

**Approved: April 23, 2019**

**2018-2019: Meeting # 6**

**MICHIGAN STATE UNIVERSITY  
UNIVERSITY COUNCIL APPROVED MINUTES  
MARCH 26, 2019 3:15 PM  
115 INTERNATIONAL CENTER**

**1. CALL TO ORDER**

The meeting was called to order at 3:17 pm.

**2. Approval of Agenda for March 26, 2019**

The agenda for March 26, 2019 was approved as presented.

**3. Approval of Draft Minutes for February 26, 2019**

The minutes for February 26, 2019 were approved as distributed.

**4. President's Remarks: Acting President Satish Udpa**

President Udpa reported that he discussed the Alstom case regarding athletics at the Faculty Senate meeting. He said that Judge Wilkins issued a decision that allows the Academic Conferences free reign if they act independently and without agreement with other conferences to make their own decisions about compensation and benefits to student athletes. He added that what this means is that the Big 10 Conference can choose to give, for example, laptops and offer international trips to student athletes as part of the Study Abroad Program, but they have to do it independently of one another. He added that the Big Ten Conference, for example, cannot have conversations with the PAC 10 Conference. President Udpa said that MSU thinks those constraints are unfair, adding that the Big 10 Presidents got together, and the Big 10 Athletic Directors got together over the phone, and decided this is not something that is good for their respective Universities. He noted that the NCAA has independently decided that that rule was also true from their perspective, and they have filed for an appeal.

President Udpa stated that the Big Ten Conference is searching for former Commissioner Jim Delany's replacement, who is retiring in June of 2020, adding that a fourteen-person Search Committee has been formed. He noted that MSU's Bonnie Knutson is going to be serving this University as a representative on this Committee. In addition, President Udpa concluded his remarks by reporting that a company named Newco is going to raise \$750 million dollars from the public, and that this company will distribute \$700 million of that \$750 million to twelve universities to decide what they want to do with it. He added that \$50 million dollars of that money is going to be used for managing the Conference media rights with networks. He concluded his opening remarks by saying that Board of Trustees member, Brianna Scott, was in attendance.

**5. Provost's Remarks: Dr. June Youatt**

Provost Youatt stated that she is making an announcement that she previously made at Faculty Senate that those who have already received the "No More at MSU survey, to please complete the survey and return it. She reported that this is the first comprehensive Campus-

wide survey focused on cultural perceptions and policies associated with the Relationship, Violence and Sexual Misconduct efforts that the University has ever done. She said that MSU has previously asked relevant questions to faculty, students, and staff, but that MSU has never done a survey with the entire Campus.

Provost Youatt noted that she had two additional announcements related to searches that are commencing out of the Office of the Provost. The first announcement, she noted, is the search for an Associate Provost for Undergraduate Education, adding that, Dr Large has served in that interim role this past year. She said that this process involved an internal search at the University for someone who can continue the work involving undergraduate education and students' success with policies, practices, and programs that create a Spartan experience that really is educationally transformative. She noted that this is a job that requires collaboration across the entire Institution. An individual who works with all of the degree-granting colleges with other Deans, with Student Affairs, and with the Innovation Hubs. She added that a Search Committee has been formed, and that the Chair of the Search Committee is the Dean of the Graduate School. She said that MSU will make sure that, on the Provost's webpage, there will be listed the names of all the Search Committee members, so that they can be contacted with potential nominations for the position. Provost Youatt added that this will be an open internal search and encouraged applications.

Provost Youatt stated that the other position, open to internal and external candidates, is the Director of the new Postdoc Office. She said that Dr. Tony Nunez has been filling in that role this year, noting that, again, the names of the Search Committee will be placed on the Provost's website. She concluded her opening remarks by saying nominees or self-nominees would be welcomed.

## **6. Chairperson's Remarks: Professor Deborah Moriarty**

Chairperson Moriarty stated that a flyer has been placed on the table in front of everyone advertising the upcoming Schubert Concert on April 1<sup>st</sup>. She added that the other announcement concerns the Mozart concert, which was canceled due to the terrible weather conditions on January 28<sup>th</sup>, and has been rescheduled for March 28<sup>th</sup>. She added that next year will be the 10th anniversary of the West Circle Series, which she termed the "Celebration Series," requesting any ideas for composers that people would like to hear.

## **7. NEW BUSINESS**

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

Professor Marci Mechtel presented the Short Report of UCC as an information item. Professor Mechtel reported that the UCC met on February 28<sup>th</sup>, as reported and approved by Faculty Senate last week. She stated that no new programs were approved, twenty-nine program changes were approved, and that there were and no program deletions. Furthermore, she added, forty-five new courses were approved, ninety-two course changes were approved, and three course deletions were approved. She concluded her statement by saying that there were no moratoriums or discontinuations to report.

### **7.2. FAR Report, Michael Kaplowitz, Faculty Athletic Council Representative**

Professor Kaplowitz offered the Athletic Council Report as a presentation. He stated that he was speaking as one of the two Faculty Athletic Representatives. He reported that MSU athletics has twenty-five sports teams, and roughly 750 student athletes (a number that fluctuates between 800 student athletes in Fall Semester and 700 student athletes in Spring Semester). He noted that last year, MSU adopted a FAR (Faculty Athletic Representative) model, and that up to that point, MSU had one Faculty Athletic Representative; he noted that MSU joins five other Big 10 schools in adopting to a Faculty Representative model. He said that, currently, every time a one-Faculty Representative model school has that Faculty Representative retire, they replace that person with two people, which allows for increased diversity and increased faculty representation. He stated that Dr. Bonnie Knutson and I were appointed in May to serve as the FAR for MSU. He noted that FAR works to ensure the academic integrity of the student athlete experience, rule compliance and, most importantly, the well-being of the student athlete.

Professor Kaplowitz stated that there are a number of issues that MSU's FAR are involved in. They attend many team practices and competitions. He added that FAR attends the Student Athletic Advisory Committee meetings twice a month, and that FAR meets with the Athletic Directors. He added that FAR also meets with the Director of Compliance, and attend Big 10 meetings to discuss issues with FAR from the other Big 10 schools. He said that FAR attends NCAA meetings to talk with FAR individuals from the "power five conferences," to Chair, as ex official members, the Athletic Council. He discussed the operations of the Athletic Council, and that FAR participates in the strategic planning process with the MSU Department of Athletics.

Professor Kaplowitz was pleased to report that there were no violations of MSU's institutional standards during the 2017-2018 school year, as well as no systematic failures of our institutional standards during that same timeframe. He also reported on the high academic standards of MSU student athletes, who had achieved a Fall Semester GPA of 3.11, which was the second highest number ever. His identification of an overall 88% graduation rate among student athletes at MSU was also exemplary. Discussion ensued.

Chairperson Moriarty thanked Professor Kaplowitz for his report and offered several suggestions. She said that she would like to see, on a future report, what support student athletes receive in terms of academics. She added that the other item that she would like to see are a specific identification of the majors of the student athletes.

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

### **7.3. Emeritus Policy, Revised, Professor Mark Waddell, University Committee on Faculty Affairs (UCFA) Chairperson**

Professor Waddell presented the Revised Emeritus Policy. Following the tabling of the Policy, the Office of the Provost made some small changes to the wording to address the concerns that were brought up at the last meeting. Those changes went back to UCFA, and were endorsed on March 12<sup>th</sup>, with the revised draft presented in the agenda for today.

A motion to approve the revised Policy was made and seconded. **The motion carried.**

**7.4. Consensual Relationship Policy, Revised, Professor Mark Waddell, University Committee on Faculty Affairs (UCFA) Chairperson and Terry Curry, Associate Provost and Associate VP for Academic Human Recourses**

The Revised Consensual Relationship Policy was presented to University Council. Professor Waddell noted that the Policy had not been revised for a long time, and it has been worked on at UCFT for two months. He noted that Associate Provost Curry and his Office were very helpful in responding to concerns that were raised, and in assisting with revisions and changes. He said that UCFA endorsed the version of the revised Policy that was presented on March 12<sup>th</sup>.

Associate Provost Curry reported that the original Policy and the current Policy are quite different. He said that the original Policy states that a faculty member could have a relationship with a student, but that the faculty member had to report the relationship, and then a plan would be put into place. He said that a rewrite of the original Policy was needed.

Professor Waddell reported that the main change that has been made to the revised Policy is a flat-out prohibition of relationships between faculty (which is broadly construed), and undergraduate students. He also said that the revised Policy also tightens restrictions for amorous relationships between faculty members and graduate students. There is, he noted, also some clarification as to what reporting has to happen, and what Directors and Chairs need to do with that information. Vigorous discussion ensued regarding particulars of the revised Policy.

**8. Comments from the floor**

Collin Wiebrecht from ASMSU stated that he wanted to speak on MSU's continued refusal to provide nearly 6000 documents to the Attorney General Office's continued investigation into the abuse that occurred here at MSU. He said that the MSU Board of Trustees requested this investigation, and promised their cooperation. However, he claimed, it has repeatedly been shown and demonstrated that this is not the case. He said: "If we're ever going to move forward and truly prevent this from happening again, we must be willing to hand over these documents. I will also state that abuse happened at this University, and continues to happen at this University to this day, and these documents could help us in addressing the culture. New Policies and procedures will help us in moving forward, but our culture does need to change and we cannot fully address the problems with the culture here at MSU if you do not hand over these documents."

President Udpa stated: "As I mentioned at the MSU meeting, I'm interested in transparency as much as you are or anyone else on this Campus. I've made it my business to sort of address this issue as effectively as I can, but I also have a fiduciary responsibility to this Institution, and I promise this Institution that I will do everything to do things right. The documents were looked at by an independent judge, and they have come to the conclusion that there are a whole bunch of documents, 5000 plus, that can be released, and we are willing to release, but those 40 documents do not contain any

information that is specific to any particular case. It contains information relating to . . . our insurance, the fight with the insurance companies.”

He added: “I'm not prepared to release those things, because it would be prejudicial to the interest of this Institution. And, as I said, I've got a fiduciary responsibility for this Institution. \$300 million is not something that can be thrown away, and it's my intent to make sure that we do everything to keep this Institution whole and complete.”

Professor Anna Pegla-Gordon from James Madison College stated: “I believe also that [the] Penn State President and Board of Trustees have a fiduciary responsibility to their Institution. Yet they made the decision different from the decision that we are making to release all the documents, so that we could have full transparency and accountability.”

Professor Andaluna Borcilla from James Madison College stated: “The Attorney General's Office has asked MSU to collaborate and release all these documents . . . I understand that we can choose not to do so, which is apparently the choice that is being made. However, I think that there's little doubt on people's mind that people already knew about what happened. If what happens is, we lose the money, which is likely going to happen, because if you look at the stipulations there, you can see that at least one can be easily proven. You know, we didn't do what we said we would do. Then, if we lose that money, we will also lose our credibility or, once again, continue to lose our credibility in front of the general public, and in front of our students in our whole community.”

President Udpa stated: “I'm not interested in having a debate with you, but will assure you that if I come to know of any act of malfeasance or bad behavior, I'm not going to protect them. That's a commitment from me, but I'm not, at the same time, willing to give up \$300 million. This is something that belongs to the Institution, and it's my responsibility to make sure that it stays with us.” Discussion ensued.

## **9. ADJOURNMENT**

A motion to adjourn was made and seconded. **The motion carried.** 4:22 p.m.