

MINUTES OF THE MEETING
OF THE
MICHIGAN STATE UNIVERSITY
BOARD OF TRUSTEES

December 18, 2015

President Simon called the meeting of the Board of Trustees to order at 9:30 a.m. in the Board Room.

Trustees present: Brian Breslin, Dianne Byrum, Joel Ferguson, Melanie Foster, Mitch Lyons, Brian Mosallam, George Perles, and Diann Woodard.

University officers present: President Simon, Provost and Executive Vice President Youatt, Executive Vice President Udpa, Vice President and Secretary Beekman, Vice President and General Counsel Noto, Vice Presidents Burnham, Gore, Groves, Haas, Hsu, Maybank, Swain, and Young, and Senior Advisor and Director Granberry Russell. Faculty liaisons present: John Bell, Martin Crimp, and Mary Noel. Student liaisons present: Brian Batayeh, Domonique Clemons, Amanda Hohly-Seng, and Sudha Sankar.

All actions taken were by unanimous vote of the Trustees present, unless otherwise noted.

1. On a motion by Trustee Foster, supported by Trustee Breslin, the **BOARD VOTED to approve** the agenda.
2. On a motion by Trustee Breslin, supported by Trustee Ferguson, the **BOARD VOTED to approve** the minutes of the October 30, 2015 Board of Trustees meeting.
3. Board of Trustees Award Presentations

Provost Youatt presented the Board of Trustees Award to the following students:

1. Kali Allis - Major: Human Biology; Member of the Honors College; 4.0 GPA
2. John Gillis - Major: Mechanical Engineering; Member of the Honors College; 4.0 GPA
3. Megan Kechner - Major: Neuroscience; Member of the Honors College; 4.0 GPA
4. Andrew Korneffel - Major: Human Biology; 4.0 GPA
5. Timothy Stieve - Major: Environmental Biology/Microbiology; 4.0 GPA

6. Angela Sun - Major: Computer Science; Member of the Honors College; 4.0 GPA

Provost Youatt acknowledged the Board of Trustees Award recipient who was not able to attend:

7. Jeremy Martineau - Major: Accounting; 4.0 GPA

4. President's Report

President Simon provided the following report to the Board.

A. Commencement, Honorary Degrees

President Simon congratulated each of the outstanding scholars honored. MSU takes great pride in the accomplishments of this extraordinary class of students, and looks forward with anticipation as they begin impactful careers, carrying on Michigan State University's tradition of excellence in advancing knowledge and transforming lives.

MSU is pleased to welcome three distinguished speakers to participate in the commencement events and receive honorary degrees. This year, all three speakers at the fall commencement ceremonies are women, well-respected pioneers in their fields, and two are MSU alumni.

MSU alumna Susan Goldberg, the first woman to serve as editor-in-chief of National Geographic magazine, will address graduates at the 2 p.m. ceremony on December 19 and will receive an honorary doctorate of humanities.

Also at that ceremony, Wayne Wood, former president of the Michigan Farm Bureau, will earn an honorary doctorate of agriculture. Wood has been a loyal supporter of MSU's College of Agriculture and Natural Resources, MSU Extension and MSU AgBioResearch. Through the Farm Bureau, he was instrumental in creating the MSU Product Center, which has helped start or expand more than 400 businesses since 2003.

Former MSU professor Darlene Clark Hine, now the Board of Trustees Professor of African American Studies at Northwestern University, will speak at the 10 a.m. ceremony on December 19, and will receive an honorary doctorate of humanities. As the John A. Hannah Professor of History at MSU, Hine spent nearly 20 years

building the reputation of her department and establishing the comparative black history doctoral program, one of the first of its kind.

MSU College of Osteopathic Medicine alumna Patricia LoRusso, D.O., Professor of Medicine and Associate Director of Innovative Medicine at Yale Cancer Center, will address graduates at the advanced degree ceremony held at 3:30 p.m. today. She will receive an honorary doctorate of science. LoRusso is a nationally recognized expert in developing new cancer drugs through clinical trials.

B. President's Statement on Inclusion and Diversity

"Commencement is a bittersweet time. As MSU says goodbye to a class of outstanding students and celebrates the contributions they have made, it is also a time to look inward and reflect upon areas for improvement so that each MSU student can experience that great success.

Inclusion is a core value at Michigan State University, and putting it into practice means building a vibrant, intellectual community that offers and respects a broad range of ideas and perspectives.

If you look back in history, there are moments in time when there are genuine points of inflection and transition for our society. Those moments are often fueled by the voices of students. We are at one of those inflection moments.

I commend the students on the variety of ways that they have raised their voices: some loudly, some quietly, some in ways that are disruptive and some in ways that are very much a part of dialogues after those moments. They have provided extraordinary advice and ideas about how we can be better as a university community.

Part of being better is the listening and the learning, part is understanding, and part is being able to seize this moment in our history, in our country, and in our university. We must seize the moment, amid what might be chaos and loudness to find ways to genuinely make statements and take actions that can improve the opportunities for all of our students, and have them genuinely feel when they graduate that they are very much part of Michigan State University.

MSU is going to continue what we hope are very positive and very collaborative dialogues. We've learned much over the course of the last few weeks and months. We'll disagree about solutions. We may even disagree about process. But what I hope we can all agree on is that we're committed to finding these evolving solutions that fit a 21st century society, and that we do need to be at the forefront of accelerating change in our society. That is evident all around us, and we need to be genuine, and end up with a process that feels genuine for all those involved, even though we still have those rough edges of ideas and those moments of disagreement. I am very pleased that as we think about looking back on this semester, and forward to the next, we have this opportunity for great progress and growth for all Spartans."

C. University Achievements

For creating an enriching on-campus residential experience, MSU earned the President's Institutional Award from the Great Lakes Association of College and University Housing Officers.

In the 2014 higher education R&D survey data, MSU is ranked sixth in the nation in combined National Science Foundation and Department of Energy funding.

D. Alumni Achievements

Kevin Tobe, a Haslett High School math teacher and a two-time MSU alumnus, has received the 2015 Milken National Educator Award — one of only 40 awarded to teachers throughout the nation.

E. Faculty and Staff Achievements

MSU Museum Curator of Folk Arts Marsha MacDowell has been named a fellow of the American Folklore Society.

This year, four MSU scientists were named AAAS Fellows by the American Association for the Advancement of Science:

Zachary Burton, biochemistry and molecular biology professor.

James Kirkpatrick, Dean of the College of Natural Science.

Richard Neubig, Chairperson of the Department of Pharmacology Toxicology.

Phil Robertson, Director of MSU's Kellogg Biological Station Long-term Ecological Research Program.

The four will be honored on Feb. 13, during the 2016 AAAS Annual Meeting in Washington, D.C.

MSU's Office of Communications and Brand Strategy has been awarded two gold and two silver district awards from the 2015 Council for Advancement and Support of Education.

As a gold winner, the Spartans Will brand package will move on to the national level awards.

CABS will also receive three Gold awards at the 7th Annual Pixie awards, recognizing achievements in the use of visual effects and animation in video productions. This includes a gold award for the "Spartan Virtual Choir," produced by Kevin Epling and edited by Anthony Siciliano, honoring the 100th anniversary of "Victory for MSU."

F. Athletics

After its recent Big Ten Championship win over Iowa, MSU received the No. 3 seed in the College Football Playoff. The football team will face off with No. 2 Alabama in the Goodyear Cotton Bowl Classic on December 31.

Fifth year senior Connor Cook, the winningest quarterback in MSU history, was presented with the Johnny Unitas Golden Arm Award last week, given to the nation's top college quarterback.

President Simon congratulated the Spartan football team, Coach Dantonio, and his staff on another outstanding regular season, and another Big Ten championship, and wished them luck as they continue their run toward the national championship.

The men's basketball team currently holds the number 1 ranking in the country, and looks to continue its undefeated start to the season tomorrow at Northeastern. The women's team is also off to a strong start to the season, currently ranked 25th in the nation. They take on Northeastern today.

According to national polls at the beginning of this month, MSU's football, basketball, and debate teams were simultaneously ranked

in the Top five in the country – a unique feat that showcases MSU's commitment to excellence both on the field and in the classroom.

G. Student Achievement

The President congratulated Sarah Kovan for her outstanding accomplishment of becoming a Rhodes Scholar. Dr. Simon wished her the best as she takes the next steps on her journey at Oxford University.

5. There was no Public Participation on Issues Germane to the Agenda.

6. Personnel Actions

Provost Youatt presented the following personnel actions:

Dwyer, Jeffrey W, AY- Professor, Department of Food Science and Human Nutrition, \$230,345, with Tenure, effective January 1, 2016.

Schnell, Danny, AY-Professor, Department of Plant Biology, \$210,000, with Tenure, effective January 1, 2016.

The following actions include tenure recommendations which were delayed last spring and which are recommended by the relevant Department Chairpersons/School Directors, and Deans, and by the Provost, in accordance with the tenure rules.

The following promotions include the award of tenure and are recommended to be effective January 1, 2016.

Bush, Tamara R, promotion to Associate Professor, Department of Mechanical Engineering

Callahan, Michael R, promotion to Associate Professor, College of Music

Charles, Etienne R, promotion to Associate Professor, College of Music

Hourani, Najib B, promotion to Associate Professor, Department of Anthropology; Global Urban Studies

Chen, Guo, promotion to Associate Professor, Department of Geography; Global Urban Studies

Provost Youatt then presented the following personnel actions:

Buhler, Douglas D, AN – Assistant Vice President, Office of the Vice President for Research and Graduate Studies; Senior Associate Dean, College of Agriculture and Natural Resources; Director, MSU AgBioResearch; Professor, Plant, Soil, and Microbial Sciences, for a change in title from Senior Associate Dean, to Interim Dean Designate, College of Agriculture and Natural Resources, effective December 10, 2015 to December 31, 2015, and to Interim Dean, with a change in salary to \$ 290,000, effective January 1, 2016.

Floden, Robert, AN – Associate Dean, College of Education; Director, Institute for Research, Teaching, and Learning Across the Life Span; University Distinguished Professor, Departments of Counseling, Educational Psychology, and Special Education; Teacher Education, for a change in title from Associate Dean to Dean, College of Education and with a change in salary to \$310,769, effective January 1, 2016 to August 31, 2017.

Trustee Ferguson **moved to approve** the recommendations, with support from Trustee Breslin.

THE BOARD VOTED to approve the recommendations.

7. Gift, Grant and Contract Report

Vice President Hsu presented the Gifts, Grants, and Contracts Report for the period of August 11, 2015 through November 12, 2015. The report is a compilation of 756 Gifts, Grants and Contracts, plus 69 Consignment/Non-Cash Gifts, with a total value of \$129,957,845.

Trustee Ferguson **moved to approve** the report, supported by Trustee Woodard.

Vice President Hsu introduced Dr. Michael Thomashow, University Distinguished Professor, Department of Plant, Soil, and Microbial Sciences, who presented to the Board on Meeting Future Demands for Food and Energy. (Appendix A)

8. Finance Committee

Trustee Foster presented the Trustee Finance Committee Report and the following recommendations and resolutions.

A. Reappointment of External Investment Advisory Subcommittee Member

It was recommended that the Board of Trustees reappoint Scott Eston to a second three-year term on the Investment Advisory Subcommittee.

BE IT RESOLVED that the Board of Trustees of Michigan State University hereby reappoints Scott Eston as an external member of the Investment Advisory Subcommittee for a three-year term commencing January 1, 2016.

Trustee Foster **moved to approve** the resolution, with support from Trustee Mosallam.

THE BOARD VOTED to approve the resolution.

B. Sale of Basolo Property in Antrim County, Michigan

It was recommended that the Board of Trustees authorize the sale of approximately 38.73 acres of vacant land in Antrim County.

BE IT RESOLVED, that the Board of Trustees of Michigan State University hereby authorizes the Administration to sell 38.73 acres of vacant land located in Antrim County, Michigan, to the Robert J Blessed Trust for \$85,000 and upon such other terms and conditions as may be acceptable to the Executive Vice President for Administrative Services.

Trustee Foster **moved to approve** the resolution, with support from Trustee Mosallam.

THE BOARD VOTED to approve the resolution.

C. Appointment of Chief Investment Officer and Revisions to Investment Policy

It was recommended that the Board of Trustees establish the position of "Chief Investment Officer," and that Philip Zecher be appointed as Chief Investment Officer, and that the Investment Policy be amended to encompass the roles and responsibilities of the Chief Investment Officer and to modify certain asset classes and allocations in the Statement of Investment Objectives for Michigan State University's Common Investment Fund.

BE IT RESOLVED, that the Board of Trustees of Michigan State University hereby amends Board Policy 01-07-01, the Investment Policy, including the Statement of Investment Objectives for

Michigan State University's Common Investment Fund, as set forth in the attachment hereto (Appendix B), and that all relevant policy and organizational documents be revised, *mutatis mutandis*, to reflect the role of the Chief Investment Officer; and

BE IT FURTHER RESOLVED that the office of "Chief Investment Officer" is hereby created and the position of "Chief Investment Officer" is added to Appendix I of Executive Management – Principles and Procedures for Establishing Positions & Titles under the heading of "Board of Trustees approves appointment; President approves all other personnel actions"; and

BE IT FURTHER RESOLVED that, upon the recommendation of the President, Philip Zecher is hereby appointed Chief Investment Officer.

Trustee Foster **moved to approve** the resolution, with support from Trustee Ferguson.

THE BOARD VOTED to approve the resolution.

D. Authorization to Plan—Strategic Development—Healthy Campus Initiative—Recreation and Fitness

It was recommended that the Board of Trustees authorize the Administration to plan for infrastructure improvements that support student, staff, and faculty recreation and fitness as part of MSU's Healthy Campus Initiative.

BE IT RESOLVED, that the Board of Trustees of Michigan State University hereby authorizes the Administration to plan for the project entitled "Strategic Development—Healthy Campus Initiative—Recreation and Fitness".

Trustee Foster **moved to approve** the resolution, with support from Trustee Mosallam.

THE BOARD VOTED to approve the resolution.

E. Project Approval—Authorization to Proceed—Engineering Building—Alterations to Suite 1515

It was recommended that the Board of Trustees authorize the Administration to proceed with the creation of a functional office environment that supports teaching and research in the newly

created Department of Computational Mathematics, Science, and Engineering.

BE IT RESOLVED, that the Board of Trustees of Michigan State University hereby authorizes the Administration to proceed with the project entitled "Engineering Building—Alterations to Suite 1515", with a project budget of \$7,800,000.

Trustee Foster **moved to approve** the resolution, with support from Trustee Breslin.

THE BOARD VOTED to approve the resolution.

9. Policy Committee

Trustee Byrum presented the Trustee Policy Committee Report and the following recommendations and resolutions.

A. Appointments to the MSU College of Law Board of Trustees

It was recommended that the Board of Trustees approve the following appointments to the MSU College of Law Board of Trustees:

Scott Romney for a term of three years, commencing January 1, 2016, and ending December 31, 2018.

Wallace B. Jefferson for a term of three years, commencing January 1, 2016, and ending December 31, 2018.

Trustee Byrum **moved to approve** the resolution, with support from Trustee Ferguson.

THE BOARD VOTED to approve the resolution.

B. Amendment of Ordinance 37.00 (Wildlife)

It was recommended that the Board of Trustees approve an amendment to University Ordinance 37.01 to permit fishing along the north bank of the Red Cedar River, but only to the extent that such fishing is conducted in designated areas and in accordance with guidelines issued by the Vice President and Secretary of the Board of Trustees.

BE IT RESOLVED, that University Ordinance 37.01 is amended as shown on the attachment hereto, effective immediately. (Appendix C)

Trustee Byrum **moved to approve** the resolution, with support from Trustee Lyons.

THE BOARD VOTED to approve the resolution.

C. Approval of Revisions to the Faculty Grievance Policy

It was recommended that the Board of Trustees approve revisions to the Faculty Grievance Policy.

BE IT RESOLVED, that the Board of Trustees of Michigan State University hereby approves revisions to the Faculty Grievance Policy; and (Appendix D)

BE IT FURTHER RESOLVED, that the Board of Trustees authorizes the Provost to make any conforming changes to other University policies that are necessary following this Board action.

Trustee Byrum **moved to approve** the resolution, with support from Trustee Breslin.

THE BOARD VOTED to approve the resolution.

D. Approval of Discipline and Dismissal of Tenured Faculty for Cause Policy

It was recommended that the Board of Trustees approve the Discipline and Dismissal of Tenured Faculty for Cause Policy.

BE IT RESOLVED, that the Board of Trustees of Michigan State University hereby approves the Discipline and Dismissal of Tenured Faculty for Cause Policy; and (Appendix E)

BE IT FURTHER RESOLVED, that the Board of Trustees authorizes the Provost to make any conforming changes to other University policies that are necessary following this Board action.

Trustee Byrum **moved to approve** the resolution, with support from Trustee Breslin.

THE BOARD VOTED to approve the resolution.

E. FCC Broadcast Television Incentive Auction

It was recommended that the Board of Trustees grant the President of the University authority to participate in the upcoming FCC Broadcast Television Incentive Auction (Auction 1000) process.

BE IT RESOLVED, that the Board of Trustees hereby grants the President of the University authority to participate in the FCC Broadcast Television Incentive Auction (Auction 1000) process.

Trustee Byrum **moved to approve** the resolution, with support from Trustee Ferguson.

THE BOARD VOTED to approve the resolution.

F. Approval of Contract Terms

It was recommended that the Board of Trustees approve an amendment of a contract between Michigan State University and *BoroPharm, Inc.*, a company in which faculty members Dr. Robert E. Maleczka and Dr. Milton R. Smith hold a financial interest.

BE IT RESOLVED, that the Board of Trustees approves a contract between Michigan State University and *BoroPharm, Inc.*, consistent with earlier public notice given at a Board meeting and with the "Amended Agreement Term Sheet" now presented to the Board for inclusion in its minutes. (Appendix F)

It was recommended that the Board of Trustees approve a contract between Michigan State University and *Cultural Intelligence Center, LLC*, a company in which faculty member Dr. Linnea Van Dyne holds a financial interest.

BE IT RESOLVED, that the Board of Trustees approves a contract between Michigan State University and *Cultural Intelligence Center*, consistent with earlier public notice given at a Board meeting and with the "Professional Services Contract Term Sheet" now presented to the Board for inclusion in its minutes. (Appendix G)

It was recommended that the Board of Trustees approve a contract between Michigan State University and *Thermetrics, Inc.*, a company in which faculty member Dr. Kirk Dolan and employee Andy Tomaswick hold a financial interest.

BE IT RESOLVED, that the Board of Trustees approves a contract between Michigan State University and *Thermetrics, Inc.* consistent with earlier public notice given at a Board meeting and with the "Option Agreement Term Sheet" now presented to the Board for inclusion in its minutes. (Appendix H)

Trustee Byrum **moved to approve** the resolutions, with support from Trustee Mosallam.

THE BOARD VOTED to approve the resolutions.

G. Notice of Intent to Negotiate Contracts

Pursuant to State law, Trustee Byrum gave public notice of the University's intent to negotiate contracts with Dr. Glen Anthony Chambers, Jr. Dr. Chambers is an Associate Professor in the Department of History.

Pursuant to State law, Trustee Byrum gave public notice of the University's intent to negotiate contracts with Dr. Janice A. Beecher. Dr. Beecher is the Director of the MSU Public Utilities Institute.

Pursuant to State law, Trustee Byrum gave public notice of the University's intent to negotiate contracts with Dr. Kenneth W. Harrow. Dr. Harrow is a Professor in the Department of English.

Pursuant to State law, Trustee Byrum gave public notice of the University's intent to negotiate contracts with Dr. Peter C. Alegi. Dr. Alegi is a Professor in the Department of History.

Pursuant to State law, Trustee Byrum gave public notice of the University's intent to negotiate contracts with Dr. Susan J. Bandes. Dr. Bandes is a Professor in the Department of Art, Art History, and Design, and is Director of the Museum Studies Program.

Pursuant to State law, Trustee Byrum gave public notice of the University's intent to negotiate contracts with Dr. Theodore S. Ransaw. Dr. Ransaw is a Specialist in the Dean's Office of the College of Education.

Pursuant to State law, Trustee Byrum gave public notice of the University's intent to negotiate contracts with *Genisama, LLC*, a Michigan limited liability company. Dr. Juyang Weng, a Professor in the Department of Computer Science and Engineering, and

members of his family have, or have options to buy, an interest in the company.

Pursuant to State law, Trustee Byrum gave public notice of the University's intent to negotiate contracts with *Kopess Biomass Solutions, LLC*, a Michigan limited liability company. Dr. Daniel E. Keathley, a Professor in the Department of Horticulture, and members of his family have, or have options to buy, an interest in the company.

Pursuant to State law, Trustee Byrum gave public notice of the University's intent to negotiate contracts with *MTBIsense, LLC*, a Michigan limited liability company. Dr. Gary Blanchard, a Professor in the Department of Chemistry, and Dr. Marcos Dantus, a Professor in the Department of Chemistry, and members of their families have, or have options to buy, an interest in the company.

Pursuant to State law, Trustee Byrum gave public notice of the University's intent to negotiate contracts with *Piezonix, LLC*, a limited liability company based in East Lansing, Michigan. Dr. Nizar Lajnef, an Associate Professor in the Department of Civil and Environmental Engineering, and members of his family have, or have options to buy, an interest in the company.

Pursuant to State law, Trustee Byrum gave public notice of the University's intent to negotiate contracts with *RecordWear, LLC*, a Michigan limited liability company. Dr. Gary Blanchard, a Professor in the Department of Chemistry, and Dr. Marcos Dantus, a Professor in the Department of Chemistry, and members of their families have, or have options to buy, an interest in the company.

10. Compensation Committee

Trustee Mosallam presented the Trustee Compensation Committee Report.

Each year at this time the Board of Trustees considers the President's compensation, consistent with section 4a of the employment agreement between President Simon and the Board. The Compensation Committee met for that purpose.

In June of this year, the Board conducted its annual evaluation of the President. At that time, the Trustees conveyed to President Simon their uniform support of her leadership of Michigan State University. President Simon's leadership and dedication are widely recognized, both within and beyond the MSU community, and she continues to excel on the Board-

established performance criteria. As a result, the Board continues to believe that the retention of President Simon is critical to the University's future.

At her request, the Compensation Committee recommends to the Board of Trustees that President Simon not receive a salary increase. President Simon received a salary increase in 2007 and again in 2014. In the other seven years since 2007, she has asked, and the Board has agreed, that her salary be maintained at the amount she received in the preceding year.

In recognition of President Simon's extraordinary and lifelong commitment to Michigan State University, the Compensation Committee recommends to the Board that the Board establish a scholarship in honor of President Lou Anna K. Simon and her spouse, Dr. Roy J. Simon. The Committee recommends that unrestricted scholarship funds be transferred to create a student scholarship, in the amount of \$50,000, in recognition of their continuing contributions to Michigan State University to be administered as a scholarship for first-generation college students by the Office of Financial Aid.

Finally, the Board applauds the commitment that Drs. Roy J. and Lou Anna K. Simon have made to give back to the University through generous, regular, and substantial financial contributions. Based on their current level of cash and estate giving, the Simons are members of MSU's Wharton Society and Kedzie Society. The Simons' current cash gifts to MSU exceed \$1 million. They provide a tremendous example of philanthropy for Team MSU and the Spartan Community.

Therefore, the Compensation Committee recommends, and I move, that the Board of Trustees authorize the Vice President and Secretary of the Board of Trustees and the Vice President for University Advancement to establish the Roy J. and Lou Anna K. Simon Scholarship in recognition of their lifelong commitment to Michigan State University.

Trustee Mosallam **moved to approve** the motion, with support from Trustee Byrum.

THE BOARD VOTED to approve the motion.

11. Trustee Comments

Trustee Ferguson thanked President Simon for her leadership.

Trustee Woodard complimented President Simon on her leadership, congratulated all graduating students on their accomplishments, and wished everyone happy holidays.

Trustee Mosallam congratulated the Board of Trustee Scholarship recipients and thanked Trustees Breslin and Foster for their work on the Trustee Finance Committee.

Trustee Foster thanked the Simons for their leadership, dedication, and generosity to MSU, congratulated all MSU graduates, and wished everyone happy holidays.

Trustee Byrum spoke of the success that MSU is experiencing both on the athletic field and in the classroom. She also wished Fred Poston well on his retirement and wished happy holidays to all.

Trustee Perles wished everyone happy holidays.

Trustee Breslin thanked President Simon and the leadership at MSU for all the work that they do and wished happy holidays to all.

Trustee Lyons spoke of the success of MSU in many different areas, and congratulated Sarah Kovan on becoming a Rhodes Scholar.

12. Public Participation on Issues Not Germane to the Agenda.

A. Liberate MSU Demands

Evan Coleman, an MSU student, spoke of the call to action by Liberate MSU for students to speak about urgent issues that they see on campus. He expressed his belief that MSU has lost the focus it once had on student education across all fields and that the focus is now on athletics, revenue streams, and paychecks. Mr. Coleman also said that he is worried about a lack of transparency, student support, and student advocacy by the administration in non-STEM fields. He then called for students to take action and express to the administration their opinions on campus issues. Mr. Coleman stated that Liberate MSU seems to be empowering the whole student body and that he stands in solidarity with the group.

B. Structural Issues for African American and African Studies

Ola Nwabara, Ph.D., a student in African American and African Studies Program and Vice President of Sankofa Graduate Student Union, spoke on the structural inequality of the African American and African Student

graduate program, and the problems that AAAS graduate students face at MSU. She stated that since its founding in 2002, the AAAS program has maintained a structurally disadvantaged model. Letters provided to the Board by Ms. Nwabara detail issues that face the AAAS Program, such as AAAS having no controlling faculty lines, and therefore no committed faculty. The program also has no undergraduate major, making it difficult for graduate students in the program to gain teaching experience in their field. Ms. Nwabara also spoke of a 2010 meeting between President Simon and the executive committee of the AAAS Program in which President Simon addressed the issues set before her by the executive committee. Ms. Nwababara said that since this meeting, the AAAS Program has been put in a two year, and then a three-year freeze, limiting the abilities of the program. Ms. Nwabara asked the Board to consider the value of the AAAS Program.

C. Transforming the African American and African Studies Program into a Department

AJ Rice, a Ph.D. student in the African American and African Studies Program, said that the African American and African Studies Program needs to be a department. He spoke of how MSU is uniquely positioned to study, understand, and intervene in the rising, deep seated intolerance in this country. He also stated that the discipline of black studies was originally founded not to create knowledge for knowledge's sake, but with the explicit mission to improve life for all humanity, regardless of race, gender, or sexual orientation. Moving AAAS from a program to a department is a very small but vital step in beginning to change our society and the oppression present within it.

13. Request to Adjourn

On a motion by Trustee Lyons, supported by Trustee Ferguson, **THE BOARD VOTED to adjourn** at 11:05 a.m.

Respectfully submitted,



William R. Beekman
Vice President and
Secretary of the Board of Trustees

APPENDIX A

**RESEARCH
PRESENTATION
TO THE MSU BOARD OF TRUSTEES**

DECEMBER 18, 2015

**MICHAEL THOMASHOW
UNIVERSITY DISTINGUISHED
PROFESSOR**

**MSU-DOE PLANT RESEARCH LAB
COLLEGE OF AGRICULTURE AND
NATURAL RESOURCES**

Facilitated by the Office of the Vice President for
Research and Graduate Studies

Michael F. Thomashow

Dr. Thomashow received his A.B and Ph.D. degrees from UCLA majoring in microbiology and then conducted postdoctoral research as a Damon Runyon-Walter Cancer Fund Research Fellow at the University of Washington. His first faculty position was at Washington State University followed by his moving to MSU where he has been since 1986.

Prior to his arrival on campus, Dr. Thomashow worked on the plant pathogen *Agrobacterium tumefaciens*, which causes the formation of crown gall tumors. As a postdoctoral fellow and assistant professor, he and his colleagues discovered that crown gall disease involves the transfer of DNA from the bacterium to the plant where it becomes integrated into the plant genome and its expression leads to the production of nutrients that the bacteria use for growth. These studies demonstrated that *Agrobacterium* is a natural genetic engineer of plants. Subsequent studies by scientists at Monsanto and elsewhere converted *Agrobacterium* into the primary system for producing GMO crops.

Upon coming to MSU, Mike received support from the Agricultural Experiment Station, now AgBioResearch, that enabled him to initiate a completely new line of research: determining the molecular basis for plant freezing tolerance. This support led to the establishment of a highly successful research program that has produced many important findings including discovery of the first freezing tolerance pathway in plants: the CBF Regulatory Pathway.

Dr. Thomashow holds the title of MSU University Distinguished Professor. He has served as President of the American Society for Plant Biologists and as Director of the MSU-DOE Plant Research Laboratory from 2006 until this fall. Dr. Thomashow is a recipient of the Stephen Hales Prize, given by the American Society of Plant Biologists, and the Alexander von Humboldt Foundation Award; he is an elected Fellow of the American Academy of Microbiology, the American Society of Plant Biologists, and the American Association for the Advancement of Science; and he is an elected member of the National Academy of Sciences.

PRL

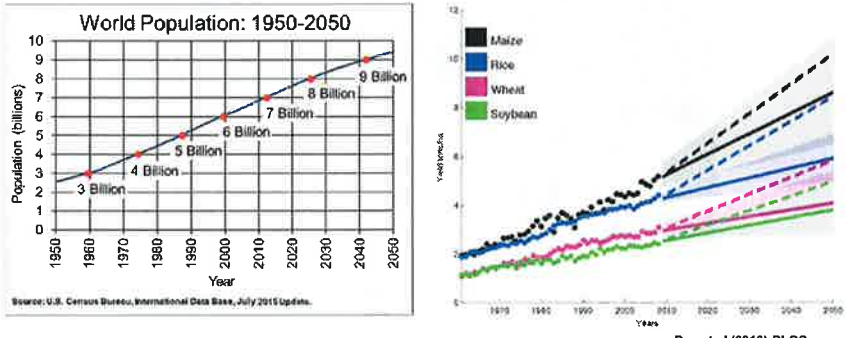
Meeting Future Demands for Food and Energy

Mike Thomashow
MSU-DOE Plant Research Lab
Plant, Soil, and Microbial Sciences



PRL

Major Challenge of Feeding 9 Billion People by 2050



World Population: 1950-2050

Year	Population (billions)
1950	2.5
1960	3 Billion
1970	4 Billion
1980	5 Billion
1990	6 Billion
2000	7 Billion
2010	8 Billion
2020	8.5 Billion
2030	9 Billion
2040	9.2 Billion
2050	9.5 Billion

Source: U.S. Census Bureau, International Data Base, July 2015 Update.


Yield (t/ha)

Year	Maize	Rice	Wheat	Soybean
1950	2.0	1.5	1.0	1.0
1960	2.5	2.0	1.5	1.5
1970	3.0	2.5	2.0	2.0
1980	3.5	3.0	2.5	2.5
1990	4.0	3.5	3.0	3.0
2000	4.5	4.0	3.5	3.5
2010	5.0	4.5	4.0	4.0
2020	6.0	5.5	4.5	4.5
2030	7.0	6.5	5.0	5.0
2040	8.0	7.5	5.5	5.5
2050	9.0	8.5	6.0	6.0

Ray et al (2013) PLOSone

PRL

Major Challenge of Feeding 9 Billion People by 2050



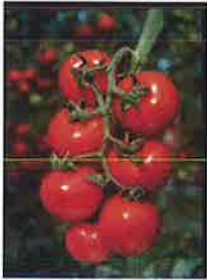

What is needed is a "Second Green Revolution" that includes what the Royal Society has referred to a "*sustainable intensification of global agriculture*".

This goal necessitates higher yields with less input of water, and **will require the development of crops that are more resistant to abiotic and biotic stresses including drought, high temperature, flooding, disease (bacterial, fungal, viral) and insect pests.**

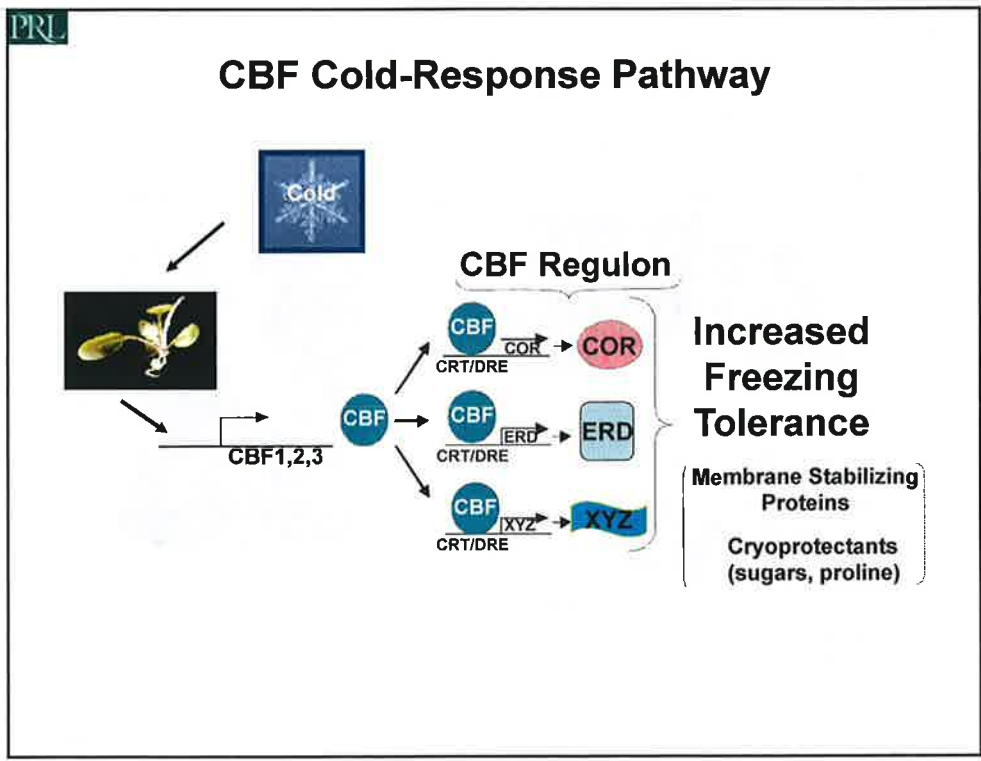
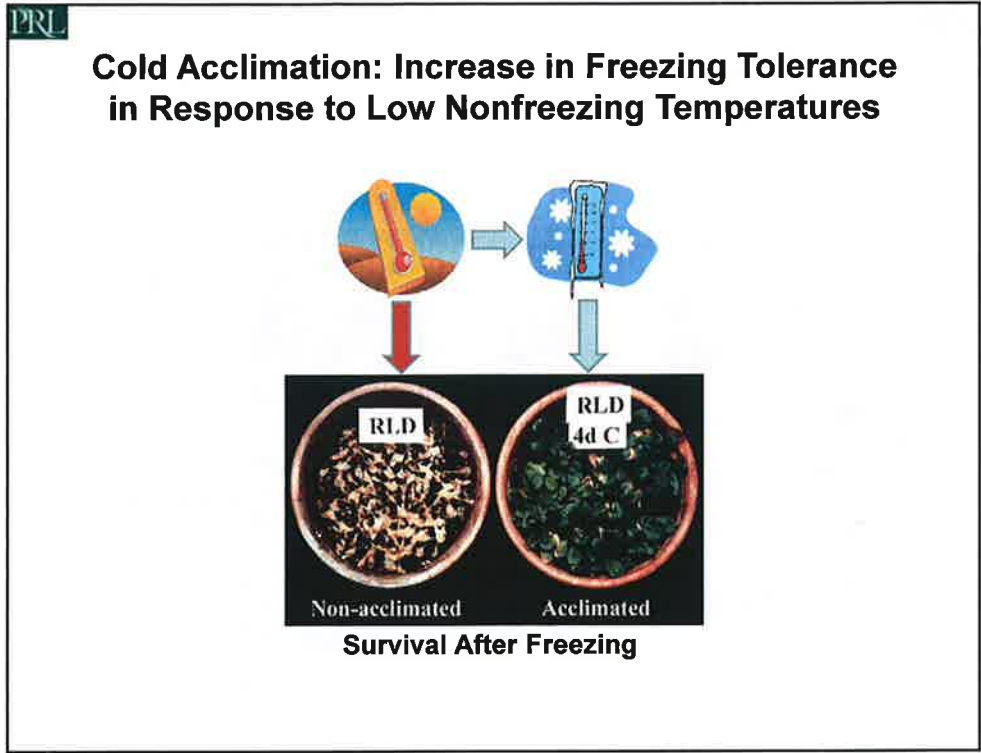
Understanding Plant Stress Responses at a Fundamental Level
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 New Approaches to Improve Plant Stress Tolerance

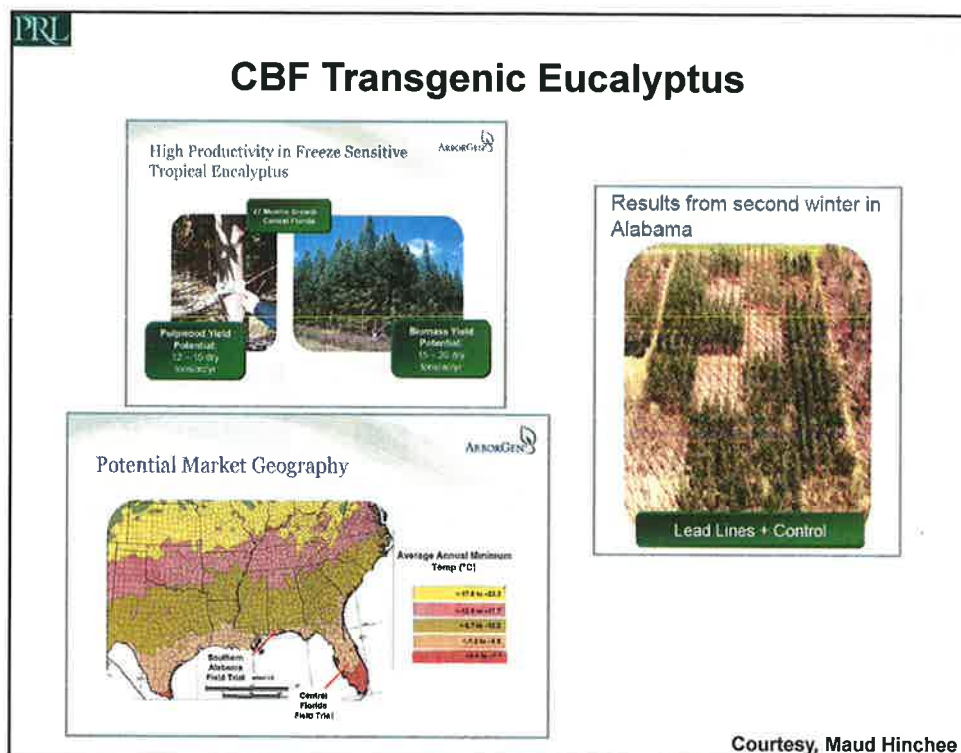
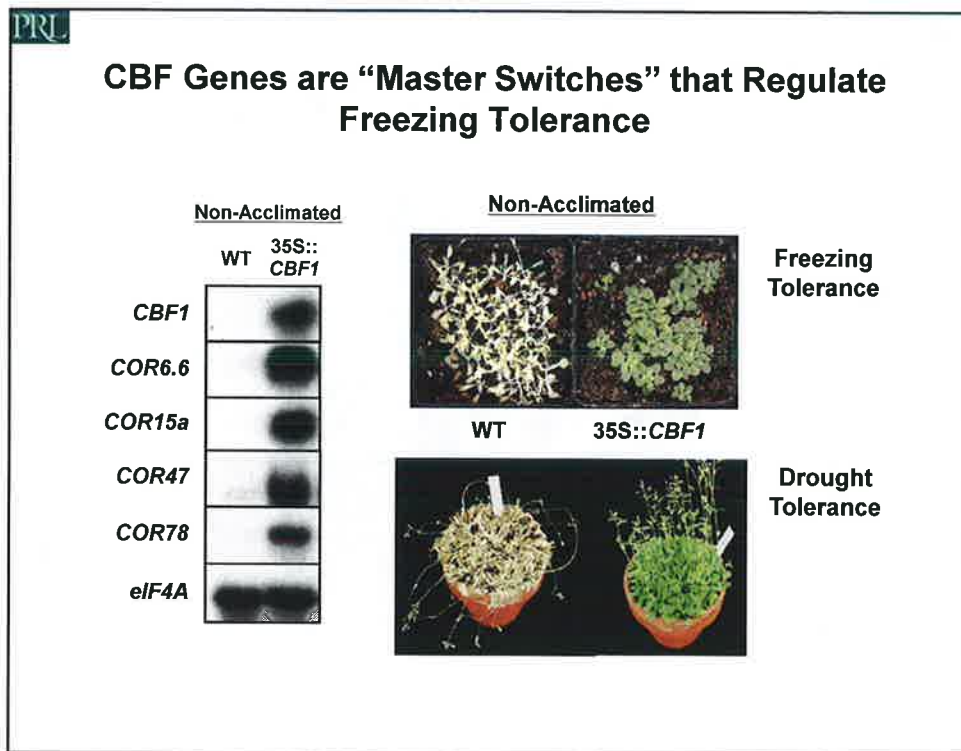
PRL

Plants Vary Greatly in Freezing Tolerance


<u>Plant</u>	<u>Killing Temperature</u>
Tomato	-1° C
Wheat	-20° C
Rye	-30° C





PRL


Major Challenge of Feeding 9 Billion People by 2050



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Understanding Plant Stress Responses at a Fundamental Level
↓
New Approaches to Improve Plant Stress Tolerance



Global Impact Initiative
MICHIGAN STATE UNIVERSITY

MSU PLANT STRESS RESEARCH CENTER

Meeting Future Demands for Food and Energy

Michael Thomashow, Brad Day, Sheng Yang He, Gregg Howe

We envision that the **MSU PLANT STRESS RESEARCH CENTER** will:

- Become an internationally recognized "Center of Excellence" for plant stress biology research;
- Promote excellence in research and training in the plant sciences;
- Ensure that MSU is well positioned to compete for future research funding directed at increasing the stress tolerance of plants;
- Contribute to attracting exceptional faculty, graduate students and postdoctoral researchers to campus.

MICHIGAN STATE
UNIVERSITY

APPENDIX B

December 17, 2015



MEMORANDUM

To: Trustee Finance Committee

From: Lou Anna K. Simon
President

Subject: Appointment of Chief Investment Officer and
Revisions to Investment Policy

RECOMMENDATION

The Trustee Finance Committee recommends to the Board of Trustees that the position of "Chief Investment Officer" be established, that Philip Zecher be appointed as Chief Investment Officer, and that the Investment Policy be amended to encompass the roles and responsibilities of the Chief Investment Officer and to modify certain asset classes and allocations in the Statement of Investment Objectives for Michigan State University's Common Investment Fund.

RESOLUTION

BE IT RESOLVED that the Board of Trustees of Michigan State University hereby amends Board Policy 01-07-01, the Investment Policy, including the Statement of Investment Objectives for Michigan State University's Common Investment Fund, as set forth in the attachment hereto, and that all relevant policy and organizational documents be revised, *mutatis mutandis*, to reflect the role of the Chief Investment Officer; and

BE IT FURTHER RESOLVED that the office of "Chief Investment Officer" is hereby created and the position of "Chief Investment Officer" is added to Appendix I of Executive Management - Principles and Procedures for Establishing Positions & Titles under the heading of "Board of Trustees approves appointment; President approves all other personnel actions"; and

BE IT FURTHER RESOLVED that, upon the recommendation of the President, Philip Zecher is hereby appointed as Chief Investment Officer.

BACKGROUND

As of June 30, 2000, MSU's endowment totaled approximately \$311 million. As of June 30, 2015, the University's total investments, including endowment investments of \$2.2 billion, have grown to \$2.8 billion, primarily as a result of gifts and strong investment returns. MSU's endowment will continue to grow. In October 2014, MSU publically announced its \$1.5 billion "Empower Extraordinary" fundraising campaign. As of September 1, 2015, the University has received commitments totaling \$1 billion in connection with this campaign. As donor



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www.president.msu.edu

commitments are collected, accounting standards permit MSU to record gifts for inclusion in its audited financial statements. In fiscal year 2015, gifts totaled \$124 million, including \$37 million in additions to permanent endowments. MSU will continue to recognize gift revenue in future years as outstanding commitments are collected.

Over the ten-year period 2005-2014, annual returns for MSU's endowment averaged 8.6%, which exceeded its 6.8% Policy Benchmark return. This level of performance has allowed MSU to direct critical resources to mission-driven initiatives. As MSU's endowment grows, however, additional administrative resources are required to manage the funds in order to maintain the required return on investment. In the context of the endowment's growth and to strengthen the administration's stewardship of the substantial assets entrusted to the institution, and after consulting members of the Investment Advisory Subcommittee, the President recommends that the position of "Chief Investment Officer" (CIO) be established. This resolution establishes the CIO position, appoints MSU's inaugural CIO, and revises the University's Investment Policy to accommodate the new position.

The Chief Investment Officer will be a new office in MSU's administration. The President will be responsible for recommending a CIO for appointment by the Board, and the CIO will serve at the pleasure of the President. With respect to the responsibilities delegated to the CIO through the Investment Policy, the President shall retain those supervisory and executive powers vested in her position by the University's Bylaws that are necessary to promote, support, and protect the interests of the University. The CIO will report to the President, who will be responsible for evaluating the performance of the CIO (with advice from the Finance Committee, the Investment Advisory Subcommittee, and one or more outside investment consultants). The CIO will be responsible, over a period of time, for further developing and staffing an internal investment office.

As the inaugural Chief Investment Officer, the President recommends Dr. Philip Zecher. After receiving a Ph.D. in nuclear physics from MSU, Dr. Zecher worked in various capacities on Wall Street and in the investment industry before joining MSU in January 2015. Dr. Zecher has served as an outside member of the Investment Advisory Committee from 2011 until 2014, on the MSU Foundation Board of Directors from 2010 until 2014, and since January 2015, an Executive in Residence and Professor of Finance at the Broad College of Business, and as Senior Advisor to the President for Investments.

Notwithstanding the appointment of the CIO, the Board of Trustees will maintain, as it always has, oversight and the ultimate fiduciary responsibility for the University's endowment and investment policies. The CIO's duties will comprise tasks that were previously performed by the Investment Advisory Subcommittee (IAS), the Vice President for Finance and Treasurer (VPFT), and MSU's outside investment consultant, Cambridge Associates. The CIO will be responsible for, among other things, helping to shape the Investment Policy, developing strategies to implement the Policy, hiring outside investment professionals, hiring internal investment staff, and monitoring the performance of the investments. With respect

to the content of the Investment Policy relating to the institution's endowment, including CIF investment strategies presently included in the Statement of Investment Objectives, the CIO will make recommendations to the President, who will in turn make recommendations to the Board through its Finance Committee. The CIO will continue to consult with outside investment consultants and receive advice from, and provide reports to, the IAS, President, and VPFT.

The Vice President for Finance and Treasurer will retain responsibility for institutional operating liquidity and the funds maintained in the Liquidity Pool and Liquidity Reserve Pool. The VPFT will consult with the CIO in the development of the endowment spending policy to be recommended to the President, which will ultimately be subject to the Board's approval.

The purpose of the changes to the Statement of Objectives for the CIF is to separate real estate from real assets as an asset category, and to establish two separate asset classes named Real Estate and Other Real Assets and designate benchmarks for each asset class. The relative asset allocations to each of the Real Estate and Other Real Asset categories will be consistent with the CIF's current 10% asset allocation target for real assets, but separating real estate from other real assets will allow for better asset class benchmarking and evaluation of performance and allocation decisions. Cambridge Associates advises, and the Investment Advisory Subcommittee and Administration concur, that these revisions are warranted based on anticipated future market opportunities.

The revisions to the Investment Policy recommended through this resolution are an interim step intended to integrate the CIO into University's existing investment management framework. Consequently, further Investment Policy revisions will be recommended that focus on the Policy's structure and discussion of overarching investment philosophy, as well as any additional revisions that may be necessary to refine investment objectives and/or the processes and procedures involving the CIO. The University administration anticipates that these revisions will be recommended for the Board's consideration no later than the June 2016 meeting.

cc: Trustee Policy Committee, J. Youatt, S. Udpa, B. Beekman, M. Haas, R. Noto, G. Klein, N. Carter, P. Zecher

APPENDIX C

Attachment 2-Exhibit A

37.00 WILDLIFE

- .01 Wildlife sanctuary designation; prohibitions regarding wildlife
- .02 Wildlife sanctuary designations outside Ingham County
- .021 Prohibitions regarding wildlife
- .022 Permission for controlled hunting and trapping
- .023 Open hunting and trapping
- .024 Designations made by governing offices
- .03 Fishing prohibited; exemptions

.01 All lands and water in Ingham County under control of and governed by the Board of Trustees are designated as a wildlife, fish, and bird sanctuary and the shooting or taking or molesting of birds, fish and wildlife is prohibited, except that fishing is permitted on the north bank of the Red Cedar River but only as designated by, and in accordance with guidelines issued by, the Secretary of the Board of Trustees.

.02 All other lands and water (outside of Ingham County) under control of or governed by the Board shall be designated for the purpose of wildlife control into one of three categories.

.021 Shooting or taking or molesting of birds or wildlife is prohibited.

.022 Controlled hunting and trapping through registration in accordance with state game laws is permitted.

.023 Open hunting and trapping in accordance with state game laws is permitted.

.024 Such designation will be made by the Land Management Office, in consultation with the lead department for the particular property, and the property manager.

.03 All lands and water outside of Ingham County under control of or governed by the Board are designated as closed for fishing except where otherwise designated by the Land Management Office, in consultation with the lead department for the particular property, and the property manager.

Enacted: September 15, 1964
Amended: December 11, 1987
December 10, 1994
December 14, 2012
December 18, 2015

Ordinance 37.01 – Guidelines (Regarding Fishing in the Red Cedar River)

Individuals who engage in recreational fishing in the Red Cedar River must adhere to the following guidelines:

- Maintain a current fishing license from the Michigan Department of Natural Resources which must be available for inspection at all time while fishing.
- Adhere to all fishing regulations established by the Michigan Department of Natural Resources.
- Only fish in the area designated along the north bank of the Red Cedar River west of the Kalamazoo Street bridge and to the southwest corner of the Brody Residence Hall Complex.
- Practice angling behavior that does not endanger the health and wellbeing of others.
- No alterations of the landscape may be made and all trash should be properly disposed.
- Adhere to university ordinance 11.00 prohibiting launching motor propelled boating on University property.
- Fishing off any bridge is prohibited.

Guidelines promulgated by the Secretary of the Board of Trustees, effective December 18, 2015

FACULTY GRIEVANCE POLICY

APPENDIX D

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.¹ 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.
- 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.

¹ 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.

- 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.²

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 days³ of the date that the grievant knew or should have known of the alleged violation.⁴ 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;
4. the person(s) against whom the grievance is filed (the "respondent"); and

² This Policy and its grievance procedures may not be utilized by faculty or academic staff who are covered by a collective bargaining agreement.

³ 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.

⁴ 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.

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;⁵
 - 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

⁵ As part of the initial jurisdictional determination, the FGO shall determine whether the policy specified in the grievance applies to the named respondent.

jurisdictional decisions.⁶ If any jurisdictional requirement has not been met, the FGO shall dismiss the grievance.

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

⁶ 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.

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.⁷ 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.⁸
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

⁷ 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.

⁸ 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.

(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 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.⁹ 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

⁹ 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.

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.
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.¹⁰

¹⁰ “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

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.
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.¹¹
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.

hearing panel find that the evidence supporting at least one of the allegations in the grievance is more convincing than the opposing evidence.

¹¹ 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.

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.
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 (“RVSM”). Any grievance alleging violation of the RVSM 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 RVSM.
- 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 RVSM, 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.

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- 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.
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- 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.
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- 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.
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XI. HISTORY

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

MEMORANDUM

TO: University Committee on Faculty Affairs (UCFA)
University Committee on Faculty Tenure (UCFT)

FROM: UCFAIUCFT Joint Working Group

DATE: September 18, 2015

The joint working group of UCFA/UCFT convened throughout the summer to consider changes to the faculty discipline, dismissal, and grievance policies. The committee has completed its review of the relevant policies and submits the attached drafts for endorsement and submission to University Council for approval.

This memorandum provides a summary of the main substantive changes to the relevant policy documents.

Summary of Main Substantive Changes: Discipline and Dismissal Policy

1. Combines the discipline and dismissal for cause policy into one document, observing national standards.
2. Formalizes the requirement that the Department Chair meet with a faculty member to discuss concerns before discipline is imposed.
3. Reinforces the iterative character of discipline and the importance of attempting to resolve disputes early and informally.
4. Reinforces the ability of the faculty member to have an observer or advisor present at meetings.
5. Separates "discipline" into two primary categories and imposes new procedural protections before discipline can be imposed. These procedural protections supplement the current process, which permits a written response before imposition of discipline but no formal review unless and until the faculty grievance process:
 - a. Minor discipline for cause: requires consultation, at the faculty member's discretion, with the department advisory committee or chair of UCFA personnel subcommittee before the discipline process is initiated.
 - b. Serious discipline for cause: creates a disciplinary review panel of UCFA members to hear and consider faculty matters involving serious discipline.
6. Requires the Office of the Provost to arrange training for the applicable panels.

7. Stipulates accommodations (such as alternate communication methods) and explicit deadlines to prevent intentional delays in the process.
8. Establishes an annual, standing 3-person review panel from UCFT to hear dismissal for cause cases rather than the current random selection.

Summary of Main Substantive Changes: Faculty Grievance Policy

1. Provides that appeals will be decided upon the written appeal, record of the grievance hearing, responses to the appeal, and the FGO recommendation in order to maintain the current policy directive that appeals are based on the record and not intended to be a second hearing on the merits.
2. Permits the appeal panel to make a decision regarding whether the appeal jurisdictional requirements have been met.
3. Permits the appeal panel to recommend that the grievance be reheard by a new grievance panel if there was a prejudicial violation of the procedures during the initial hearing.

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Faculty Grievance Policy - Faculty Handbook

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. The President, the General Counsel and members of the General Counsel's staff, and the 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.

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 long-standing 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.:

A. INITIATION OF GRIEVANCE PROCEEDINGS

A faculty /academic staff member who feels aggrieved may discuss his/her complaint in a confidential conference with the Faculty Grievance Official ("FGO"). The FGO shall inform the faculty /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 days₂ of the date that the grievant knew or should have known of the alleged violation. : 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;
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;_;
- 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 if each jurisdictional requirement has been met, along with the names of any University offices consulted regarding the jurisdictional decisions. If any jurisdictional requirement has not been met, the FGO shall dismiss the grievance.

3. Each party shall have the right to appeal the FGO's jurisdictional decisions 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 appeals panel drawn by the FGO from the list of faculty and librarians 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 or librarian may serve on more than one jurisdictional appeals panel in any period of seven consecutive years.

5. The FGO shall forward a copy of the jurisdictional appeals 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 with confidentiality 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 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 PANEL COMPOSITION

1. A University Hearing Board and University Appeals Board shall be established from which hearing panels shall be selected. 2
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 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. No faculty/academic staff member or librarian may serve on more than one hearing panel in any period of seven 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.²
3. A hearing panel shall consist of five members of the University Hearing Board or University Appeals Board, as appropriate, who are selected randomly by the FGO. Hearing panels shall serve throughout an entire proceeding.
4. The FGO shall take necessary precautions to avoid any conflict of interest on the part of the hearing panel's members. No member of the hearing panel shall be from the same department(s) (or college in the case of non-departmental colleges) as the grievant or respondent.
5. A hearing 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 hearing 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. Each hearing panel shall have a Presiding Officer selected by the FGO from a list established by the UCFA. The Presiding Officer shall have 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.1 of this Policy.
7. The FGO shall notify each party of the names of the Presiding Officer and five members of the hearing panel. Within seven (7) days of that notice, either party may submit a written challenge to the presiding officer or any member of the hearing panel for cause. The challenge must explain the cause for removing the Presiding Officer or hearing panel member. The Presiding Officer shall determine if there is cause to dismiss the challenged member of the hearing panel and select another member. 1.Q.11 In addition, each party shall have two peremptory challenges. The FGO shall notify the parties of any replacement Presiding Officer or members of the hearing panel. Either party may submit a challenge for cause to any replacement Presiding Officer or member of the hearing panel to the FGO within three (3) days of that notice.
8. If a hearing panel loses two or more of its members during the course of a hearing, the hearing shall be terminated, and a new panel selected.

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.
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.
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.
- II. 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.
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.
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. //
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.

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Footnotes:

¹ 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.

² This Policy and its grievance procedures may not be utilized by faculty or academic staff who are covered by a collective bargaining agreement.

³ References to days in this document are to calendar days. If a deadline contained within this Policy falls on a weekend or University holiday, the deadline will be extended to the next business day on which the University is open for business.

⁴ 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.

⁵ As part of the initial jurisdictional determination, the FGO shall determine whether the policy specified in the grievance applies to the named respondent.

⁶ 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.

⁷ The term "hearing panel" in this section is used to refer to either the initial grievance hearing panel or any subsequent appeals hearing panel.

⁸ A faculty member or librarian 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.

⁹ Faculty/librarians who are on a sabbatical or other approved leave of absence are excused from service on the University Hearing Board and University Appeals Board for the duration of the leave.

¹⁰ The standard the Presiding Officer 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.

II If the challenge is to the Presiding Officer, the challenge shall be decided by the FGO.

¹² "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.

¹³ 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.

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IV. APPEALS

A. Initiation of and Conduct of Appeals Hearings

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 it may subsequently be ratified by the President.

B. Appeals Panel Procedures

1. The FGO shall convene an appeals panel and shall be present during its formal proceedings. The FGO shall provide written notice of the time and place of the hearing on the appeal to each party seven (7) days before the hearing.
2. Appeals shall be conducted expeditiously.
3. Appeals shall be decided upon the written appeal, any written response to the appeal, the record of the hearing, the Provost's decision, and the argument of the parties presented to the appeals panel. 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.
4. The appeals panels may recommend affirmation, reversal, or modification of the Provost's decision on the grievance.
5. The findings and recommendation of an appeals panel shall be forwarded to the FGO within 21 days of the completion of the hearing on 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 appeals 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 Anti-Discrimination Judicial Board. Any grievance alleging discrimination or harassment in violation of the ADP will be referred to the appropriate University office for investigation and determination regarding the claim of discrimination/harassment. The grievance will be held in abeyance pending investigation and determination of the discrimination/harassment claim.
- 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, 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.

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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 appeals 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.

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DISCIPLINE AND DISMISSAL OF TENURED FACULTY FOR CAUSE

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

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

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

III. 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 DISMISSAL¹

A faculty member² 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;³ (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.⁴

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 egregious cases of wrongdoing, or where attempts at discipline have not successfully remedied performance concerns, a faculty member may be *Dismissed* for cause.

In matters where the Dean⁵ and the Office of the Associate Provost⁶ 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 review panel process.

¹ Limitations of this Policy: (1) A faculty member who fails to return to the University within a reasonable time after a term break, sabbatical, or other leave of absence shall forfeit rights to further employment and shall be considered 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.

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

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

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

⁵ For purposes of this Policy, "Dean" refers to separately reporting Directors as well.

⁶ For purposes of this Policy, "Associate Provost" refers to the Associate Provost and Associate Vice President for Academic Human Resources.

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.⁷ The faculty member's record should be considered 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

Where the unit administrator 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 subcommittee⁸ 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 by those offices, 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 within seven (7) days⁹ of receipt of the unit administrator's written notice, prior to the imposition of any disciplinary action. The written response, if any, will be provided to the Dean and the Office of the Associate Provost for further

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

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

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

comment.

The unit administrator, 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.

B. SERIOUS DISCIPLINE

Where the unit administrator seeks to impose serious disciplinary action, the unit administrator shall first meet with the faculty member to discuss the administrator's concern and the potential for discipline. Because early and informal resolution of serious disciplinary issues is in the interest of the University, the unit, and the faculty member, the unit administrator and faculty member are encouraged to meet with the chair of the UCFA¹⁰ to discuss the matter.

If that meeting does not resolve the issue, the unit administrator shall consult with the Dean and the Office of the Associate Provost to discuss the proposed disciplinary action. If the proposed discipline is authorized by those offices, the unit administrator 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 unit administrator regarding the proposed discipline,¹¹ 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 unit administrator, 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

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

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

Upon receipt of a request to meet, the Chair of the UCFA will schedule a meeting with the unit administrator, 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 both the unit administrator and the faculty member will be expected to adjust their schedules to attend the meeting. If either 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.

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 himself/herself if a conflict of interest exists. If the panel member refuses to recuse himself/herself, 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 unit administrator, 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 unit administrator but shall be given all due consideration. If the unit administrator does not take the advice of the review panel, he/she 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 unit administrator 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 unit administrator must meet with the Dean and the Office of the Associate Provost before proceeding with disciplinary action.

VII. DISMISSAL FOR CAUSE PROCESS

A. INFORMAL RESOLUTION/PRELIMINARY CONFERENCE STAGE

1. Dismissal for Cause Review Officer's Recommendation

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

Upon receipt of such a request, the Provost shall notify the faculty member of the request and ask the Dismissal for Cause Review Officer (see Appendix III) to review the matter and to provide a confidential report and recommendation to the Provost as to whether dismissal for cause proceedings should be initiated.

The review process is intended to provide an opportunity for informal resolution of the matter. Accordingly, meetings between the faculty member and the Review Officer and between the faculty member and the Provost during the review process are informal, confidential, and will proceed without counsel present.¹² At any stage during the review process, the faculty member may elect to forgo meeting or talking with the Review Officer or the Provost.

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

In reaching his/her recommendation, the Review Officer should consider what steps have been taken to achieve informal resolution of the matter; whether, in cases involving a pattern of conduct, the faculty member had any warning that the conduct might lead to dismissal; and whether any measures might be taken to resolve the matter short of instituting dismissal for cause proceedings. The Review Officer’s report and recommendation should be forwarded to the Provost within thirty (30) days of the Review Officer’s selection by the President, unless an extension of time is approved by the Provost.

2. Determination by the Provost

The Provost shall review the report and recommendation of the Review Officer and determine whether the matter is of sufficient seriousness to warrant the initiation of dismissal for cause proceedings.¹³ In reaching his/her decision, the Provost may discuss the matter with the Review Officer, charging party, and/or faculty member. The confidential report and recommendation of the Review Officer is advisory to the Provost¹⁴ and shall not be available to either party or

¹² The faculty member retains the right to have an observer present.

¹³ The decision of the Provost as to whether the matter is serious enough to warrant initiation of dismissal for cause proceedings is not a determination regarding the merits of the charges against the faculty member and shall not be viewed as the Provost’s agreement or disagreement with the charges against the faculty member.

¹⁴ The Provost shall not comment on any information contained in the confidential report of the Review Officer at

become part of the record if dismissal for cause proceedings are instituted.

3. Conference with the Faculty Member

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

B. INITIATION OF FORMAL PROCEEDINGS

If the Provost determines that the matter is serious enough to warrant initiation of dismissal for cause proceedings, the Provost shall provide written notice of that determination to the President, along with a recommendation as to whether the faculty member should be relieved from some or all of his/her duties during the dismissal for cause proceedings. The parties should receive a copy of this notice. If the President decides to relieve the faculty member from all of his/her duties, the faculty member shall be placed on a leave of absence with pay during the pendency of the dismissal for cause proceedings.

Following written notification by the Provost to the President, the charging party may initiate dismissal for cause proceedings against a faculty member by filing written charges with the President and 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.

1. Meetings between the Presiding Officer and the Parties

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

- 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

any stage of the dismissal for cause proceedings unless that information is also contained in the record of those proceedings. The report will be kept confidential to the maximum extent permitted by law.

offered or requested.

The Chair of the UCFT may ask legal counsel to attend these meetings. The Chair of the UCFT shall arrange that recordings of these meetings are made and included in the complete case record. These meetings will take place during regularly scheduled meeting times for the UCFT and 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 secretarial and clerical assistance.
- c. Legal counsel to the Hearing Committee shall arrange for a full stenographic record to be made of the hearing. If any party requests additional copies of the record or an expedited copy of the record, the additional costs of that request shall be paid by the requesting party.
- d. The Chair of the Hearing Committee shall request the presence of any witness or the delivery of any University document germane to the hearing. University administrators are expected to cooperate with such requests.
- e. The Chair of the Hearing Committee shall schedule the hearing within a reasonable time (usually not to exceed 21 days) after the faculty member is provided notice of the charges against him/her, due consideration being given to the faculty member's opportunity for the preparation of a defense.
- f. The hearing shall be closed, except that the Hearing Committee may consider a request from the faculty member to open the hearing. If such a request is made, the Hearing Committee shall hear the views of both parties on the question and shall determine whether the hearing sessions are to be open or closed. Regardless of the faculty member's request, the 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 his/her representative shall be present at all sessions of the Hearing Committee at which evidence is presented or arguments are heard, and may (1) present evidence, (2) call, examine, and cross-examine witnesses, and (3) examine all documentary evidence received by the Hearing Committee. The charging party's advisor or legal counsel (if any) may also be present at the request of the charging party.
- i. The faculty member and/or his/her representative may be present at all sessions of the Hearing Committee at which evidence is presented or arguments are heard, and may (1) present evidence, (2) call, examine, and cross-examine witnesses, and (3) examine all documentary evidence received by the Hearing Committee. The faculty member's advisor or legal counsel (if any) may also be present at the request of the faculty member. If the faculty member cannot be present at a hearing session due to circumstances beyond the faculty member's control, the 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 his/her designee) shall be available to the Hearing Committee to provide guidance on policy or procedural questions. In the event that a policy or procedural question is at issue in the dismissal for cause proceedings, the Provost may choose to file a position statement with the Hearing Committee regarding the policy or procedural issue. In those cases, the Provost (or his/her designee) will not serve in an advisory capacity to the Hearing Committee regarding policy or procedural questions.
- 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 he/she has 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 30 days following the final arguments, the Hearing Committee shall submit its

written report to the parties. If additional time is needed, the Chair of the Hearing Committee shall request an extension of time from the Chair of the UCFT.

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 15 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.¹⁵
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 15 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

¹⁵ The “appellee” is the party to the original dispute who did not file the appeal.

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

- 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 his/her 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.
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, (iv) the record required by part 11 of Appendix I, and (v) the transcript of the hearing. The complete record shall be held for review in the Provost's Office and shall be available to the President, the Provost, the Board of Trustees, and the parties, for their review, in a place designated by the Provost.
4. If the Hearing Committee finds cause, the Provost and the parties may, within 15 days of the date of the mailing of the Hearing Committee's report, review the record and

file written comments with the Chair of the Hearing Committee and the President.¹⁶

- d. The President, within 15 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 his/her preliminary response in writing, accompanied by supporting rationale, to the Chair of the Hearing Committee, the Provost, and the parties.
- e. The Provost, the parties, and the Hearing Committee, through its Chair, may, within 15 days of the date that the President's preliminary response was mailed, submit written comments to the President about his/her preliminary response.
- f. Following the 15 day period for submitting written responses, the President will, within 15 days, issue a final report on the charges against the faculty member. Copies of the President's final report will be provided to the Chair of the Hearing Committee, the Provost, and the parties. If the Hearing Committee and the President both determine that there is cause for disciplinary action but not dismissal, the President's final report will conclude the matter and the disciplinary action recommended by the President will be imposed.¹⁷
- g. If either the Hearing Committee (by majority vote) or the President recommends dismissal, the President shall submit the following materials to the Board of Trustees: the final Hearing Committee report (along with any written comments), the preliminary response of the President, and the final report of the President. Any Trustee may have access to the complete record of the case.
- h. The Office of the Provost shall provide notice to the parties of the date and time that the Board of Trustees is expected to take action on the matter.
- i. After reviewing the relevant materials, the Board of Trustees may: (1) dismiss the faculty member for cause, (2) impose discipline other than dismissal, or (3) determine that cause has not been established and close the matter.

VIII. POLICY HISTORY

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

¹⁶ 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.

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

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

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

Appendix I

The Hearing Committee

1. The Chair of the UCFT, in consultation with the Office of the Provost, shall annually establish a three-person standing Hearing Committee. The members of the Hearing Committee 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 policies and the dismissal for cause process for the review panel and alternates.
2. Members of the Hearing Committee shall be tenured full professors who are currently serving as UCFT members or who have served on the UCFT within the last five academic years. Three alternates will also be selected 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.2.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.

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

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

Appendix III

Procedures for Selecting Dismissal for Cause Review Officer

1. A panel of ten tenured faculty members shall be established from which one shall be selected by the Provost of the University to advise the Provost when a Dean proposes to initiate dismissal for cause proceedings against a faculty member under Section I of the Policy. The reviewer, called the Dismissal for Cause Review Officer, or the Review Officer, may not be from the same college as the faculty member against whom charges may be filed or the Dean filing the charges.
2. The panel shall be composed of tenured faculty members selected by the Provost in consultation with the Chairs of the UCFT and UCFA. It is preferable for panel members to be tenured full professors who have (a) experience in chairing grievance panels, standing or ad hoc committees, (b) training or experience in grievances, arbitration, and/or mediation, or (c) legal training.
3. Panel members shall serve at the pleasure of the Provost, with vacancies filled in accordance with the procedure stated above.

MEMORANDUM

TO: University Committee on Faculty Affairs (UCFA)
University Committee on Faculty Tenure (UCFT)

FROM: UCFA/UCFT Joint Working Group

DATE: September 18, 2015

The joint working group of UCFA/UCFT convened throughout the summer to consider changes to the faculty discipline, dismissal, and grievance policies. The committee has completed its review of the relevant policies and submits the attached drafts for endorsement and submission to University Council for approval.

This memorandum provides a summary of the main substantive changes to the relevant policy documents.

Summary of Main Substantive Changes: Discipline and Dismissal Policy

1. Combines the discipline and dismissal for cause policy into one document, observing national standards.
2. Formalizes the requirement that the Department Chair meet with a faculty member to discuss concerns before discipline is imposed.
3. Reinforces the iterative character of discipline and the importance of attempting to resolve disputes early and informally.
4. Reinforces the ability of the faculty member to have an observer or advisor present at meetings.
5. Separates "discipline" into two primary categories and imposes new procedural protections before discipline can be imposed. These procedural protections supplement the current process, which permits a written response before imposition of discipline but no formal review unless and until the faculty grievance process:
 - a. Minor discipline for cause: requires consultation, at the faculty member's discretion, with the department advisory committee or chair of UCFA personnel subcommittee before the discipline process is initiated.
 - b. Serious discipline for cause: creates a disciplinary review panel of UCFA members to hear and consider faculty matters involving serious discipline.
6. Requires the Office of the Provost to arrange training for the applicable panels.

7. Stipulates accommodations (such as alternate communication methods) and explicit deadlines to prevent intentional delays in the process.
8. Establishes an annual, standing 3-person review panel from UCFT to hear dismissal for cause cases rather than the current random selection.

Summary of Main Substantive Changes: Faculty Grievance Policy

1. Provides that appeals will be decided upon the written appeal, record of the grievance hearing, responses to the appeal, and the FGO recommendation in order to maintain the current policy directive that appeals are based on the record and not intended to be a second hearing on the merits.
2. Permits the appeal panel to make a decision regarding whether the appeal jurisdictional requirements have been met.
3. Permits the appeal panel to recommend that the grievance be reheard by a new grievance panel if there was a prejudicial violation of the procedures during the initial hearing.

MSIJ Human Resources>> Documents>> Facacadhandbooks>> [Facultyhandbook](#) >>Policy and Procedure for Implementing Disciplinary Action Where Dismissal is Not Sought - Faculty Handbook

Policy and Procedure for Implementing Disciplinary Action Where Dismissal is Not Sought - Faculty Handbook

IV. ACADEMIC HUMAN RESOURCES POLICIES (Cont.)

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

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

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

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

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

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

Footnote:

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

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[MSU Human Resources](#)>> Documents>> Facacadhandbooks>> Facultyhandbook >>Dismissal of Tenured Faculty for Cause- Faculty Handbook

Dismissal of Tenured Faculty for Cause - Faculty Handbook

IV. ACADEMIC HUMAN RESOURCES POLICIES (Cont.) ■

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

Preamble

The University is a community of scholars dedicated to the advancement of knowledge. Among the functions of a University is the establishment of a proper intellectual integrity among the faculty, between the faculty and the students, and between the faculty and the national and international academic community. This intellectual integrity is fostered by the creation of an environment of personal interaction and mutual trust whereby its members are mindful of their responsibilities to maintain standards of competence, and a proper attitude of objectivity, industry, and cooperation with their associates within and outside the University community. However, if the community is to be sustained it is necessary for it to take action when commonly held standards of conduct are violated. Thus, disciplinary action up to and including dismissal may be undertaken for cause, with dismissal being reserved for the most serious of cases. Dismissal or the threat of dismissal may not be used to restrain faculty members in their exercise of academic freedom.

Grounds for Dismissal

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

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

I. INFORMAL RESOLUTION/PRELIMINARY CONFERENCE STAGE.

Dismissal for Cause Review Officer's Recommendation

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

Upon receipt of such a request, the Provost shall notify the faculty member of the request and ask the Dismissal for Cause Review Officer (see [Appendix III](#)) to review the matter and to provide a confidential report and recommendation to the Provost as to whether dismissal for cause proceedings should be initiated and, if so, whether the faculty member should be relieved from any or all duties during the proceedings.

The review process is intended to provide an opportunity for informal resolution of the matter. Accordingly, meetings between the faculty member and the Review Officer and between the faculty member and the Provost during the review process will proceed without counsel present. At any stage during the review process, the faculty member may elect to forgo meeting or talking with the Review Officer or the Provost.

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

In reaching his/her recommendation, the Review Officer should consider what steps have been taken to achieve informal resolution of the matter; whether, in cases involving a pattern of conduct, the faculty member had any warning that the conduct might lead to dismissal; and whether any measures might be taken to resolve the matter short of instituting dismissal for cause proceedings. The Review Officer's report and recommendation should be forwarded to the Provost within 30 days / of the Review Officer's selection by the President, unless an extension of time is approved by the Provost.

Determination by the Provost

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

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

Conference with the Faculty Member

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

II. MAILING OF NOTICES UNDER THIS POLICY.

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

III. INITIATION OF FORMAL PROCEEDINGS.

If the Provost determines that the matter is serious enough to warrant initiation of dismissal for cause proceedings, the Provost shall provide written notice of that determination to the President, along with a recommendation as to whether the faculty member should be relieved from some or all of his/her duties during the dismissal for cause proceedings. The parties should receive a copy of this notice. If the President decides to relieve the faculty member from all of his/her duties, the faculty member shall be placed on a leave of absence with pay during the pendency of the dismissal for cause proceedings.

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

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

IV. MEETINGS BETWEEN THE PRESIDING OFFICER AND THE PARTIES.

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

- A. The empaneling of a Hearing Committee (see Appendix 1).
- B. Exchange of documents and witness lists between the parties.
- C. Stipulations by the parties on any relevant matters of fact. Any stipulation shall be reduced to writing and signed by both parties and the Presiding Officer.
- D. Rulings by the Presiding Officer on any proposed revisions to the charges that might be offered or requested.

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

V. THE HEARING.

A. Service on the Hearing Committee shall be a high priority University responsibility for the duration of the hearing. Accordingly, administrators of units shall take all reasonable measures to reduce the Hearing Committee members' other responsibilities. Unit administrators are encouraged to provide additional support (such as graders and graduate assistants) to Hearing Committee members for the duration of their service.

B. The Secretary for Academic Governance shall make available to the Chairperson of the Hearing Committee any necessary secretarial

and clerical assistance.

C. Legal counsel to the Hearing Committee shall arrange for a full stenographic record to be made of the hearing. If any party requests additional copies of the record or an expedited copy of the record, the additional costs of that request shall be paid by the requesting party.

D. The Chairperson of the Hearing Committee shall request the presence of any witness or the delivery of any University document germane to the hearing. University administrators are expected to cooperate with such requests.

E. The Chairperson of the Hearing Committee shall schedule the hearing within a reasonable time after the faculty member is provided notice of the charges against him/her, due consideration being given to the faculty member's opportunity for the preparation of a defense.

F. The hearing shall be closed, except that the Hearing Committee may consider a request from the faculty member to open the hearing. If such a request is made, the Hearing Committee shall hear the views of both parties on the question and shall determine whether the hearing sessions are to be open or closed. Regardless of the faculty member's request, the Chairperson of the Hearing Committee may, in the interest of orderly and equitable proceedings, rule that a given session or portion of a session be closed. Sessions or portions of sessions that will involve student testimony or testimony that includes personally identifiable student information must be closed. Sessions that will involve non-student witness testimony may also be closed at the discretion of the Chairperson of the Hearing Committee.

G. The Chairperson of the Hearing Committee shall conduct the hearing in accordance with the procedures stipulated in Appendix II. H.

The charging party or his/her representative shall be present at all sessions of the Hearing Committee at which evidence is presented or arguments are heard, and may (1) present evidence, (2) call, examine, and cross-examine witnesses, and (3) examine all documentary evidence received by the Hearing Committee. The charging party's advisor or legal counsel (if any) may also be present at the request of the charging party.

I. The faculty member and/or his/her representative may be present at all sessions of the Hearing Committee at which evidence is presented or arguments are heard, and may (1) present evidence, (2) call, examine, and cross-examine witnesses, and (3) examine all documentary evidence received by the Hearing Committee. The faculty member's advisor or legal counsel (if any) may also be present at the request of the faculty member. If the faculty member cannot be present at a hearing session due to circumstances beyond the faculty member's control, the Chairperson may either reschedule the hearing session or choose to conduct the hearing session in the absence of the faculty member. If the faculty member chooses not to be present, the Chairperson shall conduct the hearing sessions in the absence of the faculty member.

J. The Provost (or his/her designee) shall be available to the Hearing Committee to provide guidance on policy or procedural questions. In the event that a policy or procedural question is at issue in the dismissal for cause proceedings, the Provost may choose to file a position statement with the Hearing Committee regarding the policy or procedural issue. In those cases, the Provost (or his/her designee) will not serve in an advisory capacity to the Hearing Committee regarding policy or procedural questions.

K. The burden of proof shall rest with the charging party. (See Section VI.A.2 of this Policy.)

L. Except as provided below, only those members of the Hearing Committee who have been present at all sessions in which evidence has been presented or arguments have been heard shall have the right to vote. An exception to this attendance requirement shall be made by the Chairperson of the Hearing Committee for a member who has missed, for good cause, no more than one session and who has informed the Chairperson in writing that he/she has read the official transcript of that session. This attendance requirement may also be waived by unanimous consent of the parties.

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

VI. PROCESSING THE RECORD AND RENDERING JUDGMENT.

A. Hearing Committee Report.

1. Within 30 days following the final arguments, the Hearing Committee shall submit its written report to the parties. If additional time is needed, the Chairperson of the Hearing Committee shall request an extension of time from the Chairperson of the UCFT.
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 must state that at least one of the charges made against the faculty member has been proven by clear and convincing evidence. A report which recommends discipline other than dismissal must state that at least one of the charges made against the faculty member has been proven by a preponderance of the evidence.
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 chairperson by majority vote.
3. A party wishing to appeal ("appellant") must submit a written appeal to the Chairperson of UCFT within 15 days after the date that the Hearing Committee report was mailed. The Chairperson of UCFT will transmit the appeal and a copy of the Hearing Committee report to the Appeal Panel and the appellee.
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 Chairperson of the UCFT and the party who initiated the appeal no later than 15 days after the date the appeal was mailed to the appellee.
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 ten days of receiving all arguments. A decision will be made by a simple majority vote. In rendering a decision, the Appeal Panel may not amend the findings or the recommendations of the Hearing Committee. The Appeal Panel may reach one of the following determinations:
 - 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 his/her 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.
2. A copy of the complete transcript of the hearing shall be sent to the faculty member.
3. The Chairperson of the Hearing Committee shall file the complete record of the case with the Office of the Provost. The complete record shall contain: (i) the final Hearing Committee report, (ii) any Appeal Panel decision, (iii) meeting minutes (see Section IV above), (iv) the record required by part II of Appendix I, and (v) the transcript of the hearing. The complete record shall be held for review in the Provost's Office and shall be available to the President, the Provost, the Board of Trustees, and the parties, for their review, in a place designated by the Provost.
4. If the Hearing Committee finds cause, the Provost and the parties may, within 15 days of the date of the mailing of the Hearing Committee's report, review the record and file written comments with the Chairperson of the Hearing Committee and the President.

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

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

F. Following the 15 day period for submitting written responses, the President will issue a final report on the charges against the faculty member. Copies of the President's final report will be provided to the Chairperson of the Hearing Committee, the Provost, and the parties.

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

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

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

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

VII. CONFIDENTIALITY.

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

Appendices !,!!,!!!

Footnote:

¹ This Policy does not apply with respect to: (1) a tenure system faculty member's material misrepresentation made to the University in obtaining employment, or (2) cases where disciplinary action other than dismissal is sought. In such cases, the Policy and Procedure for Rescission and the Policy and Procedure for Implementing Disciplinary Action where Dismissal is not Sought, respectively, shall be followed.

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

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

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

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

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

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

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

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

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

¹¹ 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.

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

Appendices !,!!,!!!

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Dismissal of Tenured Faculty for Cause (continued) - Faculty Handbook

IV. ACADEMIC HUMAN RESOURCES POLICIES (Cont.)

Dismissal of Tenured Faculty for Cause Appendices(!,!!,!!!)

Appendix I

Procedure for Empaneling a Hearing Committee

1. Except as noted in part 8, below, the Hearing Committee shall consist of five tenured faculty members who are serving as UCFT members on the date of the filing of charges under Section II of the Policy. One alternate will also be selected for potential membership on the Hearing Committee. The expiration of a member's term on the UCFT shall not affect continued service on a Hearing Committee.
2. In the presence of at least one other member of the UCFT, the Presiding Officer shall conduct a random drawing of the names of all tenured members of the UCFT, placing the names on a roster in order of drawing. This shall be the order in which members will be selected for service on the Hearing Committee. The Presiding Officer shall circulate the ordered roster promptly to the parties and to the members of UCFT. The Presiding Officer shall notify the parties of the date of the meeting at which the roster is drawn and the parties and/or their counsel may, if they choose, attend this meeting.
3. No sooner than two weeks after the circulation of the ordered roster, the UCFT shall meet in the presence of the parties to select the Hearing Committee. All eligible members on the roster are expected to attend. The Presiding Officer shall convene and preside over this meeting. If either party does not attend this meeting, the Presiding Officer may choose to conduct the meeting in the party's absence.
4. No later than five days before the selection meeting, any potential Hearing Committee member or potential alternate may make a written request to the Presiding Officer that he/she be excused for an appropriate reason. Requests to be excused shall be the first order of business during the Hearing Committee selection meeting. The Presiding Officer shall, if necessary, question members seeking to be excused and then decide whether to excuse any of them.
5. The Presiding Officer shall question each potential Hearing Committee member/alternate about his/her personal or professional relationships, if any, with either party, and ask whether there is any reason he/she would be unable to hear the case and render a fair and impartial judgment. The parties may submit additional questions to the Chairperson. The Chairperson may disallow any questions on grounds of lack of relevance.
6. Each party shall have an unlimited number of challenges for cause and one peremptory challenge. The Presiding Officer shall preside over the challenge process. If a party challenges a potential member/alternate of the Hearing Committee for cause, the party shall state the grounds for the challenge. The standard the Presiding Officer shall follow in ruling on for cause challenges is whether, in light of the challenged person's knowledge of the case, personal or professional relationships with a party, and statements made during the selection and challenge process, the challenged person would be able to fairly and impartially hear the case and render a fair and impartial judgment. The Presiding Officer shall rule on any challenge for cause.
7. If a potential member/alternate is removed from the Hearing Committee roster, the next name on the ordered roster will be advanced to keep the potential membership of the Hearing Committee at six (five members, one alternate). All such replacements are subject to the selection procedures described above.
8. Should the roster of candidates for membership on the Hearing Committee be reduced to less than six, the roster of candidates shall be replenished by randomly selecting available former tenured members of the UCFT in order of most recent service on the UCFT. (All available former tenured members who served during the previous academic year will provide the first supplement, then those who served two academic years ago, and so on.) Should replenishment of the roster be necessary, the Presiding Officer shall identify supplementary candidates in a number sufficient, in the judgment of the Presiding Officer, to fill the Hearing Committee and provide one alternate. Ordering and selection of Hearing Committee members from the supplementary panel shall proceed in the manner described above.
9. The Hearing Committee shall be composed of the first five present or former UCFT members remaining on the ordered rosters after the completion of the process described above. The next remaining member on the ordered roster will be designated as an alternate.
10. If, prior to the hearing of evidence, any Hearing Committee member is unable to continue service on the Committee, the UCFT shall appoint the alternate as the replacement member. If, due to attrition, the Hearing Committee membership is reduced to four after hearing evidence has begun, the hearing process shall continue. Further attrition shall result in reinitiation of the process.
11. The Presiding Officer shall arrange that a record of the Hearing Committee selection process be made and become part of the official case record. Upon request, a copy will be provided to the parties.
12. After the selection of the Hearing Committee, the Hearing Committee shall elect its Chairperson from its membership by

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

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

Appendix II

Procedure for the Hearing

1. The Chairperson of the Hearing Committee shall be in charge of the hearing.
2. Legal counsel for the Hearing Committee may be present at all hearings and deliberations.
3. Hearing sessions may be scheduled, at the discretion of the Chairperson, on any weekday, weekends during the hours from 8:00 a.m. to 10:00 p.m., or, by unanimous consent of the parties and Hearing Committee members, on University holidays. Reasonable efforts shall be made to accommodate the scheduling requests of the parties and Hearing Committee members.
4. All discussions and votes by the Hearing Committee shall be in executive session. Minutes will not be taken of such sessions and any notes taken during such sessions will not become part of the record of the case.
5. The hearing shall be conducted in an informal manner to the greatest extent possible. Formal rules of evidence do not apply.
6. The Chairperson of the Hearing Committee may, in his/her discretion, exclude evidence, including witness testimony, if the Chairperson determines that such evidence is not relevant to the charges at issue.
7. The Chairperson of the Hearing Committee shall read the charges against the faculty member.
8. The Chairperson of the Hearing Committee shall request an initial statement summarizing the faculty member's responses, which may be presented by the faculty member or his/her advisor or legal counsel.
9. The charging party (or his/her representative, advisor, or legal counsel) shall present documents/testimony to support the charges. The faculty member and his/her advisor or legal counsel have the right to cross-examine all witnesses. The Hearing Committee will normally withhold questions until the cross-examination of the witness has been completed.
10. The faculty member (or his/her representative, advisor, or legal counsel) shall present documents/testimony to refute the charges. The charging party and his/her legal counsel have the right to cross-examine witnesses. The Hearing Committee will normally withhold questions until the cross-examination of the witness has been completed.
- II. 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.
12. The charging party (or his/her representative, advisor, or legal counsel) shall present his/her closing argument.
13. The faculty member (or his/her representative, advisor, or legal counsel) shall present his/her closing argument.
14. The Hearing Committee shall deliberate to prepare its report and recommendations.

Appendix III

Procedures for Selecting Dismissal for Cause Review Officer

1. A panel of tenured faculty members shall be established from which one shall be selected by the President of the University to advise the Provost when a dean or separately reporting director proposes to initiate dismissal for cause proceedings against a faculty member under Section I of the Policy. The reviewer, called the Dismissal for Cause Review Officer, or the Review Officer, may not be from the same college as the faculty member against whom charges may be filed or the dean/separately reporting director filing the charges.
2. The panel shall be composed of tenured faculty members selected by the President in consultation with the Chairpersons of the UCFT and University Committee on Faculty Affairs. It is preferable for panel members to be tenured faculty selected who have (a) experience in chairing grievance panels, standing or ad hoc committees, (b) training or experience in grievances, arbitration, and/or mediation, or (c) legal training.
3. Panel members shall serve at the pleasure of the President, with vacancies filled in accordance with the procedure stated above.

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AMENDED AGREEMENT TERM SHEET

Party:	BoroPharm, Inc.
Agreement:	Amendment to term and rates for pilot plant use agreement executed on December 13, 2011 and amended March 17, 2014
Term:	Six years, unless terminated at an earlier date at the discretion of either party (original term was two years, extended to four years in 2014)
Contractual Terms:	BoroPharm to provide raw materials, shipping of products and disposal of wastes generated and be responsible for complying with all applicable laws and MSU policies, and cooperating with MSU Office of Environmental Health & Safety. BoroPharm to assume all losses due to failed production not demonstrable by MSU error or negligence. No intellectual property rights of either party are modified under this agreement. BoroPharm payments to MSU under proposed amendment will be governed by the attached rate sheet.
Services Provided:	By MSU to BoroPharm, Inc.: Pilot plant scale-up of chemical synthesis with associated analytical services as ordered By BoroPharm, Inc. to MSU: None contemplated under agreement
Use of University Facilities/Personnel:	MSU will execute the pilot plant synthesis runs in the MSU facility in Holland, MI, and provide mutually agreed supplemental analytical services
Organization Type:	Delaware corporation headquartered in Novi, Michigan with R&D facilities in Ann Arbor, Michigan
Personnel Interest:	Dr. Robert E. Maleczka and Dr. Milton R. Smith, both Professors in the Department of Chemistry, and members of their families own or have options to buy an ownership interest of more than 1% of the company.

MSU Bioeconomy Institute -- Scale-up Plant Rates
 July 1, 2015 -- MSU reserves the right to modify rates at any time.

Infrastructure							
Primary reactor used in single reactor train --> [where a train may include up to 3 reactors: a primary or still, plus a receiver and/or a charging tank]	Vacuum Tray or Rotary Dryer (no additional processing steps)	850 L Hastelloy Agitated Pan Dryer	200 L glass-lined	400 L glass lined; 120 L High Temperature Still	800 L glass-lined or stainless; or any volume Hastelloy, including low temperature reactor	2000 L glass-lined	4000 L glass-lined
First day in consecutive plant work period	\$593	\$1,912	\$2,685	\$3,304	\$4,130	\$4,956	\$5,782
Each additional consecutive plant work day, including filtering, centrifugation, drying, milling, etc.	\$593	\$956	\$940	\$1,229	\$1,446	\$1,807	\$2,096
Daily Blending Operation Rate (single vessel, no major auxiliary equipment, no heating or cooling)	---	---	\$537	\$661	\$826	\$991	\$1,156

Personnel		
	Mon-Friday Prime Shift; hourly rate up to 10 hrs per day	All other time worked;
Plant operator	\$64.00	\$96.00
Shift supervisor or service manager	\$83.00	\$124.50
Analytical or process chemist/engineer, including EHS officer, chief engineer, or operations director)	\$124.00	\$186.00

Other	
	MSU mark-ups of mutually agreed charges for optional supplies and services provided by MSU
Raw materials (if not privately arranged)	26%
Waste disposal (if not privately arranged)	26%
Pilot plant consumables	26%
Consulting engineers	26%
Other expenses, absent separate agreement	26%

PROFESSIONAL SERVICES CONTRACT TERM SHEET

Party:	Cultural Intelligence Center, LLC
Agreement:	Professional Services Contract for training, assessment, and feedback services for MSU leaders related to international travel and diversity and inclusiveness on campus.
Term:	April 1, 2016 to May 30, 2016
Payment Terms:	Cultural Intelligence Center LLC to provide up to four training sessions for a fee from MSU of \$6,750* for up to 50 participants per session. Additional participants above 50 per session for an additional fee of \$45 per person, plus reasonable travel expenses.
Services Provided:	<p>By MSU to Cultural Intelligence Center, LLC: venue, use of audio/visual equipment, any catering deemed appropriate by MSU</p> <p>By Cultural Intelligence Center, LLC to MSU: training, research-based and validated assessment, and feedback related to international travel, cultural intelligence, and diversity and inclusiveness</p>
Organization Type:	Michigan limited liability company
Personnel Interest:	Dr. Linnea Van Dyne, a Professor in the Department of Management, and members of her family own, or have options to buy an ownership interest of, more than 1% of the company.

*Cultural Intelligence Center, LLC is the only provider of the described services to include research-based, validated assessment with in-depth and individualized reports. Cultural Intelligence Center, LLC has agreed to give MSU Human Resources the discounted price reflected above. In a separate program in another topic area, similar services that include research-based, validated assessments were priced 10% higher than the agreed price for the Cultural Intelligence Center, LLC services described above.

OPTION AGREEMENT TERM SHEET

Party:	Thermetrics, Inc.
License:	Option to exclusively license copyright and patent rights
Term:	Six months from the effective date, which will be the date of the last signature on the Option Agreement
Technology:	<p>TEC2010-0023 "Rapid Nonisothermal Testing Instrument to Measure Thermal Properties of Conduction-Heated Solids"; TEC2013-0119 "Inverse Problem Software for Food Safety and Food Quality Modeling"; and U.S. Patent Application Serial No. 14/054,388 "Testing System for Estimating Thermal Properties of a Material"</p> <p>The parties may add or remove technologies under the agreement, including improvements generated under a separate sponsored research agreement, provided that the change does not affect the financial consideration of the parties or the nature or extent of any pecuniary interest of MSU personnel.</p>
Potential Commercial Utilization:	Determining thermal treatment parameters of materials, including food, cosmetics, and petroleum products
Payment Terms:	\$500 due on the effective date, and assignment of rights in the schematics derived from reverse engineering the prototype devices of TEC2010-0023 (provided by Dr. Dolan to Thermetrics, Inc.), and derivative works thereof made by or on behalf of Thermetrics to MSU.
Services Provided:	By MSU to Thermetrics, Inc.: None contemplated By Thermetrics, Inc. to MSU: None contemplated
Organization Type:	Delaware corporation
Personnel Interest:	Dr. Kirk Dolan, an Associate Professor in the Department of Food Science and Human Nutrition, and Mr. Andy Tomaswick, a graduate assistant and officer of the company, and members of their families, own or have options to buy an ownership interest in more than 1% of the company.