA, environmental, or other regulatory violations, discrimination claims, prevailing wage violations, criminal convictions, liens, and litigation (including arbitrations) with owners, contractors', subcontractors, unions, or employees.
- Qualifications of management and supervisory personnel to be assigned by the contractor to the project.
- Access to labor necessary for contract performance.

**Contract Specifications**

Contracts for the University's major construction projects will include terms requiring:

- Compliance with all applicable health, safety and environmental laws and regulations during performance of the contract, and timely provision to the University of copies of any complaint or allegation of a violation of any such regulation, and of any accident report, relating to work performed under the contract.
- Contractors and subcontractors to maintain and make available to the University, upon request, documentation of compliance with the Michigan Prevailing Wage Act, including certified payroll reports and complete payroll records.
- Training for all workers assigned to perform work under the project, including any required OSHA/MIOSHA training.
- Registration of apprentices in bona fide training programs consistent with Prevailing Wage Act requirements.
- Contractors and subcontractors to implement and take steps to enforce a requirement that workers on the project be drug and alcohol free on the job site.
- Promotion of work force and contractor diversity to the fullest degree permitted by law, including prohibition of illegal discrimination and violation of the University's Anti-Discrimination Policy.
- Promotion of competition through small business development, by encouraging opportunities for qualified new and small businesses, including those owned by women

and minorities, to participate in work under the contract, as contractors, subcontractors, and suppliers.

- Contractors and subcontractors to carry appropriate liability insurance in amounts established by the University's Office of Risk Management and Insurance; to comply with Michigan law on worker's compensation; to provide bid, payment, and performance bonds for the completion of the contracted work; and to maintain these coverages through the period specified by the Office of Risk Management and Insurance.
- Compliance with licensing requirements applicable to those assigned to perform work under the contract.

### **Work Force Management**

On its major construction projects, the University will seek evidence that each successful contractor is able to furnish skilled tradespersons and laborers (a) in numbers sufficient to complete the work under the contract on a timely and cost effective basis, and (b) who are able to work in harmony with the employees of other contractors or subcontractors performing work on that project in order to achieve its completion on a timely and cost effective basis.

In that regard, the University will not discourage a contractor from entering into a project labor agreement (PLA) for a construction project at the University when the contractor determines that a PLA will enhance its ability to perform the work on the project. Further, the Senior Vice President, Chief Financial Officer and Treasurer is authorized to require the successful contractor to enter into a PLA when doing so would advance MSU's project-specific interests in cost savings, efficiency, timeliness, or quality and would promote the institutional goals set forth in this Policy. The Senior Vice President, Chief Financial Officer and Treasurer should not require a contractor to enter into a PLA on any project or part of a project when doing so would unreasonably restrict competition in the contracting or subcontracting process.

### **Definitions**

For purposes of this Policy:

a) a "major construction project" is a construction or other real property improvement or maintenance project whose planning and implementation require Board of Trustees approval under Board Policy 02-06-01, "Construction and Other Real Property Improvements: Project Planning and Approval".

b) a "contractor" includes a construction manager and a design builder.

Enacted 2/22/08

Amended 9/10/21

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

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

### **Endorsements**

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

### **Sponsorship, Advertising**

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

1. Sports, Performing Arts and Similar Activities. Sponsorship recognition and advertising on programs, tickets, uniforms, equipment, banners, or other media or fixed or electronic recognition panels used in conjunction with University sports, performing arts and similar activities which may be attended by the public on a complimentary or fee basis.
2. Public Broadcasting. Sponsorship recognition and advertising on public broadcasting programs in accordance with applicable federal public broadcasting regulations.
3. Other Academic Functions
  - a. Acknowledgment by the University of donors who provide substantial resources which make structures, facilities or programs possible, provided that acknowledgment through naming opportunities shall be subject to the University's policy on naming gifts.
  - b. Acknowledgment of gifts and grants where such recognition is limited to information necessary to identify the donor and the nature or purpose of the gift.
  - c. Acknowledgment of the cost underwriting of conference and other academic programs by a commercial donor, provided that such donor acknowledgment is limited to an appropriately modest statement of identification.



## **Administration**

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

Enacted: 3/15/74

Amended: 4/11/97

**General**

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

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

**Patient Care**

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

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

Enacted: 7/27/79

Amended: 12/3/82

## **DISRUPTION OF UNIVERSITY ACTIVITIES**

**02-09-01**

Freedom of expression and communication are central to the basic purposes of the University. The University strives to seek that balance between maximum freedom and necessary order which best promotes an environment conducive to the many faceted activities of teaching, learning, and research.

University regulations and ordinances are developed to prevent unnecessary and improper interference with those activities and functions carried out in furtherance of the University's mission. Individuals or groups will be held accountable to the University for violations of duly promulgated regulations and ordinances. Individuals or groups who engage in behavior which disrupts University activities may also be held accountable, under the law, to established legal and judicial authorities.

Enacted: 6/14/68  
Amended: 12/3/82

## **LOTTERY TICKETS**

**02-09-02**

Michigan State University will not engage in the sale of lottery tickets and will not permit the sale of such tickets on the campus.

Enacted: 11/16/72

Amended: 12/3/82

**Employees**

Consistent with State and Federal Law, Michigan State University will maintain a workplace free from the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance. The unlawful manufacture, distribution, dispensation, possession or use of controlled substances, illicit drugs and alcohol are prohibited on any property under the control of and governed by the Board of Trustees of Michigan State University, and at any site where work is performed by individuals on behalf of Michigan State University.

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

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

Michigan State University supports and sponsors programs aimed at the prevention of substance abuse by University employees. The Employee Assistance Program provides preventative programs and counseling for employees experiencing substance-dependency problems. Assistance is available on a voluntary basis. Leaves of absence to obtain treatment may be obtained under the medical leave provision of the appropriate labor contract or policy.

**Students**

Michigan State University's compliance with provisions of the Drug-Free Schools and Communities Act Amendments of 1989 applying to students is achieved through a comprehensive alcohol and other drug prevention program which includes policy enforcement, education programs and treatment services.

General Student Regulations 2.06 and 2.07 prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students on Michigan State University property or as part of any of its activities. These regulations are as follows:

- 2.06 No student shall possess, use, manufacture, produce, sell, exchange or otherwise distribute any drug prohibited by federal or state laws."
- 2.07 No student shall possess, consume, furnish, manufacture, sell, exchange or otherwise distribute any alcoholic beverages except as permitted by state law and University ordinance."

Alleged violations of MSU regulations are adjudicated through the MSU student judicial process. Consequences for violations may include, but are not limited to, some form of disciplinary

probation, required attendance at educational programs, referral for assessment and treatment, relocation to a new living environment, and suspension from Michigan State University for sale of illegal drugs or repeated violations of the regulations. In addition, students can expect to be arrested and fined for violations of State Law on campus.

Michigan State University supports and sponsors programs aimed at the prevention of substance abuse by students. Information about education and treatment services may be obtained from the Olin Health Education Office, Olin Health Center.

Enacted: 10/12/90

Michigan State University (the “University”) is committed to eliminating harmful exposure to smoke, tobacco, and environmental tobacco byproducts and adopts the following smoke and tobacco-free policy.

1. No person shall (a) smoke, or (b) otherwise use any product derived from or containing tobacco, on any property governed by the Board of Trustees of Michigan State University. Ordinance 29.01.
2. Products derived from or containing tobacco may not be sold on any property governed by the Board. Ordinance 29.02.
3. No person shall (a) smoke, or (b) otherwise use any product derived from or containing tobacco, in any vehicle owned or leased by the University.
4. Notwithstanding the foregoing, all FDA-approved nicotine replacement therapy products are permitted when used for the purpose of cessation. Traditional Native American spiritual, ceremonial, or cultural use of tobacco, including but not limited to possessing, gifting, smoking, combusting (without smoke), and depositing on the ground or in the water, is permitted. Indoor use requires prior notice. Traditional Native American smudging using tobacco, sage, cedar, or sweetgrass is also permitted. Other exceptions to this policy may be authorized by the Secretary of the Board pursuant to guidelines issued by the Secretary of the Board. Ordinance 29.04.

**Definitions**

For the purpose of this policy:

To “smoke” means inhaling, exhaling, burning, or carrying any lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic. To “smoke” also includes the use with any tobacco or plant product of a pipe or hookah; of any electronic smoking device which creates, in any manner, an aerosol or vapor, in any form; or any other oral smoking device.

“Tobacco-derived or containing products” include, without being limited to, cigarettes (including clove, bidis, kreteks), electronic cigarettes, aerosol or vapor nicotine delivery devices, cigars and cigarillos, pipe tobacco, hookah-smoked products, and oral tobacco (spit and spitless, smokeless, chew, snuff).

**Application of Policy to All Persons**

This policy applies to all persons on University property, including students, faculty, employees, contractors, sub-contractors, and visitors, and to all persons who use University vehicles. Conspicuous signage will be posted on University grounds to inform the public that the University campus is smoke and tobacco-free. Exceptions to this policy may be authorized by the Secretary of the Board of Trustees pursuant to established guidelines.

Traditional Native American spiritual, ceremonial, or cultural use of tobacco is permitted with prior notice. To ensure that traditional Native American spiritual, ceremonial, or cultural activities do not inadvertently activate fire alarms or sprinkler systems and that such use conforms to applicable fire codes, regulations, and safety practices, event organizers must submit the Tobacco Use Notification Form—[tobaccofree.msu.edu/notificationform](http://tobaccofree.msu.edu/notificationform)—which will notify Infrastructure Planning and Facilities (IPF), Michigan State University Police and Public Safety, and Residence Education and Housing Services (for use in residence halls)—at least three days before an indoor event involving combusting or burning. Individuals must submit the Tobacco Use Notification Form at least three days before individual indoor use involving

combusting or burning. Event organizers and/or individuals may submit one form at the beginning of each semester for use that will occur on consecutive days or on a regular schedule throughout the semester.

For such use:

- Use fire-safe cigarettes.
- Use deep, sturdy smudge bowls and use away from other combustible materials (including mulch and plants by building entrances).
- Place used lit tobacco and smoking materials in a non-combustible container with sand, water, or dirt and ensure it is extinguished. Place container in a safe area outside (i.e. an area away from combustible material and vegetation). Event organizers or individuals will inform Custodial Services of the location of the container so that it may be disposed of safely.
- Do not place smoking materials in vegetation (e.g. mulch, potted plants, landscaping, dried grass or leaves).

For use involving open flame or fire:

- Keep the area within 35 feet of any fire free of flammable material.
- Ensure there is a fire extinguisher nearby. Event organizers or individuals can bring their own or request one from IPF.
- At least one individual should remain in the area for thirty (30) minutes after the fire is extinguished as a fire watch.

### **Education**

University leaders, managers, supervisors, and facilities managers are expected to educate employees regarding this policy and to promote compliance in their areas of responsibility and on the larger campus. University managers and supervisors are also expected to facilitate attendance at University-sponsored programs for employees who desire to become tobacco-free.

Residential community supervisors and Student Life staff are expected to educate students regarding this policy and to promote compliance with it.

### **Enforcement**

The success of this policy requires the cooperation of all members of the University community, not only through personal compliance with this policy, but by encouraging others to comply.

Concerns about smoking and tobacco use should be addressed in the moment whenever feasible. Continued concerns should be referred to the appropriate unit responsible for review and action:

- Faculty and Employees (including student employees)—issues should be referred to the employee's supervisor or the employing unit head
- Students—issues should be referred to residential community supervisors or Student Conduct and Conflict Resolution
- Contractors and Subcontractors—issues should be referred to the campus unit responsible for monitoring performance under the contract
- Visitors—issues should be referred to the visitor's host or to the University Police

Persons who violate this policy will be subject to disciplinary action.



**Smoking Cessation Programs and Products**

University-sponsored smoking cessation programs are available to assist students, faculty, and employees who wish to quit smoking.

Enacted: 07/16/93

Amended: 08/15/16, 9/10/21

1. Dependent children, spouses, and MSU-recognized same-sex domestic partners of eligible faculty and staff (see below) who are appointed prior to the second week of a semester or summer session will be entitled to a course fee courtesy. The course fee courtesy consists of the credit of an amount equal to one-half of the applicable Michigan resident on-campus undergraduate course fees.
2. Faculty and staff eligible under the course fee courtesy policy are as follows: full-time tenure system faculty, full-time librarians in the continuous employment system, full-time specialists in the continuing appointment system, individuals appointed full-time in the MSU Extension continuing appointment system, individuals appointed full-time in the Continuing Faculty Appointment System for the National Superconducting Cyclotron Laboratory, individuals appointed full-time in executive management positions and other continuing positions (appointments without end dates) in the Academic Personnel System, full-time Health Programs faculty members upon the commencement of the first additional appointment, full-time fixed term faculty and academic staff with at least 60 Full-Time-Equivalent (FTE) service months, and those who have access to the program by virtue of a labor contract.
3. Dependent children shall be defined as (a) all legally dependent children of eligible faculty or staff; and (b) such children who have eligible faculty or staff as their legal guardians.
4. Dependent spouse shall be defined as the legally recognized spouse of an eligible faculty or staff member.
5. Domestic partner shall be defined as the MSU-recognized same-sex domestic partner.
6. Course fees shall be defined as the amount associated with credit hour enrollment and shall not include the registration fee or such fees, taxes and charges as may be collected for third parties.
7. The course fee courtesy will be granted through the semester in which the 120th credit is attempted provided the dependent child or spouse/same-sex domestic partner is registered as a student in good academic standing at Michigan State University in a curriculum leading to the first baccalaureate degree or to a certificate in the Agricultural Technology program. For undergraduate students with transferable credits, the course fee courtesy is granted through the semester in which the combination of transferable credits and Michigan State University credits attempted equals 120.
8. Except as stipulated below, the Course Fee Courtesy for dependent children and spouses/same-sex domestic partners will be discontinued at the conclusion of the semester or summer session at which the employment of the eligible faculty or staff member is terminated. The dependent children and spouse/same-sex domestic partner of an eligible faculty or staff member participating in the University's Long-Term Disability Program or who dies while on active service or while participating in the University's Long-Term Disability Program retain eligibility as if the eligible faculty or staff member were still living or were not participating in the University's Long-Term Disability Program as long as they meet the other eligibility requirements of the Course Fee Courtesy

Policy. The dependent children and spouse/same-sex domestic partner of eligible faculty or staff members who retire in accordance with Michigan State University's retirement policy also retain eligibility as long as they meet the other eligibility requirements of the Course Fee Courtesy Policy.

9. If the dependent child or spouse/same-sex domestic partner drops courses or withdraws from school during the refund period, any refund applicable to the course fee courtesy will revert to the University.
10. Dependent children and spouses/same-sex domestic partners of eligible faculty and staff on approved leave of absence will be eligible for the course fee courtesy.

Enacted: 7/23/82

Amended: 7/29/83, 12/2/83, 4/6/84, 7/26/91, 12/6/91, 6/28/02

The Archives shall be the depository for University records which are no longer administratively necessary in the several departments, but which have historical or other value. The Archives may also receive personal papers of officials, faculty, staff, students, alumni, and others.

The records of the official activities of the University officers and offices are the property of Michigan State University. Such property is not to be destroyed without the approval of both (a) the officer in charge of the department where the papers are produced or accumulated, and (b) the Director of University Archives and Historical Collections.

Restrictions may be placed on the use of confidential records and papers entrusted to the Archives by the Board of Trustees, administrative officials and other donors.

Enacted: 11/21/69

## **DEVELOPMENT PROGRAM--CENTRALIZED**

**02-13-01**

Michigan State University shall have a centralized development program which will have the primary responsibility for all programs and activities relating to private sector support for the University and its components.

As of this date, authority for the final approval of all internal programs, activities, and procedures which originate on the campus by any person, group, or organization associated with the University for purposes of raising funds from nongovernmental sources shall reside with the President.

Enacted: 9/26/80

## **GIFTS AND GRANTS--ACCEPTANCE**

**02-13-02**

Gifts and grants represent a vast resource for the future of Michigan State University. Certain gifts and grants may, however, be inconsistent with University needs or require additional support for which resources are too limited to permit proper administration of the gift. The President shall, therefore, promptly evaluate, or cause to be evaluated, any gift or grant tendered, to determine acceptability. If approved for acceptance, it shall be promptly acknowledged with appreciation.

The President shall cause a report of gifts and grants received to be presented to the Board of Trustees for acceptance at each regular meeting of the Board. Formal acceptance of all gifts and grants shall be by Board action.

Enacted: 9/26/80

## **PUBLIC RADIO AND TELEVISION**

**02-16-01**

All University broadcasts shall conform to the standards and requirements for public broadcasters established by the Corporation for Public Broadcasting (CPB) and the Federal Communications Commission (FCC).

The University Broadcast services should operate in keeping with the Mission Statement of Michigan State University. Major goals shall be to promote learning and the quality of life for the citizens of the area served.

Enacted: 2/8/55

Amended: 12/3/82

## **VOTER REGISTRATION**

**02-16-02**

Michigan State University shall inform, encourage, and assist faculty, staff, and students to register to vote and to use their elective franchise.

Michigan State University personnel are urged to assist and cooperate with voter registration groups and media representatives in their efforts to publicize voter registration requirements and information and to register students to vote during university student registration and at other appropriate times and places of public convenience.

Enacted: 9/6/71



## INDEMNIFICATION

02-17-01

Michigan State University will support its trustees, officers, faculty, and staff when acting in the good faith performance of assigned duties on behalf of the University. This policy also applies to students while engaged in approved academic programs and volunteers who are performing services in good faith for the University with prior written approval of the appropriate University official. Authority for decisions about the application or revocation of indemnification rests with the President, except when such decisions involve indemnification of the President or individual Trustees. In such situations, decisions about the application or revocation or indemnification rests with the Board of Trustees.

The University will defend, save harmless, and indemnify such persons against any suit or proceeding, wherever brought, premised upon the fact that he or she is or was a member of the Board or an officer, employee, student, or volunteer of the University. The indemnity extends to expenses including attorney fees, judgments, fines, and amounts paid in settlement, actually and reasonably incurred, and with respect to any criminal action or proceeding where such person had no reasonable cause to believe that his or her conduct was unlawful. The University shall have sole authority over litigation and settlement strategies and decisions for any suit or proceeding for which the University is providing legal defense, representation and indemnification to the person. In proceedings in which both the University and an employee are parties, the University shall have the sole discretion to determine when a conflict of interest exists between the University and the employee such that separate representation of the employee shall be provided by the University.

As a condition of indemnification, the trustee, officer, employee, student, or volunteer is required to cooperate fully on a continuous basis with the legal counsel selected by the University, as well as the University Attorney. Persons may, at their own expense, retain their own legal counsel rather than avail themselves of this policy. In such a situation, the University will not indemnify the person for any settlement, judgment, or expense incurred. This policy does not apply to a person's involvement in internal University proceedings. The University reserves the right to revoke its initial decisions and defend and indemnify a person based upon information received subsequent to that decision.

Enacted: 3/15/74

Amended: 1/21/77, 9/2/83, 2/3/84, 8/31/18

## PRESIDENTIAL PERFORMANCE EVALUATION POLICY

02-17-02

The Board of Trustees shall evaluate the performance of the president of the university annually and conduct a periodic comprehensive evaluation every three to five years. The purpose of this policy is to formalize the procedures by which the Board will fulfill this responsibility.

The intent of the evaluations shall be to assess the president's performance in leading the institution; enhance the president's and institution's effectiveness; encourage communication between the Board and president with regard to expectations, goals, and accomplishments; and maintain accountability.

The president will be evaluated based on mutually agreed-upon goals focused on areas such as leadership, student success, faculty and staff development, fiscal management, stakeholder relations, fundraising, and improvement of the University's national standing and reputation. The Board will determine whether the president's performance has exceeded expectations, met expectations, or fallen below expectations.

Following an evaluation, the Board may, in its discretion, increase the president's compensation, award a bonus, and/or extend the president's appointment.

The evaluation process will conclude with a report to the university community from the Board Chair summarizing the Board's evaluation of the president and any action to be taken with regard to compensation or employment status.

### Procedures for Annual Evaluations

The annual evaluation process will be led by the Trustee Committee on Budget and Finance and involve the participation of all Board members.

The evaluation will be based on a mutually agreed-upon set of measurable annual goals and objectives presented by the president and accepted by the Board pursuant to the procedures and schedule outlined in this Policy. In addition to the achievement of previously set goals and objectives, the evaluation may include such other matters as the Board may determine based on current circumstances.

The annual evaluation period will begin with the president's presentation of goals and objectives at the Board's annual retreat, customarily in June of each year, and will conclude at the June retreat the following year. Should the Board determine to change the month of its annual retreat, the evaluation period and schedule may be adjusted accordingly.

The Board will use the following schedule as recommended target dates to conduct the annual performance evaluation:

- May: The president completes a self-evaluation summarizing the past year's activities in relation to the established goals and meets with the Trustee Committee on Budget and Finance to discuss the upcoming performance evaluation.
- June: The Board meets with the president to discuss and review the self-evaluation, conduct a performance assessment, and set mutually agreed-upon goals and objectives for the following year.

- September: The annual evaluation is concluded with a report from the Board Chair at the Board's first regularly scheduled meeting of the academic year.

### **Procedures for Periodic Comprehensive Evaluations**

The Board will conduct a periodic comprehensive evaluation of the president's performance every three to five years which assesses the president's fulfillment of long-term objectives and responsibilities and builds upon the foundation of annual evaluations.

The comprehensive evaluation process will be led by the Trustee Committee on Budget and Finance and will include the following:

- Planning Session
- Self-Evaluation
- Community Assessment
- Board Assessment

The community assessment shall entail confidential interviews regarding the president's leadership and effectiveness with a cross-section of the campus community and external stakeholders. The interviews should be led by a third party who can elicit objective responses and will report findings and recommendations to the Board without attribution. All written assessments of the president's performance should remain confidential to the extent permitted by law.

Following the community assessment, the Board will meet with the president to discuss the results, review the self-evaluation, and conduct the Board's assessment of the president's performance.

The comprehensive evaluation process will conclude with a report to the university community and stakeholders summarizing the results of the evaluation and the process followed.

Enacted: December 18, 2020

**Organization**

The Council shall be composed of the following 13 members:

1. Six faculty members (it shall be the policy as a general rule to make appointments from the ranks of teaching, research and extension faculty);
2. The faculty member appointed by the President as Faculty Representative to the Intercollegiate Conferences, ex officio;
3. The Director of Athletics, ex officio;
4. The Director of Alumni Relations, ex officio;
5. The Controller, ex officio;
6. Two Alumni Members;
7. The President of Student Government, ex officio.

The faculty members shall be appointed by the President, subject to the approval of the Academic Senate. Three shall be appointed each year to serve a two-year term. An alumni member shall be nominated by the Alumni Varsity Club and the second by the Alumni Advisory Council. Both alumni members are to be recommended by the Alumni Advisory Council to the President for appointment. Alumni members shall not be employees of Michigan State University.

Terms of office shall begin on July 1 following the member's appointment or election.

Vacancies occurring during the term of any member shall be filled by appointment by the President in the case of faculty, and upon the recommendation of the Director of Alumni Relations in the case of alumni.

**Officers**

The officers of the Council shall be a chairperson, vice chairperson, and a secretary. The Director of Alumni Relations shall serve as secretary. The Faculty Representative to the Intercollegiate Conference shall serve as chairperson. The vice chairperson shall be elected at the first regular meeting following July 1 and will take office immediately to serve a one-year term.

**Duties**

1. Rule on eligibility of students for intercollegiate competition.
2. Vote on intercollegiate conference legislation under the terms of the White Resolution.
3. Vote on National Collegiate Athletic Association legislation requiring faculty action.
4. Review schedules and develop schedule policy.

5. Control complimentary ticket allocation.
6. Determine ticket prices and policies.
7. Determine athletic contest television and radio policy.
8. Determine athletic awards policy.
9. Serve in an advisory capacity to the University administration on matters of intercollegiate athletic policy.
10. Serve in an advisory capacity to the Athletic Director on such matters as the Director may refer to the Council.
11. Serve in an advisory capacity to the Faculty Representative concerning special matters requiring faculty action on the Big Ten or National Collegiate Athletic Association.
12. Determine what sports shall be part of the intercollegiate athletic program.

### **Responsibilities**

1. The Director of Athletics shall advise the Council as to the development of the athletic program at each regular meeting.
2. The Faculty Representative shall advise the Council as to relationships with other members of the Big Ten and on all matters requiring faculty action at each regular meeting.

### **Meetings**

The Council will meet during the first month of the fall, winter, and spring terms and at such other times as the chairperson may determine.

Enacted: 11/19/55

Amended: 1/3/56

## **SETTLEMENT OF CLAIMS AND LITIGATION**

**02-07-03**

As used in this Policy, the terms “claim” and “litigation” shall have the following meanings:

- a. “Claim” means a dispute in which a demand for payment is asserted in some manner other than through litigation.
- b. “Litigation” means (1) a lawsuit filed in a federal or state court; (2) an arbitration proceeding; or (3) a matter before a federal or state administrative agency.

The General Counsel shall have the authority to settle a claim or litigation for \$750,000 or less, subject to the availability of funds. The General Counsel shall have the authority to settle a claim or litigation for more than \$750,000 with a report to and the consent of the Board of Trustees. Accordingly, a settlement of any claim or litigation for more than \$750,000 shall be tentative, subject to a report to and the consent of the Board of Trustees, and such report and consent shall normally be sought at the next executive session of the Board of Trustees.

Enacted: 06/26/2020

Standards for sponsored research must be respectful of the purposes, needs and integrity of the University and the rightful claim of the public interest; thus, it is incumbent upon the academic community to be mindful of the conflict-of-interest situations which may arise.

Research projects should conform to all appropriate and established University policies (e.g., patents, copyrights, the use of human and animal experimental subjects, the use of radioactive isotopes and other hazardous substances, etc.).

Sponsored research should be consistent with the policies and plans of the department(s) and college(s) in which the research will be conducted.

The University should retain for its scholars the right of first publication. The imposition of restriction on publication of research results is incompatible with the basic concept of an educational institution. Exigencies of national defense may at times make exceptions to this policy on publication necessary.

Prior to accepting grants or contracts which do not cover all direct and indirect costs, the institution may seek alternative sources of financial support with full recognition that it is making a contribution to the cost of the work.

Research projects should conform to established University policy on patent rights.

Enacted: 3/20/70  
Amended: 12/3/82

This policy was approved by the Board of Trustees on April 13, 2012.

## **I. PREAMBLE**

As a modern research-intensive land-grant university, Michigan State University is committed to maintaining the trust of the general public which supports it and which it serves. For the University to do so, its faculty must pursue their research, teaching, outreach, and service responsibilities with integrity and proper professional judgment in a manner consistent with the highest standards of their respective disciplines and in the best interests of the University. A faculty member's reputation for integrity and for exercising proper professional judgment can be seriously compromised, however, if the faculty member fails to disclose a significant financial interest that is related to his/her institutional responsibilities. Moreover, an individual faculty member's unmanaged and unresolved conflict of interest can undermine confidence in the University and, thus, harm its standing and that of its entire faculty.

This Policy addresses the disclosure, review, management, and resolution of conflicts of interest relating to the performance by faculty of their research, teaching, outreach, and service responsibilities at the University. For purposes of this Policy, a "conflict of interest" exists when a faculty member's financial interests or other opportunities for tangible personal benefit may compromise, or reasonably appear to compromise, the independence of judgment with which the faculty member performs his/her responsibilities at the University.<sup>1</sup>

## **II. APPLICABILITY<sup>2</sup>**

This Policy applies to individuals appointed through the academic personnel system with research, teaching, outreach, or service institutional responsibilities. This Policy also applies to other individuals who have independent responsibility for proposing, conducting, or reporting the results of University research and other sponsored projects.<sup>3</sup>

## **III. IMPLEMENTATION**

### **A. Disclosure**

Faculty members must annually disclose all significant financial interests<sup>4</sup> and other opportunities for tangible personal benefit that are related to the faculty member's institutional responsibilities. Faculty members must also submit an updated disclosure within thirty days of acquiring any new significant financial interest or other opportunity

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<sup>1</sup> In amplification and not in limitation of the foregoing, a conflict of interest exists if a faculty member's financial interests (or other opportunities for tangible personal benefit) directly and significantly affect the design, conduct, or reporting of the results of research or other sponsored projects.

<sup>2</sup> For purposes of this Policy, the individuals described in Section II (Applicability) will generally be referred to as "Faculty" or "Faculty Members," although the term encompasses, and the Policy applies to, all individuals described in Section II.

<sup>3</sup> For a more detailed description of this Policy's application to individuals involved in University research and other sponsored projects, refer to the Faculty Conflict of Interest Handbook.

<sup>4</sup> A significant financial interest" is defined in the Faculty Conflict of Interest Handbook.



for tangible personal benefit. “Institutional responsibilities” refer to the faculty member’s professional responsibilities on behalf of the University, which include research, teaching/education, outreach, and service activities, both within and outside the University, in the general area of expertise for which the faculty member is employed by the University.

Disclosures will be made in accordance with the procedure established by the Faculty Conflict of Interest Officer (FCOIO). Each faculty member shall provide all information necessary for the University to review, manage, and resolve any conflicts of interest involving that faculty member.

The University shall respect the confidentiality of private financial and other private information supplied by faculty, and shall not release this information publicly unless it is legally required to do so, the resolution or elimination of the conflict of interest requires public disclosure of the information, or the faculty member consents to its public disclosure.

#### **B. Faculty Conflict of Interest Officer**

The Vice President for Research and Graduate Studies (VPRGS), in consultation with representatives of the University Committee on Graduate Studies (UCGS) and the University Committee on Faculty Affairs (UCFA), will appoint a FCOIO to administer this Policy. The FCOIO shall serve as a resource to faculty and administrators on defining and addressing faculty conflicts of interest and shall convene and serve, ex officio, as a non-voting member of the Conflict Review Committee described in Section III.D of this Policy.

The FCOIO shall develop and maintain an institutional procedure for faculty members to report significant financial interests and other opportunities for tangible personal benefit, as required by this Policy.

The FCOIO, in consultation with relevant administrators and appropriate academic governance committees, shall arrange for the preparation of a handbook for faculty, incorporating a list of frequently asked questions, explaining and interpreting this Policy. Assessment, management, and resolution of conflicts of interest should take into account the different norms, customs, and expectations of the various disciplines found among faculty in the University.

#### **C. College-Specific Addenda**

Each college (or relevant non-college unit) is encouraged to prepare, in consultation with the FCOIO, a supplement to the conflict of interest handbook, with frequently asked questions, that addresses conflict of interest issues specific to the disciplines and activities of the faculty of that college. A college may also adopt its own addendum to this Policy to address specific conflict situations which occur in that college. Such addenda must be prepared in consultation with the FCOIO and approved by the VPRGS. College-specific addenda must be consistent with, and no less stringent than, the provisions of this Policy and federal law and regulations regarding conflict of interest.

#### **D. Conflict Review Committee**

The VPRGS, in consultation with representatives of the UCGS and the UCFA, shall appoint a Conflict Review Committee (CRC) composed of at least five faculty members from different disciplines, one of whom they will select as chairperson. At the discretion of the VPRGS, additional members may be appointed to the CRC. CRC members shall serve for staggered three-year terms and may be reappointed to additional terms. The FCOIO shall convene the CRC and serve, ex officio, as a non-voting member. The FCOIO and CRC have the authority to invite any input they deem necessary to assess a potential conflict of interest.

The FCOIO shall make the initial assessment about the existence of a conflict of interest based on the extent to which a disclosed significant financial interest or opportunity for tangible personal benefit could reasonably be expected to affect, or be perceived to affect, a faculty member's performance of a University responsibility. If the FCOIO determines that a disclosed interest may create a real or potential conflict of interest, the FCOIO shall forward the disclosure to the CRC for additional assessment. If the CRC determines that no conflict of interest exists, it shall inform the faculty member and the VPRGS of that determination in writing. If the CRC determines that a conflict of interest exists as a result of the disclosures made by the faculty member, or as a result of a report made by another party, the CRC shall develop a written plan for the resolution or management of the conflict of interest. The CRC may consult with the faculty member, the faculty member's unit administrators,<sup>5</sup> the FCOIO, and appropriate representatives of the central administration in developing a plan.

The FCOIO shall submit the plan to the faculty member and the faculty member's unit administrators for review and comment. If the faculty member does not agree with the CRC's plan for the management or resolution of the conflict of interest, the faculty member may file a written objection detailing the nature of his/her objections with the VPRGS within ten days of receiving notice of the CRC's plan. The CRC's plan, along with any written comments submitted by unit administrators, and the objections of the faculty member shall be submitted to the VPRGS. The VPRGS may accept the CRC's plan or decide to implement an alternative plan for the management or resolution of the conflict of interest. The VPRGS shall issue his/her decision within thirty days of his/her receipt of the CRC's plan and any supplemental material.<sup>6</sup> The VPRGS shall report his/her decision to the CRC, faculty member, unit administrators, and FCOIO.

In devising the plan to address the conflict of interest, the CRC shall seek to employ the least intrusive management techniques that will suffice to resolve the ethical and legal concerns arising from the conflict.

The CRC may recommend to the Provost and VPRGS the issuance of specific guidelines to investigators and other faculty regarding common conflict situations.

#### **IV. SPECIFIC REQUIREMENTS FOR RESEARCH AND PROJECTS FUNDED BY THE PUBLIC HEALTH SERVICE AND NATIONAL SCIENCE FOUNDATION**

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<sup>5</sup> For purposes of this Policy, references to a faculty member's "unit administrators" include the relevant department chair, dean, and/or separately reporting director.

<sup>6</sup> This thirty-day period may be extended by the FCOIO upon the written request of the VPRGs.

The Public Health Service (PHS) and National Science Foundation (NSF) have developed policies and procedures to ensure that the design, conduct, and reporting of research funded under PHS or NSF grants, cooperative agreements, and contracts will not be biased by conflicts of interest affecting the investigators responsible for such research.

The PHS/NSF regulations require that each institution and investigator applying for, receiving, or being supported by PHS/NSF funds be compliant with PHS/NSF rules regarding training and disclosure prior to applying for funds and the establishment of conflict of interest management plans prior to the expenditure of funds.

Investigators applying to PHS or NSF must disclose to the University all “significant financial interests” (as defined in the regulations) related to the investigator’s institutional responsibilities. Further, investigators participating in PHS- or NSF-funded research are required to submit an updated disclosure of significant financial interests within thirty days of acquiring any new significant financial interest.

A conflict of interest exists if the University determines that the investigator has a significant financial interest that could directly and significantly affect the design, conduct, or reporting of PHS- or NSF-funded research. The University will not authorize the expenditure of any funds under a PHS- or NSF-funded research project until (a) all investigator disclosures have been reviewed for potential conflicts of interest; and (b) if a conflict of interest exists, a plan satisfactory to the VPRGS to manage the conflict of interest has been developed and implemented.

To the extent that these or any other legal requirements are more stringent than this Policy, they will take precedence. For a detailed description of the disclosure requirements applicable to PHS/NSF investigators, refer to the “Guidelines on Conflict of Interest Pertaining to Applications for NSF and PHS Research Support,” which is a supplement to this Policy.

## **V. NON-COMPLIANCE**

A faculty member who violates this Policy is subject to disciplinary action. Any University employee or student who knowingly files a false allegation that this Policy has been violated, or who knowingly provides false information to or intentionally misleads University officials who are investigating an alleged violation of this Policy, may be subject to disciplinary action. The VPRGS shall establish a mechanism, after consulting with the FCOIO, for investigating concerns or allegations regarding significant financial interests and other opportunities for tangible personal benefit of faculty which are not reported as required under this Policy. The review and investigation of concerns or allegations that this Policy has been violated will be conducted confidentially to the extent permitted by law, except insofar as information needs to be disclosed so that the University may effectively investigate the matter or take corrective action.

If the failure of a faculty member to comply with this Policy has biased the design, conduct, or reporting of funded research, the University may, and in some cases is required to, notify the awarding agency of the compliance failure and the corrective action taken by the University.

## **VI. TIMING OF IMPLEMENTATION**

The current Faculty Conflicts of Interest Policy was approved by the Board of Trustees on April 13, 2006. This revised Faculty Conflicts of Interest Policy shall supersede the current Policy upon approval by the Board of Trustees.

Effective August 24, 2012, all individuals who have independent responsibility for proposing, conducting, or reporting the results of University PHS- or NSF-funded research must be in compliance with this Policy and related University policies and guidelines applicable to PHS or NSF-funded research.

The President, in consultation with the VPRGS, shall determine the timing of implementation of the annual reporting requirement under Section III, Part A of this Policy for covered individuals to whom the foregoing paragraph does not apply. Such individuals shall comply with the disclosure requirements set forth in the Faculty Conflicts of Interest Policy approved by the Board of Trustees on April 13, 2006 until the President has determined that the disclosure requirements set forth in this revised Policy are applicable to them, which shall be no later than January 1, 2015.

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

### 1. Role of the FCOIO

- A. Serves as an information resource to faculty and administrators on defining and addressing conflicts of interest, as defined in the Policy.
- B. Prepares an institutional procedure to be used in establishing conflict reporting mechanisms.
- C. Convenes the Conflict Review Committee (CRC) and serves, ex officio, as a non voting member.
- D. In consultation with relevant administrators and appropriate faculty committees, arranges preparation of a handbook incorporating a list of frequently asked questions explaining and interpreting the Policy.

### 2. Appointment of the FCOIO

- A. The FCOIO shall be appointed by the Vice President for Research and Graduate Studies (VPRGS) after consultation with representatives of the University Committee on Graduate Studies (UCGS) and University Committee on Faculty Affairs (UCFA). The FCOIO shall serve at the pleasure of the VPRGS.
- B. The FCOIO shall report to the VPRGS. The FCOIO shall keep the Provost and President informed about the implementation of this Policy and about educational and other activities of his/her office.
- C. Should the FCOIO recuse himself/herself from FCOIO duties with regard to a particular conflict of interest, the VPRGS shall appoint a substitute after consultation with the chairperson of the Academic Subcommittee of the UCGS.

### 3. Evaluation of FCOIO

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

Enacted: 4/13/06

Amended: 4/13/12

*\*Please note that this policy supersedes the Interim Guidelines for Potential Conflicts of Interest in Academic Areas of the University which were repealed by the Board of Trustees on 5/16/08.*

## Policy Overview

Full-time faculty members are compensated for full-time professional effort for the University. Faculty may have duties in instruction, research, or outreach, or in a combination of these areas. Regardless of the character of the faculty member's duties, the University expects that each full-time faculty member will carry a reasonable and full-time load, assuming a proper share of the total functions and responsibilities of the department/school, college, and University. Within this framework, the University recognizes that, through consulting and other relationships with government, industry, not-for-profit organizations, and others outside the University, its faculty members can make valuable contributions off campus while enhancing their expertise in their discipline.

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

## II. Applicability<sup>1</sup>

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.<sup>2</sup> Faculty appointed less than full-time are not eligible to perform outside work for pay during regular University duty periods. With the exception of the approval process, outside work for pay performed during non-duty periods is subject to the remaining provisions of this Policy.

Certain activities are expected of faculty members as part of their normal scholarly activities and are not regulated by this Policy (even if a faculty member is paid to do them by a person or entity other than the University). These include, but are not limited to<sup>3</sup>:

- 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.

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<sup>1</sup>This 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.

<sup>2</sup>Executive managers (senior level University administrators, including associate and assistant vice presidents and specified directors) and academic administrators (e.g., deans, department chairs, and school directors) are also subject to this Policy and must obtain prior written approval from their direct supervisor before engaging in outside work for pay.

<sup>3</sup>A 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.

### **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. (See the Outside Work for Pay Authorization form.)
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 Procedure 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.<sup>1</sup>
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 Procedure 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

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<sup>1</sup> Faculty 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.

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.

Enacted: 8/9/51

Amended: 3/4/83, 6/7/91, 11/19/93, 5/5/06

**I. Applicability**

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

**II. Overload Pay**

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

**III. Required Approval**

1. Overload pay assignments require prior written approval (a) by the immediate supervisor of the individual who will undertake the proposed overload pay assignment; (b) by the administrator of the major administrative unit ("MAU") in which that individual is appointed; and (c) if the unit in which the overload pay assignment is to be performed is different from the unit in which the individual is appointed, by the administrator of, and the MAU administrator for, the unit in which the overload pay assignment is to be performed.
2. In order to be approved, an overload pay assignment must meet the following minimum criteria:
  - a) The individual requesting overload pay must have a full-time assignment in her/his department, school, or other administrative unit and be satisfactorily performing her/his assigned duties; and
  - b) The individual's immediate supervisor, after consultation with the administrator of the MAU in which the individual is appointed, must determine that:
    - (i) the proposed assignment represents a substantial increase over the individual's regularly assigned duties; and
    - (ii) after considering the other commitments of the individual, including her/his regularly assigned duties, approved outside work for pay, and other professional obligations, the proposed assignment will not adversely affect the individual's performance of her/his regularly assigned duties.
- 3 The approval of each overload pay assignment must be recorded on the Overload Pay

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

form.

#### **IV. Summer Appointments**

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

#### **V. Other Provisions**

1. The Office of the Provost shall provide an annual summary of overload pay disbursements made during the prior fiscal year to appropriate MAU administrators.
2. In recognition of collegial expectations usual in a community of scholars, University units may not pay honoraria to faculty members, academic staff, executive managers, or academic administrators for talks, seminars, etc., provided in usual classroom/seminar settings.
3. Individuals performing overload pay assignments pursuant to this Policy remain subject to the same University policies and procedures as are in effect during the performance of their regularly assigned duties.
4. Assignments which might normally justify the payment of overload pay may, by mutual agreement, be compensated for by subsequent release time for research, the assignment of additional graduate assistants / other support staff, or other forms of programmatic/ professional support instead of by overload pay.
5. Major administrative units may establish lower maximum time limits for overload pay than those stipulated in this Policy.

Enacted: 10/16/70

Amended: 7/28/83, 6/12/87, 5/5/06

## **POLITICAL CANDIDACY**

**03-17-04**

Faculty members campaigning as political candidates for state or federal offices shall do so on their own time. For the period of such candidacy, it is required that they obtain leaves of absence from employment at Michigan State University or continue work at the University on a part-time basis. Final responsibility for such decisions shall rest with the Board of Trustees.

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

Enacted: 12/21/50

Each faculty member shall be appointed according to the following guidelines:

1. Precise terms and conditions of employment should be reduced to writing and delivered to a prospective faculty member before the appointment becomes final.
2. Probationary faculty members should be informed early in the period of appointment of the substantive and procedural standards to be followed in determining reappointment and/or granting of tenure.
3. Recommendations regarding renewal of appointment or granting of tenure should be reached by faculty groups under procedures promulgated by and approved through the faculty.
4. A probationary faculty member should be notified whenever a decision affecting his/her status is under consideration and he/she will be afforded the opportunity to submit material in writing that is considered relevant to such decision.
5. In every case of nonreappointment, probationary faculty members must be given written notice thereof and offered reasons therefore, which must be delivered orally or in writing at the option of the faculty member.

Enacted: 2/19/71

## **FACULTY - APPOINTMENT PERIODS**

**03-17-06**

All academic personnel shall be appointed on either an academic year (AY) or annual basis (AN). Such appointments will normally be considered to cover a twelve-month period, except that temporary appointments may be for a shorter period.

An academic year appointment is for a nine-month assignment of duties and responsibilities including related departmental meetings before registration in the fall and commencement and grade reporting in the spring. Such appointments will normally be for the period August 16 to May 15 of the following calendar year.

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

Enacted: 2/17/44  
Amended: 7/26/91

**General Policy**

1. A sabbatical leave is intended for the mutual benefit of the University and the faculty member granted a leave. The purpose is to encourage academic and institutional revitalization by providing sustained time for research/creative activities; development of new courses or programs; acquisition of expanded and/or new qualifications and skills; contribution to academic unit plans to improve and/or refocus instructional, research, or public service activities in accordance with the mission of the University.
2. A sabbatical leave is not granted automatically. Each request for a sabbatical leave must include a detailed description outlining the purposes, objectives and scholarly and research activities of the leave and normally should be submitted six months in advance of the starting date of the leave. The plan should indicate how the objectives and accomplishments of the leave will advance the interests and capabilities of the faculty member for fulfilling the aims, objectives and goals of the department/school, college or University. All leaves must have the approval of the appropriate administrators and of the Provost or designee.
3. Within thirty (30) days following the conclusion of a sabbatical leave, a sabbatical leave report, with a separate summary not to exceed one page in length, must be submitted to the department chairperson/school director or dean of a non-departmentally organized college. The report should include an assessment and evaluation of the leave accomplishments in relation to the sabbatical leave plan. Departments/schools and non-departmentally organized colleges should retain a copy of the sabbatical leave report in applicable unit files.

**Eligibility**

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

**Types of Sabbatical Leaves**



1. For faculty on academic year appointments, sabbatical leaves are of two types:
  - a. One term with no reduction in pay.
  - b. Two terms with a fifty percent reduction in the academic year salary. (Payments distributed over 12 months.)
2. For faculty on annual appointments:
  - a. Up to six months with no reduction in pay.
  - b. Twelve months with a fifty percent reduction in pay.
3. For deans, directors, departmental chairpersons, and other administrative officers:
  - a. Three months once in every three years with full pay, initially after six years of service to the University which includes at least three years of administrative service.
  - b. Six months with no reduction in pay after at least six years of service to the University since the previous sabbatical or from the date of full-time appointment including at least three years in administrative positions without compensated leaves.
  - c. Sabbatical leave eligibility following the return to regular faculty duties requires six years of service to the University since the completion of the sabbatical leave referenced in a. and b., above. Up to three years credit for service between the date of full-time employment or the end date of the sabbatical leave immediately preceding the administrative assignment, whichever is later, and the beginning date of the administrative position may be applied toward this requirement only if the last sabbatical leave as an administrator was a three-month leave (see section 3a, above).

### **Conditions**

1. Recipients of sabbatical leaves are permitted to receive money for activities approved as part of the approved sabbatical plan without prejudice to their receipt of income from Michigan State University, provided that the total remuneration from all sources does not exceed that received from this institution. (Financial support to offset the costs of travel and subsistence are excluded from total remuneration; see 3, below.)
2. Teaching, research and service activities performed during sabbatical leaves must be in accord with the mission of the unit, college and University. Faculty members on sabbatical leave may accept teaching assignments for pay subject to the following conditions:
  - a. The teaching assignment must provide and be part of a variety of experiences which serve to improve scholarly/creative competence;
  - b. Benefits flowing from the teaching assignment must be demonstrable in the sabbatical leave plan;
  - c. The details of the teaching assignment are clearly defined in the sabbatical leave plan and are subject to approval by the applicable chairperson/director, dean and Provost or designee and agreed to in the best interests of the department/school, college and University.

3. In addition to salary, special arrangements may be made to defray travel and similar coincidental expenses, normally provided by externally obtained non-general fund grants or other arrangements. These arrangements normally should be approved in advance as part of the leave application.
4. A recipient of a sabbatical leave of absence is obligated to return to Michigan State University for the following year. Requests for leaves without pay immediately following a sabbatical leave normally will not be approved. If a leave no pay is to be recommended, it should precede the sabbatical leave.

### **Departmental Adjustments**

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

Enacted: 5/25/56

Amended: 2/26/82, 6/12/87, 11/19/93

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

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

## GRANTING TENURE

Appointments in the tenure system are only at the ranks of professor, associate professor, and assistant professor.

The chairperson of the unit recommending an appointment in the tenure system shall deliver in writing to the faculty member at the time of appointment a copy of the bylaws of the unit or other policy document that specifies the unit's expectations and procedures for reappointment, promotion and tenure. (See section on Non-Tenured Faculty in the Tenure System.)

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

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

An *associate professor*<sup>1</sup> who has not served previously at Michigan State University usually is appointed in the tenure system for a probationary period of four years. In some cases, upon the recommendation of the unit administrator(s), dean(s), and with the prior approval of the Provost and President, the probationary period may vary in length from two to five years. If an *associate professor* is reappointed, tenure is granted. Individuals appointed at the rank of *associate professor* without tenure have the option of requesting reappointment at any point<sup>2</sup> prior to the

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

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

conclusion of the stipulated probationary appointment period. A negative decision on such a request shall not preclude consideration for reappointment at the time specified upon appointment.

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

An *assistant professor*<sup>1</sup> has not served previously at Michigan State University is appointed initially in the tenure system for a probationary period of four years and may be reappointed for an additional probationary period of three years. If at any time during these two probationary periods an *assistant professor* is promoted to the rank of *associate professor*, tenure is granted. If not promoted to the rank of associate professor at the conclusion of the second probationary period of three years, the individual is ineligible for an additional reappointment unless a special extension is approved (see below). Individuals appointed at the rank of *assistant professor* without tenure have the option of requesting promotion to associate professor with tenure at any point<sup>1</sup> prior to the conclusion of the stipulated probationary appointment period. A negative decision on such a request shall not preclude consideration for reappointment at the normal time.

Extensions in the probationary appointment periods for all faculty appointed in the tenure system require approval of the Chairperson/Director, the Dean, the Provost (or designee) and the University Committee on Faculty Tenure<sup>2</sup> extensions in probationary appointment periods are not interpretations of or deviations from the rules of tenure under section 4.8.5. of the *Bylaws for Academic Governance*.

## **OPERATING PRINCIPLES OF THE TENURE SYSTEM**

1. Probationary appointment periods for tenure purposes are calculated from August 16 of the calendar year in which the appointment is effective.
2. A faculty member granted a leave of absence for six to twelve months will have the probationary appointment period extended appropriately. See "Implementation Practices" for additional reasons and procedures for extending the probationary appointment period.
3. A faculty member who is not to be recommended for reappointment by the department chairperson and dean must be so notified in writing by the department chairperson by December 15 preceding the expiration of the appointment. Copies of the notification are to be sent to the dean and provost. Upon written request of the faculty member, the administrative unit making the decision shall transmit in writing the reasons for not recommending further appointment.

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<sup>3</sup> Information on extensions of probationary appointments should originate in the primary academic unit; such information may also be obtained from the chairperson of the University Committee on Faculty Tenure, the department chairperson, the school director, the dean, or the Office of the Provost. See section on Implementation Practices.

4. If a faculty member is not given proper notification, as stated in 3., an extension of one year is automatic, and the faculty member shall consider this arrangement as official notification of separation from the University at the end of the one-year extension.

5. A tenure system faculty member who is not reappointed or resigns may not be appointed in the tenure system, except as approved by the University Committee on Faculty Tenure upon written request by the faculty member, department/school and college.

6. A Foreign National holding non-immigrant status may be appointed within the tenure system; however, he/she may not be appointed with tenure unless (a) he/she has acquired permanent resident status or U.S. citizenship or **(b)** he/she enters into and complies with the terms of a *Faculty Tenure Policy Exemption Agreement*<sup>1</sup> approved by the Provost.

7. Questions about the interpretation of the tenure rules are referred to the University Committee on Faculty Tenure. The Committee renders a decision and communicates it to the president, the provost or other appropriate administrative official. In every case, final decision rests with the Board of Trustees. The University Committee on Faculty Tenure also considers the resolution of tenure issues/problems arising from situations not covered in the tenure rules and proposes solutions to the Provost. As appropriate, the Provost may recommend new policies or policy revisions to appropriate academic governance bodies. Changes in the tenure rules require action by the Board of Trustees.

8. Tenure at Michigan State University resides in the University and tenured faculty have "tenure in the university." (See "Principles of Faculty Reassignment").

Enacted: 5/15/52

Amended: 11/19/59, 11/15/62, 11/21/69, 7/16/71, 4/4/86, 7/30/88, 4/3/92, 6/11/93, 5/18/07, 4/24/09

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<sup>1</sup>In those situations where the Foreign National chooses not to execute a Faculty Tenure Policy Exemption Agreement but has otherwise been endorsed by the Provost as having met all of the requirements for promotion and tenure, he/she will be placed on a fixed term appointment or have his/her appointment period extended on an annual basis, whichever is appropriate, until permanent resident status or U.S. citizenship is granted, at which time a tenure recommendation will be made to the Board of Trustees.

### Preamble

The University's commitment "to promote the welfare of mankind through teaching, research, and public service" is furthered by the intellectual integrity and professional honesty of faculty members mindful of their rights and responsibilities. Essential to sustaining an environment of mutual trust and respect is the need for impartial investigation of alleged violations of policies related to faculty conduct; due process; and, when necessary, disciplinary action up to and including dismissal for cause. Discipline, dismissal, or the threat of either action, may not be used to restrain faculty members in their exercise of academic freedom.

## **I. CONFIDENTIALITY**

Records of disciplinary action or dismissal for cause proceedings shall be kept confidential to the degree permitted by the law. Subject to legal limitations and limitations imposed by University policy, information regarding discipline or dismissal of a faculty member may be disclosed when disclosure is necessary for the effective operation of the University. Disclosures should occur only after consultation with the Office of Associate Provost and Associate Vice President for Faculty and Academic Staff Affairs (FASA), the Office of the General Counsel (OGC), University Communications, and where applicable, the Office for Civil Rights and Title IX Education and Compliance (OCR) and Presidential Advisors on RVSM.

## **II. MAILING OF NOTICES UNDER THIS POLICY**

In matters involving minor discipline, notices required by this Policy will be sent to the faculty member by email to the faculty member's msu.edu account, with a courtesy copy sent to the faculty member by first class mail to the address of record. Faculty member are responsible to regularly review the msu.edu email account for departmental and other University communications.

In matters involving serious discipline or dismissal, the faculty member shall be sent the notices required by this Policy by certified mail to their address of record filed with the University. However, if delivery by certified mail is not possible or if the faculty member refuses or waives delivery of certified mail, mailing notices to the faculty member at their address of record by first class mail will be considered sufficient. An email will also be sent to the faculty member's University email address notifying them of the fact that a notice required by this Policy has been sent by one of the methods described above.

## **III. PARTICIPATION OF ADVISORS, OBSERVERS, OR COUNSEL**

Faculty members are entitled to bring an advisor or observer to any meeting regarding disciplinary action referenced in this policy. The advisor or observer must be a member of the University community (faculty, staff, or administrator), including *emeriti*. The advisor or observer may be present during the meeting, but will have no voice or formal role in the meeting. Unless otherwise specified in this Policy, faculty members are entitled to bring an advisor of their choice, including legal counsel, to any meeting or hearing conducted during dismissal for cause proceedings. During those proceedings, the advisor has voice and is granted full participation.

#### IV. GROUNDS FOR DISCIPLINE AND DISMISSAL<sup>1</sup>

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

#### V. TYPES OF DISCIPLINE

Disciplinary action is normally iterative and falls into two general categories: minor discipline and serious discipline. *Minor discipline* includes but is not limited to: verbal reprimand, written reprimand, mandatory training, foregoing salary increase, reassignment of duties, restitution, monitoring of behavior and performance, and/or reassignment of duties. *Serious discipline* includes suspension with or without pay or temporary or permanent reduction in appointment. A full suspension without pay may not exceed six months. In cases of gross wrongdoing, or where attempts at discipline have not successfully remedied performance concerns, a faculty member may be *Dismissed* for cause.

In matters where the dean<sup>5</sup> and the Office of the Associate Provost<sup>6</sup> concur that a faculty member's continued performance of faculty duties poses a significant risk of harm to persons or property, the faculty member may be relieved of duties and suspended with pay during the pendency of the investigation and discipline process.

In all faculty discipline, the University bears the burden of proof that adequate cause exists; it will be satisfied only by clear and convincing evidence unless a different standard is required by law.<sup>7</sup> Violations of University policy are determined according to the preponderance of evidence

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<sup>1</sup> 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 to have 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.

<sup>2</sup> 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.

<sup>3</sup> The term "incompetence" refers to professional incompetence, as defined in the "Interpretation of the Term Incompetence" by the University Committee on Faculty Tenure.

<sup>4</sup> 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.

<sup>5</sup> For purposes of this Policy, "dean" refers to separately reporting Directors as well.

<sup>6</sup> For purposes of this Policy, "Associate Provost" refers to the Associate Provost and Associate Vice President for Faculty and Academic Staff Affairs.

<sup>7</sup> "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.

standard. In certain circumstances, it may be appropriate to consider the faculty member's record as a whole when contemplating imposition of disciplinary action.

In cases of both minor and serious discipline (1) faculty members retain the right to grieve disciplinary actions that have been implemented under the regular terms of the Faculty Grievance Procedure; and (2) the faculty member may submit a letter of exception to the imposition of discipline, disputing the grounds for the unit administrator's decision, to be included in the faculty member's personnel file.

## **VI. PROCESS TO INITIATE MINOR OR SERIOUS DISCIPLINE**

### **A. MINOR DISCIPLINE**

The University recognizes that it is the unit administrator who has primary responsibility for supervising faculty members. It is the role of the unit administrator to monitor faculty performance and communicate concerns to faculty members and to the dean. However, the dean is primarily responsible for making disciplinary decisions and may impose discipline in place of the unit administrator according to the following process:

Where the unit administrator, in consultation with the dean, seeks to impose minor disciplinary action, the unit administrator shall first meet with the faculty member to discuss the administrator's concern and the potential for discipline. The administrator will notify the faculty member during that meeting of the right and opportunity to request a consultation with the department/school faculty advisory committee, its chair, or the chair of the University Committee on Faculty Affairs (UCFA) personnel subcommittee<sup>8</sup> before the administrator proceeds with any disciplinary action. The purpose of such informal consultation is to reconcile disputes early and informally, when that is appropriate, by clarifying the issues involved, resolving misunderstandings, considering alternatives, and noting applicable bylaws.

The unit administrator and faculty member, if requested by the faculty member, will consult with the department/school faculty advisory committee, its chair, or with the chair of the UCFA personnel subcommittee promptly to discuss the administrator's concern and the potential for discipline.

Should the unit administrator still wish to proceed with disciplinary action after that consultation, the administrator must consult with the dean and the Office of the Associate Provost to discuss the proposed disciplinary action. If the proposed discipline is authorized, the unit administrator shall provide the faculty member with written notice of the cause for disciplinary action in sufficient detail for the faculty member to address the specifics of the charges, and an opportunity to respond in writing prior to the imposition of any disciplinary action, within seven (7) days<sup>9</sup> of receipt of the unit administrator's written notice. The dean must be copied on the written notice. The written response by the faculty member, if any, will be provided to the unit administrator, the dean, and the Office of the Associate Provost for further comment.

The unit administrator, in consultation with the dean, and after considering the written response and further comments, if any, shall make a decision regarding the disciplinary action and notify the faculty member in writing. The discipline will then take effect.



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

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

## **B. SERIOUS DISCIPLINE**

Where the unit administrator, in consultation with the dean, or dean seeks to impose serious disciplinary action, the unit administrator or dean shall first meet with the faculty member to discuss the administrator’s concern and the potential for discipline. Because it is in the interest of the University, the unit, and the faculty member that attempts be made to resolve serious disciplinary issues early and informally, the dean, the unit administrator and faculty member are encouraged to meet with the chair of the University Committee on Faculty Affairs (UCFA)<sup>10</sup> to discuss the matter.

If that meeting does not resolve the issue, the unit administrator, in consultation with the dean, or dean shall consult with the Office of the Associate Provost to discuss the proposed disciplinary action. If the proposed discipline is authorized by the Office of the Associate Provost, the dean shall provide the faculty member with written notice of the proposed disciplinary action in sufficient detail for the faculty member to address the specifics of the charges.

The faculty member shall have seven (7) days after receiving the notice of proposed disciplinary action to (1) file a written statement with the dean regarding the proposed discipline,<sup>11</sup> or (2) request a meeting with a disciplinary review panel of the UCFA. A request to meet with the review panel should be made to the dean, who will forward it promptly to the Chair of the UCFA. If the faculty member does not submit a written response or request a meeting with the disciplinary review panel within the seven-day period, the discipline will take effect.

### **1. Review Panel Selection and Composition**

The Chair of the UCFA, in consultation with the Office of the Provost, shall annually establish a three-person review panel made up of current members of the UCFA to meet with unit administrators and faculty members regarding potential serious disciplinary action. The members of the review panel will serve until their replacements are selected the following academic year. A list of three alternates will also be maintained in the event that a panel member is unavailable. The Office of the Provost will arrange training about academic personnel actions and policies for the review panel and alternates.

### **2. Meeting with the Review Panel**

Upon receipt of a request to meet, the Chair of the UCFA will schedule a meeting with the unit administrator, dean, faculty member, and disciplinary review panel. That meeting will take place no later than the second regularly scheduled meeting after the request is received, but not to exceed 21 days during those periods when the UCFA is not regularly meeting. Except in unusual circumstances, meetings of the disciplinary review panel will take place before, during, or after the regularly scheduled meeting time of the UCFA and the unit administrator, dean and the faculty member will be expected to adjust their schedules to 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.

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<sup>10</sup> 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.

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

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, the dean 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")<sup>12</sup> 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.

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<sup>12</sup> 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.

## **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.<sup>18</sup> 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.<sup>19</sup> 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 has unanimously determined 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. 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 to 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.

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<sup>18</sup>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 violate fiscal norms (i.e. fraud or theft) or scholarly norms (i.e. falsification or fabrication of research).

<sup>19</sup>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.

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 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 both 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.<sup>21</sup>
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 appellant 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:

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<sup>20</sup>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.

<sup>21</sup>The "appelle" is the party of the original dispute who did not file the appeal.

- 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.

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<sup>21</sup> When provided an opportunity to comment, the Provost and parties are expected to confine their comments to the record and not introduce new information. However, the Provost may comment on procedural or policy issues at any time.

- E. 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.<sup>23</sup>
- F. 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 report of the President. Any Trustee may have access to the complete record of the case.
- G. 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.
- H. 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 Sought<sup>23</sup> and the Dismissal of Tenured Faculty for Cause policy.<sup>25</sup>

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<sup>23</sup> Disciplinary action implemented under this policy may not be challenged through the Faculty Grievance Procedure.

<sup>24</sup> Approved by the Board of Trustees on June 11, 1993.

<sup>25</sup> Approved by the Board of Trustees on March 16, 1967 and revised on May 5, 2006



## **Dismissal of Tenured Faculty for Cause Appendices**

### **Appendix I**

#### **Procedure for Empaneling Hearing Committees & Review Panels**

A standing panel of at least 18-20 tenured faculty members will be selected by the Provost in consultation with the Chairs of the UCFT 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.

#### Hearing Committee

1. The Chair of the UCFT, in consultation with the Office of the Provost, shall select from this panel a three-person Hearing Committee for each proceeding. The members of the Hearing Committee 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 alternate 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 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 hear the case fairly and impartially 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 their 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 their 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.

Enacted: 3/16/67

Amended: 6/24/77, 6/11/93, 5/5/06, 12/18/15, 6/22/18, 9/6/19, 2/11/22

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

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

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

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

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

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

Enacted: 4/17/70

The following guidelines shall govern the practice of medicine in Michigan State University programs and facilities:

1. Medical practice, procedures and care shall conform to state and federal statutes and judicial rulings.
2. Medical practice, procedures and care shall conform to the highest standard of medical ethics established for the profession.
3. All physicians employed by the University shall be free to use their best professional judgment in the treatment of patients in conformity with both legal and (medical) ethical standards.
4. In all cases the confidentiality of the physician-patient relationship shall be honored.
5. Medical practice, procedures and care extended by Michigan State University shall necessarily be limited to those services which can be performed within available financial resources and facilities.

Enacted: 8/22/73

**Eligibility Policy**

Michigan State University's faculty/academic staff retirement policy provides:

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

Enacted: 6/13/58

Amended: 4/27/61, 2/17/62, 5/16/63, 6/6/86, 12/6/91

## I. POLICY STATEMENT

This Policy is intended to provide a fair, internal process for resolving employment-related disputes that arise between faculty or academic staff members and administrators. The formal procedures described in this Policy are intended to be used only when matters cannot be resolved informally. A faculty or academic staff member who feels aggrieved should first seek an informal resolution at the unit, department, or college level before filing a formal grievance under this Policy. The procedures contained in this Policy are not intended to be used to challenge the desirability of unit or University policies.

## II. DEFINITIONS

- A. Grievance: A written complaint filed by a faculty or academic staff member against an administrator of the University alleging a violation of University, college, department, school, or unit policy or established practice.
- B. Faculty member: A person with a paid University appointment at the rank of professor, associate professor, assistant professor, or instructor, including those with fixed-term and visiting status.
- C. Academic Staff: A person with a paid University appointment at the rank of academic specialist, lecturer, assistant instructor, research associate, or librarian, including those in a continuing appointment system and those with fixed-term and visiting status.
- D. Administrator: A person appointed as the head of an administrative unit, school director, department chair, dean, or separately reporting director.<sup>1</sup> The President, the General Counsel and members of the General Counsel's staff, and the Faculty Grievance Official ("FGO") are not subject to grievance under this Policy.
- E. Policy: A written statement of principles and procedures that govern the actions of faculty, academic staff, and administrators, including written rules, bylaws, procedures, or standards.

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<sup>1</sup> If a grievance is filed against the Provost individually, a hearing will be held pursuant to Section III.I of this Policy. The finding(s) and recommendation(s) of the Hearing Panel will be forwarded to the President for decision instead of to the Provost. The President's decision will be final and not subject to appeal.



F. Practice: Actions taken by the administrator within an administrative or academic unit based on customs or standards in that unit that are usually unwritten but of longstanding duration, and for whose existence the grievant can offer evidence.

G. Violation: A breach, misinterpretation, or misapplication of existing policy or established practice.

### III. GRIEVANCE PROCEDURE

A faculty or academic staff member may file a formal grievance against an administrator that alleges a violation of University, college, department, school, or unit policy or established practice.<sup>1</sup>

#### A. INITIATION OF GRIEVANCE PROCEEDINGS

A faculty or academic staff member who feels aggrieved may discuss his/her complaint in a confidential conference with the FGO. The FGO shall inform the faculty or academic staff member if the potential grievance falls under the jurisdiction of another University policy rather than this Policy.

#### B. FILING A GRIEVANCE

To file a grievance, an individual faculty or academic staff member must submit a written, signed statement (the "grievance") to the FGO within 28 days<sup>2</sup> of the date that the grievant knew or should have known of the alleged violation.<sup>3</sup> The grievance must contain the following information:

1. the specific policy or established practice that has allegedly been violated;
2. the date of the alleged violation and the date on which the grievant became aware of the alleged violation;
3. the facts relevant to the alleged violation;

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<sup>1</sup> This Policy and its grievance procedures may not be utilized by faculty or academic staff who are covered by a collective bargaining agreement.

<sup>2</sup> References to days in this document are to calendar days. If a deadline in this Policy falls on a weekend or University holiday, the deadline will be extended to the next day on which the University is open for business.

<sup>3</sup> The FGO may waive or extend the time limits specified in this Policy for good cause or by mutual agreement of the parties. "Good cause" includes, but is not limited to, circumstances outside of a party's control, such as illness, approved leave of absence, or extended travel for University business. Even with a showing of good cause, time limits will generally not be extended beyond an additional 28 days.

4. the person(s) against whom the grievance is filed (the “respondent”); and
5. the redress sought.

The grievant must also submit any documents that are relevant to the FGO’s initial jurisdictional findings pursuant to Section III.D of this Policy.

### C. THE RESPONDENT

The FGO will provide a copy of the grievance and any documents submitted with the grievance to the respondent within three (3) days of receipt. The respondent shall submit any relevant documents concerning the FGO’s initial jurisdictional findings to the FGO within seven (7) days of receipt of the grievance.

### D. JURISDICTIONAL & PROCEDURAL DECISIONS

1. The FGO shall determine whether the following jurisdictional requirements have been met within 14 days of the date that the grievance was filed. The FGO may also seek information from appropriate University office(s) to assist in making these jurisdictional determinations.
  - a. Whether the grievant has standing under the Faculty Grievance Policy;
  - b. Whether the grievance has been filed in a timely fashion;
  - c. Whether the grievance identifies an appropriate respondent(s);
  - d. Whether the grievance adequately identifies the existing policies and/or established practices alleged to have been violated;<sup>1</sup>
  - e. Whether the grievance contains a reasonably adequate statement of the facts relevant to the complaint; and
  - f. Whether any other jurisdictional issue(s) need to be decided in connection with the initiation of the grievance and, if so, an explanation of such issues.
2. The FGO shall inform the parties in writing whether each jurisdictional requirement has been met, along with the names of any University offices consulted regarding the jurisdictional decisions.<sup>2</sup> If any jurisdictional requirement has not been met, the FGO shall dismiss the grievance.

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<sup>1</sup> As part of the initial jurisdictional determination, the FGO shall determine whether the policy specified in the grievance applies to the named respondent.

<sup>2</sup> Notices provided under this Policy will be delivered to the campus address for both the grievant and respondent unless either party notifies the Faculty Grievance Office in writing that an alternate address should be used.

3. Each party shall have the right to appeal the FGO's jurisdictional decision(s) by filing a written statement explaining the reason(s) for the appeal with the FGO within 14 days of the issuance of such decision.
4. If any party files an appeal of the FGO's jurisdictional decision(s), the FGO shall submit the written appeal, together with any written response to the appeal from the parties and a written response by the FGO, to a three-person jurisdictional appeal panel drawn randomly by the FGO from the list of faculty, librarians, and other academic staff eligible to serve as members of the University Hearing Board or University Appeals Board. (See Section III.H of this Policy.) The panel shall deliberate and submit to the FGO a written decision (including the basis for its decision) on the appeal within seven (7) days of its convening by the FGO. No faculty member, librarian, or other academic staff member may serve on more than one jurisdictional appeal panel in any period of seven (7) consecutive years.
5. The FGO shall forward a copy of the jurisdictional appeal panel's decision to the parties within seven (7) days of its receipt from the panel.

#### E. INFORMAL RESOLUTION

1. The FGO shall confer with the parties and make every reasonable effort to resolve the grievance informally as quickly as possible. Discussions regarding informal resolution are expected to be treated confidentially and may not be disclosed or referenced during any subsequent formal proceedings on the grievance. The FGO may recommend that the grievant drop the grievance because it lacks merit or for other just cause. Such a recommendation, however, shall not be binding on the grievant.
2. If the FGO determines that the grievance cannot be informally resolved, the FGO shall so notify the parties in writing. If the grievant wishes to pursue the grievance, the grievant must submit a written request for a formal hearing to the FGO within 14 days of such notice. Failure to submit such a request will constitute a waiver of the faculty member's right to pursue the grievance.

#### F. AMENDMENTS

A grievant may amend his/her grievance until 28 days before the scheduled date for the formal hearing on the grievance, as long as the proposed amendment concerns the same subject matter as the grievance. The FGO shall decide whether to accept the proposed amendment, and any jurisdictional issues generated by the proposed amendment, at least 21 days before the scheduled date for the formal hearing. Either party may challenge the FGO's decision by filing a written appeal with the FGO within seven (7) days of the FGO's decision. Such appeals are processed in the same manner as other jurisdictional appeals under Section III.D.4 of this Policy. Any procedural issues (such as submission of new documents) generated by the amendment shall be decided by the hearing panel at the beginning of the hearing.

#### G. CONSOLIDATION OF GRIEVANCES

If a grievant files two (2) or more separate grievances against the same respondent(s) that raise related allegations or arise from a common set of facts, the FGO may consolidate such grievances into one grievance to be heard by a single panel. If a grievant files two or more separate grievances concerning different issues and the grievances are not consolidated, such grievances will normally be processed and heard sequentially in chronological order determined

by the date on which the initial grievance was filed. Separate grievances filed by different grievants that involve related allegations or arise from a common set of facts may also be consolidated.

#### H. GRIEVANCE HEARING AND APPEAL PANEL COMPOSITION

1. A University Hearing Board and University Appeals Board shall be established from which grievance hearing and appeal panels shall be selected.
2. All faculty with appointment in the tenure system, librarians and other academic staff with appointment in a continuing appointment system, and full-time fixed-term faculty who have served at least three (3) consecutive years and are engaged in the academic activities of the University on a regular basis are eligible and expected to serve as members of the University Hearing Board or University Appeals Board.<sup>1</sup> No faculty/academic staff member or librarian may serve on more than one grievance hearing or appeal panel in any period of seven (7) consecutive years. At the start of each academic year, the Academic Human Resources Office will provide the FGO with a list of all faculty, academic staff, and librarians eligible to serve on these Boards.<sup>2</sup>
3. A grievance hearing panel shall consist of five (5) members of the University Hearing Board who are selected randomly by the FGO. An appeal panel shall consist of three (3) members of the University Appeals Board who are selected randomly by the FGO. Panel members shall serve throughout an entire proceeding.
4. The FGO shall take necessary precautions to avoid any conflict of interest on the part of the panel members. No panel member shall be from the same department(s) (or college in the case of non-departmental colleges) as the grievant or respondent.
5. A panel selected for a grievance involving the denial of reappointment or tenure in the tenure system shall be comprised solely of tenured faculty members. A panel selected for a grievance involving the denial of promotion to full professor shall be comprised solely of tenured faculty who hold the rank of full professor.
6. A panel selected for a grievance involving the denial of reappointment or promotion in an appointment system other than the tenure system shall be comprised solely of faculty members at the same rank.
7. Each grievance hearing panel shall have a Presiding Officer selected at random by the FGO from a list established by the UCFA. The Presiding Officer shall have

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<sup>1</sup> An individual who also holds an appointment as an Administrator is not eligible to serve as a presiding officer or as a member of the University Hearing Board or University Appeals Board.

<sup>2</sup> An individual who is on a sabbatical or other approved leave of absence is excused from service on the University Hearing Board and University Appeals Board for the duration of the leave.

voice but not be a voting member of the hearing panel. The Presiding Officer shall apply the rules of procedure consistent with the guidelines stated in Section III.I of this Policy.

8. The FGO shall notify each party of the names of the Presiding Officer (if applicable) and members of the panel. Within seven (7) days of that notice, either party may submit a written challenge to the Presiding Officer or any member of the panel for cause. The challenge must explain the cause for removing the Presiding Officer or panel member. The FGO shall determine whether there is cause to dismiss the challenged member of the panel and select another member.<sup>1</sup> In addition, each party shall have two (2) peremptory challenges. The FGO shall notify the parties of any replacement Presiding Officer or members of the panel. Either party may submit a challenge for cause or remaining peremptory challenge to any replacement Presiding Officer or member of the panel to the FGO within three (3) days of that notice.
9. If a grievance hearing panel loses two (2) or more of its members during the course of a hearing, the hearing shall be terminated, and a new panel selected.

#### I. GRIEVANCE HEARINGS: PROCEDURES

1. Hearings shall be scheduled as expeditiously as possible and with due regard for the schedule of both parties. Grievances involving faculty/academic staff who hold academic year (AY) appointments will normally not be held during summer semester unless the faculty/academic staff member has a summer appointment. On the rare occasion when a party fails to respond to repeated attempts to schedule a hearing or unreasonably delays the scheduling of a hearing, the Faculty Grievance Office will schedule the hearing for the first date available to the panel members and the other party.
2. The FGO shall convene the hearing panel and shall be present during all formal proceedings. The FGO shall provide written notice of the time and place of the hearing, the names of counsel, the names of any witnesses, and copies of any documents submitted by the parties and deemed relevant by the FGO, to each party at least seven (7) days before the hearing.
3. The hearing shall be conducted in good faith and must be completed within 14 calendar days unless the FGO determines that an extension of time is necessary.
4. All hearings shall be recorded. A party may request and obtain a copy of the recording from the FGO.
5. Hearings shall be closed unless the parties agree otherwise.

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<sup>1</sup> The standard the FGO shall follow in ruling on challenges 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 able to fairly and impartially hear the case and to render a fair and impartial judgment.

6. The privacy of confidential records used in the hearing shall be respected.
7. All parties may present their cases in person and may call witnesses on their behalf. The names of witnesses must be provided to the FGO at least seven (7) days prior to the hearing date.
8. A party may elect not to appear, in which event the hearing will be held in his or her absence. Absence of a party shall not be prejudicial to the case. The FGO may grant permission for a party to appear via alternate communication methods for good cause.
9. All parties are entitled to counsel of their choice. The name of counsel must be provided to the FGO at least seven (7) days prior to the hearing date.
10. Any party or counsel shall be entitled to ask pertinent questions of any witness or the other party at appropriate points in hearings. The Presiding Officer shall determine what questions are pertinent.
11. The grievant bears the burden of proving that there has been a violation of policy or established practice. A hearing panel shall decide whether the preponderance of the evidence supports the allegations made by the grievant.<sup>1</sup>
12. Hearing panels shall resolve any procedural issues raised by the parties, after providing each party the opportunity to be heard on such matters. However, neither party may challenge the FGO's initial jurisdictional findings made pursuant to Section III.D of this Policy. The FGO shall distribute all documents submitted by the parties concerning procedural issues to the hearing panel, and shall include such documents in the grievance record.
13. Hearing panels may consider evidence submitted by the parties concerning the relative credentials of other faculty members in determining the merit of grievances involving salary, appointment, re-appointment, or promotion.
14. Hearing panels shall report their findings and recommendations in writing within 21 days of the completion of the hearing to the FGO, who shall forward them to the grievant, the respondent, their counsel, the Provost, or the President, as appropriate, and to the administrator who is the respondent's immediate supervisor. The hearing panel's report is advisory to the Provost and does not bind the Provost to a particular decision.

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<sup>1</sup> "Preponderance of the evidence" means that the existence of the fact in issue is more probable than not. The "preponderance" of the evidence standard would be met where the members of the hearing panel find that the evidence supporting at least one of the allegations in the grievance is more convincing than the opposing evidence.

15. When a hearing panel sustains an allegation made in a grievance, it shall recommend appropriate redress consistent with existing policies, procedures, and practices.
16. The Provost shall decide the grievance, in writing, within 28 days of receipt of the hearing panel's findings and recommendations.<sup>1</sup>
17. All parties shall be notified in writing of their right to appeal by the FGO when a copy of any decision is forwarded to the parties.

#### IV. APPEALS

##### A. Initiation of Appeals

1. The decision of the Provost in response to the findings and recommendations of the initial hearing panel may be appealed to the University Appeals Board. Appeals must allege either that there has been a prejudicial violation of the procedures established for the conduct of the initial hearing, and/or that the decision of the Provost is not consistent with the preponderance of the evidence presented at the initial hearing.
2. A written appeal must be filed with the FGO within 28 days of receipt of the decision of the Provost. Failure to appeal within the prescribed time shall be deemed acceptance of the Provost's decision.
3. If an appeal is filed, the Provost's decision on the grievance shall not be implemented, except insofar as the appeal is dismissed on jurisdictional grounds or the decision is subsequently ratified by the President.

##### B. Appeal Panel Procedures

1. The FGO shall randomly select a three-person appeal panel from the University Appeals Board.
2. Appeals shall be decided upon the written appeal, the record of the hearing, the Provost's decision, any written response to the appeal submitted by the parties, and a recommendation provided by the FGO. The parties may not submit new information or evidence unless the information/evidence is relevant to the appeal and was previously unavailable to the party although the party acted with due diligence to obtain such evidence.

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<sup>1</sup> The FGO shall forward the Provost's decision to the parties, their counsel, and the members of the hearing panel within three (3) days of its receipt.

3. Upon receipt of the appeal, the appeals panel will determine whether the jurisdictional requirements described in Section IV.A.1 of this Policy have been met. If the jurisdictional requirements have not been met, the appeal will be dismissed and the decision of the Provost shall stand.
4. If the appeal panel determines that it has jurisdiction to consider the appeal, the appeal panel will review the materials described above and recommend the affirmation, reversal, or modification of the Provost's decision on the grievance. The panel may also recommend that the grievance be reheard by a new grievance hearing panel if it determines there was a prejudicial violation of the procedures established for the conduct of the initial hearing.
5. The findings and recommendation of the appeal panel shall be forwarded to the FGO within 21 days of the completion of the panel's review of the appeal. The FGO shall forward the findings and recommendations to the President and to the parties and their counsel within three (3) days of its receipt.
6. For stated cause, the President may return the findings and recommendations to the appropriate panel once for reconsideration.
7. The President shall decide the appeal within 28 days of receipt of the appeal panel's findings and recommendations. The FGO will forward a copy of the President's decision to the parties, their counsel, and the members of the appeal panel within three (3) days of its receipt.

## V. CONFIDENTIALITY

All records and information related to grievance proceedings under this Policy (both formal and informal) shall be kept confidential to the degree permitted by law. The FGO, parties to the grievance, their counsel, and other relevant administrators and faculty (including witnesses, presiding officers, and panel members) shall respect the confidentiality of information and records and the privacy of all parties whose interests are affected by a grievance.

## VI. OTHER UNIVERSITY POLICIES

- A. This Policy does not preempt or replace the Anti-Discrimination Policy ("ADP") or the Relationship Violence & Sexual Misconduct Policy ("RVSMP"). Any grievance alleging violation of the RVSMP or discrimination or harassment in violation of the ADP will be referred to the appropriate University office for investigation and determination regarding those claims. The remainder of the grievance will proceed but will be revised to remove all references to the claims of discrimination/harassment or violation of the RVSMP.
- B. A grievant must promptly notify the FGO if he or she initiates litigation against the University while a grievance is pending. A grievant may not pursue a complaint under this Policy while litigating the same issue(s). A grievance filed under this Policy shall be held in abeyance by the FGO pending the conclusion of the litigation.



- C. Decisions and actions taken by an Institutional Review Board (IRB) and its Chairperson cannot be grieved under this Policy. However, disciplinary action imposed by an administrator on the basis of IRB action is grievable under this Policy.
- D. Decisions and actions taken under the Procedures Concerning Allegations of Misconduct in Research and Creative Activities, the Anti-Discrimination Policy, the RVSMP, or the Faculty Conflict of Interest Policy cannot be grieved under this Policy. However, disciplinary action imposed by any administrator on the basis of a decision under one of these policies is grievable under this Policy.

#### VII. INDEMNIFICATION

In accordance with the University's Indemnification Policy, indemnification shall be provided to the FGO, the FGO staff, members and Presiding Officers of hearing and appeal panels, and University faculty serving as unpaid, volunteer counsel for the parties to a grievance, in their roles as participants in a grievance.

#### VIII. UNIVERSITY COMMITTEE ON FACULTY AFFAIRS

- A. The University Committee on Faculty Affairs (UCFA) serves as an advisory committee to the FGO regarding the University's faculty grievance process.
- B. The UCFA shall participate in the appointment, reappointment, and evaluation of the FGO, as described in the Appendix to this document.
- C. The UCFA shall periodically review the performance of the FGO according to the procedures set forth in the Appendix to this document.
- D. The UCFA shall have the responsibility to ensure that the procedures set forth in this document are fully implemented.

#### IX. FACULTY GRIEVANCE OFFICIAL

- A. The FGO shall attempt to resolve grievances informally and without resort to formal hearings and to assure that all formal hearings are conducted in accordance with the procedures prescribed in this document.
- B. The FGO shall administer the grievance procedures as set forth in this document and shall advise the parties about appropriate procedures to follow.
- C. The FGO may request and shall have broad access to all relevant University information and records related to a pending or potential grievance, except those required to be kept confidential by law or contractual obligation. Upon request from the FGO, individuals or units should provide documents to the FGO in a form that protects the privacy and confidentiality of third parties. The FGO will share the documents with the

grievant/potential grievant if the FGO determines that the documents are relevant to the grievance/potential grievance and that the grievant/potential grievant has need of them for resolution of the grievance.

- D. Upon the request of either party, the FGO has the authority to request that appropriate individuals discontinue or postpone any action threatening irreparable harm to any party to a grievance pending final disposition of a grievance.
- E. The FGO shall not serve as advocate for any party to any grievance and may participate in a grievance proceeding only as FGO.
- F. The FGO may recommend to the UCFA changes in this Policy.
- G. The FGO shall report once a semester to the UCFA and once each academic year to the University Council, and shall sit as an ex officio member of the University Council.
- H. The FGO shall forward to the Chairperson of the UCFA a copy of all decisions of the Provost and President. The Chairperson of the UCFA may share the decisions with the members of the UCFA. The Chairperson of the UCFA and the members of the UCFA shall maintain the confidentiality of the decisions.
- I. The FGO shall maintain records of all grievances.

#### X. REVISION OF THIS POLICY

- A. Any faculty member or administrator may propose revisions to this Policy.
- B. All proposals for revision shall be submitted to the UCFA, which shall consider them and forward them to the Faculty Senate.
- C. If approved by the Faculty Senate, the proposal shall be submitted to the University Council.
- D. Proposed amendments and revisions approved by the University Council shall be forwarded to the President for action by the Board of Trustees and shall become effective upon Board approval.

#### XI. HISTORY

An Interim Faculty Grievance Procedure was approved by the Board of Trustees on May 19, 1972. A revised Faculty Grievance Procedure was approved by the Board of Trustees on April 5, 1991 and revised on June 28, 2002, August 16, 2009, and January 1, 2016.

## APPENDIX

### Appointment, Reappointment and Evaluation of the FGO

#### I. Appointment of and Support of the FGO

1. UCFA shall prepare a list of candidates for presentation and discussion with the Provost and President.
2. Upon approval of the Provost, the President shall appoint the FGO for a term not to exceed five years. The President may reappoint the FGO for additional terms of up to five years each.
3. The FGO shall work with but be independent of the other administrative structures of the University in the pursuit of grievance dispute resolution.
4. The UCFA shall consult as necessary with the Provost and President concerning salary, budget, office, and staff for the FGO.
5. Whenever a vacancy occurs in the FGO position, the UCFA shall confer and recommend to the Provost and the President an individual to serve as Acting FGO.

#### II. Evaluation and Reappointment of the FGO

1. The UCFA shall annually evaluate the FGO pursuant to criteria established by the UCFA in consultation with the Provost and the President.
2. The UCFA shall discuss the evaluation with the FGO and shall forward its evaluation and a recommendation as to salary to the Provost and President.
3. The UCFA shall establish procedures for review of the FGO's performance which shall be undertaken when reappointment of the FGO is under consideration. Such procedures shall involve input from individuals who have participated in grievances as grievants, respondents, their counsel, or hearing or appeal panel members or presiding officers.
4. If the FGO is a candidate for reappointment, the UCFA shall conduct a review of all of the FGO's years of service and submit a recommendation on the FGO's reappointment to the Provost and President.

Enacted: 5/19/72

Amended: 4/5/91, 6/9/95, 10/22/99, 6/28/02, 12/18/15

## PATENTS

03-19-01

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

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

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

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

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

<b>Net Licensing Proceeds</b>	<b>Major</b>
<b>on a Particular Inventor(s)</b>	<b>Administrative University</b>
<b>University Invention</b>	<b>Unit</b>

First \$5,000	100%	0	0
Next \$100,000	33 1/3%	33 1/3%	33 1/3%
Next \$400,000	30%	30%	40%
Next \$500,000	20%	20%	60%
All Additional Net Licensing Proceeds over \$1,005,000	15%	15%	70%

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

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

Enacted: 11/15/30

Amended: 10/28/60, 6/21/74, 6/7/85, 2/14/01

## Section I -- Ownership Principles

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

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

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

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

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

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

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<sup>1</sup> The use of personal computers for word-processing is not considered “substantial” for the purposes of this policy; access to such equipment is provided to members of the general public at various sites on the MSU campus. Other specific examples of equipment, materials, and service uses that are considered substantial or non-substantial by the Office of the Provost may be found in a supplemental handbook.

<sup>2</sup> “Released time” is an adjustment to normal assigned duties that is made to facilitate the creation of the copyrighted work.

<sup>3</sup> “Commissioned” as used herein means the creation of the work was requested, initiated, authorized, or assigned by the University. It does not imply or necessitate that any supplemental payment is made.

competes with University functions or products that are, or reasonably might be, developed and offered by the University in the furtherance of its mission.

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

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

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

### **Section III – University Authors of Works Owned by MSU**

For the purposes of this Policy, a University Author of a work is anyone of the following who, in the scope of his/her employment at the University, authors or creates, either alone or in collaboration with others, a University-owned work:

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

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

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

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

### **Section IV -- External Constraints on Copyright Ownership**

Copyrighted works created by University employees and produced under grants to the University from the federal government or other extramural funding sources, or produced under

contracts between the University and third parties, shall be subject to the contract or grant with respect to copyright ownership, distribution and use, and other rights.

## **Section V -- Internal Use of University-Owned Works**

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

1. Use internal to the University requires approval of the unit<sup>1</sup> primarily responsible for the creation of the University-owned work. Such approval will be deemed implicit when the sponsoring unit<sup>5</sup> agrees to storage and distribution by the University and if the sponsoring unit schedules courses and assigns instructional duties to which the University-owned instructional work is relevant.
2. As long as a faculty member who is a University Author of University-owned material that was not directly commissioned by the University remains a member of the faculty of the University, his/her approval shall be required for internal use of the University-owned work, and his/her contribution should be explicitly acknowledged by the University user.
3. To ensure the viability of long-term programs dependent upon University-owned works directly commissioned by the University, units of the University may use such directly commissioned works on a continuing basis, with or without the approval or further involvement of their University Authors. The contribution of University Authors should be explicitly acknowledged by the University user. A University Author of such work may petition the Office of the Provost that it be withdrawn for good cause (e.g., if the work contains serious errors or deficiencies in content or pedagogy that are not being resolved through amendment). The Office of the Provost may seek peer evaluations of the work in question, to assist it in assessing such withdrawal requests.
4. When a University Author is no longer an employee of the University, the University may make internal use of the University-owned works he or she created without his/her approval or further involvement. A University Author no longer employed by the University may petition the Office of the Provost that such work be withdrawn for good cause (e.g., if the work contains serious errors or deficiencies in content or pedagogy that are not being resolved through amendment). The Office of the Provost may seek peer evaluations of the work in question, to assist it in assessing such withdrawal requests.

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<sup>1</sup> Questions regarding the identity of such a unit may be referred to the Office of the Provost for resolution.



## **Section VI -- External Use and Publication**

1. Subject to the provisions of this Policy, the University may, at its discretion, assign, transfer, lease, or sell all or part of its legal rights in a University-owned work, or place such work in the public domain. Where academically appropriate and feasible, the University may obtain other forms of legal protection for such University-owned works in the name of the University.
2. University Authors who create a peer-reviewed or public service/outreach work that is University-owned under the provisions of Section II are delegated authority to transfer the copyright in that work to a publisher without administrative intervention, provided all of the following conditions are met:
  - a) such transfer is agreed to in advance by the complete set of authors,
  - b) the work in question was not directly commissioned by the University,
  - c) neither the authors nor their unit(s) will receive compensation for such transfer,
  - d) such transfer is reported promptly to the University via the administrative system provided for that purpose,
  - e) except for the transfer of copyright, the transfer agreement does not contractually bind the University,
  - f) the work and the copyright transfer do not violate third party rights, and
  - g) the work and the copyright transfer otherwise conform to scholarly norms.

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

3. All other use, licensing, and/or sale of University-owned works external to the University (for example, use by educational institutions other than the University, by government and other non-profit institutions, and use resulting from lease or other contractual arrangements for commercial distribution of the works) may be undertaken by the University at its discretion following receipt of a written memorandum from all University Authors of the work, agreeing to such external use, licensing, and/or sale. Such agreement shall not be unreasonably withheld.

## **Section VII -- Revision of University-Owned Works**

1. The University Author(s) of a University-owned work may revise it at any time, provided that the revision does not require substantial University resources, and that he/she gives the University and other University Authors of the work (if any) notice of the revision. When substantial University resources are required for an author-initiated revision of a University-owned work, the University Authors shall request advance approval of the resource allocation from the unit(s) sponsoring the work<sup>5</sup> and/or providing the resources.
2. All surviving University Authors primarily responsible for the creation of a University-owned work must concur in its revision, unless the work was directly commissioned by the University

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

### **Section VIII -- Payments to University Authors**

1.
  - a) If the University markets a University-owned work for external use, any net income actually received by the University (after the documented cost of production, sales, advertising, distribution and any unrecovered overhead, but not to include the costs of original development unless so stipulated in the contract or grant) shall be distributed so that the University Author (or all University Authors collectively if there is more than one) receives the first \$5,000 of such net income, 50% of the next \$20,000, 30% of the next \$50,000, and 25% of all additional net income. The University shall retain and use the remainder of the net income to encourage further development of copyrightable works.
  - b) If the University contracts with a third party to reproduce and sell a University-owned work, the total royalties shall be negotiated between the University (after consultation with the University Author(s)) and the third party, and the net income shall be distributed to the University Author(s) and retained and used by the University in accordance with the schedule and for the purpose set forth above.
2. If a University-owned work prepared for use in another unit of the University is used for extension instruction with the advice and assistance of its University Author(s), then Michigan State University Extension, in accordance with its existing policies, may make additional payment to the University Author(s) for such advice and assistance.
3. A University Author may be compensated for use of University-owned video materials in which the University Author personally and prominently appears, when such materials are used while the University Author is not on assignment with the University (e.g., when the University Author is not appointed during summer session, or is on leave). Compensation should be mutually agreed upon in advance by the University Author and the unit(s) involved, based upon (a) the amount of continuing responsibility of the University Author for the use of the University-owned video material; (b) whether the University-owned video material is complete in itself or embedded in another work; and (c) the extent to which the University Author's time and creative efforts have previously been compensated. As a guideline for works in video format, the University author may be compensated on the basis of load credit or salary equal to 1% of the annual salary for each six video hours developed. Such payment or credit should be limited to a period of two years.

## **Section IX -- Transfer of Rights to University Author**

If the University discontinues use of University-owned instructional materials in their existing form for more than two years, if no revision is in process, if the University is not otherwise bound by grant or contract, and if all living University Authors of the instructional materials so request in writing, the University shall transfer the copyrights in such instructional materials to the University Author(s), provided that the University Author(s) shall be required to pay all costs associated with the transfer, including expenses associated with copying, mailing and handling, duplication and copyright transfer, but not to include original costs of production.

## **Section X -- Protection and Liability**

### **1. Protection**

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

### **2. Liability**

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

## **Section XI -- Implementation**

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

Enacted: 11/16/73

Amended: 7/28/83, 6/22/01, 5/6/05

## **CONFLICT OF INTEREST IN EMPLOYMENT**

**04-17-01**

This policy replaces the *Employment of Relatives* Policy.

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

### **General Principles:**

1. To avoid possible conflicts of interest, any dean, director, chairperson/supervisor or participant in peer or administrative review procedures who is a "relative" of an employee or job applicant must not participate either formally or informally in decisions (including rendering advice on decisions) on personnel matters affecting the "relative," including, but not limited to, decisions to hire, retain, promote or determine the salary.
2. In cases where a chairperson/supervisor has primary responsibility for evaluation or for assignment of duties (e.g., a department chairperson's supervision of faculty in the department), no employee may supervise a "relative." An appropriate individual must be designated by a higher level of administrator (e.g., dean, director, provost, vice president, president) to perform the functions of chairperson/supervisor in decisions to hire, retain, promote, assign duties or set the salary of the individual "related" to the chairperson/supervisor.
3. Within the limitations set forth above, individuals "related" to other MSU employees have all general rights extended to employees in comparable positions. For example, a faculty member has the right to serve on a departmental peer review committee even though a "relative" will be considered by the committee; the faculty member, however, would not participate in the review of the "relative."
4. Supervision and evaluation procedures, even when altered, should ensure comparable treatment of employees.
5. In circumstances which have the potential for the conflicts of interest referenced in item #1, above, individuals have the responsibility for disclosing that a conflict of interest may exist to the department chairperson, school director, dean or other relevant administrator or supervisor; the specifics of the potential conflict do not have to be provided.

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

Enacted: 12/8/95

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

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

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

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

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

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

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

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

## **Evaluation**

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

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

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

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

### **Operating Principles**

The operating principles for continuous appointment of librarians parallel those of the tenure system and will be included in the Library Bylaws.

Enacted: 6/23/77

Amended: 6/12/87



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

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

### **Continuing and Probationary Appointments**

An academic specialist who has not served previously at Michigan State University is appointed initially for a probationary period of three years and may be reappointed for an additional probationary period of three years. If an academic specialist is appointed beyond the two probationary periods, continuing appointment status is granted. If at any time during these two probationary periods an academic specialist is promoted to the rank of senior academic specialist, continuing appointment status is granted. A senior academic specialist who has not served previously at Michigan State University is normally appointed for a probationary period of two to four years. In unusual cases, upon recommendation of the unit administrator(s) and dean(s) and with the prior approval of the Provost, an academic specialist initially appointed at the rank of senior academic specialist may be granted continuing appointment status from the date of appointment. Individuals appointed at the rank of senior academic specialist without continuing appointment status have the option of requesting reappointment at any time prior to the conclusion of the stipulated probationary appointment period. A negative decision on such a request shall not preclude consideration for reappointment at the time specified upon appointment.

### **Evaluation**

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

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

Enacted: 11/19/59  
Amended: 6/12/92

Michigan State University will add benefit eligibility for same-sex domestic partners of regular faculty and applicable staff who meet the following criteria. They:

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

Domestic partners' children will be eligible for health and dental benefits if they:

1. are qualified and claimed as an IRS-defined dependent by the domestic partner, and
2. are members of the employee's household or a full-time student, and
3. are unmarried and under the age of 19 (up to age 25 if an IRS-defined dependent).

Employees enrolling domestic partners will be asked to complete a Domestic Partnership Declaration and provide a signed "partnership agreement." They will have to keep a "partnership agreement" meeting the criteria described above in effect to be eligible for domestic partner benefits.

The following benefits will be provided to domestic partners and their dependents as for a regular employee's spouse and other dependents:

1. family and medical leave
2. COBRA continuation
3. course fee courtesy
4. ID cards
5. access to library, recreational, and athletic facilities
6. university apartments
7. parental, sick, and bereavement leaves
8. child care services
9. health insurance\*

10. dental insurance\*
11. post-retirement benefits\*
12. employee-paid life and accidental death and dismemberment insurance\*

(\*These benefits will be provided on the same basis as for other employees if they can be renegotiated with carriers to obtain equivalent coverage without a premium surcharge.)

The University will provide a premium contribution for domestic partner benefits comparable to that provided for a regular employee's spouse and dependents (subject to taxation as required by federal, state, and other applicable law).

MSU bargaining units will be contacted to determine their interest in negotiating domestic partner benefits for support staff.

Domestic partner benefits will be implemented as quickly as possible for faculty and applicable staff after eligibility is communicated and a special enrollment period is held.

The actions authorized by this resolution shall not alter or amend the University's Anti-Discrimination Policy nor shall they be deemed or construed to supplement or limit the protections of any individual thereunder. The Anti-Discrimination Policy shall not be interpreted to provide rights for heterosexual domestic partners.

Domestic partner benefits are subject to future plan changes that may be negotiated/agreed with employee groups.

Enacted: 9/12/97

I. Introduction

Michigan State University's mission includes "providing outstanding undergraduate, graduate, and professional education to promising, qualified students in order to prepare them to contribute fully to society as globally engaged citizen leaders." The student, as a member of the academic community, has both rights and duties. Within that community, the student's most essential right is the right to learn. The University has a duty to provide for the student those privileges, opportunities, and protections which best promote the learning process in all its aspects.<sup>2</sup>

The relationship between an instructor<sup>3</sup> and a student plays an important role in accomplishing this mission. Certain responsibilities bestowed upon instructors have long been codified in the Faculty Rights and Responsibilities policy:

The teacher has the responsibility to encourage the pursuit of learning by students by manifesting the best academic standards of the discipline or profession. To accord students respect as individuals, the teacher shall seek to establish a relationship of mutual trust and to establish an appropriate role as an intellectual guide, counselor and mentor, both in and out of the classroom.

The establishment and maintenance of the proper relationship between instructor and student are fundamental to the University's function, and require both the instructor and student to recognize the rights and responsibilities which derive from it. The relationship between instructor and student as individuals should be founded on mutual respect, trust and understanding, together with shared dedication to the educational process.<sup>4</sup>

Instructors carry a responsibility to students, colleagues, the scholarly community, and the public to perform their duties in a professional, respectful, and collegial manner<sup>5</sup>, and must do so with a commitment to honoring the highest ethical standards. They are regarded as guardians of the University, charged with preserving in it the privilege of teaching students which society has entrusted to their care.

To achieve and maintain an environment in which a student's rights can be fully realized requires an academic community that values and honors the principles of inclusivity, civility,

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<sup>1</sup> This policy replaces the previous policy, "Conflict of interest in Educational Responsibilities Resulting from Consensual Amorous or Sexual Relationships" approved by the Board of Trustees on November 8, 1996.

<sup>2</sup> Adapted from Article 1 of the Spartan Life Student Handbook.

<sup>3</sup> The term, "instructor," as used in this document, applies to faculty, academic staff, and graduate teaching assistants who have educational responsibilities for students.

<sup>4</sup> Adapted from Article 2 of the Spartan Life Student Handbook.

<sup>5</sup> These responsibilities are fully articulated in the Faculty Rights and Responsibilities policy:

[https://www.hr.msu.edu/policies-procedures/faculty-academic-staff/faculty-handbook/faculty\\_rights.html](https://www.hr.msu.edu/policies-procedures/faculty-academic-staff/faculty-handbook/faculty_rights.html)

respect, and professionalism. The University is committed to creating a safe learning environment free of conflicts in achieving its educational mission.

It is therefore recognized by Michigan State University that consensual amorous and sexual relationships between instructors and students are counterintuitive to these rights and responsibilities, to the environment desired, and in upholding the mission of the University. Such personal relations undermine the integrity of the instructor and student relationship. There is an inherent power differential between instructors and students making consensual amorous and sexual relationships between instructors and students fundamentally unequal.

## II. Purpose

The purpose of this policy is to ensure that Michigan State University's learning environment reflects our moral and ethical responsibility to manage the power differential that exists when there are consensual amorous and sexual relationships between instructors and students.

## III. Applicability

This Policy applies to faculty, academic staff, and graduate teaching assistants.

## IV. Definitions

- A. Consensual amorous or sexual relationships: Relationships of a romantic, dating, and/or sexual nature entered into with consent of both parties. These relationships may or may not involve physical contact, and can include digital relationships via text, social media, etc. This definition also covers past relationships.
- B. Educational responsibility: The power or authority to evaluate, influence, provide, or control aspects related to a student's education or professional development. Covered activities include, but are not limited to, teaching, grading, mentoring, advising, evaluating research or other academic activity, serving on a student's dissertation committee, participating in decisions or recommendations regarding funding or other resources, clinical supervision, and recommending for admissions, employment fellowships, or awards.

## V. Policy

### A. Undergraduate Students

An amorous or sexual relationship between an undergraduate student and a faculty member, academic staff member, or a graduate teaching assistant may impair or undermine the ongoing trust needed for effective teaching, learning and professional development. Because of the faculty or academic staff member's authority or power over the student, inherently conflicting interests and perceptions of unfair advantage arise when a faculty, academic staff member, or graduate teaching assistant assumes or

maintains educational responsibility for a student with whom the faculty or academic staff member has or is engaged in amorous or sexual relations.

Such consensual amorous or sexual relationships, even absent any educational responsibility, may lead to unanticipated conflicts of interest since an instructor's influence and power may extend beyond the classroom or department. Due to the institutional power differential in instructor and undergraduate student relationships, there is the inherent risk of coercion and the perception by others of exploitation.

It is, therefore, the policy of Michigan State University that any amorous or sexual relationships between an undergraduate student enrolled at the University and a faculty member, academic staff member, or graduate teaching assistant is prohibited, as follows:

1. For faculty and academic staff members, this prohibition covers all relationships, regardless of whether the faculty or academic staff member has educational responsibility over the undergraduate student. Where relationships predate the enrollment of the undergraduate student at Michigan State University, the faculty or academic staff member must immediately disclose the amorous or sexual relationship to the relevant unit administrator. The unit administrator shall promptly consult with the dean/director and the Associate Provost and Associate Vice President for Academic Human Resources, who will review the circumstances surrounding each relationship on a case-by-case basis. If permitted, a management plan will be developed. This plan must be evaluated annually between the unit administrator and the faculty or academic staff member.
  2. For graduate teaching assistants, this prohibition only applies with respect to undergraduate students over whom they have educational responsibility. Thus, graduate teaching assistants must not begin a relationship with undergraduate students for whom they have educational responsibility. When such amorous or sexual relationships predate the assumption of educational responsibility for the undergraduate student, the graduate teaching assistant shall immediately disclose the amorous or sexual relationship to the relevant unit administrator, who shall promptly arrange other oversight for the student.
- B. Graduate Students and Graduate Professional Students (hereafter referred to collectively as graduate students)

A power differential also exists in relationships between a graduate student and a faculty or academic staff member.

It is therefore the policy that faculty and academic staff are prohibited from engaging in a consensual amorous or sexual relationship with a graduate student over whom there is educational responsibility.

Where the relationship predates the faculty or academic staff member's assumption of educational responsibility for the graduate student, the faculty or academic staff member shall immediately disclose the amorous or sexual relationship to the relevant unit administrator.

The relevant unit administrator, in consultation with the dean and Academic Human Resources, shall promptly arrange other oversight for the student.

1. The oversight plan must be evaluated annually between the unit administrator and the faculty or academic staff member.

#### C. Lifelong students and other learners

The University provides education to lifelong students and others who are not classified as undergraduate, graduate, or graduate professional students.

It is, therefore, the policy of Michigan State University that a faculty, academic staff member, or graduate teaching assistant who currently has educational responsibility for a lifelong student or other non-undergraduate or non-graduate student at the University may not begin a relationship with that student when they have educational responsibilities over the student.

A faculty, academic staff member or graduate teaching assistant shall immediately disclose the amorous or sexual relationship to the relevant unit administrator where the relationship predates their assistant's assumption of educational responsibility for the student. The relevant unit administrator shall promptly arrange other oversight for the student in consultation with the dean and Academic Human Resources. Such oversight is to be evaluated annually.

#### D. Post-Doctoral Fellows (i.e. Research Associates)

Consensual amorous or sexual relationships are between faculty and academic staff and post-doctoral fellows (i.e. research associates) over whom there is educational responsibility are prohibited. Where such a relationship predates the assumption of educational responsibility, the faculty or academic staff member shall immediately disclose the relationship with the relevant unit administrator, who shall develop an oversight plan in consultation with the dean and Academic Human Resources, to be evaluated annually.

#### VI. Exceptions to this Policy

No exceptions will be made in circumstances where the instructor has educational oversight for the student. In other words, an instructor may not, under any circumstances, be in a relationship



with a student for whom they have educational responsibility. However, the University recognizes that rare, unique, and/or unusual circumstances may warrant evaluation of an exception to the prohibition of undergraduate student relationships with a faculty or academic staff member (e.g., a faculty member's spouse/partner enrolls as an undergraduate student). It is the responsibility of the faculty or academic staff member to initiate an exception request as soon as possible. Approval will be automatically granted in the scenario where a faculty member's spouse/partner enrolls as an undergraduate student.

These requests will be evaluated by the unit administrator, in consultation with the dean and the Associate Provost and Associate Vice President for Academic Human Resources, on a case-by-case basis. Any exceptions granted must be evaluated annually.

#### VII. Implementation of Policy

This policy was implemented on June 21, 2019. Existing relationships that are now prohibited under this policy (i.e., undergraduate student and faculty and academic staff member relationships) and relationships subject to the new disclosure requirements of this policy must be disclosed to the relevant unit administrator within thirty (30) days of the effective date of this policy. The unit administrator shall promptly consult with the dean/director and the Associate Provost and Associate Vice President for Academic Human Resources, who will review the circumstances surrounding each relationship on a case-by-case basis. If permitted, a management plan will be developed.

#### VIII. Record-Keeping

The unit administrator (e.g. department chairperson, school director, dean of a non-departmentally organized college) must retain records related to the disclosed conflict, management plans, and alternative arrangements made for educational oversight for the student. Documents must be maintained according to University retention policies.

#### IX. Violations

Failure to comply with this policy will be considered a violation of policy and is subject to appropriate disciplinary action up to and including termination.

#### X. Relation to Other Policies

This policy is not intended to replace or circumvent other established University policies such as the Conflict of Interest in Employment Policy and the Relationship Violence and Sexual Misconduct Policy.

Enacted 11/8/96  
Amended: 6/21/19

## **BASE RETIREMENT PLAN**

**04-17-06**

Employees who retire, terminate, or resign their employment with the University, regardless of age, are permitted to collect their base retirement plan accumulations as permitted by the vendors and the IRS rules.

Currently employed individuals are allowed to take in-service distributions as permitted by the Internal Revenue Service under the following situations; i.e., attainment of age 59½; disability; death; loans; or financial hardship, which covers purchase of a principal residence; avoidance of eviction from home; college tuition for self, spouse, or dependents; medical expenses; or funeral expenses of a family member.

Enacted: 9/9/37

Amended: 4/5/91, 2/7/92, 9/18/98

Members of the faculty, academic staff and administrative staff who leave the University with official retirement status and in good standing<sup>1</sup> are granted certain privileges and the "emeritus" title<sup>2</sup>. For faculty members with the rank of professor, associate professor or assistant professor, the "emeritus" designation is appended to the rank held at the time of retirement, e.g., professor emeritus. For academic staff the title would be librarian emeritus, etc. For administrators whose administrative appointment requires approval by the Board of Trustees, the emeritus designation, upon approval by the Provost and the President, is appended only to the most senior administrative title held at Michigan State University, which may be held at or prior to the time of retirement, e.g., dean emeritus. The emeritus designation is not normally awarded for administrative titles held on an "acting" basis.

Faculty, academic staff, and administrative staff who end their employment at the University after a substantial period of distinguished service short of the years of service needed for retirement eligibility, may be granted emeritus status upon the recommendation of the Provost to the President, after the Provost consults with the University Committee for Faculty Affairs.

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

Emeritus status may be revoked upon the recommendation of the Provost to the President, after approval by the University Committee for Faculty Affairs in those exceptional cases in which behavior occurring or discovered after being awarded emeritus status is deemed to be substantially inconsistent with the behavior expected of Michigan State University faculty, academic staff, and administrative staff.

Enacted: 5/18/50

Amended: 4/5/91, 6/21/19, 2/14/20

<sup>1</sup>"Good Standing" is assumed unless one ends employment while suspended or during dismissal proceedings.

<sup>2</sup> For purposes of granting "emeritus" status only, the employment start date with Michigan State University College of Law, a Michigan non-profit corporation, will be used to determine emeritus eligibility for College of Law faculty, academic staff and administrative staff who transitioned their employment to the University, effective January 1, 2020, in anticipation of the full integration of Michigan State University College of Law, a Michigan non-profit corporation, into the University. Any such individual's "emeritus" status will not affect the University's retirement eligibility requirements as they apply to such individual (i.e., the employment start date with the University will be used to determine such individual's retirement eligibility).

The Michigan Uniform Accounting Manual and the American Institute of Certified Public Accountants (AICPA) Guide are the accounting standards for Michigan State University.

Enacted: 1/18/68  
Amended: 7/28/83

## **EXPENDITURE POLICY**

**05-07-02**

Within established personnel policies and practices, purchasing policies and practices, external contract bidding procedures, and restrictions applicable to revolving funds, the Senior Vice President, Chief Financial Officer and Treasurer has authority to expend funds from accounts for those purposes for which such accounts are established, but remains responsible for providing adequate controls over such accounts to protect the fiscal integrity of the University.

Extraordinary expenditures will be reported to the Board at its next regularly scheduled meeting.

Enacted: 12/3/76

Amended: 12/2/83, 9/10/21

**RECOGNITION OF REVENUES FROM STATE APPROPRIATIONS  
TO THE OPERATING FUNDS**

**05-07-03**

Revenue from state appropriations will be recognized in accordance with the following priorities:

1. The basic general operating appropriation will be recognized in twelve equal monthly installments over the state fiscal year.
2. Changes to the base appropriation, either in the form of supplemental appropriations or executive orders, will be recognized in accordance with legislative intent, where that intent is known.
3. Where legislative intent is not known, and/or where institutional discretion exists, revenue will be recognized in equal monthly installments over the months remaining in the state fiscal year, commencing with the month following final approval of the change by the Governor and/or the legislature.

This policy applies to all state appropriations made directly to MSU for operating purposes:

**Items included:**

General Fund Base Appropriation, including line items  
Agricultural Experiment Station  
Cooperative Extension Service  
Supplemental appropriations for operating purposes  
Executive Orders impacting the above items

**Items excluded:**

Capital Outlay appropriations  
Supplemental appropriations for capital purposes  
Executive orders impacting capital outlay Appropriations to other state agencies, transmitted by those agencies to MSU (such as MHEAA student aid awards)

Enacted: 5/28/82

It was recommended that the Board of Trustees approve a computer policy under which

1. all undergraduate students who matriculate with less than sophomore standing during or after Fall 2001 will be expected to equip themselves with a computer that can be attached to the Internet at appropriate speeds, and
2. all undergraduate students who matriculate with more than sophomore standing during or after Fall 2003 will be expected to equip themselves with a computer that can be attached to the Internet at appropriate speeds.

In establishing this policy, the Board understands that the current standard for Internet connectivity is speeds of at least 10 million bits per second (which represents Ethernet direct connection speeds). The Board delegates to the administration the authority to update this policy on an on-going basis to reflect emerging technology. The Provost will provide reports of such changes to the Trustee Policy Committee.

Enacted: 2/15/00

In consultation with the faculty, the Provost will develop admissions criteria and procedures which will assure a diverse and well-qualified student body. Students will be admitted on the basis of their academic qualifications or on the basis of their demonstrated potential for academic achievement.

At Michigan State University, undergraduate students will be admitted to the University and not to specific programs. Enrollment limitations, based largely on resource constraints, may be established in some programs, particularly in advanced study programs.

Michigan State University shall devote as much of its treasure and talent as possible to educating disadvantaged citizens of Michigan who are admissible; and, to conducting research and programs designed to encourage disadvantaged citizens of Michigan to qualify for admission under existing academic and financial requirements.

All applications for admission of students to Michigan State University must be accompanied by a statement, executed by the student, agreeing to abide by the rules and regulations of the University. No student shall be admitted who fails or refuses to sign this statement.

Enacted: 5/16/63

Amended: 6/15/67, 7/28/83, 12/2/83



**APPLICATION FEE WAIVER****06-08-02**

Michigan State University has traditionally been committed to meeting the financial needs of disadvantaged students. One area of recurring difficulty for such students is the University's application fee. Michigan State University has implemented a policy which allows for waiver of the application fee for the most needy students.

Enacted: 2/19/71

It is the policy of Michigan State University to foster a spirit of free inquiry and to encourage the timely discussion of a wide variety of issues, provided that the views expressed are stated openly and therefore are subject to critical evaluation. Restraints on free inquiry should be held to that minimum which is consistent with preserving an organized society in which peaceful, democratic means for change are available. Therefore, recognized student organizations are encouraged to invite speakers to the campus subject only to the following provisions:

1. The speaker must not urge the audience to take action which is prohibited by the rules of the University or which is illegal under federal or Michigan law. Advocating or urging the modification of the government of the United States or of the State of Michigan by violence or sabotage is specifically prohibited. It is the responsibility of the student organization to inform speakers of these prohibitions.
2. Sponsorship must be by a student organization which has been recognized under the general regulations approved by the appropriate University authorities.
3. For purposes of preserving a record of all such public meetings and of coordinating them with the calendar of other activities taking place on University property, the sponsoring organization must (a) make all arrangements for reservation of space with the appropriate University officials, and (b) complete a form to be furnished by the appropriate University office indicating, among other things, the subject to be discussed, the names of all speakers and the time and place of the meeting, the form to be certified by the signature of the appropriate officer of the organization. All rules for administration of requests from registered student organizations must conform to this policy. It shall be the responsibility of the Vice President for Student Affairs and Services, or designee, to certify that all appropriate steps have been taken before the event is officially scheduled.
4. Any student organization violating the provisions of the Bylaws is subject only to the procedures and penalties applicable to students and student organizations that violate other University rules.

Enacted: 12/14/62

**STUDENT TRAFFIC FINES LOAN FUND**

**06-09-02**

Fines paid by students for violations of student motor vehicle regulations shall be placed in a student loan fund.

Enacted: 11/20/39

Any undergraduate student enrolled in seven or more credits at Michigan State University for a term, summer term excluded, is subject to the University's housing regulations. Compliance with the University policy is a condition of enrollment. Regulations and procedures are to be developed by appropriate administrative offices to ensure that this policy is implemented.

Enacted: 5/27/83

**Prohibition**

Michigan State University students shall not engage in disorderly conduct at or in connection with a riot.

**Definitions**

“Riot” means five or more persons, acting in concert, who engage in violent conduct and thereby intentionally or recklessly cause or create a serious risk of causing public terror or alarm.

“Acting in concert” means acting with a common intent or purpose.

“Disorderly conduct at or in connection with a riot” includes, but is not limited to, setting fires; throwing bottles or other projectiles; damaging, destroying, or defacing property not the student’s own; obstructing, interfering with, or disrupting the activities of peace officers or public safety personnel engaged in the lawful performance of their official duties; intentionally or recklessly causing or threatening physical harm to another; endangering the physical safety of another; tampering with or misusing fire or safety equipment; theft or looting; resisting arrest; and conspiring with others or inciting others to do any of the foregoing.

**Application**

This Policy applies to all Michigan State University students whenever the prohibited conduct occurs on the land governed by the Board of Trustees of Michigan State University (the “campus”), when students are engaged in University-sponsored or student group sponsored (student governing group and registered student organization) activities off campus, in all local government jurisdictions adjacent to the campus, or on any other college or university campus.

**Enforcement**

Violations of this Policy will be adjudicated according to procedures outlined in Article 4 of “Academic Freedom for Students at Michigan State University.”

Students found through University disciplinary proceedings to have violated this Policy may be subjected to a variety of sanctions as described in Section 4.2.4 of “Academic Freedom for Students at Michigan State University.” These sanctions may include: No Action, Warning, Warning Probation, Disciplinary Probation or Suspension from the University. Either probation may also include stipulations requiring a student living on campus to move to another location on or off campus. Students may also be required to make restitution for damage to University property.

In addition to sanctions outlined in Section 4.2.4 of “Academic Freedom for Students at Michigan State University,” violators of this Policy may also be required to make restitution for damage to public and private property.

In some instances, students accused of violating this Policy may be suspended on an interim basis.

Behaviors violating this Policy may also be in violation of professional standards established by colleges and professional schools at Michigan State University. Procedures for adjudicating these alleged violations are outlined in “Graduate Student Rights and Responsibilities,” “Medical

Student Rights and Responsibilities,” and documents from Michigan State University-Detroit College of Law.

**Interpretation**

This Policy shall not be interpreted to restrict or limit any student’s First Amendment rights to freedom of speech or assembly.

**NOTE:** All members of the University community must abide by standards of behavior that reflect the collegial nature of their endeavors. Faculty members and staff members are subject to the disciplinary policies set forth in the Faculty Handbook and the Employee Handbook, respectively.

Enacted: 4/9/99

Amended: 12/8/00

## STUDENT-ATHLETE CONDUCT POLICY

06-18-01

Student-athletes are high profile members of the Michigan State University (MSU) community. The Department of Intercollegiate Athletics views students who meet the academic standards and who have the athletic ability to participate in intercollegiate competition, through team membership, as talented, dedicated representatives of MSU. Student-athletes who have earned the privilege of representing MSU in intercollegiate athletics are expected to uphold high standards of personal conduct and are subject to all team rules, as well as to general University rules and regulations governing student conduct and disciplinary procedures.

Any student-athlete who, while a member of an MSU intercollegiate athletic team, is convicted of a felony<sup>1</sup> will be suspended from the MSU intercollegiate athletic team of which he or she is a member and thereby precluded from participation in games and all other benefits related to team membership.<sup>2</sup> The student-athlete may request an exception to this rule. The President, upon recommendation of the coach and after consultation with the Director of Intercollegiate Athletics may grant such an exception.

A former student-athlete who has been suspended from the team may submit a written application for reinstatement to the team to the Director of Intercollegiate Athletics. The application must include a recommendation from the team's coach that the former student-athlete be reinstated. After reviewing the recommendations of the coach and the advice of the Director of Intercollegiate Athletics, the President shall decide whether to grant or deny the application for reinstatement. If the President grants the application, the President shall determine when and on what terms or conditions the former student-athlete will be reinstated.

Enacted: 3/7/96

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<sup>1</sup>Felonies are serious crimes. They usually involve conduct that creates a significant danger to the community. In most states, the following types of crimes, among many others, are likely to be felonies: murder, arson, rape, robbery, burglary, and the manufacture, sale, or other distribution of illegal drugs. Major thefts (like stealing a car), crimes committed with weapons, serious assaults and other crimes involving violence, frauds, the possession of illegal drugs other than small quantities of marijuana, and sexual assaults are often felonies. Students, who commit felonies but become participants in programs that may result in the removal of the felony conviction from their records if certain conditions are met, will not be considered to have committed a felony for purposes of this policy unless the student-athlete violates a condition of the program and the felony is entered permanently on the student-athlete's record.

<sup>2</sup>These benefits include, for example, weight training and conditioning, training table meals, travel with the team, dressing for games, practice with the team, athletic academic support services, and athletic medical support services. Violation of this policy and suspension from the team may also result in nonrenewal of the student-athlete's athletic scholarship.

**POLICY STIPULATIONS AND SUPPORTING DOCUMENTS OF THE  
MICHIGAN STATE UNIVERSITY BOARD OF TRUSTEES**

STIPULATIONS FOR MEMBERSHIP OF THE INVESTMENT ADVISORY SUBCOMMITTEE:  
Policy 01-01-09

The Investment Advisory Subcommittee is a subcommittee of the Committee on Budget and Finance. Its role and responsibilities are set forth in the Board's Investment Policy.

The following stipulations apply to the membership of the committee.

1. The committee will have four (4) current Trustees as members.
2. The committee will have five (5) individuals from outside the MSU community as members.
3. The President, Chief Investment Officer and the Senior Vice President, Chief Financial Officer and Treasurer will be ex officio members of the committee without voting rights.
4. The Committee on Budget and Finance, in consultation with the President, the Executive Vice President for Administration, the Chief Investment Officer and the Senior Vice President, Chief Financial Officer and Treasurer, will select the outside members of the committee to fill vacancies.
5. Outside members will serve staggered three--year terms and may be reappointed.
6. Outside members shall possess high ethical standards and have wide-ranging institutional investment experience.
7. Outside members will be required to comply with Board-approved conflict of interest standards.
8. Members of the committee are expected to regularly attend committee meetings in person or, when necessary, electronically.

Enacted 10/21/11

Amended 12/14/18, 9/10/21

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

<sup>2</sup> This Anti-Discrimination Policy User's Manual, University ordinances, and written policies provide guidance on the conduct prohibited by Article III of this Policy.

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



<sup>4</sup> For purpose of this Policy, “employment opportunity” is defined as job access and placement, retention, promotion, professional development, and salary.

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

<sup>6</sup> Consultation with one or more of the following may be useful:

- the chairperson, director, or dean of the relevant unit,
- supervisory support personnel,
- the Title IX Coordinator or Deputy Title IX Coordinator for Investigations,
- the ADA Coordinator,
- the Office for Inclusion and Intercultural Initiatives,
- the University Ombudsperson,
- the Faculty Grievance Official,
- REHS staff,
- faculty or staff academic advisors, and
- the MSU Counseling Center.

<sup>7</sup> The availability and appropriateness of informal resolution involving claims of gender discrimination, including sexual and gender-based harassment, assault, and violence, is governed by the Relationship Violence & Sexual Misconduct (RVSM) Policy.