

Approved: November 13, 2018

2018-2019: Meeting # 3

**MICHIGAN STATE UNIVERSITY
FACULTY SENATE APPROVED AGENDA
NOVEMBER 13, 2018 3:15 PM
115 INTERNATIONAL CENTER**

1. CALL TO ORDER

2. Approval of Agenda for November 13, 2018

3. Approval of Draft Minutes for October 9, 2018 (Appendix A)

4. President's Remarks: Interim President John Engler (unable to attend)

5. Provost's Remarks: Dr. June Youatt

6. Chairperson's Remark: Dr. Rob LaDuca

7. NEW BUSINESS

- 7.1. University Committee on Curriculum (UCC) Report, Professor Marci Mechtel, UCC Chairperson (Action Item) (Short Report, Appendix B) ([Long Report](#), click on link)
- 7.2. Joint Appointment for Orthopedics Department, for Endorsement (Action Item) (Appendix C)
- 7.3. Mary Finn, Official Faculty Senate Representative on the Presidential Search Committee (Information Item)
- 7.4. Bylaw Revisions Reviewed and Approved in the University Committee on Academic Governance (UCAG), for Discussion, Amanda Tickner, UCAG Chairperson, Tyler Sylvestri, UCAG Vice Chairperson, and Dr. Laura Dilley, UCAG Ad Hoc Committee Member (Information Item) (Appendixes D, E, F, G & H)

8. Comments from the floor

9. ADJOURNMENT

Approved: Enter Approved Date.

2018-2019: Meeting # 2

**MICHIGAN STATE UNIVERSITY
FACULTY SENATE DRAFT MINUTES
OCTOBER 9, 2018 3:15 PM
115 INTERNATIONAL CENTER**

Present: W. Banzhaf, R. Bellon, G. Benitez, D. Blankfein-Tabachnick, A. Borcila, J. Cholewicki, L. Cloud, R. Conner-Warren, A. Contreras, T. Curry, J. Dulebohn, A. Dunn, P. Eisenlohr, D. Ewoldsen, L. Fernandez, L. Fleck, D. Foran, J. Goddeeris, J. Goldbort, D. Gould, J. Guzzetta, D. Handspike, B. Holtz, G. Hoppenstand, R. Isaacs, J. Johnson, M. Kaplowitz, R. LaDuca, L. Lapidus, M. Lee, N. Li, Y. Liu, S. Logan, E. Marcyk-Taylor, M. Mazei-Robison, L. McCabe, M. Mechtel, J. Meier, R. Miksicek, D. Miner, D. Moriarty, B. Mullan, W. Nesbitt, F. Nunes, R. Ofoli, A. Olomu, N. Parameswaran, D. Polischuk, D. Rivera, E. Rosser, J. Slade, N. Smeltekop, G. Stone, G. Swain, Z. Szendrei, M. Tai, R. Tegtmeyer, A. Tickner, L. Tortorelli, M. Waddell, D. Westrin, D. Wilson, G. Wittenbaum, J. Youatt, A. Zeleke.

Absent: B. Beekman, Y. Bolumole, B. Burke, J. Engler, K. Foley, E. Frantz, K. Hampton, M. Johnson, L. Mansfield, M. Miklavcic, R. Root, R. Schwab, J. Seita, P. Soranno, E. Strangas, E. Torrez, J. Vargas, A. Wheeler, P. White

1. CALL TO ORDER

The meeting was called to order at 3:15pm.

2. Approval of Agenda for October 9, 2018

The **agenda for October 9, 2018** was **approved** as **amended**, having John Beck deferred for November, and adding Dismissal for Cause from UCFA. A motion to approve the amended agenda was made and seconded. The motion carried.

3. Approval of Draft Minutes for September 11, 2018

The **minutes for September 11, 2018** were **approved** as distributed.

4. President's Remarks: Interim President John Engler (unable to attend)

5. Provost's Remarks: Dr. June Youatt

Provost Youatt deferred her remarks due to she thought John Beck was attending.

6. Chairperson's Remarks: Dr. Rob LaDuca

Dr. LaDuca stated that he wanted to let the Faculty Senate know that Dr. Isaacs had sent a message stating that there are voting student and faculty members on their Board Subcommittee at Wayne State University. And, while Subcommittee members at Wayne State do not have final power to have any vote in selection of the President, they employ a step in the right direction by having student and faculty membership of the Board Subcommittee structure, with both voice and vote. He noted that he forwards this information along because such a practice is part of Wayne State's By-Laws, adding that it is not just a matter of practice at Wayne State, it is a matter of policy. Dr. LaDuca said that he forwarded this information on to the Board of Trustees at MSU. He stated that Diane Byrum wrote him

back, greatly surprised that this situation existed at Wayne State. She said she would take it under advisement with the MSU Board of Trustees. He added that while the Board of Trustees of Michigan State University has made clear that they do not see any expansion of the Board of Trustees itself, he said that he feels this is a method where students and faculty stakeholders at MSU can have voice and vote.

Dr. Andaluna Borcila stated: “I didn't know we were going to talk about this, or you would mention it today. Thank you. I think this was brought up in reference to the comment that was made about the proposal that we endorsed being unconstitutional. I think that the fact that there is voting for students and faculty at Wayne State shows that within the constraints of the [State of Michigan] Constitution there are changes that we can adopt. I think that we should think about how it aligns with the Proposal we've endorsed. Also, if we are thinking about the Wayne State bylaws we should think also about what the limitations are to that structure and, again, about how we might want to adapt it to what we want. But all this would need to go through academic governance processes, and, again, Faculty Senate [needs] to talk about it and we should think about how it aligns with what we've endorsed.”

7. NEW BUSINESS

7.1. University Committee on Curriculum (UCC) Report, Professor Marci Mechtel, UCC Chairperson ([Long Report](#), click on link)

Dr. Mechtel reported that 18 program changes are forthcoming, and no program deletions. She noted that the UCC also processed 51 new courses, 60 course changes, and 33 course deletions. Regarding moratoriums, she said that a moratorium extension in the Creative Writing Minor was approved, effective Fall Semester of 2017 to Summer Semester of 2020. A moratorium in the Food Safety and Toxicology Graduate Certificate was also approved, effective Spring Semester of 2019. A moratorium in the Food Safety Graduate Specialization was approved, effective Spring Semester of 2019 to Summer Semester of 2019. A moratorium extension in the Quantitative Biology Dual Major PhD was approved, effective Spring Semester of 2018 to Spring Semester of 2021, and a moratorium in Religion in the Americas Minor was approved, effective Fall Semester of 2018 to Fall Semester of 2019.

A motion was made to approve the UCC Report and was seconded. **The motion carried.** Discussion ensued.

7.2. Search Committee Listening Session Meeting Notes, Request to Make Them Widely Available ASAP, Dr. Rob LaDuca

Dr. LaDuca stated that the next item is a proposal that was brought forward from the At-Large Members of the Steering Committee. He said that in light of the fact that notes were taken at all of the Presidential Search Committee's “input sessions,” and that such meetings are indeed public and open, that the faculty respectfully requested that such notes be made available to all MSU stakeholders. He added that doing this would eliminate any adversarial relationships and need for FOIA requests from these input sessions, and the Board of Trustees has agreed. He stated that the Board of Trustees will be compiling the notes from the input session, and placing them on the Presidential Search website.

7.3. University Council Presidential Search Committee Proposal, Accepted MSU Practice, Professor Deborah Moriarty

Professor Deborah Moriarty was recognized to speak. She stated: “You all may remember at the University Council meeting, there was considerable discussion about the concern that there were four Board of Trustees members on the Presidential Search Committee, and that they would be voting members of that Committee. The Proposal is to have the Presidential Search Committee operate the way search committees in colleges do. In colleges, you have a search committee that has members of the search committee, and you have a Dean who is perhaps attending search committee meetings, but does not vote, and then the search committee gives the Dean a list of qualified candidates, and then the Dean has the responsibility of putting someone forward. The Proposal is that the Presidential Search Committee operate in the same way, so that the Board of Trustees, who make the final decision under the Constitution, would not be voting members of the Search Committee, but they would have voice on the [Presidential] Search Committee.”

Professor Moriarty added that: “This is something that I think we want to have. It should also go to University Council and, of course, all of you were also on University Council because this also involves Deans and involve students. I wanted to bring it forward today just to see if there was discussion the people wanted to have before it goes to University Council.”

Dr. Andaluna Borcila stated: “Thank you. I thank you for making the request, Dr. LaDuca and Dr. Moriarty. I think they're more than reasonable. I think they're, in fact, modest. I appreciate them, I won't vote against them. I wouldn't if there was a vote, I appreciated that. There are a couple of issues and discussion that I like to bring up.”

Dr. Borcila stated: “Faculty and students have raised a whole set of very serious concerns at Faculty Senate and University Council. They've proposed a whole range of solutions from having Board Members step down, to having more faculty representation and student representation. Also, we have endorsed the Proposal for an open search process. I don't want to lose these broader concerns, as well as I don't want to stop pushing for the open search process that we've endorsed. I'm thinking about how to put this motion forward for action...I'm thinking how it's going to be used because what I don't want it to be seen as is a way in which to appease us.”

Dr. Borcila stated: “Moving forward, I'm hoping that what we can do, [the] Senate can do, is to write a document of sorts, a brief one in which we can present our whole series of concerns that faculty have brought up at the last meeting. Many of them are recorded in the minutes for today, and that we can present what different proposals faculty have that we can talk about these...and we can also clarify that we're also ... endorsing an open process, as we did in our proposal, And we just clarify that this action that we endorse today is an absolute bare minimum that we're asking for, given that they haven't been responding to anything yet. This is my suggestion for what to then do with the action as we push it forward. Thank you.”

Dr. Alyssa Dunn, from the College of Education, stated: “Dr. Borcila basically summarized what I was going to say as well. I think that it's a good Proposal but I think that it needs to be contextualized in that there is a lot more that the Senate has

already agreed to and pushed for. I was not on the Senate last year, so I personally didn't endorse that Proposal, but I support it and I don't think that we should lose everything that everyone has been arguing for in favor of only proposing one thing. I really like and appreciate the suggestion to contextualize this within a wider argument.”

Professor Moriarty stated: “I think that that's absolutely what one of the things that we should do. I have invited Dr. Borcila to come to the Steering Committee, so that we can come up with specific, other specific, proposals that can come before the Faculty Senate to be voted on. For this particular Proposal, I think it needs to be voted on as a clean Proposal and to have this one go forward, and then if we have other proposals we can also bring those to the Faculty Senate and vote on those as they come forward. I think that will be a much more effective way otherwise things get, if you put too many things on the table at once it becomes, I think, a little too complicated.”

Dr. Robert Ofoli stated: “I just want to ... when I woke up this morning, I was really wondering if I should even bother to come here, because it doesn't seem like we get anything done. We come in, we present a viewpoint and nothing happens. I'm really glad that at least this Proposal has come out, because I think that the fact that the Board of Trustees do not see putting four [of their] people in the Search Committee as a conflict of interest. It still baffles. I think I could probably explain it to my daughter, if I just sat down with her and say ‘this is why.’”

Dr. Ofoli added: “The fact that adults don't seem to see conflicts of interest unless they are the ones claiming it, people seem to be incapable of just looking at this from the other side, and asking themselves if I were sitting on the other side and I were looking at how would I see it. I so agree with Andaluna that this is not as far as we want to go, but I'm happy that at least we are doing something. And I want to thank the Steering Committee for installing a little bit more of my confidence back, because I was really wondering, should I just tell my Dean, ‘I'm done. This is almost two hours of my time that I can get something else done and I'm not getting anything done here so why should I show up?’ Thank you.”

Dr. Borcila stated: “My suggestion is not that we bring other items of the Proposal to the Senate, but my suggestion was that in putting this action forward we should contextualize it... We should contextualize it, and we should say we had a whole range of issues. We've endorsed the Proposal for an open Presidential Search already. At this point, we're asking you also to do this. This is it, not to break it because, again, we've endorsed an open search process and I'd like to move forward with this, but I really think it needs to be contextualized. Thank you.” Discussion ensued.

Provost Youatt stated: “I think it's even more than that. I think what has been expressed over the past year is that the faculty feels as though in many instances they are not taken seriously, that they have been ignored, that we are not a player when it comes to what is happening with the Board of Trustees. I think that it is important, since we have made several very, very strong statements to the Board that we not just simply disappear, because we think that they're not going to listen to us. They need to realize that we're here, and any new President needs to realize that we are here and that we're not going away.”

Dr. Filomena Nunes stated: "I'm going to be quite frontal here. I think I'm going to answer the question there, what do we want to accomplish? I think what we all want to accomplish is make sure that a good president is put in the leadership of MSU. That's what we want. Now, I believe the Board of Trustees members also want that, but I have my doubts that our criteria are going to be the same. This is the bottom line: it's very important that we are involved, because we are not sure that our criteria will be their criteria. I think that's really the essence, and I am very concerned with having a big fraction of this body [the Presidential Search Committee} that's the Search Committee being Board of Trustees. I think this is a very serious concern, and the conversation we had last week or two weeks ago in the University Council was very concerning, because the Board of Trustee members showed they did not even understand the concept of conflict of interest."

Professor Nunes added: "That to me was really important. I mean it was an important realization. We're talking about a very different world where conflict of interest means dollars only. We live in a world that conflict of interest means a lot more than that. This is our concern. What we want to accomplish is to make sure that a good president ends up leading MSU. I think to do that, it is necessary that we catch any possible pitfall along the way, and having four members of the Board of Trustees with voting power on this Committee, I think is a pitfall by definition. I fully support that one action, and a very pointed action, rather than making it much more complicated. I would go for that one action. Perhaps we at least get that one done." Discussion ensued.

Dr. Dan Gold for the College of Education, stated: "I am totally in favor of the Proposal. I think it's short, sweet, to the point. Even if it gets rejected then it's on record. I think realistically there's a short and long game here. The short game is we all voted to fire these people. I got a hunch they're not trusting us a lot no matter what arguments we put forward. We wanted to fire them all. Part of me is sometimes we say they don't understand us. 'Yeah I understand you. You tried to get rid of me.' Now maybe for good reason, but the flipside is it just doesn't make sense to me that they're going to trust us a lot. However, the short game is the proposals we're putting forward, I got a hunch not much is going to happen. We might get a few victories here or there, but when Presidential Search candidates come in we could be saying, 'Hey, this proposal came up, it didn't get passed, what's your opinion on it?'"

Professor Moriarty stated: "I would also like to say I think that maybe the College of Music is different, but the Search Committees that I've been on develop their own process. I'm seeing people nodding, so I'm guessing that that happens in other places too. It's entirely possible that if we get this Proposal to all the members of the Presidential Search Committee, there will be some discussion with [the] Search Committee as to developing their own process, and this might be a way to get something that's happening that is not necessarily going directly to the Board, only to the Board of Trustees."

Dr. Borcila stated: "Six of the nine Democratic candidates who went up for the Board of Trustees signed and endorsed a Reclaim MSU Proposal that we endorsed, and two of these are the Democratic nominees. Brianna Scott and Kelly Tebay. There's lots of pressure on them, I know that, but they are supportive of an open Presidential Search.

They're supportive of open forums. They're supportive of different kinds of governance. They're supportive of things that we want to hear and we need to keep pushing for this because that gives them fodder to what they want. I think this is really important thinking about the Board and I really agree with you, Dr. Gold, about how important this is for a new... in the selection of a new President as well."

Dr. Borcila added: "On that issue, I just want to say this. Why do I think it's important? I'm going to vote for this, but why do I think it's important to send this within the context that I mentioned? I agree also that we should get a written response from the Board. It's because Trustee Byrum also said they haven't made the decision on whether or not they're going to have open public forums for the final candidate. She said here they haven't made that decision, and we've said we want that, and I don't think we should lose that. That's what I'm saying. Maybe they'll say no, we have to remind them we endorsed the Proposal. Ask to have open public forums in which people can meet with the candidates. That's why I say put this in context, because there are things we've endorsed that they can still do that they haven't done."

Dr. Juliet Guzzetta, from the College of Arts and Letters stated; "I just want to anticipate in terms of response to this. When I was at a separate input session, that I think was offered just to Assistant Professors, although it was unclear to me, just with Dr. Sullivan, I asked her specifically if, in her experience, there were Board of Trustee members on search committees and major research institutions like our own. And she said that there was, and so I would anticipate that she and they will say actually this is common practice. She actually had an example of Wisconsin where, I believe, it's only now Board of Trustees that will elect their presidents. Just to offer that so we can anticipate."

Professor Moriarty stated: "I think we can anticipate that, but I wouldn't say that there is probably not another institution where you have [the] Board of Trustees that has received a huge vote of no confidence from the Faculty-At-Large, and also been asked to resign by the Faculty Senate, so I think we are actually in a unique situation." Discussion ensued.

Professor Moriarty read the motion: "In standard MSU search committee practice, search committees typically do not include the final decision maker. For example, the Dean is not a voting member of a search committee. The search committee delivers a list of qualified candidates to the Dean with recommendations. The Dean then chooses and forwards a final recommendation to the Provost. The Faculty Senate would like to propose that the Presidential Search Committee follow this accepted MSU practice. The Trustees on the Presidential Search Committee thus would be ex-officio members of the Search Committee, with voice but would not be voting members of the Search Committee. The other members of the Search Committee would vote on which candidates to forward to the Board. Then the full Board would select the top choice for president as per their constitutional responsibility."

Professor Moriarty continued: "The Board Members who are in the Search Committee would be non-voting Members of the Search Committee, but voting Members of the Board as a whole in the final decision. This procedure preserves the voice of the four Board Members on the Search Committee, and also preserves the responsibility of the

Board as a whole to choose the next President, but eliminates the double voting [that] is contrary to standard MSU Search Committee practice, and therefore reduces some of the consternation among MSU community at what is a conflict of interest.” Discussion ensued.

A motion to approve the University Council Presidential Search Committee Proposal was made and seconded. **The motion carried and this will go to the University Council for vote, as well.**

7.4. University Council on Faculty Affairs (UCFA), Discipline and Dismissal of Tenure Faculty Policy, Professor Len Fleck, UCFA Chairperson

Dr. Fleck stated: “Okay, in particular, we have in mind Dean Strampel, who was seen as having violated lots of behavioral codes and not to mention issues of legality. The public sentiment apparently as perceived by the Board was that this is somebody who should be dismissed very quickly. He did resign as Dean, but he remained a member of the faculty and he remained a member of the faculty with pay. The Board, I think, saw this as something that would be badly perceived by the public, which is why they wanted to alter the Policy, which ordinarily would've allowed for the process of dismissal to go forward while the faculty member was being paid. That's the basic context.”

Dr. Fleck said: “Going back to the letter now, point 2) moreover, after receiving an overwhelming vote of no-confidence from the faculty at MSU, the Board's decision to change this Policy without faculty input appears to demonstrate a lack of judgment and respect that we find deeply troubling. 3) We are concerned that these policy changes empower the University President to withhold pay from a member of the faculty without consultation or oversight. We believe that representatives of Faculty Governance should be involved in any such decisions and that they should not proceed at the sole discretion of the President.”

Dr. Fleck added: “4) we are also concerned that with this Policy change MSU has become an outlier among our peers in the Big Ten, AA. With rare exceptions, no other university in the Big Ten allows faculty to be placed on unpaid leave when facing dismissal for cause proceedings. We question whether we want to lead our institutional peers in this treatment of faculty.”

Dr. Fleck stated: “Point 5) finally, we believe that these changes may encourage faculty at risk of dismissal to retire before a thorough investigation can proceed. Given recent failures in the investigatory process at MSU, we are reluctant to approve a policy that may have the unintended consequence of burying or obscuring serious breaches of behavior and ethics.”

Dr. Fleck said: “Given these reservations, UCFA and UCFT are asking that these policy changes be suspended, and that the University revert to the Policy as it existed prior to June 22, 2018. We invite members of the Board's Committee on Academic Affairs, which now includes Trustees Byrum, Kelly, Lyons and Mosallam, to meet with the Committee in an effort to build genuine consensus about the changes to the Discipline and Dismissal of Tenured Faculty for Cause Policy.”

Dr. Fleck concluded: “Any such changes can then proceed through Academic Governance as is. Alternatively, we would welcome a sustained dialogue with the Board about these and other policy related issues that directly affect the faculty at MSU.”

Provost Youatt stated: “I will not presume to advise the Committee, but I would say a couple of things. I think the Board anticipated that Faculty Governance would choose to revert to the previous Policy. I think they're expecting that. I haven't been in this conversation since summer, but at that time, at least with some of the Board Members, I think it was anticipated that this body would send to them revised By-Laws that would revert to the previous conditions. Terry Curry, in Academic Human Resources, could maybe speak to this better than I could. I would ... since that's the expectation and I think I would suspect that there would not be a strong objection from the Board, one might consider taking stronger action than a letter suggesting change. I realize this is not an action item today, but there might be some consideration.”

Provost Youatt added; “Again, Terry might advise otherwise, but I think that they're expecting this body to take action to be clear that the changes that were made allowed the President to decide that a faculty member, who was going through the process of being dismissed for cause, could be put on unpaid leave, and that was at the discretion of the President. The second piece of that, which I think is relevant to the text of the letter, is that once the individual was recommended and was moving to the hearing portion, it was at that point that they would be unable to retire. They had to go through the process. I guess my clarification is by that time there's been a very thorough investigation, but the hearing hasn't begun, and so the faculty haven't seen the evidence during the hearing process.”

Dr. Borcila stated: “I want to really thank UCFT and UCFA, and thank you for this letter. When I heard about this change, it was in the middle of June, the evening before the Board of Trustees meeting. I was very concerned, because somebody sent me the minutes from UCFT. I read those minutes, and they were very troubling. The fact that faculty expressed strong opposition to the process and concerns, and then the process was supposed to be that it comes to us and it never did. This process is very faulty and I really strongly support the letter that was written.”

Dr. Borcila added: “Also, I would want to say that it is very ironic that the Board of Trustees think that this change in our Discipline Proposal is the answer that the Institution needs to make to give to the bad publicity we've had. I think we know what the reason for the bad publicity has been lately. I'm concerned about issues of shared governance because I've only heard the President, Interim President, say [that] whenever he mentions shared governance, he mentions how that was the reason for why we had Strampel and Nassar, which is a very cynical point of view. He said that in the media many times, I've counted them. I lost track of count. I really appreciate this and really support this. I think we should basically ... I don't know what we need to do, support, endorse, I don't know. Thank you.”

Professor Moriarty stated: “I agree that we should have a clean thing that comes from the Steering Committee that just says we want what the Steering Committee will send to Faculty Senate, or to wherever it goes, that we would vote this to revert to the By-

Laws. But I think we should also amend a letter because what's terrifying is that the Board of Trustees did it once, and if they do it once they can do it again, and they can do it on many, many different issues. This is something that they should understand is just not acceptable.” Discussion ensued.

Dr. LaDuca stated: “We'll have a non-binding vote of the Faculty Senate to undo the Disciplinary and Cause for Dismissal Policies back to the way they were in Spring Semester, 2018. Do we have any other people who wants to speak? Dr. Curry?”

Dr. Curry stated: “I'll just say it very quickly that by doing this, there aren't any cases in which faculty members [who] are in the discipline process have been suspended or about to be suspended without pay. By not doing anything for a month, no one is going to be adversely affected.” Discussion ensued.

Dr. Richard Miksicek made a motion: “I would move that we accept and endorse the report from UCFT and UCFA and refer it to the Steering Committee for action.” The motion was seconded. **The motion carried.**

8. Comments from the floor

None

9. ADJOURNMENT

A motion to adjourn was made and seconded. **The motion carried.** 4:19pm

SHORT REPORT of the UNIVERSITY COMMITTEE ON CURRICULUM (UCC)
November 13, 2018
To view the full UCC Report visit: www.reg.msu.edu/Read/UCC/fs111318.pdf
PROGRAM ACTIONS

Highlights:

Nutrition and Dietetics, M.S., effective Spring 2019
 Quantitative Risk Analytics, B.S., effective Fall 2019

College	Department	Program Name	Award Type	Action
Agriculture and Natural Resources	Food Science and Human Nutrition	Nutrition and Dietetics	M.S.	N
Arts and Letters		Musical Theatre	Minor	C
	Philosophy	Ethics and Development	Specialization	D
	Writing, Rhetoric and American Cultures	Professional and Public Writing	B.A.	C
Business	Accounting and Information Systems	Accounting	M.S.	C
	Finance	Insurance and Risk Management	Minor	C
	Hospitality Business	Hospitality Business	B.A.	C
Communication Arts and Sciences	Communication	Communication	B.A.	C
Education	Kinesiology	Kinesiology	M.S.	C
Engineering	Computer Science and Engineering	Computer Science - Elementary	Disciplinary Teaching Minor	D
		Computer Science - Secondary	Disciplinary Teaching Minor	D
Natural Science	Mathematics	Actuarial Science	B.S.	C
	Statistics and Probability	Quantitative Risk Analytics	B.S.	N
Nursing		Nursing	Ph.D.	C

College	Department	Program Name	Award Type	Action
Residential College in the Arts and Humanities		Arts and Humanities	B.A.	C
Social Science		Chicano/Latino Studies	Minor	C
	Political Science	Political Science	Ph.D.	C

C = Change D=Deletion N=New

Totals **New:** **Change:** **Deletion:**

COURSE ACTIONS November 13, 2018

College	Department	Subject	New	Changes	Deleted
Arts and Letters	Writing,Rhetoric,American Cultures	WRA	5	27	3
	Arts & Letters Dean	MUSM	0	1	0
Resdntl Coll Arts and Humanities	Resdntl Coll Arts and Humanit Dean	RCAH	12	5	10
Business	Finance	FI	0	9	0
	Hospitality Business	HB	0	4	0
	Department of Supply Chain Mgt	SCM	0	1	0
Communication Arts and Sciences	Communication	COM	7	14	0
Engineering	Chemical Engr & Materials Science	MSE	1	0	0
Human Medicine	Medicine	MED	3	2	0
	Obstetrics,Gynecol & Repro Biology	OGR	0	2	0
	Radiology	RAD	1	0	0
Natural Science	Mathematics	MTH	1	1	0
	Statistics & Probability	STT	1	0	0
Nursing	Nursing	NUR	1	6	0
Social Science	Economics	EC	0	1	0
	Human Development & Family Studies	HDFS	0	2	0
	Social Science Dean	CLS	1	0	0
Veterinary Medicine	Pharmacology & Toxicology	PHM	0	1	0
	Veterinary Medicine Dean	VM	1	0	0
MSU College of Law	MSU College of Law	LAW	0	1	0
Total			34	77	13

INFORMATION ITEMS

November 13, 2018

Moratorium –

Moratorium in Geological Sciences, Ph.D., UCGS consultation 10/15/18; Provost approved 10/29/18 – Effective Spring 2019 through Spring 2024.

Discontinuation –

Computer Science, Disciplinary Teaching Minor for Elementary and Secondary Education, UCUE consultation 9/6/18; Provost approved 9/12/18 – Effective Spring 2019.

Ethics and Development, Graduate Specialization, UCGS consultation 9/10/18; Provost approved 9/12/18 – Effective Spring 2018.

Other –

None.

September 22, 2018

MEMORANDUM

TO: June Pierce Youatt, PhD
Provost

FROM: Andrea Amalfitano, DO, PhD, DABMGG
Interim Dean of College of Osteopathic Medicine

Norman Beauchamp Jr., MD, MHS
Dean of College of Human Medicine
Associate Provost and Assistant Vice President for Health Affairs

Anthony M. Avellino, MD, MBA
Assistant Provost of Student Health, Wellness & Safety
MSU Health Care Chief Medical Officer



SUBJECT: The College of Osteopathic Medicine and College of Human Medicine propose to establish Michigan State University as a national leader in orthopedics by the creation of a joint Department of Orthopedics.

Rationale

With this memorandum, we are requesting approval for the College of Osteopathic Medicine (COM) and College of Human Medicine (CHM) to establish Michigan State University (MSU) as a national leader in orthopedics by the creation of a joint Department of Orthopedics. The College of Osteopathic Medicine will be the lead college.

MSU is the only Big Ten Conference University and the only Association of American Universities (AAU) with a medical school that does not have an established Department of Orthopedics. Among the 14 Big Ten Conference schools, 11 currently house a division of Sports Medicine within their orthopedic departments. The joint Department will be unique among the Big 10 Conference as it will include manipulative medicine techniques, and ultimately, position MSU alongside its peers to continually provide the safest quality care in a healing environment.

Our goal is to have a growing and innovative Department of Orthopedics that provides best-in-class clinical care, education and research for our students, community, State of Michigan, and to be a nationally recognized leader in all orthopedic disorders. This new joint Department of Orthopedics will be a national model committed to a “culture of safety for all,” and will empower the voice of the patient and their family to have accessible, compassionate, coordinated, cost-efficient, and highest quality care in the safest environment for every patient every time. It will build upon our current orthopedic Sports Medicine Division infrastructure with the addition of current and new providers with expertise in arthritis, foot and ankle, fractures and trauma, hand and upper extremity, hip and knee, metabolic bone disease, oncology, pediatrics, rheumatology, shoulder and elbow, and spine services. However, without department status, it is challenging to recruit the very best academic orthopedic faculty and offer tenure. This new department will enhance educational opportunities for residents/fellows, medical, nursing, physician assistant, kinesiology and athletic training undergraduate and graduate students. It will also provide the nidus toward a critical mass that will allow research partnerships with biomedical engineering and industry to achieve the best clinical outcomes through academic innovation and translational research (e.g., new drugs, devices, technologies, protocols). Moreover, establishing a joint Department of Orthopedics will help develop and enhance an innovative and cross-university “human performance and well-being collaborative,” which will focus on science and education, high performance, and clinical care; and will be an intellectual incubator for exchanges within the “collaborative” and across the campus, nation, and world.

Description of Department

The field of orthopedics focuses on the prevention, diagnosis, and treatment of injuries and diseases of the musculoskeletal system, which includes one’s bones, joints, ligaments, tendons, muscles, and nerves. In 2015, the self-reported National Health Interview Survey showed that one in two US persons age 18 years and over reported a musculoskeletal medical condition, and the rate of adult chronic musculoskeletal conditions is greater than that of chronic

circulatory conditions, which include coronary and heart conditions, and twice that of all chronic respiratory conditions. Orthopedic specialists evaluate, treat, and manage adult and pediatric patients with athletic medicine/sports medicine, arthritis, foot and ankle, fractures and trauma, hand and upper extremity, hip and knee, metabolic bone disease, oncology, pediatrics, rheumatology, shoulder and elbow, and spine injuries and disorders. The areas of research include arthritis, arthroscopy, biomechanics, concussion, devices (e.g., prosthetic hip replacement), oncology, regenerative medicine (e.g., ligaments, cartilage, and bone regeneration), robotics, and sports performance.

Departmental Organization and Membership

The current specialists within the Sports Medicine Division are listed in Appendix C (page 8). As of August 2018, the Sports Medicine Division includes five sports medicine fellowship trained orthopedic surgeons and three sports medicine fellowship trained primary care physicians, and is incubating as an isolated clinical division reporting to the MSU HealthTeam for clinical responsibilities and to the COM Dean's office for academic responsibilities. Thus, moving the faculty of the Sports Medicine division into the established Department of Orthopedics will be the initial step. Further, there are two spine fellowship trained orthopedic surgeons and one pediatric fellowship trained orthopedic surgeon already part of the MSU faculty that could enhance the footprint of the Department of Orthopedics. However, consolidation of these orthopedic related faculty members to the Department of Orthopedics could potentially have a negative effect on their current departments and must be discussed with transparency and fairness for all parties. Future recruitment, guided by pro forma business planning, will include faculty with expertise in arthritis, foot and ankle, fractures and trauma, hand and upper extremity, hip and knee, metabolic bone disease, oncology, pediatrics, rheumatology, shoulder and elbow, and spine services. Once a stable faculty base is established, the ability to recruit nationally will increase significantly, and there will also be the potential to recruit locally from the private sector.

The department will be led by a chair, who may come from one of the current MSU faculty or may be recruited from the outside. The inaugural chair search will be conducted within the first 6 months by the Dean of COM and CHM, who will form the search committee once the department is approved. In addition, the Dean of COM and CHM will work with their respective academic deans to establish the initial faculty appointments within this new department.

Governance

The current providers, space, and financial support of the Sports Medicine Division are currently within COM; thus, COM will be the lead college with the department office located in East Lansing, Michigan. CHM will provide future research, philanthropy, marketing, and educational resources. This new joint Department of Orthopedics will provide a key place for critical innovative interactions, and foster opportunities to grow beyond their current boundaries.

Appointments of title and rank will remain consistent throughout COM and CHM. Reappointment and promotion criteria also remain consistent across

COM and CHM, regardless of employment status, and the department with the majority appointment will lead on issues of reappointment, promotion, and tenure.

The College Advisory Council of COM and CHM will establish that the new department will have the same elected and appointed representation in the college's committee system as all current departments have and as governed by the same bylaws. The department bylaws and other academic governance issues will be created once the department is approved. The bylaws will be consistent with longstanding governance of COM and CHM; therefore, the faculty will not be in jeopardy on tenure or reappointment decisions. Faculty holding non-prefix (clinical/adjunct) appointments may vote and participate in department, college, and university activities as defined in the faculty, college, and department bylaws. In addition, those awarded a non-prefix appointment will be expected to work towards promotion. Those faculty with prefix (clinical/adjunct) appointments will vote on and participate in activities only as defined by the department chair and the department bylaws.

All curricular matters will be decided and governed by the college's present curriculum committee as there is no separate new orthopedic curriculum, and all the DO and MD providers will continue to teach in their respective colleges.

Education:

The opportunity to attract the very best students and educate the next generation of orthopedic providers to meet future recruitment needs in all of our communities is essential to a best-in-class Department of Orthopedics. The newly established joint Department of Orthopedics will enable the consolidation of the current orthopedic residency, sports medicine fellowship, and the clinical athletic training residency programs so that MSU continues to train and educate residents/fellows, medical, nursing, physician assistant, kinesiology and athletic training undergraduate and graduate students. There will be no negative impact on the accreditation of these residency or fellowship programs. Further, there will not be a separate new orthopedic curriculum or courses as the providers will continue to teach in their respective colleges within their existing medical school curriculum.

MSU has a five year ACGME orthopedic residency program affiliated with McLaren, Sparrow and Hayes Green Beach. The purpose of the orthopedic surgery residency training program is to provide the resident with the knowledge, clinical, and surgical skills in all areas of orthopedic surgery necessary to ethically practice either academic or community orthopedic surgery at the highest possible level of competence by the completion of the training program. In 2016, the program achieved Initial Accreditation from the ACGME. The program is in consortium with Michigan State University College of Osteopathic Medicine Statewide Campus System (MSUCOM-SCS) and provides educational programs consisting of structured lectures and a basic science course.

MSU also has a one year ACGME primary Sports Medicine accredited fellowship program under the family practice residency at Sparrow. The fellowship offers postgraduate sports medicine training to residency-trained practitioners in family practice, pediatrics, internal medicine, emergency medicine, and physical medicine and rehabilitation. It represents the first in-depth educational and clinical experiences involving a sports medicine fellowship at a NCAA Division I university.

In addition, MSU has a one year clinical athletic training residency program designed to educate and integrate their skills into the clinical and surgical setting as a physician extender.

Outreach

The current Sports Medicine Division has been integrated into the strategic fabric of MSU for decades, and will continue all their outreach efforts as part of the Department of Orthopedics. They currently provide sports medicine physician coverage for all the NCAA Division I student-athletes. They also have a 24-36 hour guarantee to get injured athletes seen including a Saturday walk-in injury clinic. Working with Sparrow Sports Medicine, they provide athletic training coverage for most of the Mid-Michigan high schools, and started the first Mid-Michigan concussion clinic dedicated to screening athletes with head injuries.

Research

The opportunity to achieve the best clinical outcomes through academic innovation and translational research (e.g., new drugs, devices, technologies, protocols) is essential to a best-in-class Department of Orthopedics. The Sports Medicine Division has worked with the research faculty in the Departments of Neurology, Radiology, Osteopathic Manipulative Medicine, Osteopathic Surgical Specialties, and Kinesiology for decades. To this end, the establishment of a Department of Orthopedics would significantly improve upon our research efforts and open new sources of collaboration and federal and foundation grant funding to research faculty and research scientists. Based on these existing strengths, the addition of a small compliment of research personnel would result in the further integration of research activity into the clinical environment. Using ongoing and early work to establish a national reputation for this newly established department will improve visibility among the national research community which will have significant implications for future clinical and research faculty recruitments.

Impact on Our Patients

The creation of a joint Department of Orthopedics will have the following net effects on our current and future patients:

- The opportunity to develop a comprehensive, multi-disciplinary, and patient- and family-centered Department of Orthopedics that focuses specialists on the evaluation, treatment, and management of adult and pediatric patients with orthopedic disorders including athletic medicine/sports medicine, arthritis, foot and ankle, fractures and trauma,

hand and upper extremity, hip and knee, metabolic bone disease, oncology, pediatrics, rheumatology, shoulder and elbow, and spine, so that every patient has coordinated and integrated care every time to ensure the safest quality care with excellence in outcomes.

- The opportunity to translate the most efficacious research into the safest quality care with excellence in outcomes.
- The opportunity to further develop and enhance an innovative and cross-university “human performance and well-being collaborative,” so that one achieves a healthier, peaceful, and purposeful life with optimum performance in mind, body, and spirit.

Impact on Students (i.e., undergraduates, graduates, medical students, residents and fellows)

The creation of a joint Department of Orthopedics will have the following net effects on our current and future students:

- New opportunities and enhanced collaboration to educate and train the next generation of students in all orthopedic services including athletic medicine/sports medicine, arthritis, foot and ankle, fractures and trauma, hand and upper extremity, hip and knee, metabolic bone disease, oncology, pediatrics, rheumatology, shoulder and elbow, and spine disorders.
- Better coordination of all orthopedic and athletic medicine services to enhance undergraduate, graduate, medical student, resident, and fellow education.
- New opportunities for research and other interdisciplinary activities with the addition of faculty in disciplines from CHM, COM, and the MSU community to drive academic innovation and translational research to improve clinical outcomes and to continually improve our safety and quality care.

Impact on Clinical and Research Faculty

The creation of a joint Department of Orthopedics will have the following net effects on our current and future faculty:

- The opportunity to develop a comprehensive, multi-disciplinary, and patient- and family-centered Department of Orthopedics that focuses specialists on the evaluation, treatment, and management of adult and pediatric patients with orthopedic disorders including athletic medicine/sports medicine, arthritis, foot and ankle, fractures and trauma, hand and upper extremity, hip and knee, metabolic bone disease, oncology, pediatrics, rheumatology, shoulder and elbow, and spine.
- Better coordination of all orthopedic and athletic medicine services to enhance undergraduate, graduate, medical student, resident, and fellow education.
- The opportunity to further develop and enhance an innovative and cross-university “human performance and well-being collaborative,” so that one achieves a healthier, peaceful, and purposeful life with optimum performance in mind, body, and spirit.

- New opportunities for research and other interdisciplinary activities with the addition of faculty in disciplines from CHM, COM, and MSU community to drive academic innovation and translational research to improve clinical outcomes and to continually improve our safety and quality care.
- Increased representation on the College Advisory Council, both through election and appointment by the Dean, and thus helping to facilitate appropriate balance (e.g., tenure vs. non-tenure, diversity).
- Increased numbers of faculty available to serve on other college committees (consistent with established principles regarding elections).
- Increase in critical mass of faculty overall, but with expectations that the relative percentages of prefix and non-prefix faculty throughout the college will not significantly change.

Financial Considerations

This new Department of Orthopedics must be financially sustainable; therefore, we propose the development of this department using the existing Sports Medicine Division recurrent general fund dollars, generated net clinical revenue, and external research funding. Further, recruitment of other needed orthopedic providers will be guided by pro forma business planning and as negotiated with the Provost in the annual planning and budget cycle.

Consultation with COM and CHM College Advisory Councils:

This proposal was created in consultation with the strategic work group as noted in Appendix A (pages 7-8). In addition, the timeline of the review and approval process is listed in Appendix B (page 8). Further, this proposal for the establishment of a joint Department of Orthopedics was presented to the COM College Advisory Council on September 19, 2018, and the CHM College Advisory Council on September 17, 2018, and they both approved the proposal.

COM and CHM Dean's Recommendation and Request for Approval

In consideration of the information provided in this proposal regarding the establishment of joint Department of Orthopedics, particularly the potential benefits to our students, faculty and communities, and with the endorsement of the faculty and students as represented by the College Advisory Councils, department chairs, curriculum committees, and student advisory committees, we formally request the establishment of the joint Department of Orthopedics within the College of Osteopathic Medicine and College of Human Medicine at MSU.

Appendix

A) Strategic Work Group: Dr. Avellino collaborated with the Deans of COM and CHM and the following strategic work group, who all unanimously approved this proposal: Tony Avellino, Doug Dietzel, Bailey Higgins (student-athlete), Dave Kaufman, Karen Klomprens, Jeff Kovan, Taylor

Mullins (student-athlete), Sally Nogle, Jim Pignataro, Lonny Rosen, Mike Shingles, Al Smith, Dave Weismantel, and Mike Winkelpleck.

B) Timeline

1) Consultation and/or development with: Provost (8/1/18); Associate Provost for Academic Services, Enrollment Management and Academic Initiatives (8/9/18); Associate Provost for Graduate Education (8/17/18); COM Dean (8/14/18); CHM Dean (8/14/18); and CEO HealthTeam (8/14/18).

2) Review and Approval:

- COM College Advisory Council = 9/19/18
- COM department chairs = 9/17/18
- COM curriculum committee = 9/19/18
- COM student advisory group = 9/17/18

- CHM College Advisory Council = 9/17/18
- CHM leadership committee includes department chairs = 10/4/18
- CHM curriculum committee = 9/25/18
- CMH dean's student advisory committee = 9/24/18

C) List of Current Specialists within the Sports Medicine Division

Orthopedic Sports Medicine Specialists:

- Doug Dietzel, DO, has been with MSU for over 20 years, and is a sports medicine fellowship trained orthopedic surgeon. He is the director of the MSU Sports Medicine division and head orthopedic Surgeon. He is also the orthopedic residency director for mid-Michigan's two teaching hospitals and MSU affiliates (McLaren and Sparrow).
- Sheeba Joseph, MD, began at MSU in August, 2018, and is a sports medicine fellowship trained orthopedic surgeon.
- Andrew Schorfhaar, DO, joined MSU in 2007, and is a sports medicine fellowship trained orthopedic surgeon.
- Michael Shingles, DO, joined MSU in 2001, and is a sports medicine fellowship trained orthopedic surgeon. He is currently the chief financial officer of the Sports Medicine Division. He is the orthopedic department chair of McLaren Greater Lansing and the Sports Medicine director of Sparrow Health Systems.
- Luke Wilcox, DO, joined MSU in 2013, and is a sports medicine fellowship trained orthopedic surgeon.

Family Medicine Sports Medicine Specialists:

- Nathan Fitton, DO, joined MSU in 2017, and is a sports medicine fellowship trained family practice physician.
- Jeff Kovan, DO, joined MSU in 1995, and is a sports medicine fellowship trained family practice physician. He is the head MSU team physician. He is also the associate director of the Sparrow/MSU Sports Medicine fellowship.
- Robert Norris, MD, joined MSU in 1997, and is a sports medicine fellowship trained family practice physician.

MICHIGAN STATE UNIVERSITY

BYLAWS FOR ACADEMIC GOVERNANCE

Approved by the Board of Trustees

June 18, 2010, Effective Fall 2011

Amended and Approved by the Board of Trustees

**4/15/11, 1/31/12, 9/7/12, 6/22/12, 6/21/13, 12/13/13, 4/15/16,
6/21/17, and 6/22/18**

TABLE OF CONTENTS

PREAMBLE	3
SECTION 1. DEFINITIONS	4
1.1. THE FACULTY	4
1.2. THE STUDENTS	5
1.3. MODES OF PARTICIPATION	6
1.4. SPECIAL RULES	6
SECTION 2. ACADEMIC GOVERNANCE IN SCHOOLS, COLLEGES, AND OTHER ACADEMIC UNITS	7
2.1. UNIT ACADEMIC ADMINISTRATORS	7
2.2. UNIT ACADEMIC GOVERNANCE	8
SECTION 3. UNIVERSITY ACADEMIC GOVERNANCE	10
3.1. THE ACADEMIC CONGRESS	10
3.2. THE UNIVERSITY COUNCIL	11
3.3. THE FACULTY SENATE	15
3.4. THE STEERING COMMITTEE	18
3.5. OFFICE OF ACADEMIC GOVERNANCE	21
SECTION 4. UNIVERSITY STANDING COMMITTEES	22
4.1. ESTABLISHMENT OF STANDING COMMITTEES	22
4.2. GENERAL RULES GOVERNING STANDING COMMITTEES	22
4.3. UNIVERSITY COMMITTEE ON ACADEMIC GOVERNANCE	24
4.4. UNIVERSITY COMMITTEE ON UNDERGRADUATE EDUCATION	25
4.5. UNIVERSITY COMMITTEE ON CURRICULUM	26
4.6. UNIVERSITY COMMITTEE ON FACULTY AFFAIRS	27
4.7. UNIVERSITY COMMITTEE ON FACULTY TENURE	28
4.8. UNIVERSITY COMMITTEE ON GRADUATE STUDIES	28
4.9. UNIVERSITY COMMITTEE ON STUDENT AFFAIRS	29
SECTION 5. OTHER UNIVERSITY LEVEL COMMITTEES	31
5.1. UNIVERSITY COUNCIL ADVISORY-CONSULTATIVE COMMITTEES	31
5.2. ATHLETIC COUNCIL	31
5.3. FACULTY HEALTHCARE COUNCIL	33
5.4. AD HOC COMMITTEES OF THE UNIVERSITY COUNCIL	34
SECTION 6. UNIVERSITY STUDENT-FACULTY JUDICIARIES	35
6.1. STUDENT-FACULTY HEARING BOARD	35
6.2. UNIVERSITY GRADUATE JUDICIARY	35
6.3. UNIVERSITY ACADEMIC INTEGRITY HEARING BOARD	35
6.4. UNIVERSITY STUDENT APPEALS BOARD	35
SECTION 7. ADMINISTRATIVE SUPPORT OF ACADEMIC GOVERNANCE	37
SECTION 8. INTERPRETATION AND AMENDMENT	38

PREAMBLE

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

In exercising its responsibility, the Board delegates to the President and, through him or her, to the faculty appropriate authority and jurisdiction over matters for which they are accountable to the Board. In other cases, for example, faculty appointments, promotions, and tenure, the Board does not delegate, but instead looks to the faculty for recommendations. The specific powers delegated to the faculty are ~~detailed in the Bylaws of the Board of Trustees.~~ those in which the faculty has authority in proportion to its degree of expert knowledge and vested interest. Thus, the faculty has primary responsibility for curriculum, subject matter and methods of instruction, research, faculty status (appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal), and those aspects of student life that relate to the educational process.

The Board also has declared its intention to give due consideration to the opinions of students on matters directly related to their interest.

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

SECTION 1. DEFINITIONS

1.1. THE FACULTY

1.1.1. Composition of the Faculty

- 1.1.1.1. The regular faculty shall consist of all persons appointed under the rules of tenure and holding the rank of professor, associate professor, or assistant professor, and all persons appointed as librarians.
- 1.1.1.2. The fixed-term faculty shall consist of all persons holding the rank of professor, associate professor, assistant professor, or instructor, but not appointed under the rules of tenure.
- 1.1.1.3. The health professions faculty shall consist of all faculty appointed in the Health Programs Faculty Appointment System who hold the rank of professor, associate professor, or assistant professor in the College of Human Medicine, Nursing, Osteopathic Medicine, or Veterinary Medicine.
- 1.1.1.4. The Facility for Rare Isotope Beams/National Superconducting Cyclotron Laboratory (FRIB/NSCL) faculty shall consist of all faculty appointed in the FRIB/NSCL Faculty Appointment System holding the rank of professor, associate professor, or assistant professor.
- 1.1.1.5. The Academic Specialist shall consist of a person holding the rank of senior specialist, specialist with continuing appointment, specialist with probationary appointment, or fixed-term specialist.
- 1.1.1.6. The honorary faculty shall consist of visiting professors and professors emeriti.
- 1.1.1.7. The foregoing provisions do not preclude Presidential action to bestow certain “faculty privileges” upon employees of the University who are not members of the faculty.

1.1.2. Faculty Voting Rights

- 1.1.2.1. The voting faculty in the election of University-level councils and committees shall be all regular faculty, health professions faculty, and FRIB/NSCL faculty. Voting faculty also includes full-time fixed-term faculty who have served at least three consecutive years and who are engaged in the academic activities of the University, and full time academic specialists who have served at least three consecutive years. Voting faculty must be engaged in academic activities of the University.
- 1.1.2.1.1. Full-time shall be defined as a workload equal to or greater than a 0.9 full time equivalent.
- 1.1.2.2. The voting faculty in the election of department, school, or college councils and committees and in elections pertaining to department, school, or college policies and decisions shall include all regular faculty engaged in the academic activities of that unit and may, if so provided by unit bylaws, also include health professions faculty, FRIB/NSCL faculty, fixed-term faculty, honorary faculty, specialists, lecturers, research associates, assistant instructors, or adjunct faculty.

- 1.1.2.3. A faculty member jointly appointed to two or more units may vote only once in a given election. In elections voted upon by two or more units, the faculty member shall vote in the unit which has primary responsibility for initiating personnel action, with respect to that faculty member.
- 1.1.2.4. A regular faculty member, health professions faculty member, or FRIB/NSCL faculty member may be elected to an academic governance body as a representative of any unit in which that faculty member holds faculty status.
- 1.1.2.5. A full-time fixed-term faculty member who has served at least three consecutive years and a full-time academic specialist who has served at least three consecutive years may be elected to an academic governance body, with the exception of the University Committee on Faculty Tenure, as a representative of any unit in which the person holds faculty status.

1.2. THE STUDENTS

1.2.1. Student Constituency of the University

- 1.2.1.1. The student constituency shall consist of all persons officially enrolled as students in the University except those who are also defined as faculty in [1.1.1](#). A person who has enrolled for two consecutive semesters may retain student status for one semester when not enrolled, if the person has not been awarded a degree, enrolled as a degree candidate at another college or university, or been withdrawn or recessed by the University.
- 1.2.1.2. Students who are enrolled in graduate non-degree programs, as candidates for graduate degrees, or as candidates for graduate-professional degrees, shall be deemed graduate students for purposes of these *Bylaws*.
- 1.2.1.3. All other students shall be deemed undergraduate students.

1.2.2. Student Constituency of an Academic Unit

- 1.2.2.1. The student constituency of a unit for the purpose of selecting student representatives from that unit to serve on higher unit committees shall be all students who have declared with the Registrar a major or major preference (in the case of lower-division students) in an academic program in the unit.
- 1.2.2.2. The student constituency for purposes, other than that specified in [1.2.2.1](#), shall be all students who have declared a major or major preference in an academic program in the unit and may include other students as specified in the bylaws of the unit.

1.2.3. Student Participation in Academic Governance

- 1.2.3.1. Student participation in an academic governance body shall in all cases be in the same mode as faculty participation, except for matters reserved to the faculty. The matters reserved to the faculty are:
 - 1.2.3.1.1. Policy concerning salary, leaves, insurance, retirement, and fringe benefits of faculty.
 - 1.2.3.1.2. Decisions concerning the appointment, salary, reappointment, promotion, tenure, or dismissal of individual faculty members.

1.2.3.1.2.1. Evidence from students regarding the teaching performance of faculty may, as relevant, be considered in decisions concerning the above matters.

1.2.3.1.3. Matters affecting the professional responsibility of the faculty to establish and maintain the intellectual authority of the University.

1.3. MODES OF PARTICIPATION

There are four modes of faculty and student participation identified for use in academic governance.

1.3.1. Consultation—A deliberative body of faculty or students consults with, confers with and informs an administrator who has authority and responsibility to make a decision. Individuals, by virtue of their experience, expertise, or position may likewise consult with an administrator who has such authority and responsibility. ~~Such a committee is not a deliberative body; it does not vote. Rather, t~~The members express their views to inform an administrator's decision.

1.3.2. Advisory—A deliberative body of faculty or students recommends policies to an administrator who is authorized to make decisions. The administrator is not bound by the recommendations and accepts responsibility for the decisions. If the recommendations are not followed and the deliberative body requests an explanation, the administrator will provide the motivation for the decision in writing to the body.

1.3.3. Shared Responsibility—A deliberative body of faculty or students makes recommendations to an administrator. If the administrator and deliberative body cannot agree and action must be taken, the recommendations of the administrator and the deliberative body will be submitted in writing to the appropriate administrator at the next higher administrative level for decisions by that administrator who, upon request, will provide the motivation for the decision in writing to both the deliberative body and the next lower administrator.

~~1.3.3.~~ 1.3.4. Delegated Authority—A deliberative body of faculty or students is authorized to make decisions on specified matters. Such decisions are subject to administrative review, but will be altered only rarely and in exceptional circumstances. If a faculty decision in a matter delegated to faculty is amended or reversed, the faculty shall be afforded the opportunity to appeal such action in writing up to and including the President, who shall decide the matter and provide a written rationale for the decision.

1.4. SPECIAL RULES

1.4.1. **Ex-officio membership.** Except as limited or prohibited in these *Bylaws*, ex-officio members of governance bodies—those who serve on the body by virtue of an office held—have both voice and vote.

1.4.2. **Designees.** Except as limited or prohibited in these *Bylaws*, a designee may serve in the stead of a member of a governance body who is absent from a meeting. Such designees must have the same eligibility and constituency as the replaced member, and shall have the same rights and privileges as the member replaced. The attendance record of a member who provides a designee shall be unaffected.

1.4.3. **Absences and removal.** Members who fail to attend two meetings in a semester, or three meetings in a single academic year, of a particular governance body designated in these *Bylaws*, and who also fail to provide designees in their absences, shall be removed from the governance body, reducing its quorum until the members are replaced by procedures specific to the bodies.

SECTION 2. ACADEMIC GOVERNANCE IN SCHOOLS, COLLEGES, AND OTHER ACADEMIC UNITS

2.1. UNIT ACADEMIC ADMINISTRATORS

2.1.1. Academic units are those departments, schools, colleges, and other administrative units whose primary function is education, research, or creative endeavor.

2.1.2. An academic administrator is a faculty member who has authority and responsibility delegated by the President and the Board of Trustees for the administration of a unit. Administrative officers of the major education and research units of the University shall be members of the regular faculty, health professions faculty, or FRIB/NSCL faculty, except deans who shall be members of the regular faculty.

2.1.2.1. A department chairperson or school director serves as the chief representative of his or her department or school within the University. He or she is responsible for the unit's educational, research, and service programs—including the outreach components of all three; budgetary matters, academic facilities, and personnel matters, taking into account the advisory procedures of the unit. The chairperson or director has a special obligation to build a department or school strong in scholarship, teaching capacity, and service.

2.1.2.2. The deans and directors of other academic units separately reporting to the Provost are responsible for educational, research, and service programs of their units. This responsibility includes budgetary matters, academic facilities, and personnel matters in the unit, taking into account the advisory procedures of the unit.

2.1.3. Faculty and students shall advise or consult in the appointment of unit academic administrators.

2.1.3.1. The voting faculty of each department or school shall have shared responsibility with the relevant dean to determine procedures for the nomination of chairpersons and directors to be selected by the Provost.

2.1.3.2. The voting faculty of each college, as represented by the faculty members of the College Advisory Committee, shall have shared responsibility with the Provost to determine procedures for the nomination of that college's deans.

2.1.3.3. The nomination to the Provost of assistant and associate academic unit administrators shall be the responsibility of the academic administrator to whom they directly report.

2.1.4. Chairpersons, directors, and deans shall be subject to regular review at intervals not to exceed five years.

2.1.4.1. The College Advisory Committee of each college shall have shared responsibility with the Provost to determine procedures for the review of that college's dean.

2.1.4.2. At intervals not to exceed five years, the dean shall review each chairperson or school director in that college.

- 2.1.4.3. A department or school faculty shall have shared responsibility with its dean on procedures for review of a chairperson or school director.
- 2.1.4.4. There is no limit on how long an individual may continue in the position of dean, chairperson, or school director. The same rule applies to deans and directors of separately reporting units.
- 2.1.4.5. The appointment of a dean, chairperson, or director, as such, may be terminated at any time by resignation or by action of the President upon the recommendation of the Provost.
- 2.1.5. Academic administrators shall participate in academic governance as part of their administrative responsibilities.
 - 2.1.5.1. Academic administrators shall inform faculty and students of administration policies through the academic governance system as well as through other channels they deem appropriate.
 - 2.1.5.2. Academic administrators shall ~~seek information and advice from~~~~receive the views of~~ faculty and students through the academic governance system, as well as through other channels they deem appropriate, in determining policies and in advising other administrators of the University.
 - 2.1.5.3. Academic administrators shall comply with these Bylaws and the bylaws of their academic units.
 - 2.1.5.4. Academic administrators shall assist and encourage the efficient and effective operation of academic governance.

2.2. UNIT ACADEMIC GOVERNANCE

- 2.2.1. The voting faculty of each academic unit shall have shared responsibility with the administrator to adopt and publish bylaws, provided they are in conformity with these Bylaws.
- 2.2.2. Academic unit bylaws shall be reviewed at intervals not to exceed five years.
 - 2.2.2.1. The bylaws of schools and departments shall be reviewed by appropriate college committees. The decisions of such committees can be appealed to the University Committee on Academic Governance.
 - 2.2.2.2. The bylaws of colleges and other academic units that are not part of a college shall be reviewed by the University Committee on Academic Governance. Decisions of the Committee can be appealed to the University Council.
- 2.2.3. The bylaws of academic units with responsibilities for undergraduate or graduate education shall include procedures for the participation of students in the decision-making processes by which policy is formed.
 - 2.2.3.1. The students in each unit who have declared a major or major preference in an academic program in the unit shall be responsible for selecting, according to procedures of their own choice, their representatives to councils and committees, as specified in unit bylaws, pursuant to [1.1.2.1.](#)
 - 2.2.3.2. Each unit's bylaws shall specify the student constituency of that unit,

pursuant to [1.1.2.1](#) and [1.1.2.2](#).

2.2.4. Unit bylaws shall provide that the unit administrator, ~~or the unit administrator's designee~~, shall generally be present at meetings of academic governance bodies in the unit.

2.2.5. The bylaws of each college shall provide for a College Advisory Committee of faculty and students or separate college advisory committees to serve as means of participation by faculty and students in the policy-making of the college. The composition of each College Advisory Committee shall be representative of that college's diverse academic interests.

2.2.5.1. Each College Advisory Committee shall ensure that at least two of its members are members of the Faculty Senate, selecting—if necessary—from among the college representatives to the University Council one person to serve as an ex-officio member, without vote, of the College Advisory Committee. See [3.3.1.2.1](#).

2.2.5.2. Each College Advisory Committee shall elect its own chairperson.

2.2.5.3. Each College Advisory Committee shall publish minutes of its meetings.

2.2.6. The jurisdiction of unit-level academic governance shall include matters within the jurisdiction of University-level academic governance, provided that such matters are within the administrative authority of that academic unit.

2.2.7. Unit academic governance shall have jurisdiction over other matters, as provided in other University policies and legislation, e.g., of [Student Rights and Responsibilities at Michigan State University \(SRR\)](#), [Graduate Student Rights and Responsibilities](#), [Medical Students Rights and Responsibilities](#), and the [Faculty Grievance Policy](#).

2.2.8. Academic unit bylaws shall specify the modes of participation ([1.3](#)) for matters within the jurisdiction of unit academic governance. The modes of participation specified at the University level shall be the model that guides, but does not necessarily determine, the modes of participation at the academic unit level.

SECTION 3. UNIVERSITY ACADEMIC GOVERNANCE

3.1. THE ACADEMIC CONGRESS

3.1.1. Composition of the Academic Congress

- 3.1.1.1. The voting membership of the Academic Congress shall be the voting faculty as defined in [1.1](#), including the President and Provost. Honorary faculty shall be members with voice but without vote. The presiding officer may vote to break a tie.
- 3.1.1.2. The Chairperson of the Faculty Senate shall serve as the Chairperson of the Academic Congress. The Vice Chairperson of Faculty Senate shall serve as the Vice Chairperson of the Academic Congress.
- 3.1.1.3. The Chairperson presides at all meetings of the Academic Congress. In the absence of the Chairperson, the Vice Chairperson will preside at the meeting of the Academic Congress.
- 3.1.1.4. The Secretary for Academic Governance shall also serve as Secretary of the Academic Congress.

3.1.2. Functions of the Academic Congress

- 3.1.2.1. The Academic Congress will deliberate and endorse or reject items, and then refer them back to the originating body.
- 3.1.2.2. The Academic Congress shall also serve as a forum for the dissemination and exchange of ideas and information between the faculty and the administration.

3.1.3. Methods of Calling the Academic Congress

- 3.1.3.1. Meetings of the Academic Congress can be called into session by a majority vote of the faculty representatives of The Steering Committee or by the President.
- 3.1.3.2. The Academic Congress must be called into session to consider specific referred items when one of the following actions occur:
 - 3.1.3.2.1. A petition to call the Academic Congress into session to consider an item is endorsed by at least 20 percent of the voting members of the Academic Congress. The petition must include a description of the item that is referred for consideration.
 - 3.1.3.2.2. At least 50 percent plus one of the voting members of the University Council or the Faculty Senate vote to call the Academic Congress into session to consider an item. The resolution must include a description of the item that is referred for consideration.
 - 3.1.3.2.3. At least 50 percent plus one of the voting members at an official meeting of the Academic Congress at which a quorum is present vote to call the Academic Congress into session to consider an item. In this case, another meeting may be called only to consider items from the original agenda.

3.1.4. Quorum

- 3.1.4.1. A quorum of 10 percent of its voting membership plus one is necessary for the Academic Congress to consider action items that are referred to it.
- 3.1.4.2. In the event a quorum is not present, items that are referred to the Academic Congress from the Faculty Senate or the University Council ([3.1.3.2.2](#)) will be returned to the referring body for action.
- 3.1.4.3. In the event a quorum is not present, items referred to the Academic Congress for consideration by petition ([3.1.3.2.1](#)) will be referred to the Faculty Senate for consideration.
- 3.1.4.4. When the Academic Congress acts as a forum for the interchange of ideas and information, a quorum is not required. Notes will be kept of such sessions.

3.1.5. Academic Congress Agendas and Minutes

- 3.1.5.1. The agendas for Academic Congress will be set by The Steering Committee, in consultation with the President. However, if the Academic Congress was called into session by referral from the Faculty Senate or the University Council or by petition, The Steering Committee will include the referred item on the agenda. Agendas will be publicly available and circulated at least one week before the meeting.
- 3.1.5.2. Minutes of Academic Congress meetings shall be distributed to all members of the Academic Congress and the University Council.

3.2. *THE UNIVERSITY COUNCIL*

- 3.2.1. Composition of the University Council. The University Council shall be composed of the members of Faculty Senate, selected pursuant to [3.3.1](#), the Appointed Council, all faculty serving as Chairpersons of College Advisory Committees, the Chairperson of the Athletic Council, members of the Associated Students of Michigan State University (ASMSU) selected pursuant to [3.2.3.1](#), members of the Council of Graduate Students (COGS) selected pursuant to [3.2.3.2](#), Chairpersons of University-level Standing Committees, The Steering Committee, the President, the Provost, and designated ex-officio members in [3.2.1.2](#).
 - 3.2.1.1. The Appointed Council shall be composed of all Deans, the Director of Libraries, the Director of the FRIB, the President, and the Provost.
 - 3.2.1.2. The University Council shall have the following ex-officio members: Vice President for Student Affairs and Services; Vice President for Research and Graduate Studies; Vice President for Information Technology; the associate provosts; University Registrar; Athletic Council Chairperson; Faculty Grievance Official; Secretary for Academic Governance, and Ombudsperson. One representative of the faculty emeriti will serve ex officio with voice, but no vote.
- 3.2.2. Chairperson and Vice Chairperson of the University Council
 - 3.2.2.1. The Chairperson of University Council is the President. The Chairperson will preside at all meetings of University Council.
 - 3.2.2.2. The Vice Chairperson of University Council is the Provost. The Vice

Chairperson will preside at meetings of University Council when the Chairperson is not in attendance.

3.2.2.3. When both the Chairperson and the Vice Chairperson of the University Council cannot be in attendance at a meeting of University Council, the Chairperson will designate an individual to preside at that meeting.

3.2.3. The Voting Members of the University Council shall be the faculty representatives elected as members of the Faculty Senate, ASMSU and COGS student representatives, designated members of University-level Standing Committees, voting members of The Steering Committee, and the members of the Appointed Council.

3.2.3.1. ASMSU shall select a number of undergraduate student representatives to the University Council equal to one-third (1/3) of the total voting membership of the University Council. The number of representatives shall be rounded to the nearest integer. The overall selection shall ensure balanced collegiate representation.

3.2.3.1.1. Undergraduate student representatives to the University Council shall be chosen according to procedures established by the constitution of ASMSU and shall be chosen such that the diversity of the delegation is ensured.

3.2.3.2. COGS shall select a number of graduate representatives to the University Council equal to three-fiftieths (3/50) of the total voting membership of the body. The number of representatives shall be rounded to the nearest integer. No more than one graduate representative may be from a single department, with consideration being given to University wide representation insofar as possible.

3.2.3.2.1. Graduate student representatives to the University Council shall be chosen according to procedures established by the constitution of COGS and shall be chosen to ensure the diversity of the delegation.

3.2.4. Functions of the University Council

3.2.4.1. The University Council brings together faculty, student, and administration representatives to discuss issues that involve the entire University. While the Faculty Senate may seek input from the University Council on proposals regarding curricular issues, faculty tenure and promotion issues, and faculty salary and benefits issues, the primary focus of discussion in the University Council is on other issues that are not the core responsibility of the Faculty Senate.

3.2.4.2. The University Council shall consider and act upon all matters within its purview brought before it by The Steering Committee, shall consider and act upon all matters brought before it by the President or Provost, and shall provide a forum for the dissemination of information and exchange of views regarding University policy.

3.2.4.3. The University Council shall consider all major issues related to educational policy. The mode of participation shall be that which is specified on the matter in the ascription of functions to University-level Standing Committees ([4.3](#)–

[4.9](#)).

- 3.2.4.4. The University Council's role is to communicate its views on key issues facing the University.
- 3.2.4.5. The University Council may refer items to the Academic Congress for consideration and action.
- 3.2.4.6. The University Council may consult on any other matter pertaining to the general welfare of the University.
- 3.2.4.7. The University Council shall propose procedures to the Board of Trustees for the participation of faculty and students in the selection of the President, bearing in mind that the selection of a president should follow upon a cooperative search by the Board of Trustees and the faculty, taking into consideration the opinions of others who are appropriately interested. The President should be equally qualified to serve both as the executive officer of the Board and as the chief academic officer of the University and the faculty. The President's dual role requires an ability to interpret to trustees and faculty the educational views and concepts of institutional government held by each. The President should have the confidence of the trustees and the faculty.
- 3.2.4.8. The University Council shall develop procedures acceptable to the President for the participation of faculty and students in the selection of administrators of University-level units who are involved in the administration of policies significantly affecting the academic programs of the University.
 - 3.2.4.8.1. These administrative positions are the Provost, the Vice President for Research and Graduate Studies, the Vice President for Student Affairs and Services, the Dean of Undergraduate Studies, the Dean of The Graduate School, the Dean of International Studies and Programs, the Director of Libraries, and the Dean of the Honors College.
- 3.2.4.9. Except for the Board of Trustees, the University Council shall be the final authority with regard to the interpretation of these *Bylaws* ([4.3.4](#)).
- 3.2.4.10. The University Council may propose, by majority vote, changes in these *Bylaws* ([8.30](#)).
- 3.2.4.11. The University Council shall act on amendments to these *Bylaws*. Proposed amendments can originate from the University Council itself, from the Faculty Senate, or from University-level Standing Committees through referral to the University Committee on Academic Governance.
- 3.2.5. University-level Standing Committees Reporting to University Council
 - 3.2.5.1. University-level Standing Committees that deal predominantly with issues other than the curriculum and faculty life (e.g., tenure and promotion, salary, benefits) report to University Council. Such committees include the University Committee on Student Affairs, the University Committee on Undergraduate Education, the University Committee on Graduate Studies, and the University Committee on Academic Governance.
 - 3.2.5.2. The Athletic Council reports to the University Council. The form and frequency of its reporting will be determined by The Steering Committee, but

in no case will the frequency of reporting be less than once each academic year. The Athletic Council, through its chairperson, will also respond within a reasonable time to questions asked by the University Council.

3.2.6. Procedures of the University Council

- 3.2.6.1. The President or, in the President's absence, the Provost, shall preside at meetings of the University Council. The Secretary for Academic Governance shall be Secretary of the University Council and shall serve as a non-voting ex-officio member of the University Council.
- 3.2.6.2. The University Council shall normally meet at least once each month during the academic year. The President or The Steering Committee may also call a special meeting of the University Council. The Steering Committee may cancel a University Council meeting if there are no agenda items that must be considered. The Steering Committee shall prepare the agenda for each University Council meeting. Each meeting agenda will include an item enabling new business to be introduced from the floor. The agenda will be publicly available and circulated the meeting to which it relates. The meetings of the University Council shall be open. Observers shall be seated separately.
- 3.2.6.3. A quorum for conducting the business of the University Council is 50 percent plus one.
- 3.2.6.4. On all recommendations concerning major academic policies, a University-level Standing Committee report, or a brief summary thereof compiled by the committee chairperson, shall be made publicly available at the time it is submitted to the University Council.
- 3.2.6.5. The Faculty Senate, the Appointed Council ([3.2.1.1](#)), ASMSU, or COGS may, by a majority vote of those present and voting, refer matters to the University Council. Such recommendations shall be placed on the agenda of the University Council by The Steering Committee.
- 3.2.6.6. The University Council shall establish its own rules and procedures. The Faculty Senate, ASMSU, and COGS shall keep minutes of their meetings, which shall be made public through the Academic Governance website.

3.2.7. Functions of ASMSU

- 3.2.7.1. ASMSU shall consider and act upon all recommendations to University Council regarding student academic rights and responsibilities and judicial procedures; upon any proposed amendment to or revision of [Student Rights and Responsibilities at Michigan State University \(SRR\)](#) prior to its consideration by University Council; upon all matters brought before it by the President, the Provost, or the Vice President for Student Affairs and Services; and upon all matters on which its constitution requires such action.
- 3.2.7.2. On any matter brought before ASMSU the mode of participation shall be that which is specified on the matter in the ascription of functions to University-level Standing Committees ([4.3–4.9](#)).

3.2.8. Functions of COGS

3.2.8.1. COGS shall consider and act upon all recommendations to University Council regarding student academic rights and responsibilities and judicial procedures; upon any amendment to or revision of the [SRR](#), and [Graduate Student Rights and Responsibilities](#) prior to its consideration by University Council; upon all matters brought before it by the President, the Provost, or the Vice President for Student Affairs and Services; and upon all matters on which its constitution requires such action.

3.2.8.2. On any matter brought before COGS, the mode of participation shall be that which is specified on the matter in the ascription of functions to University-level Standing Committees ([4.3–4.9](#)).

3.3. THE FACULTY SENATE

3.3.1. Composition of the Faculty Senate

3.3.1.1. The first contingent of voting members of the Faculty Senate will be composed of faculty representatives from each college at the University. The college advisory committee/council in each college will conduct the election of that college's representatives. The Secretary for Academic Governance will oversee the elections.

3.3.1.2. Elected Faculty Representatives

3.3.1.2.1. Each college shall have at least two representatives, one of whom will be the Chairperson of the College Advisory Committee. Each college shall have one additional representative for every additional fifty voting faculty in excess of one hundred ([1.1.2.1](#)) not to exceed five total representatives. Each college with three or more representatives shall have at least one non-tenured faculty member among its representatives. See [2.2.5.1](#).

3.3.1.2.2. For purposes of determining the number of elected representatives on the Faculty Senate to which a college is entitled, the number of voting faculty ([1.1.2.1](#)), shall be the total number of faculty for whom the academic units in the college have primary responsibility for initiating personnel actions ([1.1](#)). For purposes of determining the number of faculty members required for the conduct of governance in accordance with these *Bylaws*, the census of the voting faculty will be provided to the Secretary for Academic Governance by the Office of the Provost no later than October 1 of each year.

3.3.1.2.3. Each college's faculty representatives shall be elected at-large during the spring semester by ballot supervised by the College Advisory Committee. A department or school may not have more than one representative unless the college's departments are so few that such a limitation would reduce the college's representatives to the Faculty Senate as determined by [3.3.1.2.2](#). Nomination procedures shall be stated in college bylaws.

3.3.1.2.4. All regular faculty members of the University who are not represented through colleges (non-college faculty) or who are not otherwise named in the membership of the Faculty Senate shall have representation as

specified for colleges in [3.3.1.2.2](#) and [3.3.1.2.3](#). The Secretary for Academic Governance shall supervise nomination procedures.

3.3.1.2.5. The methods of election of representatives for non-college faculty and those colleges that are not departmentally organized shall be similar to those prescribed for departmentally organized colleges and shall assure representation of their diverse academic interests.

3.3.1.2.6. The term of office of an elected faculty representative shall be two years and shall begin August 16. No individual may serve more than two consecutive terms from the same constituency. Representatives of each college or unit shall serve staggered terms.

3.3.1.2.7. If, for any reason, an elected faculty representative is unable to serve for a period of one academic semester or more, a replacement shall be selected by the relevant College Advisory Committee, as provided by college bylaws. The non-college faculty shall establish procedures for this purpose in cooperation with the Secretary for Academic Governance.

3.3.1.3. The second contingent of voting members of the Faculty Senate consists of the at-large faculty representatives on The Steering Committee ([3.4.1.2](#)).

3.3.1.4. The third contingent of voting members of the Faculty Senate consists of the individuals who sit as chairpersons of the University-level Standing Committees.

3.3.1.5. The President, the Provost, one elected member from ASMSU, one elected member from COGS, and the Chairperson of the Athletic Council will serve as ex-officio members of the Faculty Senate, with voice, but no vote.

3.3.1.6. One representative of the faculty emeriti will serve as an ex-officio member of the Faculty Senate, with voice, but no vote.

3.3.1.7. The Secretary for Academic Governance shall be the Secretary of the Faculty Senate and shall serve as a non-voting ex-officio member of the Faculty Senate.

3.3.2. Chairperson of the Faculty Senate

[3.3.2.1.](#) The Chairperson of the Faculty Senate will be selected by all voting members of the Faculty Senate from a slate made up of the at-large faculty representatives sitting on The Steering Committee. The at-large members receiving the two highest vote totals will constitute the final slate. Voting will be conducted again, and the at-large member receiving the majority of the votes will be declared the Chairperson of the Faculty Senate and the other candidate will be declared the Vice Chairperson. Their terms are one year. The Chairperson of Faculty Senate also serves as Chairperson of The Steering Committee and Chairperson of the Academic Congress. The Vice Chairperson of the Faculty Senate also serves as the Vice Chairperson of The Steering Committee and Vice Chairperson of the Academic Congress.

3.3.2.1.1. No person with an administrative appointment of more than 25% shall be eligible to serve as either the Chairperson or the Vice Chairperson of The Steering Committee, Faculty Senate, or Academic Congress. Individuals

with administrative responsibilities amounting to less than 25% of their total duties should consider the appropriateness of their service on The Steering Committee and Faculty Senate after considering possible conflicts of interest and the appearance of impropriety.

~~3.3.2.2. The Chairperson of the Faculty Senate will preside at meetings of the Faculty Senate. In the absence of the Chairperson, the Vice Chairperson will preside.~~

3.3.3. Procedures of the Faculty Senate

3.3.3.1. The Chairperson of the Faculty Senate will preside at meetings of the Faculty Senate. In the absence of the Chairperson, the Vice Chairperson will preside.

3.3.3.2. ~~Quorum for Faculty Senate Meetings.~~ The quorum for conducting the business of the Faculty Senate is 50 percent of its voting membership plus one.

3.3.3.3. The Faculty Senate shall normally meet at least once each month during the academic year.

3.3.3.4. The Steering Committee shall prepare the agenda for each Faculty Senate meeting. The agenda will be publicly available and circulated at least one week prior to the meeting to which it relates. Each meeting agenda will include an item enabling new business to be introduced from the floor. The Steering Committee may cancel a Faculty Senate meeting if there are no agenda items that must be considered.

3.3.3.5. A special meeting (“called meeting”) of the Faculty Senate to address urgent matters that should not await a regularly scheduled meeting may be called by the President, by The Steering Committee, or by a two-thirds vote of the membership of the Faculty Senate meeting in regular session.

3.3.3.5.1. In exceptional circumstances, between meetings of the Faculty Senate, one-third of the voting membership of the Faculty Senate may request a special meeting on a stated issue by written or electronic appeal to an at-large member of The Steering Committee. The appeal shall immediately prompt an electronic vote by the full voting membership of the Faculty Senate on whether to hold the special meeting on the stated issue. A two-thirds approval shall be required to call the special meeting.

3.3.3.5.2. Calls for a special meeting shall specify the purpose of the meeting. The only business that can be transacted at the special meeting is that which has been specified in the call for the meeting. The statement of purpose need not give the exact content of individual motions to be considered, if any. Motions from the floor shall be allowed.

3.3.3.5.3. Notice of a special meeting shall be publicized to members of the Faculty Senate at least forty-eight hours in advance of the called meeting and shall include date, time, venue, and agenda.

3.3.3.5.4. The Steering Committee and the Secretary for Academic Governance shall facilitate the convening of the special meeting.

~~3.3.2.3.~~3.3.3.6. Meetings of the Faculty Senate shall be open. Observers shall be seated separately.

3.3.3.3.4. Functions of the Faculty Senate

- 3.3.3.1.3.3.4.1. The Faculty Senate is a deliberative, representative, and legislative body for Michigan State University faculty. As such, the Faculty Senate is the major, regularly meeting body in which curricular issues, faculty tenure and promotion issues, and faculty salary and benefits issues are presented. Advice may be sought from the University Council. The Faculty Senate's role is to communicate its position to the administration on these issues.
- 3.3.3.2.3.3.4.2. The Faculty Senate acts on issues referred to it by The Steering Committee.
- 3.3.3.3.3.3.4.3. The Faculty Senate makes recommendations, provides advice, and speaks for University faculty on proposals developed in the University-level Standing Committees.
- 3.3.3.4.3.3.4.4. The Faculty Senate discusses issues brought to it by faculty, students, college advisory committees, and administrators, and communicates its position on these issues on behalf of all University faculty.
- 3.3.3.5.3.3.4.5. The Faculty Senate will seek broad faculty input on major initiatives before the University community.
- 3.3.3.6.3.3.4.6. The Faculty Senate obtains and synthesizes the opinion of the faculty to form recommendations on key issues facing the University, and communicates those recommendations to the President and the Provost.
- 3.3.3.7.3.3.4.7. Members of the Faculty Senate have the responsibility to represent their constituents on issues that should be considered by the governance system.
- 3.3.3.8.3.3.4.8. The Faculty Senate may refer items to the Academic Congress for its consideration.
- 3.3.3.9.3.3.4.9. The Faculty Senate may propose changes to these *Bylaws*. *Bylaws* changes ~~approved~~proposed by the Faculty Senate ~~shall~~may be submitted to the University Committee on Academic Governance for comment ~~and/or~~ may be introduced to the University Council directly by a member of the University Council. The Board of Trustees must approve *Bylaws* changes.
- 3.3.3.10.3.3.4.10. The University Council will consult with the Faculty Senate before it approves any amendments to those sections of the SRR that set forth the role of the faculty in the instructional process.
- 3.3.3.11.3.3.4.11. On any matter brought before the Faculty Senate, the mode of participation shall be that which is specified on the matter in the ascription of functions to University-level Standing Committees (4.3-4.9).
- 3.3.4.3.3.5. University-level Standing Committees Reporting to Faculty Senate
- 3.3.4.1.3.3.5.1. University-level Standing Committees that address issues of curriculum and ~~deal~~ predominantly with issues of faculty life (e.g., tenure and promotion, salary, benefits) report to the Faculty Senate.
- 3.3.4.2.3.3.5.2. The University Committee on Faculty Affairs (UCFA) will report to the Faculty Senate. UCFA may request an opportunity for its representatives to appear before University Council to obtain feedback from the entire University community.

3.3.4.3.3.5.3. The University Committee on Faculty Tenure (UCFT) will report to the Faculty Senate. UCFT may request an opportunity for its representatives to appear before University Council to obtain feedback from the entire University community.

3.3.4.4.3.3.5.4. University Committee on Curriculum (UCC) will report to the Faculty Senate. UCC may request an opportunity for its representatives to appear before University Council to obtain feedback from the entire University community.

3.3.5.3.3.6. University-level Standing Committees Reporting to Faculty Senate in Exceptional Situations

3.3.5.1.3.3.6.1. The University Committee on Student Affairs (UCSA) will report to the University Council, provided that recommendations by UCSA that affect professional rights and responsibilities of faculty must have been approved by the Faculty Senate before consideration by the University Council.

3.3.5.2.3.3.6.2. The University Committee on Undergraduate Education (UCUE) will report to the University Council, ~~provided that o~~On issues of establishment, moratorium, discontinuance, and merger of programs, UCUE shall have shared responsibility the University Council and the Faculty Senate will be informed of UCUE's consultation with the Provost.

3.3.5.3.3.3.6.3. The University Committee on Graduate Studies (UCGS) will report to the University Council, ~~provided that o~~On issues of establishment, moratorium, discontinuance, and merger of programs, ~~the University Council and the Faculty Senate will be informed of UCGS's consultation~~ UCGS will have shared responsibility with the Provost.

3.3.6.3.3.7. ~~The Steering Committee will prepare Faculty Senate agendas. Each meeting agenda will include an item allowing new business to be introduced from the floor.~~

3.4. THE STEERING COMMITTEE

3.4.1. Composition of The Steering Committee

3.4.1.1. The Steering Committee shall be composed of (a) five members of the faculty, elected at-large; (b) the chairpersons of the University-level Standing Committees; (c) the Vice President of Academic Affairs of ASMSU, and the President of the COGS, who will have voting rights on all matters not reserved to the faculty (1.2.3.1.1); (d) one undergraduate student chosen from the voting members of ASMSU, and one graduate student selected from the student members of COGS who will have voting rights on all matters not reserved to the faculty.

3.4.1.2. At-large faculty members of The Steering Committee shall be designated as members of the Faculty Senate, but may not serve concurrently as college representatives or as members of any other University-level Standing Committees.

3.4.1.2.1. The term of office for the at-large faculty members shall be two

years and shall begin on August 16. No individual may serve more than two consecutive terms. Either two or three at-large faculty members shall complete their terms each year.

3.4.1.2.2. At-large faculty members of The Steering Committee shall be elected by the voting faculty of the Academic Congress in an annual spring semester election supervised by the Secretary for Academic Governance. Election shall be by a plurality of votes.

3.4.1.2.2.1. The University Committee on Academic Governance will solicit recommendations from all faculty. A nomination slate will be developed for the Faculty Senate to endorse and send to the Academic Congress for election.

3.4.1.2.2.2. Each nominee shall provide to the Secretary for Academic Governance a brief vita and a short statement that shall be distributed with the ballot.

3.4.1.2.3. If for any reason an at-large faculty member of The Steering Committee is unable to serve for a period of one academic semester or more, a replacement for the remainder of the term of office shall be appointed by the Faculty Senate upon nomination by the faculty members of the University Committee on Academic Governance.

3.4.1.2.4. The term of office for student members of The Steering Committee shall be one year. No student may serve more than two consecutive terms on The Steering Committee unless that student holds the office of President of COGS or ASMSU Vice President of Academic Affairs, in which event the student may serve on The Steering Committee while holding that office. Student members of The Steering Committee will be identified by the end of each spring semester.

3.4.1.2.4.1. Student members of The Steering Committee shall be chosen from the voting membership of ASMSU and COGS.

3.4.1.2.4.2. Should a student member leave The Steering Committee, a replacement shall be chosen by ASMSU in the case of an undergraduate student, or COGS in the case of a graduate student.

3.4.1.3. The **President and** Provost shall be ex-officio members of The Steering Committee. The Secretary for Academic Governance shall be an ex-officio member of The Steering Committee and shall serve as Secretary to The Steering Committee, having voice but no vote. Along with support to academic governance, the Office of Academic Governance will supply clerical and administrative assistance to The Steering Committee.

3.4.1.4. The Chairperson of The Steering Committee shall be elected annually pursuant to [3.3.2.1](#).

3.4.1.5. A quorum of The Steering Committee will consist of 50 percent of its members, plus one.

3.4.2. Functions and Procedures of The Steering Committee

3.4.2.1. The faculty members of The Steering Committee shall meet periodically with

the President, ~~and~~ the Provost, and the Trustees for ~~thean~~ exchange of information and views on University policy and culture, and shall normally attend the meetings of the Board of Trustees.

- 3.4.2.2. The Steering Committee shall act on behalf of the University Council when, in the judgment of a majority of the membership of The Steering Committee, action is needed before the University Council can be called into session. The President, or, in the event of the President's absence, the Provost will chair such meetings. Actions taken at such meetings shall be reported to the University Council as information items and are subject to review by the University Council. Such meetings shall be called by the President, in consultation with The Steering Committee or a sub-committee of The Steering Committee designated to act on matters of agenda.
- 3.4.2.3. The faculty members of The Steering Committee shall act on behalf of the Faculty Senate when, in the judgment of a majority of the membership of The Steering Committee, action is needed before the Faculty Senate can be called into session. The Chairperson of The Steering Committee will chair such meetings. Such meetings may be called by the faculty members of The Steering Committee or by the Chairperson of The Steering Committee. Decisions taken at such meetings shall be reported to the Faculty Senate as information items and are subject to review by the Faculty Senate.
- 3.4.2.4. The Steering Committee shall advise the Provost regarding the appropriate faculty, academic, and student governance bodies, if any, to consult on proposals for establishment, moratorium, discontinuance, or merger of basic academic units, including departments, schools, institutes, colleges, and the Graduate School.
- 3.4.2.5. The Steering Committee shall receive proposals for action in academic governance from individual faculty or students, and from faculty or student groups and organizations.
 - 3.4.2.5.1. The Steering Committee shall, where appropriate, refer matters brought to it to councils or committees for consideration.
 - 3.4.2.5.2. When an issue is referred to more than one University-level Standing Committee for consideration, The Steering Committee shall designate one University-level Standing Committee the "lead committee" on that issue and make it responsible for any report on that issue.
- 3.4.2.6. The Steering Committee shall prepare the agenda for meetings of the University Council. Before each meeting of the University Council, The Steering Committee, or a sub-committee designated for matters of agenda shall hold a duly announced open meeting at which suggestions for agenda items will be heard.
- 3.4.2.7. The faculty members of The Steering Committee, or a sub-committee designated for matters of agenda, shall, in consultation with the President or Provost, prepare the agenda for meetings of the Faculty Senate and the Academic Congress. Before any meeting of those bodies, The Steering Committee will hold a duly announced open meeting at which suggestions for agenda items will be heard.

3.4.2.8. The Steering Committee shall report to the University Council.

3.4.2.9. The Steering Committee will implement and support communication to and from faculty, in print, electronically, and by direct interaction.

3.4.2.10. The Steering Committee will communicate regularly with the College Advisory Committees to encourage and implement strong interaction between University-level and college-level academic governance.

3.4.2.11. The Chairperson and Vice Chairperson of The Steering Committee (or other faculty members of the committee if they are unavailable) shall represent the faculty to the Board of Trustees in the event that urgent action is anticipated by the Board and there is inadequate time for calling a formal meeting of the Faculty Senate.

~~3.4.2.10.~~ 3.4.2.12. Faculty members of The Steering Committee shall participate in the orientation of the Board of Trustees in the areas of their knowledge and expertise; the roles and responsibilities of faculty governance, the processes of academic decision-making, and the concept of academic freedom.

3.5. OFFICE OF ACADEMIC GOVERNANCE

3.5.1. The Secretary for Academic Governance will direct the Office of Academic Governance.

3.5.2. The Secretary for Academic Governance shall be appointed by the President in consultation with The Steering Committee, and they shall review the appointment at periods not to exceed five years.

3.5.3. The Secretary for Academic Governance shall be the parliamentarian with regard to the *Bylaws*, and shall serve as a non-voting, ex-officio member of the University Council, the Faculty Senate, The Steering Committee, the Academic Congress, and the General Assembly of ASMSU.

3.5.4. The Secretary for Academic Governance will serve as a liaison between ASMSU and academic governance, and between COGS and academic governance, for the purpose of encouraging student representation in academic governance.

3.5.5. The Office of the Secretary for Academic Governance, along with other administrative offices, provides staff support to The Steering Committee, the University Council, the Faculty Senate, and the University-level Standing Committees in the execution of responsibilities directly and indirectly expressed in these *Bylaws*. The Secretary for Academic Governance shall supervise elections to the University Council, and of the at-large faculty of The Steering Committee, with review by the University Committee on Academic Governance.

SECTION 4. THE UNIVERSITY-LEVEL STANDING COMMITTEES

4.1. ESTABLISHMENT OF STANDING COMMITTEES.

There shall be the following University-level Standing Committees within Academic Governance

- University Committee on Academic Governance (UCAG)
- University Committee on Undergraduate Education (UCUE)
- University Committee on Curriculum (UCC)
- University Committee on Faculty Affairs (UCFA)
- University Committee on Faculty Tenure (UCFT)
- University Committee on Graduate Studies (UCGS)
- University Committee on Student Affairs (UCSA)

4.2. GENERAL RULES GOVERNING STANDING COMMITTEES

4.2.1. Composition of Standing Committees

- 4.2.1.1. The composition of each Standing Committee is specified in the description of each committee. The number of members for each committee is monitored by the University Committee on Academic Governance ([4.3–4.9](#)).
- 4.2.1.2. Unless otherwise provided, no college shall have more than one faculty representative on a Standing Committee.
- 4.2.1.3. Unless provided otherwise in detailed descriptions below, the term of office for faculty members on Standing Committees shall be ~~three~~two years. Provisions shall be made to stagger elections. Terms of office shall begin August 16.
- 4.2.1.4. The term of office for student members on Standing Committees shall be one year, renewable. Terms of office shall begin on the first day of summer semester classes.
- 4.2.1.5. No individual may serve more than ~~two~~three consecutive terms on the same Standing Committee as a representative of the same constituency. Members may return to a Standing Committee on which they have already served two full terms after three years (one full term).
- 4.2.1.6. No individual may serve concurrently as a voting member of more than one Standing Committee.
- 4.2.1.7. Election and appointment to Standing Committees shall take place in the spring of each year.
- 4.2.1.8. If for any reason a member of a Standing Committee is unable to serve for a period of one or more semesters, a replacement shall be named for that period. The selection of the replacement shall take place in the same manner as the selection of the member unable to serve.
- 4.2.1.9. Where faculty members of Standing Committees are selected from the elected faculty on the University Council, they shall be elected by the Faculty

Senate from a list of nominees chosen by the faculty of the University Committee on Academic Governance. The number of nominees shall be at least 1.5 times the number of positions to be filled.

4.2.1.10. Where faculty members of a Standing Committee are elected in college elections, nominating procedures shall be specified in college bylaws. Colleges may, in their bylaws, authorize the election to any Standing Committee, except the University Committee on Faculty Tenure, of full-time fixed-term faculty who have served at least three consecutive years, or of specialists in the continuing appointment system.

4.2.1.11. Unless otherwise provided, undergraduate student members of Standing Committees shall be elected by ASMSU, and graduate student members of Standing Committees shall be elected by COGS. Elections shall be held prior to the end of spring semester.

4.2.1.12. Elections to all Standing Committees shall be completed prior to May 1.

4.2.2. General Procedures of Standing Committees

4.2.2.1. After Standing Committees for the next year have been constituted in the spring, each new committee shall use its best efforts to meet prior to the end of spring semester to elect its chairperson and vice chairperson. These officers must be elected no later than the first committee meeting of the next academic year.

4.2.2.1.4.2.2.2. No person with an administrative appointment of more than 25% shall be eligible to serve as the chairperson or vice chairperson of a Standing Committee. Individuals with administrative responsibilities amounting to less than 25% of their total duties should consider the appropriateness of their service on a Standing Committee after considering possible conflicts of interest and the appearance of impropriety

4.2.2.2.4.2.2.3. The chairperson of each Standing Committee shall prepare a report at the end of each semester, summarizing the activities and actions of the committee during that semester, and its projected activities for the next semester. The mid-year report will summarize matters of significant concern to the committee and will be submitted by December 31st. The end-of-the-semester summaries will be posted through the website for Academic Governance. The Secretary for Academic Governance shall distribute these with the agenda or minutes for the University Council ([3.2.6](#)) or the Faculty Senate ([3.3.4](#)), as appropriate. At least once each academic year, each chairperson shall report at a meeting of the Faculty Senate or the University Council, as appropriate. The Secretary for Academic Governance shall establish the schedule for these reports.

4.2.2.3.4.2.2.4. The chairperson of each Standing Committee shall submit an annual written report of that committee's activities and actions to the Academic Governance Office by August 31. Summaries of these reports shall be posted through the website for Academic Governance. Each Standing Committee's chairperson shall regularly report to The Steering Committee on the work of that committee.

4.2.2.4.4.2.2.5. Standing Committees are encouraged to call on diverse members of the University community for the perspective that they may bring to the consideration of issues. Such individuals are asked to render such services as the relevant committee may reasonably request.

4.2.2.5.4.2.2.6. Standing Committees shall establish their own rules and procedures, as long as they are not in conflict with these *Bylaws*.

4.2.2.6.4.2.2.7. Subcommittees or ad hoc committees exist at the discretion of the parent Standing Committees, which shall review the need for such subcommittees or ad hoc committees annually or at the conclusion of the period for which such subcommittee or ad hoc committee was constituted.

4.2.3. General Functions of Standing Committees

4.2.3.1. Standing Committee members shall represent the interests of the entire University.

4.2.3.2. Standing Committees shall initiate recommendations to, and communicate with, the Faculty Senate (3.3.5), or the University Council (3.2.5), as appropriate. Subject to the review of Faculty Senate or University Council, each Standing Committee may make recommendations to the Provost and other administrators, as indicated in these *Bylaws*, on matters within the purview of the committee.

4.2.3.3. Each Standing Committee shall respond to reasonable requests for information, consultation, or advice from administrators, trustees, faculty, and students who initiate requests on matters within the purview of that committee.

4.2.3.4. Standing Committees shall regularly review their composition, procedures, and functions and recommend appropriate *Bylaws* revisions to the University Committee on Academic Governance.

4.2.4. Meetings of Standing Committees

4.2.4.1. The administrator(s) being advised by a Standing Committee shall be present at meetings of the committee except by mutual agreement.

4.2.4.2. Each Standing Committee shall schedule its own meetings, noting the schedule for all such committees established by the Secretary for Academic Governance, and shall post the schedule through the website for Academic Governance.

4.2.4.3. Standing Committee meetings shall ordinarily be open, but any such Committee may formulate procedures for closing some of its meetings for stated reasons. When a meeting is to be closed, the reasons for such closure will be announced publicly through the website for Academic Governance.

4.2.4.4. Each Standing Committee shall determine its own agenda. Members of The Steering Committee, administrators, faculty, and students may suggest x items for a committee's agenda. Announcements of Standing Committee meetings must be posted through the website for Academic Governance at least one week in advance of the meeting, include the time and place of the meeting, and an agenda.

- 4.2.4.5. The quorum for Standing Committees, except as provided in each committee's procedures, shall be fifty percent plus one.

4.3. UNIVERSITY COMMITTEE ON ACADEMIC GOVERNANCE

- 4.3.1. The University Committee on Academic Governance (UCAG) shall include a faculty member from each college, and a faculty member from the non-college faculty. Eligibility to serve on UCAG is limited to faculty members who have previously served on a University-level Standing Committee or the Faculty Senate. Three undergraduate student members of ASMSU, two graduate student members from COGS, the Provost, and the Secretary for Academic Governance shall be ex-officio members of UCAG.

- 4.3.1.1. The UCAG shall report to the University Council.

- 4.3.1.2. The chairperson of the UCAG shall be a member of The Steering Committee, and thus of the Faculty Senate and the University Council.

- 4.3.1.2.4.3.1.3. The chairperson of the UCAG shall be an ex-officio member of the Board of Trustees subcommittee on academic policy that has oversight of the Bylaws for Academic Governance.

- 4.3.2. The UCAG shall nominate to the University Council individuals who may be appointed to University-level Advisory-Consultative Committees, and other committees as may be requested by the University Council.

- 4.3.2.1. Only the faculty members of the UCAG shall nominate faculty to the committees listed in 4.3.2.

- 4.3.2.2. ASMSU shall appoint undergraduate students to fill the vacant undergraduate student positions on the committees of 4.3.2 in accordance with the procedures outlined in ASMSU's bylaws. COGS shall appoint graduate and professional students to fill the vacant graduate student positions on the committees of 4.3.2 in accordance with the procedures outlined in COGS bylaws.

- 4.3.2.3. The Secretary for Academic Governance shall provide staff assistance to UCAG in developing nominations.

- 4.3.3. The UCAG shall conduct a continuing review of the *Bylaws* and shall be responsible for recommending amendments in these *Bylaws* to the University Council.

- 4.3.4. The UCAG shall interpret these *Bylaws* subject to review by the University Council.

- 4.3.5. The UCAG shall review college bylaws for consistency with these *Bylaws*. It shall review each college's bylaws at least once every five years.

- 4.3.5.4.3.6. The UCAG shall conduct a continuing review of best practices for dean evaluations at the college level.

- 4.3.6.4.3.7. The UCAG shall review unit appeals in cases of conflict between units and consider appeals of reviews of department or school bylaws by college committees.

- 4.3.7.4.3.8. Decisions of the UCAG on college and department bylaws are subject to

review by the University Council.

~~4.3.8.~~4.3.9. The UCAG shall provide guidelines for elections or appointment to committees, boards, and panels affiliated with the University Council. The UCAG will review challenged elections, and recommend appropriate action to the University Council.

4.4. UNIVERSITY COMMITTEE ON UNDERGRADUATE EDUCATION

4.4.1. The membership of the University Committee on Undergraduate Education (UCUE) shall include a faculty member from each college, and a faculty member from the non-college faculty. UCUE shall also have four undergraduate student members, of whom one must be the Vice President of Academic Affairs of ASMSU, and two graduate student members from COGS. The Provost shall be a member with voice, but no vote.

4.4.1.1. The UCUE shall report to the University Council (3.2.5).

4.4.1.2. Each year the UCUE shall appoint one of its faculty members to serve as an ex-officio member on the Athletic Council.

4.4.2. The chairperson of the UCUE will serve on The Steering Committee and thus on the University Council and the Faculty Senate.

4.4.3. The UCUE shall exercise the faculty's delegated authority on grading policy for undergraduate students and the use of grades and grade point averages for undergraduate admissions and for advancement in or graduation from undergraduate academic programs.

4.4.4. The UCUE shall review all changes in undergraduate academic programs proposed by academic units and recommend their approval or rejection to the University Committee on Curriculum.

4.4.5. The UCUE shall have shared responsibility with the Dean of Undergraduate Studies to ~~consult with~~advise the Provost on the establishment, moratorium, discontinuance, or merger of undergraduate academic programs; on policies pertaining to curriculum revision, methods of instruction, evaluation of instruction, and advising and counseling for undergraduate students and programs; and on other policies pertaining to undergraduate education. ~~On issues of the establishment, moratorium, discontinuance, and merger of undergraduate academic programs, the University Council and the Faculty Senate will be informed of the UCUE's consultation with the Provost.~~

~~4.4.4.1.~~4.4.5.1. In the event that a disagreement between the UCUE and the Dean is adjudicated by the Provost in favor of the Dean's position on issues of the establishment, moratorium, discontinuance, and merger of undergraduate academic programs, both positions will be presented to the Faculty Senate for discussion and advice.

~~4.4.5.~~4.4.6. The UCUE shall have shared responsibility with the Dean of Undergraduate Studies to advise ~~consult with~~ the Provost on policy pertaining to admissions and retention, financial aid, and the use and distribution of educational and research resources for undergraduate students and programs.

~~4.4.6.~~4.4.7. The UCUE shall advise ~~and consult with~~ the Dean of Undergraduate

Studies and the Provost and make recommendations to the University Council on all other matters of academic policy affecting undergraduate students.

[4.4.7.4.4.8.](#) The UCUE shall coordinate its activities with those of other committees, as appropriate.

4.5. UNIVERSITY COMMITTEE ON CURRICULUM

4.5.1. The members of the University Committee on Curriculum (UCC) shall include a faculty member from each college. UCC shall also have five undergraduate student members, of whom one must be a member of ASMSU, and two graduate student members. The Provost shall be a member with voice, but no vote. The Provost shall also name an executive secretary to serve ex officio without vote. The University Registrar shall serve ex officio without vote.

4.5.1.1. The UCC will report to the Faculty Senate. UCC may seek advice from the University Council before reporting to the Faculty Senate on a particular matter, and will do so if The Steering Committee so requests.

4.5.2. The chairperson of the UCC will serve on The Steering Committee and thus on the University Council and the Faculty Senate.

4.5.3. The UCC shall exercise the faculty's delegated authority to review and approve or reject all changes in undergraduate curricula and degree requirements recommended by the University Committee on Undergraduate Education, and to review and approve or reject changes in graduate and graduate-professional curricula and degree requirements recommended by the University Committee on Graduate Studies. The UCC shall not reject a recommendation from either the University Committee on Undergraduate Education or the University Committee on Graduate Studies without providing a rationale for the rejection and consulting with the appropriate committee. In addition, the UCC shall exercise the faculty's delegated authority to review and approve or reject all undergraduate and graduate courses proposed by academic units.

4.5.4. The UCC shall advise the Provost on criteria for the establishment and deletion of courses and curricula.

4.6. UNIVERSITY COMMITTEE ON FACULTY AFFAIRS

4.6.1. The faculty of each college, and the non-college faculty, shall select one faculty member to represent it on the University Committee on Faculty Affairs (UCFA). UCFA shall have as members at least two non-tenured regular faculty and two full-time fixed-term faculty who are eligible to be voting faculty under [1.1.1.2.](#) Each year the University Committee on Academic Governance shall designate which colleges, or college groupings, shall select non-tenured faculty and full time fixed-term faculty as members of the UCFA. The Provost and the Director of the Office of Planning and Budgets shall be a member of UCFA with voice, but no vote.

4.6.1.1. The UCFA will report to the Faculty Senate. At its discretion, the UCFA may request an opportunity for UCFA representatives to appear before the University Council to seek advice.

4.6.1.2. The UCFA shall make recommendations to the Faculty Senate on issues related to the University budget, and shall report annually to a meeting of the

Faculty Senate on academic budget allocations and adjustments in salary and other forms of economic benefits.

4.6.2. The chairperson of the UCFA shall be a member of The Steering Committee and thus of the Faculty Senate and the University Council.

4.6.3. The UCFA shall have shared responsibility with the Provost for the formulation of faculty grievance procedures and on the rights and responsibilities of faculty.

4.6.4. The UCFA shall advise the Provost on personnel policies relating to faculty, including appointment, reappointment, promotion, leaves, retirement, and assignment to teaching, research, and administration.

4.6.5. The UCFA shall consult with or advise the Provost during the formulation of the University's annual budget request to the State of Michigan.

4.6.6. The UCFA recommendations regarding faculty rights and responsibilities and grievance procedures must also be approved by the Faculty Senate.

4.6.7. The UCFA shall participate in the University's Discipline and Dismissal of Tenured Faculty for Cause policy ([Faculty Handbook](#)) as stipulated therein.

4.7. UNIVERSITY COMMITTEE ON FACULTY TENURE

4.7.1. The faculty of each college, and non-college faculty, shall select one regular faculty member ([1.1.1.1](#)) to represent it on the University Committee on Faculty Tenure (UCFT). UCFT shall have as members at least three non-tenured faculty hired under the rules of tenure. Each year the Committee on Academic Governance shall designate which colleges, or college groupings, shall select non-tenured faculty as members of the UCFT. The UCFT shall have two undergraduate student members from ASMSU, and one graduate student member. The Provost shall be a member with voice, but no vote.

4.7.1.1. The UCFT will report to the Faculty Senate. At its discretion, the UCFT may request an opportunity for UCFT representatives to appear before the University Council to seek advice.

4.7.2. The chairperson of the UCFT shall be designated as a voting member of The Steering Committee and thus of the University Council and the Faculty Senate.

4.7.3. The UCFT shall advise the Provost on the formal and procedural rules for the award and revocation of tenure and on policies relating to tenure, and shall make recommendations to the Faculty Senate on such rules and on policies.

4.7.4. The role of the UCFT in the interpretation of the rules of tenure is determined by Principle Seven of the Operating Principles of the Tenure System ([Faculty Handbook](#)).

4.7.5. The UCFT shall hear and act on all cases for exceptions to the rules of tenure and its decisions on the matters shall be binding on the administration and on the faculty member.

4.7.6. The UCFT shall report promptly to the Faculty Senate if the administration acts in a manner contrary to UCFT's decision on a question involving tenure.

[4.7.7.](#) The UCFT shall participate in the University's Discipline and Dismissal of Tenured Faculty for Cause policy ([Faculty Handbook](#)) as stipulated therein.

~~4.7.7~~4.7.8. The UCFT has responsibility for formulating, revising, an overseeing a means of convening a University-level tenure committee—formally, a subcommittee of the UCFT—to advise the Provost on matters of faculty status: appointments, reappointments, decisions not to reappoint, promotions, and the granting of tenure.

4.8. UNIVERSITY COMMITTEE ON GRADUATE STUDIES

4.8.1. The members of the University Committee on Graduate Studies (UCGS) shall include a faculty member from each college with a graduate or graduate-professional degree program, plus one additional member from the Colleges of Agriculture and Natural Resources, Arts and Letters, Business, Education, Natural Science, and Social Science. UCGS shall have five graduate student members selected by COGS. No more than one student member may be from any one department, with consideration being given to universitywide representation insofar as possible. The Dean of the Graduate School shall be a member with voice, but no vote.

4.8.1.1. The UCGS will report to the University Council ([3.2.5](#)).

4.8.2. The chairperson of the UCGS will serve on The Steering Committee and thus on the University Council and the Faculty Senate.

4.8.3. The UCGS shall exercise the faculty's delegated authority on grading policy for graduate and graduate-professional students.

4.8.4. The UCGS shall review all changes in graduate and professional academic programs and recommend their approval or rejection to the University Committee on Curriculum.

[4.8.5](#). The UCGS shall have shared responsibility with the Dean of the Graduate School to ~~consult with~~advise the Provost on the establishment, moratorium, discontinuance, or merger of graduate programs; on policy pertaining to methods of instruction, evaluation of instruction, advising and counseling, and admissions and retention of graduate and graduate-professional students; and on other policies pertaining to administration of graduate and graduate-professional programs. On issues of the establishment, moratorium, discontinuance, and merger of graduate programs, the University Council and the Faculty Senate will be informed of UCGS's consultation with the Provost.

[4.8.5.1](#). In the event that a disagreement between the UCGS and the Dean is adjudicated by the Provost in favor of the Dean's position on issues the establishment, moratorium, discontinuance, and merger of graduate programs, both positions will be presented to the Faculty Senate for discussion and advice to the Provost.

~~4.8.5~~4.8.6. The UCGS shall have shared responsibility with the Dean of the Graduate School to advise the Provost on the coordination of graduate and graduate-professional programs.

~~4.8.6~~4.8.7. The UCGS shall have shared responsibility with the Dean of the Graduate School to consult with the Provost on policies pertaining to financial aid and employment of graduate students and on the use and distribution of educational and research resources for graduate and graduate-professional

programs and students.

~~4.8.7~~~~4.8.8~~. The UCGS shall advise and consult with the Dean of the Graduate School and the Vice President for Research and Graduate Studies on policies relating to research development, as they pertain to graduate and graduate-professional education.

~~4.8.8~~~~4.8.9~~. The UCGS shall maintain liaison with academic units offering graduate and graduate-professional programs.

~~4.8.9~~~~4.8.10~~. The UCGS shall maintain liaison with COGS.

~~4.8.10~~~~4.8.11~~. The UCGS shall coordinate its activities with those of other committees, as appropriate.

4.9. UNIVERSITY COMMITTEE ON STUDENT AFFAIRS

4.9.1. The University Committee on Student Affairs (UCSA) shall have four faculty members selected by the Faculty Senate. UCSA shall have eight student members appointed as follows: six appointees from ASMSU, including the President of ASMSU; and two appointees from COGS. UCSA appointees are expected to reflect the diversity of their constituencies. The Vice President for Student Affairs and Services and the University Ombudsperson shall be members with voice, but no vote.

4.9.1.1. The UCSA shall report to the University Council ([3.2.5](#)). However, any policy amendment or statement reviewed by UCSA that affects the professional rights and responsibilities of the faculty must be approved by the Faculty Senate before consideration by the University Council.

4.9.2. The chairperson of the UCSA shall be a voting member of the University Council.

4.9.3. The UCSA shall advise the Vice President for Student Affairs and Services on all policies of the Office of the Vice President for Student Affairs and Services and on other University policies as they affect the academic achievement of students.

4.9.4. The UCSA shall initiate and review proposed amendments to the [Student Rights and Responsibilities \(SRR\)](#), [General Student Regulations](#), and policies relating to the academic rights and responsibilities of students.

4.9.4.1. Any such amendment affecting the professional rights and responsibilities of the faculty must be reviewed by the UCSA and approved by the Faculty Senate before consideration by the University Council.

4.9.5. The UCSA shall assume the duties of the Committee on Academic Rights and Responsibilities under the [SRR](#).

SECTION 5. OTHER UNIVERSITY-LEVEL COMMITTEES

5.1. UNIVERSITY COUNCIL ADVISORY-CONSULTATIVE COMMITTEES

- 5.1.1. The University Council may establish Advisory-Consultative Committees for academic administrators of universitywide programs which do not have students or faculty regularly attached, or where the advisory processes established in [Student Rights and Responsibilities at Michigan State University \(SRR\)](#) do not provide a sufficiently broad base for the universitywide program.
- 5.1.2. The University Council shall establish the functions and the general procedures of Advisory-Consultative Committees, taking account of the recommendations of the administrator to be advised.
- 5.1.3. The composition of Advisory-Consultative Committees shall be established by the University Council. Membership shall be determined according to procedures specified in [4.3.2](#), except as noted in [5.1.3.1](#). The terms of office shall be two years for faculty and one year for students. No member may serve for more than two consecutive terms.
 - 5.1.3.1. When an Advisory-Consultative Committee's bylaws specify one faculty member from each of the colleges and one from among non-college faculty, each College Advisory Committee shall select one member and the appropriate representative body for the non-college faculty shall select one.
- 5.1.4. Advisory-Consultative Committees shall advise and consult with appropriate administrators. The committees shall recommend to the University Council, through The Steering Committee or an appropriate University-level Standing Committee, needed changes in University policies and procedures. An annual report shall be made to The Steering Committee for distribution with the University Council minutes. Minutes of all meetings shall be sent to The Steering Committee.
- 5.1.5. The University Committee on Academic Governance shall review the need for each Advisory-Consultative Committee at intervals not to exceed five years and recommend appropriate action, if any, to the University Council.

5.2. ATHLETIC COUNCIL

- 5.2.1. There shall be an Athletic Council with composition and ~~bylaws-procedures~~ subject to approval by the University Council. The Athletic Council shall function as the faculty voice in the intercollegiate athletic program.
- 5.2.2. Composition of the Athletic Council
 - 5.2.2.1. The voting members of the Athletic Council shall be eight members of the faculty, eligible for election under [1.1](#), three alumni, and three students.
 - 5.2.2.2. Ex-officio members without vote shall include: the Director of Intercollegiate Athletics, the Faculty Athletic Representative, the Executive Director of the Alumni Association, and the Vice President for Finance and Operations.
- 5.2.3. Appointment of Members

5.2.3.1. Faculty members of the Athletic Council shall be selected by the President from a slate of nominees (two for each vacancy) prepared by the faculty of the University Committee on Academic Governance and approved by the Faculty Senate.

5.2.3.1.1. The University Committee on Undergraduate Education shall appoint one of its faculty members to serve as an ex-officio member of the Athletic Council.

5.2.3.2. Alumni representatives shall be chosen from members of the Michigan State University Alumni Association, which shall prepare a slate of two nominees for each vacancy, from which the President shall appoint one. One of the alumni representatives shall be a former student varsity athlete. Alumni members shall not be employees of the University.

5.2.3.3. The President shall select student members of the Athletic Council.

5.2.3.3.1. One undergraduate student shall be appointed from a slate of three nominees submitted by ASMSU. One graduate student shall be appointed from a slate of three nominees submitted by COGS. One member of the Student-Athlete Advisory Council shall be selected from a slate of three nominees prepared by the Student-Athlete Advisory Council.

5.2.3.4. The Faculty Athletic Representative to the athletic agencies or conferences to which the University chooses to belong shall be a member of the regular faculty appointed by the President. The appointment shall be made with the advice of the voting members of the Athletic Council.

5.2.4. Terms of Appointment

5.2.4.1. The terms of appointment of faculty and alumni representatives on the Athletic Council shall be two years and shall begin on August 16. Terms of members shall be staggered so that not less than one-third of the membership will return the following year.

5.2.4.2. The term of appointment for student representatives shall be one year and shall begin on the first day of summer semester.

5.2.4.3. Vacancies for a period of one or more academic terms that occur during the term of appointment of any voting member shall be filled for the remainder of the unfinished term in the same manner as the regular selection of the member unable to serve. Voting members of the Athletic Council can serve no more than two consecutive terms. An appointment of more than eight months to fill an unfinished term shall be equivalent to a full term in considering eligibility for reappointment.

5.2.4.4. The Faculty Athletic Representative shall serve at the discretion of the President. The President shall review the Faculty Athletic Representative at least once every five years with the advice of the voting members of the Athletic Council.

5.2.5. Responsibilities of the Athletic Council

5.2.5.1. The Athletic Council serves as the deliberative body for the discussion of

academic policy related to student athletes and intercollegiate athletics.

5.2.5.2. The Athletic Council advises the Director of Intercollegiate Athletics on matters of policy, procedures, and organization related to intercollegiate athletics.

5.2.5.2.1. Regarding the regular season and post-season tickets and trips, voting members of the Athletic Council shall strive to minimize the award of special privileges to themselves that are uncharacteristic of those generally available to faculty. Nonetheless, it is expected that the Athletic Council will fulfill responsibilities related to institutional representation as appropriate throughout the year.

5.2.5.2.2. Complimentary tickets given to Athletic Council members are considered non-transferable.

5.2.6. The Athletic Council reports to the University Council. Form and frequency of reporting will be determined by The Steering Committee, but in no case will the frequency of reporting be less than once each academic year. The Athletic Council will also respond to questions asked by the University Council through its seated representative in the University Council, the Chairperson of the Athletic Council.

5.2.6.1. A report of policies regarding regular season and post-season trips, as well as a record of the disbursement of complimentary tickets and trips, shall be included in the annual report of Athletic Council to University Council.

5.3. FACULTY HEALTHCARE COUNCIL

5.3.1. There shall be a Faculty Healthcare Council (FHC) to function as the faculty voice to Human Resources and the University administration on matters related to healthcare and healthcare benefits.

5.3.2. Composition

5.3.2.1. The voting members of the FHC shall be nine faculty members.

5.3.2.2. Ex-officio members without vote shall include but not be limited to the Director of the Office of Planning and Budgets, and one faculty member emeritus/emerita to be selected by the Faculty Emeriti Association.

5.3.3. Appointment of Members

5.3.3.1. Faculty members of the FHC shall be appointed by The Steering Committee from a list initiated by the University Committee on Academic Governance, pursuant to its annual call for volunteers to committees, boards, and panels ([4.3.8](#)); the list shall be submitted to the FHC, which shall then submit its recommendations to The Steering Committee.

5.3.3.2. Eligibility for appointment to the FHC shall be established by submission to the University Committee on Academic Governance of a brief vita, rationale for willingness to serve, and acknowledgement that the work of the FHC includes the summer months.

5.3.3.3. Faculty members of the FHC shall represent a diversity of faculty appointments, pursuant to relevant union contracts.

5.3.4. Terms of Appointment

5.3.4.1. The terms of appointment of faculty representatives on the FHC shall be three consecutive two-year terms to ensure continuity and stability of membership.

5.3.4.2. If, for any reason, a member is unable to serve and more than one annual year remains of the appointment, The Steering Committee will identify a replacement from the most recent list of eligible volunteers; the new appointee will be eligible for reappointment for two subsequent terms. If less than one annual year remains, the seat will remain vacant until the next regular appointment period.

5.3.5. Responsibilities of the FHC

5.3.5.1. The FHC will serve as the faculty voice on issues related to the design, implementation and evaluation of health care plans.

5.3.5.2. The FHC will consult with, provide information, and make recommendations to the University Committee on Faculty Affairs on matters concerning the economic impact of health benefits.

5.3.5.3. The FHC shall serve as an advocate for faculty on matters related to health care and health care benefits.

5.4. COMMITTEE ON ADMINISTRATOR REVIEW

5.4.1. There shall be a Committee on Administrator Review (CAR) with procedures subject to approval by the University Council. The CAR shall function as the outlet for faculty and student voice in the review of administrators.

5.4.2. Composition and Appointment

5.4.2.1. The CAR shall include eight faculty members selected by the Faculty Senate, two undergraduate students to be appointed by ASMSU, and one graduate student appointed by COGS.

5.4.2.2. The Faculty Senate shall develop a protocol for transparency in the process for selecting faculty members. The protocol should develop criteria for adjudging the proposed members' independence of judgment and lack of conflicts of interest; application materials that require statements describing the faculty member's understanding of committee duties within a community seeking a thoughtful and evidence-based appraisal of administrator performance, and a format for disclosing the reasons why a chosen member is qualified to exercise independent judgment.

5.4.2.3. No college may be represented by more than one member of the CAR.

5.4.2.4. The CAR may, at its own discretion, work with the President and the Provost to identify administrators with whom the Committee could consult while performing its reviews.

5.4.3. Terms of Appointment

5.4.3.1. The terms of appointment for faculty members shall be two years and shall begin August 16. Terms of members shall be staggered so that not less than one-third of the membership will return the following year.

- 5.4.3.2. The terms of appointment for student members shall be one year and begin August 16.
- 5.4.3.3. No member shall serve more than two consecutive terms.
- 5.4.3.4. Any vacancies that should arise on the CAR shall be filled according to the same procedure outlined in 5.4.2.
- 5.4.4. Responsibilities of the CAR
- 5.4.4.1. In the interest of shared responsibility, transparency, and accountability, the CAR shall be responsible for reviewing the conduct and performance of administrators above the level of dean, including all executive officers.
- 5.4.4.2. The CAR shall also be responsible for investigating complaints that the reviews of deans were not conducted as required by these Bylaws and the relevant college bylaws. The CAR shall deliver a written report outlining its findings to the University Council at the conclusion of an investigation.
- 5.4.4.2.1. The Committee shall develop its own procedures for conducting these investigations, subject to the approval of the University Council.
- 5.4.5. Procedures for Selecting Administrators for Review
- 5.4.5.1. During each fall semester, the CAR will consult with the President and Provost to select three administrators for review.
- 5.4.5.2. No individual administrator shall be reviewed by the CAR more than once in a three-year period.
- 5.4.5.3. The CAR must review the Provost and each Vice President within a period of no more than six years.
- 5.4.5.4. The University Council may initiate a review of an additional administrator by a majority vote upon consultation with the chairperson of the CAR, either replacing or supplementing the three administrators scheduled for review.
- 5.4.6. Upon selecting an administrator for review, the CAR shall consult with the administrator being reviewed, as well as with faculty, administrators, students, and staff who interact with that administrator, using methods such as surveys and interviews. The CAR shall strive to understand administrators' effectiveness in fulfilling the responsibilities of their roles, their working relationships with superiors and subordinates, their adherence to relevant policies and procedures, and, when applicable, their working relationships with faculty and students.
- 5.4.6.1. The CAR is otherwise responsible for developing its own procedures for conducting reviews, subject to the approval of University Council.
- 5.4.7. Procedures for Reporting Results of Reviews
- 5.4.7.1. After completing an administrator's review, the CAR shall develop a written report summarizing its findings. This report shall explain the methodologies the CAR used in compiling the report, outline the administrator's strengths and weaknesses in the role, and include summaries of the feedback the CAR received.
- 5.4.7.2. The CAR shall also take care to provide a fair and circumspect characterization of the feedback received, limit its review to subjects related to the

administrator's professional conduct, and avoid the gratuitous disclosures of material not probative of the administrators' performance and needlessly intrusive on the privacy of any party.

5.4.7.3. Each spring semester, the chairperson of the CAR shall deliver the CAR's written reports to the administrators who were reviewed, the University Council, and the Provost.

5.4.7.3.1. The Secretary for Academic Governance shall be responsible for making these reports publicly available on the Academic Governance website.

5.3.6.5.4.8. In order to carry out these responsibilities, and at its own discretion, the CAR may create subcommittees or ad hoc committees as necessary and appropriate.

5.4.5.5. AD HOC COMMITTEES OF THE UNIVERSITY COUNCIL

5.4.1.5.5.1. Ad hoc committees shall be kept to a minimum. Before establishing an ad hoc committee, the University Council shall consult with The Steering Committee to determine whether the commission might appropriately be referred to one or more University-level Standing Committees.

5.4.2.5.5.2. The Steering Committee shall recommend to the University Council the composition, method of selecting members, functions, and procedures of ad hoc committees.

SECTION 6. UNIVERSITY STUDENT-FACULTY JUDICIARIES

6.1. STUDENT-FACULTY HEARING BOARD

- 6.1.1. The composition and jurisdiction of this body are set forth in [*Student Rights and Responsibilities\(SRR\) at Michigan State University.*](#)
- 6.1.2. The President shall appoint the faculty members of the Student-Faculty Hearing Board during the spring semester from a list of nominees supplied by the faculty members of the University Committee on Academic Governance (UCAG). The number of nominees shall be twice the number of positions to be filled.
- 6.1.3. The term of office for faculty members of the Student-Faculty Hearing Board shall be three years, with the opportunity for reappointment for one additional three-year term. Provisions shall be made to stagger appointments to assure continuity. Terms of office shall begin with the summer semester following appointment.
- 6.1.4. No faculty member of the University Council or of any committee whose members are appointed or nominated by the University Council shall be eligible to serve concurrently on the Student-Faculty Hearing Board.

6.2. UNIVERSITY GRADUATE JUDICIARY

- 6.2.1. The composition and jurisdiction of this body are set forth in [*Graduate Student Rights and Responsibilities.*](#)

6.3. UNIVERSITY ACADEMIC INTEGRITY HEARING BOARD

- 6.3.1. The composition and jurisdiction of this body are set forth in the [*SRR.*](#)
- 6.3.2. The President shall appoint the faculty members to the pool for the University Academic Grievance Hearing Board, the University Academic Integrity Hearing Board, and University Academic Appeals Board during the spring semester from a list of nominees supplied by the faculty members of UCAG. The number of nominees shall be twice the number of positions to be filled.
- 6.3.3. The term of office for faculty members in the pool shall be one or two years, with reappointment never to extend a person's service beyond four consecutive years. Provisions shall be made to stagger appointments to assure continuity. Terms of office shall begin with the summer semester following appointment. The service of the current pool members extends until replacements are nominated.
- 6.3.4. No faculty members of the University Council or of any committee whose members are appointed or nominated by the University Council or the Faculty Senate shall be eligible to serve concurrently on any of the three boards.

6.4. UNIVERSITY STUDENT APPEALS BOARD

- 6.4.1. The composition and jurisdiction of this body are set forth in the [*SRR.*](#)
- 6.4.2. The President shall appoint the faculty members of the University Student Appeals Board during the spring semester from a list of nominees supplied by the faculty members of UCAG. The number of nominees shall be twice the number of positions to be filled.

- 6.4.3. The term of office for faculty members of the University Student Appeals Board shall be three years, with the opportunity for one additional three-year term. Provisions shall be made to stagger appointments to assure continuity. Terms of office shall begin with the summer semester following appointment.
- 6.4.4. No faculty members of the University Council or of any committee appointed or nominated by the University Council or the Faculty Senate shall be eligible to serve concurrently on the University Student Appeals Board.

SECTION 7. ADMINISTRATIVE SUPPORT OF ACADEMIC GOVERNANCE

- 7.1 The administrator of an academic unit shall render necessary support, clerical and otherwise, to academic governance at the unit level. At the University level, this is the responsibility of the Provost and the Vice President for Student Affairs and Services.
- 7.2 Academic administrators shall recognize a faculty member's participation in academic governance as an important and integral part of the individual's workload. Teaching schedules or other work assignments should be made consistent with regular committee or council meetings insofar as that is reasonably possible.

SECTION 8. INTERPRETATION AND AMENDMENT

8.1 The academic governance bodies established by these Bylaws shall follow the current edition of Robert's Rules of Order Newly Revised unless otherwise specified in these Bylaws.

8.2 Except for the Board of Trustees, the University Council shall be the final authority with regard to the interpretation of these Bylaws.

8.3 Amendments

8.3.1 Proposed amendments shall be submitted to the University Committee on Academic Governance. After review by UCAG, proposed amendments may be submitted to the University Council for action under [3.2.5.1](#) by UCAG, or by any member of the University Council.

8.3.2 If the University Council approves the proposed amendment, The Steering Committee shall forward it to the President.

8.3.2.1. If the President concurs with the proposed amendment, the President shall notify The Steering Committee and place the proposed amendment on the agenda for action by the Board of Trustees within 90 days (excluding the time between the end of spring semester and the start of fall semester).

8.3.2.2. If the President does not concur with the proposed amendment, the President shall return it to The Steering Committee with the President's written objections and recommendations within thirty (30) days (subject to the exclusion noted in [8.3.2.10](#)). The Steering Committee shall submit the proposed amendment and the President's comments to the University Council for reconsideration.

8.3.2.2.1. If the University Council declines reconsideration, or if reconsideration results in no change to the proposed amendment, The Steering Committee shall return the proposed amendment to the President, who shall place it on the agenda for action by the Board of Trustees within sixty (60) days (subject to the exclusion noted in [8.3.2.10](#)).

8.3.2.2.2 In the event that reconsideration leads to modification of the proposed amendment by the University Council, The Steering Committee shall forward the modified proposed amendment to the President, as set forth in [8.3.2.10](#).

The *Bylaws for Academic Governance* is published by the office of the Secretary for Academic Governance • W32 Owen Graduate Hall • (517) 355-2337
AcadGov@provost.msu.edu • <http://acadgov.msu.edu>

Bylaws of the MSU Board of Trustees

The Board adopts bylaws to achieve the state objectives of Michigan State University, and to insure that the conduct of its own affairs will be in accord with the highest standards of educational administration.

*Effective as of December 16, 1965, and revised October 28, 1977;
January 25-26, 1979; January 24-25, 1980; July 20, 1990;
October 7, 1994; December 9, 1994; October 13, 2000, and January 10, 2003.*

TABLE OF CONTENTS

PREAMBLE	1
ARTICLE 1 - The Corporation	4
ARTICLE 2 - Meetings of the Board	4
ARTICLE 3 - Voting Procedures	4
ARTICLE 4 - Officers and Organization of the Board	4
ARTICLE 5 – Committees	9
ARTICLE 6 - University Organization	9
ARTICLE 7 - Relation of Board and the University Faculty, Staff, and Employees	9
ARTICLE 8 - The Board and Student Relations	12
ARTICLE 9 - Courses of Instruction and Degrees	13
ARTICLE 10 - Financial Responsibility	13
ARTICLE 11 - Property and Facilities	13
ARTICLE 12 - Extension Centers	14
ARTICLE 13 - Collective Authority and Action	14
ARTICLE 14 - University Operation in Special Emergencies	14
ARTICLE 15 - Corporate and University Seals	15
ARTICLE 16 - Emeritus Title	15
ARTICLE 17 – Amendments	15
ARTICLE 18 – Repeal	15

PREAMBLE

Michigan State University is the land-grant university for the State of Michigan, designated in 1863 by the Michigan Legislature to be the beneficiary of the endowment provided by the Morrill Act and supplemented by subsequent acts of the Congress of the United States.

As a land-grant university, it shares with its sister universities the legal responsibility to provide a liberal and practical education for the agricultural and industrial classes and all others, to prepare them for the various pursuits and professions of life.

This historic responsibility the Board of Trustees accepts, and to this obligation the Trustees pledge themselves, separately and collectively, and the material and human resources over which they have been given direction.

The Trustees interpret this mission as being one requiring the University to offer undergraduate and graduate education of the highest possible quality in all appropriate fields; to cherish the knowledge that is our legacy from the past; to preserve the best of our cultural, social, and political heritage; to encourage meaningful research and experimentation, both to develop new knowledge and to subject our society to a full and objective study so that it may be made more nearly perfect; to be ever responsive to the increasing needs of a dynamic and complex society, by developing and carrying on programs of public service; and to diffuse through all available media the knowledge and information that will contribute to the well-being and development of the people of our state, our nation, and the

world.

The present Constitution of the State of Michigan, like every other one before it, declares it to be public policy to encourage forever schools and the means of education. The Legislature, having the power of appropriation, shares the primary responsibility for implementing this policy.

The Constitution confers upon the Board of Trustees the freedom, power, and responsibility to develop a free and distinguished university and to promote the welfare of mankind through teaching, research, and public service.

The Board of Trustees, elected by the voters of the State and responsible to all of the people of Michigan, exercises the final authority in the government of the University, within the limits fixed by the State Constitution. In exercising its responsibility, the Board delegates to the President of the University, and through the President to the faculty, appropriate authority and jurisdiction over matters for which they are held accountable by the Board. These matters include educational policy and the development of a strong and efficient organization with which to accomplish the objectives of the University.

In making these delegations the Board declares its unequivocal support of the established rights and privileges of the academic profession and its intent to defend them steadfastly. These rights and privileges include academic freedom and tenure, compensation and other economic benefits as liberal as the resources of the University will allow, a viable faculty organization, and responsible faculty participation in the development of academic programs and policies.

With respect to non-academic employees, the Board declares that because they carry a correlative responsibility and because their roles are indispensable to the effective operation of the University, they are entitled to compensation and conditions of employment commensurate with their responsibilities.

With respect to students, the Board declares it to be its intention to provide the opportunity for each to realize the highest potential, to formulate and enforce reasonable rules governing student conduct, and to give due consideration to the opinions of students on matters related directly to their interest.

With respect to alumni, the Board invokes their loyal support of the University and invites their advice and counsel, reminding them that the esteem of the University is constantly measured by their performance as educated men and women.

With respect to the people of Michigan, the Board willingly acknowledges that this University is in the final analysis *their* University. As a public institution, Michigan State University is obligated to serve the best interest of the people who support it as can be best determined. The Board invites the people of Michigan to support with it the time-tested principle that in the University's unceasing quest for truth and enlightenment it must encourage the timely discussion in open forum of a wide variety of issues, some of which are bound to be controversial because they are unsettled. This principle assumes that the views expressed in such discussion are subject to critical evaluation, and that any restraints on the freedom of expression at the university must be limited to measures to protect such free inquiry and to insure that they are consistent with the preservation of an organized society in which peaceful, democratic means for changes in the social structure are readily available.

Finally, the Board of Trustees holds as its special trust the historical mission of a university to create an intellectual climate that will challenge and encourage the vigorous development and courageous expression of the human mind and spirit. Specifically, the Trustees recognize that it is a primary responsibility to assure the University of the financial and other resources necessary to the successful performance of its mission. They believe that the best method of assuring that support is to interpret the University faithfully and continually to their fellow citizens, to the legislature and

elected state officials, and to the federal government, and thus persuade them of the essential importance of the University's mission. To those tasks of interpretation and persuasion they are committed by their election to office, and to those tasks they pledge themselves without reservation. In order to make effective the principle here declared, to achieve the state objectives of Michigan State University, and to insure that the conduct of its own affairs will be in accord with the highest standards of educational administration, the Board of Trustees adopts these Bylaws:

ARTICLE 1 - The Corporation

The Trustees of Michigan State University and their successors in office are created by the people of Michigan through the Constitution as a body corporate known as the Board of Trustees of Michigan State University, with the power of general supervision over the institution and the control and direction of all expenditures from the institution's funds. The Board shall consist of eight members elected for eight-year terms as provided by law. Members shall hold office until their successors have been elected as provided by law. The governor shall fill Board vacancies by appointment.

Members of the Board shall serve without compensation, but shall receive the actual and necessary expenses incurred by them in the performance of the duties of their office.

ARTICLE 2 - Meetings of the Board

The Board shall meet monthly, except as otherwise provided by the Board. Meetings will ordinarily be held at Michigan State University in East Lansing, but may be held at such other times and places in Michigan as the Board may determine.

A majority of members shall constitute a quorum to do business, but a smaller number may meet and adjourn to some other time or until a quorum is obtained.

In exceptional circumstances, and rarely, the Board may act on items not announced in the published agenda. At all meetings it shall be valid to act on any urgent subject within the power of the corporation, unless the call of the meeting is limited.

The business at each meeting shall be conducted under general parliamentary rules set forth in *Robert's Rules of Order* as modified by the Board.

Meetings of the Board shall be open to the public as provided by law.

ARTICLE 3 - Voting Procedures

Votes on all matters coming before the Board or any of its committees shall be taken and recorded in the manner prescribed by the Board.

ARTICLE 4 - Officers and Organization of the Board

Chairperson. At the first regularly scheduled meeting of the Board in January immediately following each biennial fall election for Trustee, the members of the Board shall elect a chairperson of the Board. The chairperson's term in office shall be two years and shall expire at the first regularly scheduled meeting in January immediately following the next biennial fall election for Trustee. In the event of a vacancy in the office of chairperson during the two-year term, at its next meeting after the vacancy occurs the Board shall elect a new chairperson to serve for the remainder of the term. The chairperson shall perform such duties as may be prescribed by law or by the Board.

Vice Chairperson. Immediately after the election of the Board's chairperson, the members of the

Board shall elect a vice chairperson of the Board. The vice chairperson shall serve until the election of the next chairperson of the Board. In the event of a vacancy in the office of vice chairperson, at its next meeting after the vacancy occurs the Board shall elect a new vice chairperson to serve until the election of the next chairperson of the Board. Only Trustees who are not members of the chairperson's political party shall be eligible for election as vice chairperson, unless seven or more Trustees are members of the same political party, in which case all Trustees, other than the chairperson, shall be eligible for election as vice chairperson. The vice chairperson shall perform such duties as may be prescribed by law or by the Board.

The vice chairperson shall also assume the duties of the chairperson during the latter's absence and, in the event of a vacancy in the office of chairperson, until the election of a new chairperson.

President. The Board shall, as often as necessary, elect a president of the University who shall serve at the pleasure of the Board, bearing in mind that the selection of a president should follow upon a cooperative search by the Board of Trustees and the faculty, taking into consideration the opinions of others who are appropriately interested. The President should be equally qualified to serve both as the executive officer of the Board and as the chief academic officer of the University and the faculty. The President's dual role requires an ability to interpret to trustees and faculty the educational views and concepts of institutional government held by each. The President should have the confidence of the trustees and the faculty.

The President shall be, *ex officio*, a member of the Board without the right to vote, and be its sole administrative officer. The President shall preside at meetings of the Board, shall have the authority and shall perform the duties usually attached to the office as presiding officer. In order to familiarize the Trustees with the role of academic governance in the University, the President will arrange annually an orientation of the Trustees with The Steering Committee.

The President, as the principal executive officer of the University, shall exercise such powers as are inherent in the position in promoting, supporting, or protecting the interests of the University and in managing and directing all of its affairs; may issue directives and executive orders not in contravention of existing Board policies; shall be responsible for all business policies as heretofore enacted or modified or hereafter established subject to the general policies established by the Board; shall instruct the proper administrative officers to prepare an annual budget which upon approval, shall be recommended to the Board; shall be responsible for the preparation of the annual reports of the Board; shall exercise such other powers, duties, and responsibilities as are delegated or required by the Board of Trustees.

In case of a vacancy in the office of the President, under conditions other than those specified in Article 14, the Board at the time of the announcement that the President is leaving shall elect immediately an Acting President for the interim period who shall exercise the functions of the President as stated in these Bylaws while serving as Acting President.

Provost of the University. The Provost of the University shall be appointed by the Board upon recommendation of the President, shall serve at the pleasure of the Board, and shall give bond satisfactory to said Board to secure the faithful performance of the duties of the office. Subject to the President and the Board, the Provost:

Shall be the principal academic officer of the University and administer the various colleges, special units and academic support facilities.

Shall be responsible for assembling and administering the academic budget.

Shall be responsible for faculty personnel administration including procedures for faculty appointments

and terminations, salaries and promotions, working conditions, and tenure. In carrying out this responsibility, the Provost shall share with, be advised by, or consult with, University governance bodies as specified in the Bylaws for Academic Governance, bearing in mind that curriculum matters are delegated by the Board, through the President, to the faculty.

Shall be responsible, ~~with advice from the faculty,~~ for development of new academic programs and for keeping existing programs updated and in conformity with University educational policies. In carrying out this responsibility, the Provost shall share with, be advised by, or consult with, University governance bodies as specified in the Bylaws for Academic Governance, bearing in mind that curriculum matters are delegated by the Board, through the President, to the faculty.

Shall be responsible for insuring that administrative procedures preserve academic freedom and insure academic responsibility.

Shall be responsible for supervising procedures and policies related to the admission of students, and liaison with high schools and community colleges.

Shall be responsible for supervising the registration process and for the orientation of new students.

Shall be responsible for administering academic facilities and support units such as Libraries, Computer Laboratory, Instructional Development and Telecommunication Services, and the Museum.

Shall be responsible for liaison with State Department of Education.

Vice President for Administration and Public Affairs [*Vice President for Governmental Affairs*].

The Vice President for Administration and Public Affairs shall be appointed by the Board upon the recommendation of the President, shall serve at the pleasure of the Board, and shall give bond satisfactory to said Board to secure the faithful performance of the duties of the office. Subject to the President and the Board, the Vice President for Administration and Public Affairs:

Shall be the principal liaison officer and official contact between the University or any of its component parts and the State Legislature for all presentations made to the Legislature, or to any individual legislator on behalf of any projects of the University. All presentations on behalf of such projects shall be cleared with the Vice President for Administration and Public Affairs prior to their presentation.

Shall be responsible for the administration of personnel and employee relations policies and procedures related to the clerical, technical, administrative, and professional personnel who are not Board appointed. For these personnel the Vice President for Administration and Public Affairs shall administer such rules, regulations, and procedures pertaining to the classification, evaluation, employment, absences, leaves, vacations, promotions, and terminations of employment which may be established from time to time by the Board of Trustees.

Shall be representative of the University in its relations with labor unions organized among its nonacademic employees.

Shall perform such other duties as may be required by the President and the Board of Trustees.

The Vice President for Finance and Operations and Treasurer. The Vice President for Finance and Operations and Treasurer shall be appointed by the Board upon the recommendation of the President of the University. Subject to the President and the Board of Trustees, the Vice President and Treasurer:

Shall be responsible for the collection and custody of, and accounting for all moneys due the University.

Shall pay all obligations of the University in accordance with budgets, contracts, grants, and policies established by the Board of Trustees.

Shall exercise general control over the regular accounting service through the controller who may refuse expenditures not authorized by such budget rules as the Board may adopt, as well as expenditures that would incur an overdraft in any fund or item in the annual budget or in special projects.

Shall have supervision over and custody of all deeds, contracts, agreements, trust indentures, etc., of which the University is a part.

Shall be a University officer authorized to sign formal applications for grants of funds for research, extension, or other University purposes and directed by the Board.

Shall have general administrative supervision over the Physical Plant Division, Housing and Food Services, and General University Services departments.

Shall continuously monitor and review the actions of the investment manager and the status of the University's investment portfolio.

Shall prepare an annual financial report at the close of each fiscal year and such other interim reports as the President and the Board of Trustees may request.

May act to execute contracts on behalf of the Board of Trustees as authorized by the Trustees.

Shall give bond satisfactory to the Board for the faithful performance of the duties of the office. Shall perform such other duties as may be required by the President and the Board of Trustees.

Secretary of the Board. The Secretary of the Board shall be appointed by the Board upon recommendation of the President, shall serve at the pleasure of the Board, and shall give bond satisfactory to said Board to secure the faithful performance of the duties of the office. Subject to the President and the Board, the Secretary:

Shall keep a record of all the transactions of the Board which shall be open to public inspection; shall have custody of such books, papers, documents, records, and other property deposited in the Secretary's office, and shall be the custodian of the corporate seal and shall cause its imprint to be placed wherever appropriate.

General Counsel. The General Counsel and Associate General Counsel shall be appointed upon the recommendation of the President and approval of the Board. The General Counsel shall attend meetings of the Board and render such professional services as are required by it and the officers of the University. The General Counsel shall have authority to execute all legal documents including those required for purposes of litigation and/or court proceedings.

Ineligibility. No member of the Board shall be eligible to appointment as secretary or treasurer or to any paid employment in the University.

ARTICLE 5 - Committees

The Board may appoint committees and prescribe their duties and functions. The President or a presidential designee shall be a member of all such committees. [Each committee shall include at least one member of The Steering Committee or faculty member designated by The Steering Committee](#)

whose responsibilities and expertise closely resemble the committee's charge. All committees shall keep a record of their proceedings and shall report to the Board as required. The delegation of any authority of the Board to any committee shall not operate to relieve the Board or any member thereof of any responsibility imposed by law or the State Constitution.

All resolutions and all committee reports offered which involve matters for record in the minutes shall be made in writing.

ARTICLE 6 - University Organization

For purposes of administration, basic educational and administrative units may be established within the University upon recommendation of the President and the approval by the Board. The alteration or abolition of such units shall be approved in a like manner. The basic organization of the educational units shall include departments, schools, institutes, centers, colleges, and the graduate school. The President is authorized to determine the organizational pattern of the several educational and administrative units subject to a report to the Board.

ARTICLE 7 - Relation of Board and the University Faculty, Staff, and Employees

Regular Faculty Appointments. Appointments to the regular faculty, the salaries, tenure, leaves of absence, and changes of status therefore, shall be acted upon by the Board upon the recommendation of the President of the University.

Communications. All written communications to the Board from the officers and faculty of the University and the officers of any affiliated organizations of the Board of Trustees shall be transmitted with a copy to~~through~~ the President of the University. This provision does not preclude a right of approach with members of the Board.

All communications from the Board or any of its committees addressed to any officer, professor or instructor, or other employee of the University shall be transmitted through the office of the President of the University. This provision does not preclude individual members of the Board from contacting any person within the University community.

Employee Relations. The Board of Trustees is committed to the objectives of diversity and pluralism and to the principles of equal opportunity, non-discrimination and affirmative action as reflected in various federal and state laws, orders and regulations, as well as in various University policies and regulations and will treat its employees in a non-discriminatory manner in accordance with the law and its own internal policies and regulations. The Board will permit deduction of union dues from wages upon written request submitted by employees of the University.

It is the policy of the Board that the President shall develop a program structured along the fundamentals of basic due process, for the hearing and resolving of important, significant, and serious employee complaints.

Outside Employment. A full-time member of the faculty or staff may not be employed for remuneration by agencies other than the University except under the established rules of the Board and with the approval of the appropriate University authorities. In all cases there shall be no conflict of interest between the activity of the faculty or staff member and the University function. Any proceeds realized from such activity may be proportioned between the University and the faculty member where institutional time and/or facilities are involved.

Rights and Responsibilities of the Faculty. The Board of Trustees, the administration, and the

faculty carry out their respective responsibilities not as isolated entities, but as major and primary constituents of a total University organization and structure which remain mutually interdependent and must be supportive of each others' purposes, functions, and obligations. It is within this context that the rights and responsibilities of the faculty are to be construed.

The Constitutional authority lodged in the Board of Trustees for the administration of the University makes possible the creation of an organizational autonomy to protect faculty in the exercise of the rights of academic freedom, the most treasured values of the academic community. Upon these rights rest the unfettered pursuit and transmission of truth by the faculty who serve as the guardians, interpreters, and transmitters of a great intellectual heritage; the further enrichment of this heritage constitutes both obligation and aspiration of the academic profession.

Responsibilities adhere to rights of academic freedom with which they are closely interwoven and at times indistinguishable. They exist for faculty as members of a department or other academic unit, as members of a college, as members of the University, and as members of professional societies with which the respective disciplines are associated. Exercise of rights of academic freedom entails the restraints of intellectual integrity and of responsible action to safeguard its exercise against abuse, disrespect, or destruction. It entails tolerance for freedom of expression by others and full deliberation of issues and problems; it entails forthrightness in recognizing and in indicating when one speaks professionally as a scholar in a field of special competence and when one speaks as a private citizen; it entails mindfulness that membership in the academic community ineluctably involves identification and association with the University and that the University is adjudged by the actions, performance, [good taste](#), and expressions of its faculty.

Rights and responsibilities of faculty include the transmission and creation of knowledge, the cultivation in the student of the highest reaches of the mind and a capacity for abstract reasoning, the cultivation of a vigorous and continuing pursuit of an understanding of the universe and the encouragement of introspection of man's relation to it. To awaken in students penetrating questions on a fully examined life, on the morality inherent in the choice of values, and on finding a meaningful and responsible relation to society calls for the finest talents of the faculty as teachers, scholars, and counselors. Talents and dedication of faculty are also asked for understanding and appreciation of the mores and standards by which a society seeks to sustain itself and for exploration of how, through personal example and intellectual effort, both students and faculty may assist mankind to fulfill its noblest aspirations and highest potential.

Innovation, planning, and the rendering of many recommendations and decisions required for the effective functioning of departments, colleges, and the University as a whole represent further necessary faculty contributions. The institution looks to the faculty for recommendations on faculty recruitment, promotions, and tenure; on the development of new academic programs and modification or discontinuance of old; on academic standards for admission to the several teaching and research programs; and on the articulation of needs and requirements for space, equipment, and personnel.

Contributions assumed traditionally by faculty also include the cultivation of an exciting intellectual life; the preparation of professional competencies; evaluation of a student's academic performance; active participation in professional meetings; the determination of membership in the respective academic profession; and the development of teaching and research programs in many fields of knowledge of concern to the University, including the pursuit of advances in the arts and letters, the physical and biological sciences, government, and social and economic behavior.

The primacy of the faculty's role, functions, and responsibilities and its essentiality are further reflected in participation in the governing entities established for the several levels of faculty organization, in serving as needed on department, college, and University committees, and in rendering indispensable services associated with the University's many commitments and requirements within the academic community, within the state, the nation, and the world. The

core of the University's purpose, its intellectual content and integrity, is expressed by the faculty.

In concert with the administration and accountable through the President to the Board of Trustees, the faculty are responsible for the continuous development of a University dedicated to the highest academic goals and responsive to the needs of society.

Nothing in these Bylaws, or regulations issued pursuant thereto, shall prevent the Board of Trustees taking prompt action on urgent financial and personnel matters necessary to the best interests of the University. In the event that Board action in such urgent and rare circumstances is contemplated, however, the Secretary of the Board will promptly notify the Chairperson and Vice Chairperson of The Steering Committee, so that they are afforded an opportunity to participate in the Board's deliberations.

ARTICLE 8 - The Board and Student Relations

The Board encourages and supports the faculty in the development of educational and other programs within available resources, designed to secure the realization of the highest potential of every student.

Upon the recommendation of the President, and with respect for the delegated authority of the faculty in matters of student admission, the Board may determine and establish the qualifications of students for admission at any level, or readmission to the University, and fix the amount of fees to be charged for attendance at the University.

It shall be the policy of the Board to provide equal educational opportunity to all qualified students from the State of Michigan and, insofar as facilities, faculty, and accommodations permit, a reasonable number from other states and other countries. The Board of Trustees is committed to the objectives of diversity and pluralism and to the principles of equal opportunity, non-discrimination, and affirmative action as reflected in various federal and state laws, orders and regulations, as well as in various University policies and regulations and will treat students and student organizations in a non-discriminatory manner in accordance with the law and its own internal policies and regulations.

The Board may make or may delegate through the President to the faculty the authority to make reasonable rules and regulations for the purpose of maintaining the health, safety, good order, harmony, and discipline of students, which are not purely arbitrary or in violation of any common rights, and may require students to agree to abide by them as the condition of admission to and retention in the University. Students who fail to comply with these regulations may be disciplined in such a manner as may be deemed appropriate.

It is the policy of the Board that the President shall develop a program, structured along the fundamentals of basic due process, for the hearing and resolving of important, significant, and serious student complaints.

ARTICLE 9 - Courses of Instruction and Degrees

The Board delegates to the President and through the President to the faculty authority to establish and regulate courses of instruction and programs of research and service, namely, the powers that traditionally accrue to the faculty in view of its expertise: curriculum, subject matter and methods of instruction, research, faculty status (appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal), and those aspects of student life that relate to the educational process. While subject to a report and accountability to the Board for information, discussion, and appropriate action, in areas of faculty primacy, the Board and Presidents should concur with faculty judgment except in rare instances and for compelling reasons that should be stated in detail.

Students who complete prescribed courses of study may be granted such baccalaureate and graduate and professional degrees and diplomas as are appropriate.

Honorary degrees may be awarded in recognition of distinguished accomplishment and service within the scope of the arts and letters, sciences and the professions, and public service recognized and promoted by the University. No honorary degree may be granted except upon the recommendation of the President and faculty, or an agency representing it. Generally such honorary degrees may not be granted in absentia. No person shall be recommended for an honorary degree while an officer, faculty member, or other employee of the University.

ARTICLE 10 - Financial Responsibility

The Board of Trustees, being constitutionally vested with the general supervision of Michigan State University and the control and direction of all its funds, recognizes a vital and crucial institutional responsibility to those with whom it has financial transactions. Accordingly, it is the policy of the Board to maintain adequate income and reserves to assure payment of principal and interest on the due date of its obligations. To the end that the financial integrity of the University shall always remain inviolate, the Board of Trustees pledges that it will maintain constant vigil over its funds through regular review and periodic reports, and such adjustments in income and reserves as shall guarantee the probity of its obligations. Funds earmarked for payment of bonded self-liquidating projects and term loan agreements are duly pledged for the specific pledge of the indenture. No intrusion upon this commitment, from any source or for any reason, will be tolerated.

The Board of Trustees is concerned that maximum value be obtained for funds expended to procure goods and services. Whenever possible, competitive quotations will be secured from two or more suppliers and purchase orders will be awarded on the basis of lowest cost consistent with acceptable quality.

ARTICLE 11 - Property and Facilities

Real and Other Property. The acquisition of all real estate and other property for University purposes and the sale, disposition, or transfer thereof shall first be approved by the Board of Trustees. The Board is authorized to prescribe rules governing the use of all University property by the faculty, staff, employees, students, and the general public and the conduct of all entering upon said property, or in attendance at the University.

Securities. The investment manager(s), appointed by the Board of Trustees, shall be authorized to invest, buy and sell stocks, bonds, evidences of indebtedness, other securities and investment assets in accordance with policies and objectives established by the Board of Trustees. All such transactions shall be reported at the next regularly scheduled meeting of the Trustee Investment Committee.

Contracts. The President and officers designated by the President are authorized to execute contracts on behalf of the Board of Trustees.

Naming New Buildings. University buildings shall be named by the Board in accordance with its adopted policies.

ARTICLE 12 - Extension Centers

Extension Centers. Extension Centers of Michigan State University may be established at locations to be specifically designated where study for credit can be carried on under conditions which provide

appropriate instructional resources. Centers may not be established unless adequate classrooms and/or laboratory space are provided by local enterprise; adequate library facilities are available locally in all fields of advanced study in which courses are offered at that location; adequate concentration of population exists from which classes of satisfactory size may be drawn; competent instructors are available, and in the event that classes cannot be taught by members of the regular Michigan State University faculty, adequate opportunity exists for the supervision of their work by Michigan State faculty; and adequate communication exists between the Center and Michigan State University. All credit courses conducted off campus will be given the same value as credit courses on campus.

ARTICLE 13 - Collective Authority and Action

The authority of the Trustees is conferred upon them as a Board, and they can bind the corporation and the University only by acting together as a Board.

No individual member shall commit the Board to any policy, declaration, or action without prior approval of the Board.

ARTICLE 14 - University Operation in Special Emergencies

In the event of an emergency resulting from disaster occurring in this state caused by an enemy attack upon the United States, by which the incumbents of the Board and administrative offices of Michigan State University may become unavailable for exercising the powers and discharging the duties of such offices, the Board of Trustees declares that it shall be the policy of the University to operate in accordance with the provisions of the Emergency Interim Executive Succession Act of the State of Michigan.

In the event of the death or incompetency of the President, the Chairperson of the Board of Trustees shall convene the available members to take appropriate action to assure continuity in the affairs of the University until the Board will make arrangements for an Acting President. If such action is contemplated, the Chairperson and Vice Chairperson of The Steering Committee (or other members, should they be unavailable) shall be brought into the Board's deliberations to offer their counsel.

In order to anticipate responsibly the consequences of any disaster befalling the President of Michigan State University, rendering the President incapable of exercising the duties and functions of the office, it shall be the continuing responsibility of the Board of Trustees of said University to provide for the designation of an Acting President who shall carry out the duties and responsibilities of the Office of the President until such time as the Board shall appoint a permanent president under these Bylaws.

ARTICLE 15 - Corporate and University Seals

The corporate seal of the Board of Trustees shall contain in its center a monogram, MSU, being the initials of Michigan State University, and around the outer circle the words Board of Trustees Michigan State University.

The seal of the University shall contain in its center an illustration depicting "Old College Hall" and in the outer circle the inscription, Michigan State University.

ARTICLE 16 - Emeritus Title

The additional title of Emeritus may be added to that of any member of the faculty or staff upon retirement. The title of Trustee Emeritus shall be bestowed upon all persons upon the close of service of such persons as members of the Board of Trustees of Michigan State University.

ARTICLE 17 - Amendments

These Bylaws may be amended or repealed at any meeting of the Board by an affirmative vote of a majority of the Board, provided that copies of such amendments or notices of repeal are submitted in writing to each member in advance of such meeting.

ARTICLE 18 - Repeal

All Bylaws, acts or resolutions, or any parts thereof, which are inconsistent with these Bylaws are hereby repealed.

Ad Hoc Committee on Bylaws Reform

Executive Summary of Recommendations

I. Proposed Amendments to the *Bylaws for Academic Governance* with Attached Language

Preamble – Clarifies the faculty’s role in shared governance

1.3.1. - 1.3.4. – Clarifies and expands modes of participation

2.1.5.2. – Makes the Administration’s information-seeking obligations clearer

2.2.4. – Eliminates redundancy regarding administrators’ designees

3.2.4.7. – Sets expectations for the qualifications and selection process of the President

3.2.4.10 – Fixed a hyperlink

3.3.2.1.1. – Bars those with administrative appointments of more than 25% from chairing or vice chairing The Steering Committee, Faculty Senate, or Academic Congress and encourages all with administrative appointments to consider the appropriateness of their service in academic governance and to avoid conflicts of interest

3.3.3. - 3.3.3.6. – Specifies Faculty Senate procedures and creates way to call special meetings

3.3.4.9. – Clarifies *Bylaws* amendment process for Faculty Senate

3.3.5.1. – Corrects typo

3.3.6.2. & 3.3.6.3. – Clarifies the Provost’s shared responsibility with UCUE and UCGS

3.3.7. – Deletion to eliminate redundancy

3.4.1.3. – Adds the President to The Steering Committee, consistent with current practice

3.4.2.1. – Adds the Trustees to the list of those with whom faculty members of Steering Committee meet

3.4.2.11. – Chair and Vice Chair of Steering will represent faculty in emergency Board meetings

3.4.2.12. – Faculty on The Steering Committee will participate in Trustee orientation

4.2.1.3. & 4.2.1.5. – Changes term limits from three two-year terms to two three-year terms

4.2.2.2. – Bars those with administrative appointments of more than 25% from chairing or vice chairing Standing Committees and incorporates an equivalent of 3.3.2.1.1. for such committees

4.2.2.3. – Stylistic edit for consistency regarding dates

4.2.3.3. – Expands those who can request information from University-level Standing Committees

4.3.1.3. – Chair of UCAG is an *ex officio* member of Board’s academic policy subcommittee

4.4.5. - 4.4.7. – Clarifies UCUE’s advisory role and provides mechanism for getting Faculty Senate’s advice when the Provost sides with the Dean of Undergraduate Studies over UCUE

4.7.8. – Requires UCFT to create a subcommittee to advise the Provost on faculty status

4.8.5. & 4.8.5.1. – An analogue to 4.4.5. - 4.4.7. for UCGS

5.4 - 5.4.8. – Creates a Committee on Administrator Review responsible for reviewing administrators above the level of dean and ensuring dean reviews are conducted per the *Bylaws*

5.5. – 5.5.2. – Renumbered to account for the Committee on Administrator Review

8.2 – Added a period

8.3.2.2. - 8.3.2.2.2. – Fixed hyperlinks

II. Proposed Amendments to the *Bylaws for Academic Governance* without Accompanying Edits

1. Develop ways of incentivizing participation in academic governance
2. Clarify the role of *ex officio* members
3. Consider the equity of undergraduate and graduate representation on UCUE and UCGS
4. Stylistic and capitalization considerations
5. Expand the faculty's role in admissions
6. Specify the Chairperson of UCAG's ability to make non-substantive *Bylaws* edits
7. Conduct a holistic review of the Athletic Council, especially as it relates to the President's selection powers
8. Update internal references to the *Bylaws*
9. Develop a mechanism for addressing alleged violations of the *Bylaws*

III. Proposed Amendments to the *Bylaws of the Board of Trustees* with Accompanying Edits

Article 2 – Discourages the Board from acting on items not on the agenda

Article 4: President – Sets expectations for the qualifications and selection of the President

Article 4: President – Requires the President to create an annual orientation for Trustees involving Steering

Article 4: Provost – Expands the Provost's consulting obligation to include academic governance

Article 5 – Requires each Board committee to include a member of Steering or a designee

Article 7 – Allows the Board to write to faculty without needing to go through the President

Article 7: Rights and Responsibilities of the Faculty – Removes "good taste"

Article 7: Rights and Responsibilities of the Faculty – Adds an Oxford comma

Article 7: Rights and Responsibilities of the Faculty – Requires the Board to alert the Chair and Vice Chair of Steering when urgent action must be taken

Article 8 – Adds reference to the faculty's role in admissions

Article 9 – Clarifies the faculty's purview

Article 14 – Requires the Board to alert the Chair and Vice Chair of Steering when developing a response to the death or incompetency of the President

IV. Proposed Amendments to the *Bylaws of the Board of Trustees* without Accompanying Edits

1. *Article 4: President* – Amend the process for selecting an Acting President to reflect practice
2. *Article 4: Vice President for Administration and Public Affairs* – Change name to reflect practice
3. Add a dedicated spot to the Board's agenda for faculty and student representatives' comments (note that this does not necessarily require a change in the *Bylaws*)

**Further Issues with the *Bylaws for Academic Governance*
and the *Bylaws of the Board of Trustees***

Prepared by the
**Ad Hoc Committee on
Bylaws Reform**
August 27, 2018

Amended by the
**University Committee on
Academic Governance**
October 11, 2018

Table of Contents

Introduction from UCAG	ii
Further Issues with the <i>Bylaws for Academic Governance</i> for UCAG’s Consideration	1
Develop Ways of Incentivizing Participation in Academic Governance	1
The Role of <i>Ex-officio</i> Members	2
Expand the Faculty’s Role in Admissions	2
Consider Establishing One or More Committees on Women and Ethnic Minorities	3
Conduct a Review of Athletic Council	3
Enhance the Role of Faculty Senate in Addressing Violations of the <i>Bylaws</i>	3
Further Issues with the <i>Bylaws of the Board of Trustees</i>	4
<i>Article 4 – President:</i> Amending the Post-Presidential Resignation Process	4
<i>Article 4 – Vice President for Administration and Public Affairs:</i> Amend the Officer’s Title...4	
Add Dedicated Time on Board Agendas for Student and Faculty Representatives’ Remarks...	5
References	6

Introduction from UCAG

In its report, the Ad Hoc Committee on Bylaws Reform recommended significant changes to the *Bylaws for Academic Governance* and the *Bylaws of the Board of Trustees*. In addition to specific revisions to the two sets of bylaws themselves, the report included brief rationales for each recommendation. However, the Ad Hoc Committee on Bylaws Reform identified several areas for improvement for which they did not have time to develop specific amendments and included helpful thoughts on other ways that shared governance could be strengthened at Michigan State University.

In the interest of transparency, the University Committee on Academic Governance voted to share those recommendations for which language was not developed. UCAG intends to more fully consider those recommendations throughout the remainder of the academic year. However, it is important to note that these recommendations stand apart from the specific proposals passed by UCAG.

I. Further Issues with the *Bylaws for Academic Governance* for UCAG's Consideration

The ad hoc committee was not able to develop language for every issue identified in the *Bylaws* as relevant to the goal of shared governance. The following section of the report includes issues that also deserve attention.

Develop Ways of Incentivizing Participation in Academic Governance

In 2005, the Ad Hoc Committee on Faculty Voice noted the following in its report: “Currently, the faculty at Michigan State are culturally predisposed to avoid university level academic governance and to respond negatively to administrative proposals for change. The academic governance system, moreover, is poorly organized. It constrains rather than facilitates the exercise of faculty voice.”¹ In many ways, that analysis remains true today.

Throughout the summer, the ad hoc committee has continually come back to the issue of participation in academic governance, noting that the current crisis of shared governance at MSU has no single cause but is instead the consequence of several self-perpetuating phenomena. In the ad hoc committee's estimation, increased top-down control of governance has had the unintended consequence of discouraging faculty and students from participating in academic governance from frustration and a sense of futility. In turn, the administration has continued to increase the insularity of decision-making processes, and the cycle has continued accordingly.

This problem is exacerbated by an underfunded and understaffed Office of the Secretary for Academic Governance. The Office's current location in the basement of Owen Hall is nondescript, inconvenient, and not unbecoming to a vitally important institution. The ad hoc

¹ The Ad Hoc Committee on Faculty Voice, *Report of the Ad Hoc Committee on Faculty Voice*, April 22, 2005, p. 3, https://acadgov.msu.edu/sites/default/files/content/Faculty-Senate/Voice_Committee_Final_Report%2004-22-05_.pdf.

committee recommends that the office be given increased space in a place of widespread recognition, increased funding, and increased attention from the University community.

Further, the ad hoc committee recognizes that many good and hard-working faculty members decline to participate meaningfully in academic governance because they see it as a combination of useless and chore-like activities. Service in academic governance is not rewarded appropriately, and faculty are therefore not incentivized to serve. The ad hoc committee discussed several ideas for rectifying this problem, including monetary compensation tied to attendance, counting standing committee membership as 5% of a faculty member's workload, and requiring annual reviews to include a faculty member's service (failure to do so would be a grievable offense); greater weight should be given to those tasked with chair responsibilities. The ad hoc committee encourages a more thorough discussion of this issue.

The Role of *Ex-officio* Members

According to 1.4.1, and contrary to the understanding of many members of academic governance, *ex-officio* members of academic governance bodies have both voice and vote unless explicitly proscribed by the *Bylaws*. The motivation for its adoption is that persons who participate in the deliberations of a body should normally have a vote. As acknowledged when the bylaw was adopted in 2016, it is important for the parliamentarian to educate the University community, particularly because the provisions of the *Bylaws* are often repeated in college and department bylaws.

Expand the Faculty's Role in Admissions

There should be a university committee with elected representatives from each of the colleges engaged in undergraduate teaching that would have as its primary responsibility communication with the admissions wing of the University. Admissions is a major influence on the quality of teaching, and there is currently no direct way for faculty to shape the admissions

policy or enrollment management plan in relation to changing demographics, or to ensure that the University meets its public land-grant mission.

Consider Establishing One or More Committees on Women and Ethnic Minorities

The ad hoc committee considered adding a University-level committee to address issues relating to women and ethnic minorities. Members noted that such a committee should be distinct from current advisory committees on similar issues insofar as its membership should be chosen by governance bodies rather than administrators.

Conduct a Review of Athletic Council

Ad hoc committee members noted concern about potential dysfunction of the Athletic Council. For example, 5.2.1 requires the Athletic Council to have “composition and bylaws subject to approval by the University Council,” although no such bylaws exist. Further, several members of the ad hoc committee believed that faculty should play a stronger role in selecting their representatives and said that the practice of the President’s appointing the Athletic Council’s members from a slate of nominees provided by UCAG is inappropriate.

The ad hoc committee notes that recently, two Faculty Athletic Council Representatives (FAR) have been appointed in violation of the *Bylaws*, which refers to the FAR in the singular. While the ad hoc committee has no issue with the increased faculty voice, it notes the violation of academic governance rules, and encourages the administration to check the *Bylaws* before making appointments.

Enhance the Role of Faculty Senate in Addressing Violations of the *Bylaws*

Although UCAG serves some oversight functions, the ad hoc committee does not believe they are enough. The Faculty Senate should take a stronger role in identifying and correcting violations of the *Bylaws*.

II. Further Issues with the *Bylaws of the Board of Trustees*

This section includes those issues for which the ad hoc committee was not able to develop concrete proposals. We encourage academic governance bodies to examine the issues presented and move forward as they think appropriate.

Article 4 – President: Amending the Post-Presidential Resignation Process

When the President resigns, the *Bylaws of the Board of Trustees* dictate that “at the time of the announcement that the President is leaving [the Board] shall elect immediately an Acting President for the interim period who shall exercise the functions of the President as stated in these Bylaws while serving as Acting President.”

In the interest of minimizing confusion in the wake of a President’s resignation, such as what occurred in the immediate aftermath of President Simon’s resignation, the ad hoc committee recommends that the Board update its *Bylaws* to reflect its actual practice. The Board might consider designating a particular officer as Acting President until the Board meets, as well as inserting language about the distinction between an Acting President and Interim President.

Article 4 – Vice President for Administration and Public Affairs: Amend the Officer’s Title

The *Bylaws of the Board of Trustees* address a position called “Vice President for Administration and Public Affairs [Vice President for Governmental Affairs]” (brackets in original). This title has been superseded by new titles, so the Board’s Bylaws should be amended.

Add Dedicated Time on Board Agendas for Student and Faculty Representatives' Remarks

While the Board does publicize the names of its student and faculty liaisons,² those liaisons are not given dedicated places on the Board's agendas.³ Liaisons often meet with Trustees in less formal settings, and the ad hoc committee approves of that practice because such interactions help create a solid working relationship among constituencies. However, the ad hoc committee believes that by adding a dedicated, regular place on the Board's agendas for remarks from faculty and student liaisons, the Board could simultaneously take a step toward shared governance and reassure community members they are being heard. This change would not require an amendment to the *Bylaws of the Board of Trustees* given that it could easily be implemented, but the ad hoc committee encourages the Board to do so.

² See Michigan State University Board of Trustees, *Faculty and Student Liaisons to the Board*, last updated Sept. 17, 2017, <https://trustees.msu.edu/meetings/liaisons.html> (last accessed Aug. 19, 2018).

³ See, e.g., Michigan State University Board of Trustees, *Agenda of the Board of Trustees*, June 22, 2018, <https://trustees.msu.edu/meetings/pdfs/bot-agenda-2018-06-22.pdf>.

References

- Michigan State University Board of Trustees, *Agenda of the Board of Trustees, June 22, 2018*,
<https://trustees.msu.edu/meetings/pdfs/bot-agenda-2018-06-22.pdf>.
- , *Faculty and Student Liaisons to the Board*, last updated Sept. 17, 2017,
<https://trustees.msu.edu/meetings/liaisons.html> (last accessed Aug. 19, 2018).
- The Ad Hoc Committee on Faculty Voice at Michigan State University, *Report of the Ad Hoc Committee on Faculty Voice*, April 22, 2005, p. 3,
https://acadgov.msu.edu/sites/default/files/content/Faculty-Senate/Voice_Committee_Final_Report%2004-22-05_.pdf.

**Recommended Changes to the *Bylaws for Academic Governance*
and the *Bylaws of the Board of Trustees***

Prepared by the
**Ad Hoc Committee on
Bylaws Reform**
August 27, 2018

Amended by the
**University Committee on
Academic Governance**
October 11, 2018

Ad Hoc Committee Membership

- **Martin Crimp**, Professor, Department of Chemical Engineering and Materials Science, College of Engineering
- **Laura Dilley**, Interim Chair of the University Committee on Academic Governance; Associate Professor, Department of Communicative Sciences & Disorders, College of Communication Arts and Sciences
- **Benjamin Kleinerman**, Associate Professor of Constitutional Democracy, James Madison College
- **Mae Kuykendall**, Professor of Law, College of Law
- **Rubén Martinez**, Professor, Department of Sociology, College of Social Science
- **Laura McCabe**, Professor, Departments of Physiology and Radiology, College of Natural Science
- **Rocío Quispe-Agnoli**, Professor, Department of Romance and Classical Studies, College of Arts & Letters
- **Nora J. Rifon**, Professor, Department of Advertising & Public Relations, College of Communication Arts and Sciences
- **Janice Schwartz**, Assistant Professor, Department of Physiology, College of Osteopathic Medicine
- **Tyler Silvestri**, J.D. Candidate, College of Law
- **Juli Wade**, Associate Provost for Faculty & Academic Staff Development
- **Dylan Westrin**, Vice President for Academic Affairs at the Associated Students of Michigan State University; B.A. Candidate, James Madison College

Advisory Members

- **Gary Hoppenstand**, Secretary for Academic Governance
- **Debra Nails**, Professor *Emerita*, Department of Philosophy, College of Arts & Letters

The ad hoc committee received considerable administrative support from Katie Rundblad, Project/Event Coordinator in the Office of the Provost. We also thank Dr. Stephen Arch, Dr. Johannes Bauer, Ben Burke, Dr. Robert Ofoli, and Dr. John Powell for their contributions.

Table of Contents

Background	1
Recommended Substantive Amendments to the <i>Bylaws for Academic Governance</i>	5
<i>Preamble: Clarifying the Faculty’s Role in Shared Governance</i>	5
1.3.1–1.3.4.: Modes of Participation	6
2.1.5.2.: Administrators’ Information-Seeking Obligations	7
2.2.4.: Eliminating Redundancy Regarding Administrators’ Designees	8
3.2.4.7.: Setting Expectations for the Qualifications and Selection of the President	8
3.3.2.1.1.: Administrative Appointments and Service in Academic Governance	8
3.3.3.–3.3.3.6.: Specifying Faculty Senate Procedures and Special Meetings	9
3.3.4.9.: UCAG and Faculty Senate’s Relationship Regarding <i>Bylaws</i> Amendments	10
3.3.6.2. & 3.3.6.3.: The Provost’s Shared Responsibility with UCUE and UCGS	10
3.4.1.3.: Adding the President to The Steering Committee	11
3.4.2.1.: Adding Trustees to Those with Whom Faculty on Steering Committee Meet	11
3.4.2.11.: The Steering Committee Leadership will Attend Emergency Board Meetings	12
3.4.2.12.: Faculty on The Steering Committee will Participate in Trustee Orientation	12
4.2.1.3. & 4.2.1.5.: Changing Term Limits	12
4.2.2.2.: Administrative Appointments and Service on Standing Committees	13
4.2.3.3.: Strengthening Communication with Standing Committee Information Requests	14
4.3.1.3.: The UCAG Chairperson and the Board’s Subcommittee on Academic Policy	14
4.4.5.–4.4.7.: UCUE’s Provostial Advisory Role and Dispute Resolution	14
4.7.8.: Requiring UCFT to Create a Subcommittee to Advise the Provost on Faculty Status	15
4.8.5. & 4.8.5.1.: UCGS’ Provostial Advisory Role and Dispute Resolution	15
5.4.–5.4.8.: Establish a Committee on Administrator Review	16
Recommended Substantive Amendments to the <i>Bylaws of the Board of Trustees</i>	19
<i>Article 2: Discourage the Board from Acting on Items Not on the Agenda</i>	19
<i>Article 4: President: Setting Expectations for the President’s Qualifications and Selection</i> ...	19
<i>Article 4: President: Requiring the President to Create an Annual Trustee Orientation</i>	19
<i>Article 4: Provost: Expanding the Provost’s Consulting Obligations</i>	20
<i>Article 5: Requiring Each Board Committee to Include a Steering Committee Member</i>	20
<i>Article 7: Improving Faculty-Board Communication</i>	21
<i>Article 7: Removing “Good Taste” from the Rights and Responsibilities of the Faculty</i>	21
<i>Article 7: Requiring the Board to Alert Steering Committee Leaders of Urgent Matters</i>	21
<i>Article 8: Adding Reference to the Faculty’s Role in Admissions</i>	22
<i>Article 9: Clarifying the Faculty’s Purview</i>	22
<i>Article 14: Requiring the Board to Alert Steering Committee Leadership in Emergencies</i>	23
Amendments by UCAG	23

Background

In September of 2016, a media outlet called “The Indianapolis Star” reported that Lawrence Nassar, a physician employed by Michigan State University and USA Gymnastics, had sexually abused and harassed two ex-gymnasts, including one Olympic medalist.¹ More victims came forward describing similar behavior, and Nassar eventually pled guilty to ten first-degree criminal sexual conduct counts in two counties and three federal child pornography charges, and he was sentenced to sixty years in prison for the federal charges and between forty and one hundred and seventy-five years for his state crimes.² In total, more than 265 individuals described incidents of Nassar’s abuse that occurred over more than twenty years.³

Michigan State University became the subject of substantial scrutiny after it became known that the University cleared Nassar of wrongdoing following a 2014 Title IX investigation.⁴ Further criticism came after William Strampel, the former Dean of MSU’s College of Osteopathic Medicine and Nassar’s former boss, was revealed to have improperly handled reports of Nassar’s abuse and to have allegedly sexually assaulted and harassed four students himself.⁵ MSU was shown to have known about accusations against Strampel as early as 2005.⁶

¹See Tim Evans, et. al., *Former USA Gymnastics doctor accused of abuse*, IndyStar, Sept. 12, 2016, <https://www.indystar.com/story/news/2016/09/12/former-usa-gymnastics-doctor-accused-abuse/89995734/>.

²See *Who is Larry Nassar? A timeline of his decades-long career, sexual assault convictions and prison sentences*, The Lansing State Journal, <https://www.lansingstatejournal.com/pages/interactives/larry-nassar-timeline/> (last accessed Aug. 8, 2018).

³See Tracy Connor, *Larry Nassar accuser count is up to 265, judge says*, NBC News, Jan. 31, 2018, <https://www.nbcnews.com/news/us-news/larry-nassar-accuser-count-265-judge-says-n843316>.

⁴See Jean Casarez, et. al, *She filed a complaint against Larry Nassar in 2014. Nothing happened.*, CNN, Feb. 1, 2018, <https://www.cnn.com/2018/02/01/us/msu-amanda-thomashow-complaint-larry-nassar/index.html>.

⁵See Will Hobson, *Larry Nassar’s ex-boss at Michigan State charged with sexual assault, harassment of students*, The Washington Post, Mar. 27, 2018, https://www.washingtonpost.com/sports/colleges/larry-nassars-ex-boss-at-michigan-state-charged-with-sexual-assault-harassment-of-students/2018/03/27/e7588998-31d2-11e8-8bdd-cdb33a5eef83_story.html?utm_term=.a14575a5d76f.

⁶See David Jesse, *MSU knew about ex-dean’s sex comments in ’05. It didn’t end there.*, The Detroit Free Press, May 10, 2018, <https://www.freep.com/story/news/local/michigan/2018/05/10/michigan-state-university-william-strampel/590146002/>.

In the wake of the Nassar tragedy, the longtime President of Michigan State University, Lou Anna Simon, resigned on January 24, 2018. On January 31, the Board of Trustees appointed former Michigan Governor John Engler Interim President. At an emergency Faculty Senate meeting on February 13, The Steering Committee Chairperson Laura McCabe described a January 29 meeting between the Board of Trustees and the at-large faculty members of The Steering Committee in which the Board asked for guidance on selecting MSU's interim leader. McCabe reported that faculty members recommended selecting a woman with substantial experience in academia to lead the University, warned against selecting a political figure, and encouraged the Board to take its time in selecting a candidate.

The next day, and alongside the general public, those members of The Steering Committee learned via media reports that the Board had reportedly chosen Engler for the job.⁷ McCabe described faculty members as feeling that their feedback had been ignored. Student leaders reported having a similar meeting with the Board and feeling similarly disappointed and surprised by the announcement.⁸ Discontent with the decision was widespread. At the February 13 Faculty Senate meeting, McCabe described the faculty's grievance as being about "the process." McCabe continued, "It doesn't have to do with the selection. It has to do with . . . academic governance. We have a voice in these matters. We sometimes don't have the vote, but we want to provide input, and . . . the Board didn't listen to us." That Faculty Senate meeting

⁷ See, e.g., David Jesse and Kathleen Gray, *Former Gov. John Engler to be Michigan State's interim president*, Jan. 30, 2018, The Detroit Free Press, <https://www.freep.com/story/news/local/michigan/2018/01/30/michigan-state-university-john-engler/1078781001>.

⁸ See, e.g., Susan Svrluga, *'Shame! Shame!': Student and faculty leaders object to John Engler as interim president of Michigan State following Larry Nassar scandal*, Jan. 31, 2018, The Washington Post, https://www.washingtonpost.com/news/grade-point/wp/2018/01/31/student-and-faculty-leaders-object-to-john-engler-as-interim-president-of-michigan-state/?utm_term=.93d937356956. See also *Interview with Lorenzo Santavicca*, On the Banks, July 2, 2018, <https://www.spreaker.com/user/10415273/lorenzo>.

culminated in a vote of no confidence in the Board of Trustees that passed with 94% of the Senate's support.⁹

Following these events, many members of the MSU community identified a need for a more empowered academic governance system and a University-wide commitment to shared governance between administrators, faculty, staff, and students. The Ad Hoc Committee on Bylaws Reform ("the ad hoc committee") was formed by the University Committee on Academic Governance (UCAG) during the spring of 2018 and given guidance by the Faculty Senate.¹⁰ Its membership was initially approved by UCAG, and the ad hoc committee added and lost members as its work progressed.

The ad hoc committee met thirteen times between May and August 2018 and did extensive work online between meetings. The working group strived for consensus and open participation. This model allowed for maximum flexibility and dialogue as the group carried out its responsibilities.

At an early meeting, the ad hoc committee adopted the following statement expressing its understanding of its charge:

The Ad Hoc Committee on Bylaws Reform will review the *Bylaws for Academic Governance* and the *Bylaws of the Board of Trustees* for changes that could codify Michigan State University's highest principles, empower faculty and student voice, and increase the effectiveness and process of our structure generally. The Committee will draft bylaw proposals to that effect. The Committee will also make a report to the University Committee on Academic Governance outlining those recommendations. In doing so, the Committee will consider how its actions could contribute to the healing of the University community and how they could affect the University's culture surrounding sexual abuse.

⁹ See Secretary for Academic Governance, *Minutes of the Faculty Senate*, Feb. 13, 2018, p. 4, https://acadgov.msu.edu/sites/default/files/content/20180213_MinutesofEmergencymtg_App.pdf.

¹⁰ See Secretary for Academic Governance, *Minutes of the University Committee on Academic Governance*, Mar. 15, 2018, pp. 1-2, https://acadgov.msu.edu/sites/default/files/content/20180315_UCAGMinutes_App.pdf. See also Secretary for Academic Governance, *Minutes of the Faculty Senate*, Mar. 20, 2018, pp. 3-5, https://acadgov.msu.edu/sites/default/files/content/20180320_Minutes_App.pdf.

As evidenced by the statement, the ad hoc committee's purpose was not to antagonize the administration or paint it as an enemy, but to look for ways in which the University's various sets of bylaws could be changed to allow for maximum participation. In short, the ad hoc committee views governing the University as a cooperative effort, and it hopes that (1) the Board of Trustees and the administration will allow faculty, staff, and students to participate meaningfully in the University's affairs and (2) faculty, staff, and students will take this obligation seriously and put forth the effort necessary to play their important roles in governance.

It should be noted that, as referenced in the above statement, the ad hoc committee's work was informed by the actions of Nassar and Strampel. While references to the tragedies are scant within the ad hoc committee's report, discussions about how the *Bylaws* could be changed to prevent such events were frequent, and great care was taken to avoid negatively contributing to the University's culture toward sexual misconduct. The experiences of Nassar's and Strampel's respective survivors illustrate how much work must still be done independently of the *Bylaws*.

Further, in developing its recommendations, the ad hoc committee turned both to past sets of MSU bylaws and contemporary examples of fellow institutions. Of particular help was Ohio State University, an institution with many dedicated community members who were eager to help our efforts by answering extensive questions about their governance models. Additionally, many of the principles and some of the language underlying the ad hoc committee's efforts are derived from the authoritative *Statement on Government of Colleges and Universities*, jointly formulated by the American Association of University Professors (AAUP), the American Council on Education (ACE) and the Association of Governing Boards of Universities and Colleges (AGB), as well as from the AGB white paper, *Shared Governance: Changing with the Times*.

Below, the ad hoc committee has compiled summaries of the rationales underlying each change it recommends. The summer did not prove to be long enough for the ad hoc committee to suggest concrete amendments for every issue it would have liked to address. Accordingly, this report includes a section for each document outlining potential amendments that academic governance bodies should consider taking up in the future. Please note that each proposed amendment should be read and considered independently from the others; in all but a few cases (which are noted), failure to approve an amendment should not have an effect on approving others.

I. Recommended Substantive Amendments to the *Bylaws for Academic Governance*

The recommendations in this section are those proposed amendments to the *Bylaws for Academic Governance* for which the ad hoc committee has developed language that could be used in the *Bylaws*. Each proposal will include a summary of the proposed change, the rationale behind it, and, where applicable, additional information the ad hoc committee believes will be helpful to other parties considering the amendments. The order of the proposed amendments is the order of the *Bylaws*. To find the unabridged amendments, refer to Appendix I, a marked-up copy of the *Bylaws for Academic Governance* fully incorporating the proposed changes.

Preamble: Clarifying the Faculty's Role in Shared Governance

As it stands, the Preamble to the *Bylaws for Academic Governance* notes that, “The specific powers delegated to the faculty are detailed in the Bylaws of the Board of Trustees.” In fact, no such details can be found in that document. In order to clarify the faculty’s role, the ad hoc committee recommends replacing the phrase “detailed in the Bylaws of the Board of Trustees” with, “those in which the faculty has authority in proportion to its degree of expert knowledge. Thus the faculty has primary responsibility for curriculum, subject matter and methods of instruction, research, faculty status (appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal), and those aspects of student life

that relate to the educational process,” language adapted from the model *Statement on Government of Colleges and Universities*.

1.3.1–1.3.4: Modes of Participation

Presently, the *Bylaws* outline four modes of participation by which community members can play a role in shared governance: consultation, advisory, shared responsibility, and delegated authority. The four modes appear intermittently in the *Bylaws*, and most college bylaws cite them verbatim. In the past, the modes undermined shared governance, as they are vague and thus unreliable in implementation. The ad hoc committee proposes several amendments to the modes of participation to rectify that. Additionally, each refers to “a deliberative body of faculty or students.”

Of particular concern is *1.3.1*, which explains the consultative process. The current *Bylaws* make clear that these “deliberative bod[ies] of faculty or students” inform administrators of members’ opinions, but such a body “does not vote.” Deliberative bodies are often helpful precisely because of their deliberative and consensus-striving nature. Voting may very well be a key function of a group comprised of experienced but differing individuals. Rather than merely being a group of individuals whom an administrator trusts, a deliberative body is valuable because of the opposing views coming together to find a practical and reasonable middle ground; given that voting is a helpful tool in achieving that end, it seems unwise to exclude the option from the start. Accordingly, the ad hoc committee has amended *1.3.1* to allow for a more democratic process to occur when an administrator consults with a deliberative body. Of course, because of the consultative nature of such groups, any votes they take are not binding on administrators.

As it stands, the advisory process detailed in *1.3.2* often diminishes in practice until indistinguishable from the merely consultative mode. Advisory bodies make recommendations to administrators with decision-making authority, but their conclusions do not bind administrators.

The ad hoc committee proposes amending 1.3.2 to allow advisory bodies to receive a written explanation from administrators who decline to follow their recommendations.

The shared responsibility function outlined in 1.3.3 is referred to several times in the *Bylaws*. Currently, if a deliberative body that shares responsibility for a given subject with an administrator disagree, the decision goes to a higher-level administrator. The ad hoc committee recommends allowing the parties to receive a written rationale for any decision from the higher-level administrator. This measure would increase transparency and be useful for those who seek to better understand why the University worked the way it did.

Finally, the delegated authority function governed by 1.3.4 features deliberative bodies that are empowered to make decisions in specific areas. However, those decisions can be overturned by administrators. In the interest of strengthening faculty and student participation, the ad hoc committee recommends amending 1.3.4 to make clear that such an overruling should be rare, and further amending the bylaw to allow faculty to appeal amended or reversed decisions when that decision is in a matter delegated to the faculty.

2.1.5.2.: Administrators’ Information-Seeking Obligations

The *Bylaws* currently require academic administrators to “receive the views of faculty and students through the academic governance system.” The ad hoc committee has no objection to the substance of 2.1.5.2 but notes that the bylaw’s phrasing characterizes the top-down approach that governance. Rather than characterizing administrators as passive recipients of information, the ad hoc committee recommends that administrators be obligated to “seek information and advice from faculty and students.” This change is emblematic of what the ad hoc committee hopes will be a new paradigm at MSU: the contributions of faculty and students should not merely be received but sought.

2.2.4.: Eliminating Redundancy Regarding Administrators' Designees

According to 1.4.2, designees may serve in place of members of an academic governance body. Thus 2.2.4 is redundant and should be deleted.

3.2.4.7.: Setting Expectations for the Qualifications and Selection of the President

As already described, community members have expressed dismay regarding the Board of Trustees' method for selecting Interim President Engler for the role. While the Board seems to acknowledge its mistake, the ad hoc committee believes that adding expectations for the President's qualifications and the process by which the President is selected would be beneficial both substantively and culturally. Thus the ad hoc committee recommends that the University Council and the Board of Trustees develop search procedures that comport with those set out in the *Statement on Government of Colleges and Universities*.¹¹

3.2.4.10: Fixing a Hyperlink

The online version of the *Bylaws* has several broken hyperlinks that are noted here with their proper referents.

3.3.2.1.1.: Administrative Appointments and Service in Academic Governance

Many on the ad hoc committee expressed apprehension about faculty members who have administrative appointments and serve in high-level roles in academic governance. Concerns chiefly centered on a fear that those with administrative appointments may represent—or appear to represent—the administration more than they represent their respective constituencies. There was agreement that those with considerable administrative appointments should not serve as either the Chairperson or Vice Chairperson of the Faculty Senate, The Steering Committee, and the Academic Congress. After considerable discussion, the ad hoc committee settled on 25% as the threshold at which an administrative appointment could become cause for concern.

¹¹ See American Association of University Professors, et al, *Statement on Government of Colleges and Universities*, 1966, sec. 2(c), <https://www.aaup.org/report/statement-government-colleges-and-universities>.

Further, the ad hoc committee recommends that 3.3.2.1.1 encourage those with administrative appointments of less than 25% consider the appropriateness of their service on the Steering Committee and Faculty Senate. While those with relatively small administrative appointments ought to be entitled to contribute to academic governance, they should only do so after weighing possible conflicts of interest and the appearance of impropriety.

3.3.3.–3.3.3.6.: Specifying Faculty Senate Procedures and Special Meetings

The regular operating procedures of the University Council are specified in the *Bylaws* (see the items under 3.2.6), but there is no analogue for the Faculty Senate. Three relevant examples of the discrepancy include that (1) the President and the Steering Committee already have authority to call special meetings per 3.2.6.2, (2) the regular schedule of Faculty Senate meetings is not mentioned even though University Council’s is, and (3) the length of notice required for a regular Faculty Senate meeting is missing, despite University Council’s having its notice period set in the *Bylaws*. To correct this oversight, the ad hoc committee recommends that the Faculty Senate’s procedures be placed in the *Bylaws* and has drafted language to that effect.

The most significant addition to this section is an enhanced mechanism for calling special meetings. This spring, there was considerable and widespread frustration and confusion regarding the logistics of the Faculty Senate’s holding a meeting to vote no confidence in the Board of Trustees. Many found the current process to be circular and cumbersome. To address this issue, the ad hoc committee drafted 3.3.3.2.2, which includes two methods for calling a “special meeting” (the nomenclature used in *Robert’s Rules of Order*).

The ad hoc committee’s hope is that 3.3.3.2.2 will empower the Faculty Senate to respond effectively and efficiently in times of crisis. Combined with the proposed amendment to 3.4.2.11, discussed below, academic governance bodies will be in a better position to address urgent issues quickly.

3.3.4.9.: UCAG and Faculty Senate’s Relationship Regarding *Bylaws* Amendments

Currently, 3.2.4.1. notes that while all amendments to the *Bylaws* eventually make their way to University Council, they can originate from either University Council, the Faculty Senate, or a University-Level Standing Committee once that Standing Committee has forwarded it to UCAG. This is apparently inconsistent with 3.3.4.9., which says that amendments “approved by Faculty Senate may be submitted to the University Committee on Academic Governance or may be introduced to University Council directly by a member of University Council.” In practice, the Steering Committee sends all proposed amendments to UCAG for comment (i.e., to review for consistency with other sections of the *Bylaws*); note that this is wholly separate from UCAG’s opinion on the substance of the proposed measures. The ad hoc committee recommends changing 3.3.4.9 to require Faculty Senate to submit proposed amendments to UCAG for comment, which is the current practice.

3.3.5.1.: Correcting a Typo

A previous amendment to the *Bylaws* inadvertently deleted the word “deal.” The ad hoc committee recommends re-inserting it.

3.3.6.2. & 3.3.6.3.: The Provost’s Shared Responsibility with UCUE and UCGS

Currently, 3.3.6.2 requires University Council and Faculty Senate to be informed of the University Committee on Undergraduate Education’s consultation with the Provost on issues pertaining to “establishment, moratorium, discontinuance, and merger of programs.” Similarly, 3.3.6.3 requires University Council and Faculty Senate to be informed of the University Committee on Graduate Studies’ consultation with the Provost on such issues.

Both these articles encroach on the faculty’s delegated responsibility for the curriculum because the curriculum is delivered in *programs*. At present, program decisions are provostial with only consultation by the faculty committees with the Provost, hence a “report” to the University Council is all that is required. Since program decisions commit resources of the

University more heavily than department-level curricular decisions, shared responsibility with the Provost seems appropriate. As such, the ad hoc committee recommends amending 3.3.6.2 and 3.3.6.3 to change the advisory roles of UCUE and UCGS to shared responsibility.

3.3.7.: Eliminating a Redundancy

Note that 3.3.7 is redundant with 3.3.3.2.1 (procedures of Faculty Senate).

3.4.1.3.: Adding the President to the Steering Committee

Currently, 3.4.1.3 is clear that the Provost is an *ex-officio* member of the Steering Committee, but the President is not. However, the President is normally an active participant in meeting of The Steering Committee, and MSU's Academic Governance website lists the President as an *ex-officio* member despite the bylaw.¹² The President's presence at The Steering Committee is helpful insofar as it is an appropriate forum for dialogue between academic governance members and the administration, and so the Committee recommends amending the Bylaws to reflect current practice.

3.4.2.1.: Adding Trustees to Those with Whom Faculty on Steering Committee Meet

Currently, the faculty members of the Steering Committee are required to "meet periodically with the President and the Provost for an exchange of information and views on University policy." Shared governance is enriched by improved communication, and there is already an informal arrangement, codified in neither these *Bylaws* nor the Board's, whereby Steering Committee members meet with Trustees. Faculty members running for Steering Committee positions should know that they are expected to be involved at the Board level. As such, the ad hoc committee proposes amending 3.4.2.1 to add the Trustees to those with whom the faculty members of The Steering Committee must meet; University culture is one of the items on which faculty views should inform the Trustees.

¹² See Secretary for Academic Governance, *The Steering Committee Membership 2018-2019*, <https://acadgov.msu.edu/steering-committee/membership/2018-2019> (last accessed Aug. 19, 2018).

3.4.2.11.: The Steering Committee Leadership will Attend Emergency Board Meetings

The *Bylaws of the Board of Trustees* provide for methods of calling meetings to take urgent actions, but they should be revised to include appropriate faculty involvement in such meetings. The ad hoc committee proposes an addition to the *Bylaws for Academic Governance* reading with such a provision. Note that the proposed article will not be dispositive if not accompanied by an amendment to the same end in the *Bylaws of the Board of Trustees*.

3.4.2.12.: Faculty on The Steering Committee will Participate in Trustee Orientation

A broad theme that emerged during the ad hoc committee's deliberations was that part of the blame for the current state of shared governance at MSU lies with the faculty. A lack of participation in Board affairs is accompanied by a lack of communication with the Board. Cameo appearances at Board meetings by faculty members with exciting research or teaching projects are fine, but they do not cultivate effective working relationships on substantive issues of governance.

The Association of Governing Boards of Universities and Colleges warns of the “information gap between boards and faculty,” and advises that orientations of each group should involve the other.¹³ To help close that gap, the ad hoc committee recommends adding 3.4.2.12, thereby requiring faculty to participate in Trustee orientation and educate Board members on areas of the faculty's expertise.

4.2.1.3. & 4.2.1.5.: Changing Term Limits

Currently, the *Bylaws* generally limit service on a given Standing Committee to three consecutive two-year terms. The ad hoc committee looked to sister universities with strong records of shared governance and concluded that MSU's term limits should be changed to two

¹³ Association of Governing Boards of Universities and Colleges, *Shared Governance: Changing with the Times*, 2017, p. 7, https://www.agb.org/sites/default/files/report_2017_shared_governance.pdf.

three-year terms. Expanding the normal term from two years to three was a recommendation based on the service of the ad hoc committee's members on standing committees.

Further, the ad hoc committee believes that the proposed structure would increase leadership opportunities for faculty members. Lengthening terms will likely give faculty members more experience serving in academic governance, and therefore better empower them to take on further leadership roles. Increased term lengths will give members more time to find their individual strengths and weaknesses on standing committees, thereby helping to develop strong and diverse viewpoints that are better insulated from initial unfamiliarity with academic governance. Additionally, longer terms will encourage continuity on long-term efforts, many of which currently falter due to the loss of institutional knowledge every two years.

The ad hoc committee recommends that members be allowed to return to a standing committee on which they have already served two terms after a three-year (one full term) break; 4.2.1.5 implies that this is the case but leaves open the possibility that a member could return to a standing committee before one full term has elapsed if a vacancy should arise in the interim. Accordingly, the drafted language makes this rule explicit.

4.2.2.2.: Administrative Appointments and Service on Standing Committees

As discussed above in **3.3.2.1.1.: Administrative Appointments and Service in Academic Governance**, the ad hoc committee was concerned about the appropriateness of those with significant administrative appointments serving in academic governance. For the same reasons, the ad hoc committee proposes 4.2.2.2, which applies to standing committees.

4.2.2.3.: Stylistic Edit Concerning Dates

4.2.2.3 is corrected to *Bylaws* style.

4.2.3.3.: Strengthening Communication with Standing Committee Information Requests

The communication gap between the Board and the faculty is exacerbated by provisions in the two sets of *Bylaws*.¹⁴ Communication is crucial to building strong working relationships, yet the *Bylaws* unnecessarily restrict such contact. To loosen those restrictions, the ad hoc committee proposes amending 4.2.3.3. Increased access to information will promote transparency and accountability, as well as foster an environment that creates better participants in academic governance.

4.3.1.3.: The UCAG Chairperson and the Board’s Subcommittee on Academic Policy

The ad hoc committee recommends the adoption of a bylaw providing further faculty-Board communication. The advice of the AGB’s white paper on shared governance is, again, to cultivate working relationships among boards, administrators, and faculty. This is another attempt to do that. Having a working relationship between the Board subcommittee responsible for the *Bylaws* and the corresponding standing committee should increase communication and collegiality between UCAG and the Board.

4.4.5. – 4.4.7.: UCUE’s Provostial Advisory Role and Dispute Resolution

Currently, UCUE shares responsibility with the Dean of Undergraduate Studies “to consult with the Provost on the establishment, moratorium, discontinuance, or merger of undergraduate academic programs; on policies pertaining to curriculum revision, methods of instruction, evaluation of instruction, and advising and counseling for undergraduate students and programs; and on other policies pertaining to undergraduate education.” 4.4.5 further notes, “On issues of the establishment, moratorium, discontinuance, and merger of undergraduate academic programs, the University Council and the Faculty Senate will be informed of the UCUE’s consultation with the Provost.”

¹⁴ See below in the section discussing Article 7 of the *Bylaws of the Board of Trustees*.

A problem with the current structure is that the Dean of Undergraduate Studies is a vocal member of UCUE whose expertise is exercised in that venue; however, the Dean's promotion of the Provost's agendas is likewise exercised. The shared responsibility alluded to in 4.4.5 and 4.4.5 means that the Provost would adjudicate any disagreement between the Dean and UCUE, which would be an invidious procedure if the Dean's position was already the position of the Provost. Hence, an extra step is needed to ensure that the UCUE's position has been aired appropriately. The ad hoc committee proposes dividing 4.4.5, adding a procedure by which UCUE seeks the advice of Faculty Senate in the case of disagreement with the Provost. Further, the ad hoc committee recommends changing every incidence of "consult with" to "advise" to better capture UCUE's responsibility.

4.7.8.: Requiring UCFT to Create a Subcommittee to Advise the Provost on Faculty Status

A problem with the governance structure generally is that there is no university-level tenure committee. Instead, there is a group of advisors selected by the Provost. The process should be regular, and the members of the group advising the Provost should not be hand-picked by the Provost or serve at the pleasure of the Provost. The University Committee on Faculty Tenure is well-positioned to develop a policy whereby faculty members having served on college-level tenure committees constitute the university-level tenure committee. The policy should include provisions for eligibility, means of election or selection, and staggered terms for continuity. Such a policy and subcommittee would foster trust between the faculty and the administration.

4.8.5. & 4.8.5.I.: UCGS' Provostial Advisory Role and Dispute Resolution

As discussed in above in 4.4.5–4.4.7, UCUE and the Dean of Undergraduate Studies share responsibility for advising the Provost on a discrete set of issues. The University Committee on Graduate Studies has a similar shared responsibility with the Dean of the Graduate

School to advise the Provost on that same set of issues. For the reasons outlined above, the ad hoc committee recommends creating analogues to 4.4.5–4.4.7 for UCGS.

5.4. – 5.4.8.: Establish a Committee on Administrator Review

There is agreement in the ad hoc committee that an independent body made up of faculty and students should conduct reviews of administrators. Creating such a body would provide faculty, staff, and student viewpoints on administrators to their superiors, and enhance shared governance and accountability overall.

The ad hoc committee proposes the creation of the Committee on Administrator Review (CAR). The basic idea is that eight faculty members, two undergraduate students, and one graduate student will serve on a committee that conducts thorough reviews of three administrators each year. The number of CAR's members was chosen to maximize efficiency while still allowing for diverse viewpoints. The number of administrators to be reviewed was selected in an effort to create a reasonable workload for CAR while still providing broad accountability.

CAR would select the three administrators for review after consulting with the President and the Provost. The President and the Provost could also recommend other administrators whom it would be helpful to consult while conducting reviews, but such administrators would not be members of CAR. CAR must review the President, Provost, vice presidents, associate vice presidents, and associate provosts within a period of no more than six years, but no individual administrator would be reviewed more than once in a three-year period.

The ad hoc committee was intentionally vague in referring to which administrators are eligible for review. The hope was that the provision would be read broadly and include other administrators who may warrant review, such as administrators within the Academic Orientation Program, the Office of Institutional Equity, and the Registrar. The essential point is that CAR would review those administrators whose divisions or departments warrant review based on the

campus culture at the time. The goal of the review is to understand administrators' effectiveness in fulfilling the responsibilities of their roles, their working relationships with superiors and subordinates, their adherence to relevant policies and procedures, and, when applicable, their working relationships with faculty and students.

Each spring semester, CAR would report to University Council. The ad hoc committee believes that University Council is appropriate because University Council is made up of students, faculty, deans, and other administrators. CAR would develop a written report for each review summarizing its findings. The report would also be delivered to the President, the Provost, and the Administrator under review. In the interest of accountability and transparency, the Secretary for Academic Governance would be responsible for making these reports available to the campus community.

Additionally, CAR would be responsible for investigating complaints that dean reviews did not comply with the *Bylaws*. Several ad hoc committee members voiced frustration related to experiences where they believed a dean's review was performed in ways that undermined either the spirit or the letter of the bylaws governing dean reviews. The ad hoc committee believed CAR would be well equipped to look into complaints of such behavior and deliver a written report to the University Council with its findings.

Committees like CAR are not uncommon among educational institutions.¹⁵ The ad hoc committee largely based CAR on Ohio State University's Committee for Evaluation of Central Administrators (EOCA).¹⁶ Ad hoc committee members spoke with OSU faculty who had interacted with or served on EOCA to determine whether it was a model worth pursuing. One

¹⁵It should also be noted that CAR would be far from the most extensive review model currently in use. *See, e.g.,* Faculty Senate Committee on the Evaluation of University Administrators, *Spring 2018 Evaluation of University Administrators*, University of North Texas, https://facultysenate.unt.edu/sites/default/files/administrator_evals_eoy_report_spring2018.pdf.

¹⁶ *See generally* The Ohio State University's University Senate, *EOCA Rules*, <https://senate.osu.edu/eoca-rules/> (last accessed Aug. 19, 2018).

individual noted that the EOCA had “mixed reviews in the past and is up for discussion concerning its continuation.” The main source of discontent was that the report the EOCA develops is only shared with the President, the Provost, and the administrator under review; EOCA members often felt that the large amount of work they took on was not worth it since they couldn’t see the fruits of their labor. The ad hoc committee sought to improve the EOCA model by making reports more widely available. The ad hoc committee would encourage groups considering the establishment of CAR to include summaries of feedback and objective statistics rather than anonymous, unedited feedback to avoid the unnecessary embarrassment and “poison pens.”

The ad hoc committee suggests that CAR should not be a University-level Standing Committee given its long-term, project-based nature. Some ad hoc committee members expressed concern about adding another standing committee chairperson to The Steering Committee, and the consensus was that doing so could potentially undermine the efficacy of The Steering Committee. Further, members worried that the time obligations that come with being on The Steering Committee would discourage serious candidates from serving on CAR.

Finally, it should be made explicit that the point of CAR is not to antagonize administrators. The ad hoc committee agreed that, if used effectively, CAR could create a genuine partnership among faculty, students, and administrators. CAR would be an example of shared governance insofar as it divests responsibility and accountability to several constituencies.

5.5. – 5.5.2.: Renumbering to Account for the Committee on Administrator Review

Renumbering the *Bylaws* is routine and would be required if CAR is established.

8.2.: Adding a Period to Correct a Typo

The ad hoc committee recommends adding the missing period at the end of 8.2.

8.3.2.2. – 8.3.2.2.2.: Fixing Further Hyperlinks

The online version of the *Bylaws* is missing links that are corrected here.

II. Recommended Substantive Amendments to the *Bylaws of the Board of Trustees*

The recommendations in this section of the report are those proposed amendments to the *Bylaws of the Board of Trustees* for which the ad hoc committee developed potential language. Each proposal includes a summary of the proposed change, the rationale behind it, and, where applicable, additional information the ad hoc committee believes will be helpful to other parties considering the amendments. The order of the proposed amendments is the order of the existing *Bylaws of the Board of Trustees*. Refer to Appendix II, which fully incorporates the proposed changes, for the full amendments.

Article 2: Discourage the Board from Acting on Items Not on the Agenda

The *Bylaws of the Board of Trustees* currently note that, “At all meetings it shall be valid to act on any subject within the power of the corporation, unless the call of the meeting is limited.” It is not uncontroversial to say that the relationship between the Board and many members of the University community is tense. Part of the reason for this tension is that some think the Board has acted in untoward or opaque ways. To help rectify that perception and to prevent it from resurfacing, the ad hoc committee recommends amending Article 2 to discourage the Trustees from acting on items not on the Board’s agenda.

Article 4: President: Setting Expectations for the President’s Qualifications and Selection

As discussed at 3.2.4.7 above, the Board should be reminded of the importance of getting *bona fide* advice from students, staff, and faculty when selecting a new President. The ad hoc committee proposes amending *Article 4* to include the same phrase inserted in 3.2.4.7 of the *Bylaws for Academic Governance*, as recommended by the Association of Governing Boards.

Article 4: President: Requiring the President to Create an Annual Trustee Orientation

The Board of Trustees is elected, and no academic experience is required of them by the

political parties that nominate them. Much of the Board’s fiduciary responsibility is financial, and many members over the years have had corporate backgrounds. But the University’s mission is different from that of a corporation, so the members will need assistance in appreciating the importance and details of that difference. As such, the ad hoc committee recommends creating an annual orientation for Trustees that involves members of The Steering Committee. The ad hoc committee further suggests that publications of the Association of Governing Boards of Universities and Colleges could be helpful to the process.

Article 4: Provost: Expanding the Provost’s Consulting Obligations

Article 4 says that the Provost “[s]hall be responsible for faculty personnel administration including procedures for faculty appointments and terminations, salaries and promotions, working conditions, and tenure.” The ad hoc committee notes that unless the Board recognizes the responsibility of faculty in those matters, shared governance is likely to be undermined. Accordingly, the ad hoc committee recommends an addition to *Article 4*.

The ad hoc committee also recommends adding the same language to *Article 4* as it pertains to the Provost’s responsibility “for development of new academic programs and for keeping existing programs updated and in conformity with University educational policies.” Because the curriculum is delivered through the programs of the University, the faculty’s expertise is crucial.

Article 5: Requiring Each Board Committee to Include a Steering Committee Member

Currently, *Article 5* allows the Board to establish committees to carry out various functions. The President or a presidential designee is required to be a member of all committees of this kind. In the interest of shared governance, the ad hoc committee proposes requiring Board committees to also include The Steering Committee’s members or designees by adding a sentence to *Article 5*.

This is based on a suggestion found in an AGB white paper, which notes that “[s]trong

shared governance is dependent not so much on formal structures as on organizational cultures in which members of the organization have a sense of ownership, responsibility, and accountability for the institution's health, vitality, and relevance.”¹⁸ The ad hoc committee believes that it is the voice rather than the vote of faculty members on such committees that will promote shared governance.

Article 7: Improving Faculty-Board Communication

As it stands, *Article 7* is the provision most detrimental to shared governance. The bylaw effectively drives a wedge between faculty and the Board by requiring that all communications from the Board to the faculty and vice-versa be transmitted through the President. This requirement is unnecessary and harmful to a positive working relationship between faculty members and the Trustees. Of course, the President should be aware of such communications, but facilitating it is unnecessary and troublesome. The ad hoc committee recommends that all written communications between the Board and the faculty be transmitted with a copy to the President. This measure will help increase collegiality among the Trustees and the faculty, and it could improve the culture surrounding shared governance.

Article 7: Removing “Good Taste” from the Rights and Responsibilities of the Faculty

“Good taste” is notoriously difficult to judge, and it is irrelevant to a faculty member's fitness for teaching, research, and service. As such, the ad hoc committee recommends deleting the term.

Article 7: Requiring the Board to Alert Steering Committee Leaders of Urgent Matters

Article 7 notes that, “Nothing in these Bylaws, or regulations issued pursuant thereto, shall prevent the Board of Trustees taking prompt action on urgent financial and personnel matters necessary to the best interests of the University.” When such matters are deliberated,

¹⁸ Association of Governing Boards of Universities and Colleges, *Shared Governance: Changing with the Times*, 2017, p. 6, https://www.agb.org/sites/default/files/report_2017_shared_governance.pdf.

faculty should be represented. The ad hoc committee suggests adding a sentence to the article providing for such representation.

In the last few years, there have been missteps by the Board that might have been prevented if it had had the counsel of elected faculty leaders. It serves no one's interest for the faculty to be blindsided by actions of the Board, and the Board should welcome the faculty's advice.

Article 8: Adding Reference to the Faculty's Role in Admissions

Although there is a national decline of faculty participation in admissions policy, particularly at research universities,¹⁹ the ad hoc committee believes that here remain issues where faculty advice can be helpful to the maintenance or promotion of the University's educational mission. Accordingly, the ad hoc committee proposes including a reference to the faculty's role in the admissions process.

Article 9: Clarifying the Faculty's Purview

Currently, the *Bylaws of the Board of Trustees* note that through the President, the Board delegates to the faculty "appropriate authority and jurisdiction over matters for which they are held accountable by the Board." *Article 9* gives examples of such matters, including "educational policy and the development of a strong and efficient organization with which to accomplish the objectives of the University."

However, the list in *Article 9* could be enlarged to make clear the faculty's purview. Specifically, we suggest amending the *Article 9* in conformity with the *Statement on Shared Governance*.²⁰

¹⁹ See generally Andrew Delbanco, *Where is the Faculty in the Admissions Debate?*, Inside Higher Ed, Oct. 12, 2006, <https://www.insidehighered.com/views/2006/10/12/where-faculty-admissions-debates>.

²⁰ See American Association of University Professors, et al, *Statement on Government of Colleges and Universities*, 1966, sec. 5, <https://www.aaup.org/report/statement-government-colleges-and-universities>.

Article 14: Requiring the Board to Alert Steering Committee Leadership in Emergencies

Should the President die or become otherwise incapable of exercising the office's duties, *Article 14* says that the Board will convene to "take appropriate action to assure continuity in the affairs of the University until the Board will make arrangements for an Acting President." Because of the faculty's central role in the selection of the President, the faculty should be involved in determining what action is appropriate. The ad hoc committee therefore recommends language for that purpose.

Amendments by UCAG

At its October 11, 2018 meeting, the University Committee on Academic Governance made the following amendments to the Ad Hoc Committee on Bylaws Reform's report:

- In the Preamble of the *Bylaws for Academic Governance*, UCAG changed "The specific powers delegated to the faculty are those in which the faculty has authority in proportion to its degree of expert knowledge" to ""The specific powers delegated to the faculty are those in which the faculty has authority in proportion to its degree of expert knowledge and vested interest."
- At 1.3.1. of the *Bylaws for Academic Governance*, UCAG deleted "Such a committee is not a deliberative body; it does not vote. Rather." Members of the Ad Hoc Committee noted that not deleting this portion in its report was an oversight.
- At 3.3.3.5. of the *Bylaws for Academic Governance*, UCAG made one small correction to the sentence, "A special meeting ("called meeting") of the Faculty Senate to address urgent matters that should not await a regularly scheduled meeting may be called by the President, by The Steering Committee, and by a two-thirds vote of the membership of the Faculty Senate meeting in regular session." UCAG changed the word "and" to "or" to reflect

the Ad Hoc Committee’s intention to make only one of the methods necessary.

- UCAG created a new 4.3.6. in the *Bylaws for Academic Governance* reading, “The UCAG shall conduct a continuing review of best practices for dean evaluations at the college level.”
- At 5.2.1. in the *Bylaws for Academic Governance*, UCAG changed “There shall be an Athletic Council with composition and bylaws subject to approval by the University Council” to “There shall be an Athletic Council with composition and **procedures** subject to approval by the University Council.”
- At 5.4.4.2. in the *Bylaws for Academic Governance*, UCAG changed “The CAR shall also be responsible for investigating complaints that the reviews of deans were not conducted as required by these Bylaws” to “The CAR shall also be responsible for investigating complaints that the reviews of deans were not conducted as required by these Bylaws **and the relevant college bylaws.**”
- In *Article 4: President of the Bylaws of the Board of Trustees*, UCAG changed “It shall be the President’s responsibility to arrange annually for the orientation of Board members to their duties, involving members of The Steering Committee, in their respective roles; and to ensure the provision of such training as Board members may require to perform their duties” to “In order to familiarize the Trustees with the role of academic governance in the University, the President will arrange annually an orientation of the Trustees with The Steering Committee.”
- UCAG moved the two “Further Issues” sections into a separate document.

References

- American Association of University Professors, et al., *Statement on Government of Colleges and Universities*, 1966, <https://www.aaup.org/report/statement-government-colleges-and-universities>.
- Association of Governing Boards of Universities and Colleges, *Shared Governance: Changing with the Times*, 2017, p. 7, https://www.agb.org/sites/default/files/report_2017_shared_governance.pdf.
- , *Assessing Board Performance*, 2018 (lodged in the Office of the Secretary of the Board of Trustees).
- , *Risk Management and Accountability Guide*, 2013 (lodged in the Office of the Secretary of the Board of Trustees).
- , *Updating Board Bylaws: A Guide for Colleges and Universities*, 2013 (lodged in the Office of the Secretary of the Board of Trustees).
- Casarez, Jean, et al., *She filed a complaint against Larry Nassar in 2014. Nothing happened.*, CNN, Feb. 1, 2018, <https://www.cnn.com/2018/02/01/us/msu-amanda-thomashow-complaint-larry-nassar/index.html>.
- Connor, Tracy, *Larry Nassar accuser count is up to 265, judge says*, NBC News, Jan. 31, 2018, <https://www.nbcnews.com/news/us-news/larry-nassar-accuser-count-265-judge-says-n843316>.
- Delbanco, Andrew, *Where Is the Faculty in the Admissions Debates?*, Inside Higher Ed, Oct. 12, 2006, <https://www.insidehighered.com/views/2006/10/12/where-faculty-admissions-debates>.
- Evans, Tim, et. al., *Former USA Gymnastics doctor accused of abuse*, IndyStar, Sept. 12, 2016, <https://www.indystar.com/story/news/2016/09/12/former-usa-gymnastics-doctor-accused-abuse/89995734/>.
- Hobson, Will, *Larry Nassar's ex-boss at Michigan State charged with sexual assault, harassment of students*, The Washington Post, Mar. 27, 2018, https://www.washingtonpost.com/sports/colleges/larry-nassars-ex-boss-at-michigan-state-charged-with-sexual-assault-harassment-of-students/2018/03/27/e7588998-31d2-11e8-8bdd-cdb33a5eef83_story.html.
- Interview with Lorenzo Santavicca*, On the Banks, July 2, 2018, <https://www.spreaker.com/user/10415273/lorenzo>.
- Jesse, David and Gray, Kathleen, *Former Gov. John Engler to be Michigan State's interim president*, Jan. 30, 2018, The Detroit Free Press, <https://www.freep.com/story/news/local/michigan/2018/01/30/michigan-state-university-john-engler/1078781001>.
- Jesse, David, *MSU knew about ex-dean's sex comments in '05. It didn't end there.*, The Detroit Free Press, May 10, 2018, <https://www.freep.com/story/news/local/michigan/2018/05/10/michigan-state-university-william-strampel/590146002/>.

- Michigan State University Secretary for Academic Governance, *Minutes of the Faculty Senate*, Feb. 13, 2018, p. 4,
https://acadgov.msu.edu/sites/default/files/content/20180213_MinutesofEmergencymtg_App.pdf.
- , *Minutes of the Faculty Senate*, Mar. 20, 2018, pp. 3-5,
https://acadgov.msu.edu/sites/default/files/content/20180320_Minutes_App.pdf.
- , *Minutes of the University Committee on Academic Governance*, Mar. 15, 2018, pp. 1-2,
https://acadgov.msu.edu/sites/default/files/content/20180315_UCAGMinutes_App.pdf.
- , *The Steering Committee Membership 2018-2019*, <https://acadgov.msu.edu/steering-committee/membership/2018-2019> (last accessed Aug. 19, 2018).
- Svrluga, Susan, ‘Shame! Shame!’: Student and faculty leaders object to John Engler as interim president of Michigan State following Larry Nassar scandal, Jan. 31, 2018, The Washington Post, <https://www.washingtonpost.com/news/grade-point/wp/2018/01/31/student-and-faculty-leaders-object-to-john-engler-as-interim-president-of-michigan-state>.
- The Ohio State University’s University Senate, *EOCA Rules*, <https://senate.osu.edu/eoca-rules/> (last accessed Aug. 19, 2018).
- University of North Texas Faculty Senate Committee on the Evaluation of University Administrators, *Spring 2018 Evaluation of University Administrators*, https://facultysenate.unt.edu/sites/default/files/administrator_evals_eoy_report_spring2018.pdf.
- Who is Larry Nassar? A timeline of his decades-long career, sexual assault convictions and prison sentences*, The Lansing State Journal, <https://www.lansingstatejournal.com/pages/interactives/larry-nassar-timeline/> (last accessed Aug. 8, 2018).