MICHIGAN STATE UNIVERSITY
BYLAWS FOR ACADEMIC GOVERNANCE (BAG)
Draft of Bylaws Approved by Faculty Council April 14, 2009

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Changes – None (see comment on graphic depiction below)

Commentary - None

Preamble

Changes - None

Commentary - None

Graphic Depiction of University-Level Governance

Changes - Insert “Academic” before “Governance” in the title.

Commentary - None (see later commentary re standing committee reporting lines)

Section 1 – Definitions

1.1 The Faculty

1.2 The Students

1.3 Modes of Participation

Changes - None

Commentary – None

Section 2 – Academic Governance in Schools, Colleges and Other Academic Units

2.1 Academic Administrators

Changes - None, except as noted below

Commentary –
2.2.2.1 and 3.2.2.2 assigns review of Bylaws to the Steering Committee. This role should be assigned to the Committee on Academic Grievance as is the case in Sections 4.3.0 and 4.3.1.

2.2.9 should be deleted. The June 2009 revision of the Faculty Grievance Procedures deletes the existence of department, school and college grievance committees. As a result, this provision is no longer needed. (See commentary in section on possible changes not included in FC proposals.)

Section 3 – University Academic Governance

3.0 The Academic Congress

Changes - None

Commentary -

3.1.1 Not sure why the President and Provost are granted voting rights.

3.1.2 Original language of 3.1.2.1 – 3.1.2.3 seems clearer. Proposed language is unclear as to how the Faculty Senate places a Bylaws amendment on the Academic Congress agenda. Faculty Senate role of submitting items to the University Council on these matters reserved to the faculty seems reasonable, e.g., the current 3.1.2.3. 3.1.22 should have the current 3.1.3.2 attached as is, or, at least provide the option to refer back to in addition to approval or rejection.

3.1.3.2.1 Probably wise to add at the end of the proposed entry “at which a quorum is achieved.” This provides a more specific definition of the meaning of an “official meeting.”

3.14. Quorum – why not leave original 3.1.3.4 which ensures clarity on what happens if a quorum is not achieved.

These comments reflect my view of the importance of the current notion of a safety valve mechanism for the Academic Congress. I believe it is too large to serve as a deliberative decision-making body unless quorum requirements are greatly increased, which will make the achievement of quorums very difficult.

3.1.5.2 Minutes also should be distributed or made available to the members of the University Council. Otherwise, administration and students are excluded from information about Academic Congress deliberations.
3.1.3.3. Not sure what the deletion means. Is the Academic Congress covered by Robert's Rules of Order?

3.2 The University Council

Changes - None, except as noted below.

3.2.1.1.1 change to “The Faculty Senate whose Composition is described in Section 3.3.1. Helps clarify who is part of the Faculty Senate.

3.2.1.1.2 delete “the” between Dean and Undergraduate Studies.

3.2.3.1 add after 1.2.2.5 line 3 “elected as members of the Faculty Senate (see 3.3.1.1.).”

3.2.5.8.1. strike “This shall include” and replace with “These administrative positions are . . .” Change title from Assistant Provost for University Outreach and Engagement to Associate Provost. Provides more felicitous language.

3.2.6.2. third line from end, delete “through to University Council,” and replace with “by its chairperson who is an ex officio member of the University Council.” Clearer language than proposed.

3.2.7.6 refers to the rules and procedures of several bodies. This is in conflict with the language of 3.2.7 (the section title) which refers only to the University Council.

Commentary -

3.2.1.1.5 Addition of a member from the General Counsel’s Office. Not critical but adds another member. When legal advice is needed, which is infrequently, this can be obtained easily on an ad hoc basis.

3.2.1.1.5 Addition of an emeritus faculty member requires a formal amendment not yet endorsed on a continuing basis.

3.2.5.1 See comments on split reporting lines for standing committees.

3.2.5.4 Modify to: “As appropriate, the University Council’s role is to develop and communicate a consensus on key issues facing MSU. The University Council has other functions than this and while it may achieve consensus internally, it has no means of securing a “campus-wide consensus.”
3.2.5.5 Delete after Academic Congress and add “its consideration and action.” ▼ the membership of the Academic Congress is not composed of members of the entire MSU faculty.”

3.3.7.2 Add at the beginning “The intent is for . . . “ Insert as a second sentence “However, in the absence of items on which action is needed, the Chairperson of the Steering Committee after consultation with the committee and President and Provost, may cancel a University Council meeting.” This is current practice and this language legislates this procedure.

3.3 The Faculty Senate

Changes - None, except as noted below.

3.3.1.2.4 Correct the included Bylaws provisions numbers which should be 3.3.1.2.2 and 3.3.1.2.3 to match earlier proposed amendments.

3.3.1.3 delete “sit on” and change second sentence to who “are members of.”

3.3.1.6 references the addition of an emeriti faculty member—not yet endorsed by Faculty Council amendment.

3.3.4.2 delete last sentence in 3.3.4.10 “and shall consider and act on all matters brought before it by the President and Provost” and delete 3.3.4.2 and replace with: “The Faculty senate 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.

This combines and clarifies the intent of 3.3.4.2 and 3.3.4.10.

Commentary -

3.3.4.1 and 3.3.4.6 refer to a consensus view on recommendations by MSU faculty. This may be hard to achieve. Proposal is to strike language.

3.3.4.7. Does the use of the term “conduit” mean that Faculty Senate Members have no discretion in considering action on agenda items?

3.3.4.8 After “Congress” change to “For its consideration and action.” Again, the Academic Congress membership does not include the entire MSU faculty.
3.3.4.9, 3.3.6, 3.3.6—See later concerns regarding split standing committee reporting functions.

3.4 The Steering Committee

Changes - None, except as noted below.

3.4.1.1 d) re the undergraduates from ASMSU having voting rights and whether such rights exclude matters exclusively reserved to the faculty (no reference in the proposed language).
3.4.1.2.4 – Need to state a start date for the beginning of the term of office.

Commentary -

3.4.1.2.3 – prefer to leave in nominated by UCAG for replacements to the Steering Committee.

3.4.1.3. – 1. Not sure why voting rights are given to the Provost.

3.4.1.3 – 2. Language suggestion. Add third sentence from end: “Along with support to academic governance (Section 3.4.9) the Office of Academic Governance will supply the clerical and administrative ‘assistance’ to the Steering committee Members.”

Delete reference to needs in proportion, etc.” Such language may well provoke arguments about whose definition of need is correct.”

3.4.15 – Editorial change: “A quorum of The Steering committee will consist of one-half of the members of the Steering Committee plus one.” The reference to sitting members is ambiguous.

3.4.2.1 Special meetings of the At-Large members of the Steering Committee with the President and Provost may generate miscommunication with the full Steering Committee and create a need for repetitive commentary. If left in, the reference should be to At-Large faculty members.

3.4.2.7. – Not sure why consultation with the President and Provost is excluded in preparing agendas for the University Council.

3.4.2.9 – The liaison committee as proposed only includes faculty. Why not include some student representatives? Many years ago liaison committees were set up by special Board of Trustees (BOT) resolutions. The BOT will be required to delete its original action on a faculty liaison group if the Bylaws change is approved. There is no reason to believe the BOT won’t retain the current or a variant of a student liaison group and is likely to retain the current mode of joint meetings, with both faculty and students. For all these
reasons, including students in the proposed liaison group would make sense incorporating this role in the BAG and encouraging deletion of separate BOT liaison resolutions.

3.4.3 – Recall procedure – Is such really needed? Since a successful recall requires a threshold of 50% plus one of the voting members of the Academic congress (1000 plus affirmative votes) successful recalls seem unlikely.

3.5 **Office of Academic Governance**

Changes - None

Commentary -

3.5.2 – The University Council is too large to handle the review functions unless it appoints an ad hoc subcommittee. The original assignment for review and appointment was to the Steering committee which seems sensible to continue.

3.5.2 and 3.5.3.4 – The secretary’s role as Secretary of ASMSU is deleted without clear replacement. It might be useful in 3.5.3.4 to add at the end “and provide assistance to ASMSU in the preparation of agendas and minutes of meetings of the ASMSU.”

4.0 **University Level Standing Committees**

4.1

Changes - None

Commentary -

4.1.1. – Probably wise to add “within Academic Governance” after “Committees”. There are a number of University Committees not part of Academic Governance (See p 38 of the 2008-09 MSU Faculty Staff directory).

4.2

Changes - None

Commentary -

4.2.2.1 – Add semester after “spring” - line three, and suggest placing “normally” before “each” in line 2, and add a sentence: “In any case, such officer must be elected at the first committee meeting of the next academic year.”
In my experience, many committees have difficulty in meeting the end of year officer selection commitment so some flexibility is useful.

4.2.2.2 and 4.2.2.3 – Committee Reports. There appear lots of duplicate reporting. I would leave the website reports for both semesters in but change the 4.2.2.2 report to the Senate or Council to be oral and to leave such at the call of the Senate or Council.

Items not included in 4.2:

1. Why not have a general provision for Standing Committee quorum of 50% of members plus one other than as stated in 4.2.2.5 to let each committee establish its own rules and procedures?
2. Note that each Standing Committee appears to have a chairperson bit no statement appears regarding the need to select chairperson including eligibility requirements to serve as committee chairperson, e.g., faculty members, tenured faculty members, someone with previous committee service, etc. Should eligibility vary by committee or be the same for each committee?

4.2.3

Changes - None
Commentary - None

4.2.4

Changes - None
Commentary - None

4.3 **University Committee on Academic Governance**

Changes - None, except as noted below.

4.3.5 and 4.3.6 – conflicts with 2.2.2.1 and 2.2.2.2. The CAG should review and receive appeals regarding College and Department, School bylaws as stated in 4.3.5 and 4.3.6.

4.3.6 – add school after department, e.g., department/school.

4.4 **University Committee on Undergraduate Academic Policy**

Changes - None
Commentary – See later commentary on split committee reporting lines.

4.5 **University Committee on Curriculum**

Changes - None

Commentary – See later commentary on split committee reporting lines.

4.6 **UCFA**

Changes - None, except as noted below

4.6.4 – unclear whether “tenure” is to be included in this section or not. Not clear from the Faculty Council Minutes.

Commentary – See later commentary on split committee reporting lines.

4.7 **U.C.F.T.**

Changes - None

Commentary – See later commentary on split committee reporting lines.

4.7.7 – What is proposed is a new committee function which is not now the responsibility of UCFT. An earlier unaccepted proposal to merge UCFA and UCFT was to discourage overlap between committee roles (UCFA and UCFT). Suggest deleting the section or changing sentence after “University Committee on Faculty Affairs” to “At its request. Change last sentence to “As the lead Committee UCFA shall recommend policies on those topics.” Such permits UCFT advice on these topics but makes clear the UCFA’s preeminent role.

4.8 **University Committee on Graduate Studies**

Changes - None

Commentary – See later commentary on split committee reporting lines.

4.9 **University Committee on Student Affairs**

Changes - None

Commentary – See later commentary on split committee reporting lines.
5.0 Other University Council Committees

Changes - None
Commentary - None

6.0 University Student-Faculty Judiciaries

Changes - None
Commentary - None

7.0 Administrative Support of Academic Governance

Changes - None
Commentary - None

8.0 Interpretation and Amendment

Changes - None
Commentary – None
ADDENDUM I
Variable Reporting Lines for University Level Committees within Academic Governance

In several sections of the BAG proposals, especially in the University Council (3.2.5.1) and in the description of the several University level Standing Committees, there are references to differential reporting lines of standing committees either to Faculty Senate or the University Council. This has the benefit of stating more clearly the reporting lines of the committees but poses some problems.

All University standing committees except as noted below report to the University Council with requirements to report to the Faculty Senate on such matters as establishment, disbandment, or merger of undergraduate or graduate professional academic programs (UCUAP, UCGS) and changes affecting the professional rights and responsibilities of the faculty (UCSA).

It should be noted that UCUAP also in 4.4.6 is required to make recommendations to the Faculty Senate on all other matters of academic policy (emphasis added) affecting undergraduate students. This provision appears in conflict with 4.4.11 which states that the UCUAP will report primarily to the University Council.

The Provisions requiring reporting to Faculty Senate by UCUAP and UCAS on matters relating to establishment of programs, etc., (see 4.4.1.1 and 4.8.1.1) seem redundant. Faculty Senate is a component of University Council and in that capacity will receive reports on those topics as a result of University Council status.

Three other standing committees are UCG, UCFA, and UCFT are to report to the Faculty senate with interaction with the University Council only at the discretion of each relevant committee (see 4.5, 4.6 and 4.7).

In light of the UCC’s exercise of the faculty’s delegated authority on curriculum, the reporting line to the Faculty Senate seems reasonable. For ease of communication, I would suggest that Senate actions on curriculum be forwarded as an information item to the University Council. (Personally, I would prefer the UCC to be the final decider on curriculum; a proposal made in the past but not adopted.)
UCSA amendments impacting the professional rights and responsibilities of the faculty (See 4.9.1.1) also is redundant as it is previously provided in 3.3.4.10, although some redundancy may be useful to reinforce this point.

The status of UCFA and UCFT are more problematic. UCFA has in the past provided an annual report re budget and faculty compensation to the Faculty Council (Faculty Senate) and there is no reason why this could not continue (see 4.6.1.2).

But, as proposed, UCFA recommendations on personnel policies, faculty rights and responsibilities and grievance procedures are only to be reported to the Faculty senate. This is also the case for UCFT recommendations on formal and procedural rules on tenure and dismissal, and on substantive policies on tenure. Also as noted, consultation with University Council on all matters is left to the discretion of both UCFA and UCFT.

Such topics are clearly of interest to students and administrators who are members of the University Council. Moreover, many such policies require action by the BOT following presidential endorsement by the President. Both the President and the BOT are unlikely to be willing to endorse policy changes only proposed by the faculty without broader University consideration. Finally, these policy changes currently emanate from standing committees and after Faculty Council action which provides a strong faculty voice.

In sum, I propose reverting to current Bylaws language (for UCFA 4.6.7) and (for UCFT 4.7.3) which require action on such matters to be taken by both the Faculty Senate and the University Council.
ADDENDUM II
Additional Potential BAG Changes

Based on this review and otherwise, I have identified additional BAG changes not included in the current BAG review. Currently, the proposed changes in the BAG represent a major recasting of the BAG, not simply isolated amendments. Since such a far-reaching revision is unlikely to occur frequently, it seems wise to include consideration of other BAG changes now together with the changes recommended by the Faculty Council.

Six potential additional changes are identified with a rationale for the changes and suggested language for appropriate amendments. Several are of a “clean up” variety; others because of changes of policy. They can be reviewed in Academic Governance by UCAG and others.

Sections 1.1.1.1 – Principal administrative officer shall be a member of the regular faculty viz:

1.1.1.1. The regular faculty of Michigan State University shall consist of all persons appointed under the rules of tenure and holding the rank of professor, associate professor, assistant professor, or instructor, and persons appointed as librarians. In addition, the principal administrative officer of each major educational and research unit of the University shall be a member of the regular faculty.

In the four colleges of Medicine, a fraction of the faculty with long-term University commitments hold Health Program Appointments which involve up to five years with unlimited renewal appointments. It is desirable to have such individuals be eligible for principal administrative officer appointments, along with the regular faculty. This would be an option not a requirement and would be limited to the principal administrative officers appointments only in the clinical departments or other similar units, excluding the position of Dean in the four Medical colleges.
This change could be accomplished by a statement in parentheses at the end of section 1.1.1.1. and by a footnote to the current provision. Suggested language:

1.1.1.1  “Individuals appointed as faculty in the Health Programs Appointment System in the clinical departments of the College of Medicine (Human Medicine, Nursing, Osteopathic Medicine and Veterinary Medicine) are eligible to be appointed as the principal administrative officer of a major educational and research unit with the exception of the position of Dean of the college.”

Section 3.1.3.2. – Shared responsibilities of voting faculty with the Provost in determining dean appointment procedures, viz:

2.1.3.2. The voting faculty of each college shall have shared responsibility with the Provost to determine procedures for the selection of deans to be nominated by the Provost.

In almost all colleges, college bylaws now state that the College Advisory Council (faculty members only) exercise this delegated responsibility on behalf of the college faculty. It would be useful to formally clarify this role now exercised by most colleges’ Advisory Councils. Suggested language:

Insert in line one of 2.1.3.2. after college “as represented by the faculty members of the College Advisory Council.”

It also may be wise to introduce a similar change in 2.1.3.1. regarding the role of unit advisory committees to exercise their responsibility on behalf of the voting faculty. This is not a formal suggestion as department/school size, administrative organization and tradition may make such a delegation problematic.

Section 2.1.4.5. – Termination of Academic administrators by Board of Trustee Action, viz:

2.1.4.5. At any time during the term of office, the appointment of a dean, chairperson, or director, as dean, chairperson, or director may be terminated either by resignation or by action of the
Board of Trustees upon recommendation of the President and Provost.

This provision is a holdover from the last major BAG revision in the mid-1970’s. In 1982 as part of a major redelegation of many actions previously taken by the Board of Trustees, the BOT delegated to the President transfers and changes in assignments of tenure system faculty, including administrative assignments. In addition, for 20 plus years, the BOT has acted only the appointment of tenured professors, leaving it to the President and Provost to make an administrative appointment for unit chairperson/directors except for Deans and Senior Administrators appointed by the Board. This practice reinforces the 1982¹ Board delegation action.

This suggested change is an updating of the BAG to bring them in line with current BOT approved practice. Suggested language:

Delete in line 3, Board of Trustees and replace with President; also delete President from last line. Revision reads as follows:

2.1.4.5. At any time during the term of office, the appointment of a dean, chairperson, or director, as dean, chairperson, or director may be terminated either by resignation or by action of the President upon recommendation of the Provost.

Section 3.3.9. Requirement that Academic Units have written grievance procedures, viz:

¹ Person nel Actions, Faculty in the Tenure System
Delegation. On February 26, 1982, the Board of Trustees delegated to the President authority to approve the following personnel actions for faculty in the tenure system: appointments, reappointments of non-tenured faculty, promotions, transfers and changes in assignments, salary adjustments, medical, military, sabbatical, and other leaves, and resignations.*

Redelegation. The Board of Trustees also authorized the President to redelegate resignations and leaves—medical, military, sabbatical, and others—for tenure system faculty in accordance with a plan for redelegation filed with the Board.

On April 5, 1982, the President redelegated resignations and leaves for tenure system faculty to the provost who has in turn redelegated the authority to the Assistant Provost for Academic Personnel Administration who will summarize these actions periodically to the Provost.

*The Board of Trustees has not considered the delegation of authority to approve actions involving the awarding of tenure.
2.2.9. Academic units shall have written faculty grievance procedures which shall be approved by the University Committee on Faculty Affairs as described in 4.6.3. This provision is now a dead letter and should be deleted. The Board of Trustees on June 19, 2004 approved amendments, endorsed by UCFA, the Faculty Council and the Academic Council and recommended by the Provost and President, to the Faculty Grievance Procedure (FGP) which provided for grievances only to be heard by an all University review board (see II, H of the revised FGP, which describes *inter alia* the formation of hearing panels). As a result of this amendment, academic unit grievance procedures are no longer needed and provision 2.2.9. can be deleted.

Sections 4.7.4., 4.7.5. and 4.7.6. Role of the University Committee on Faculty Tenure rule interpretation, viz:

4.7.4. The Committee on Faculty Tenure shall be the judicial and investigatory agency for all tenure actions, shall interpret tenure rules, act on all cases of deviation from the rules, and shall hear all cases for exception to the rules.

4.7.5. Decisions by the Committee on Faculty Tenure on matters involving interpretation of tenure rules and in cases involving deviation from tenure rules shall be binding on the administration and on the faculty member concerned.

4.7.6 The Committee on Faculty Tenure shall report promptly to the Faculty Council in any case in which the administration acts contrary to the committee’s decision on a question involving tenure.

Action by the Board of Trustees (BOT) on April 14, 2009 based on previous actions by UCFT, the Faculty Council and Academic council with the endorsement of the President and Provost now requires revision in these provisions. The BOT amendment in the Operating Principles of the Tenure, especially Principle number 7 is relevant:
“7. Questions about the interpretation of the tenure rules are referred to the university Committee on Faculty Tenure. The Committee renders a decision and communicates it to the president, the provost or other appropriate administrative official. In every case, final decision rests with the Board of Trustees. The University Committee on Faculty Tenure also considers the resolution of tenure issues/problems arising from situations not covered in the tenure rules and proposes solutions to the provost. As appropriate, the Provost may recommend new policies or policy revisions to appropriate academic governance bodies. Changes in the tenure rules require action by the Board of Trustees.”

This amendment makes it clear that UCFT decisions on interpretation of the tenure rules, rather than being binding, are communicated to the President, Provost and other university officers with final decisions resting with the Board of Trustees.

Sections 4.7.5 and 4.7.6. either declare or imply the UCFT decisions on interpretation of the rules of tenure are final and binding and binding on the administration with the status of actions by the Board of Trustees decision-making authority ambiguous. Change is required to bring the BAG in conformity with the Operating Principles of the Tenure System Policy which clearly states the BOT is the agency with final authority.

In addition, the first sentence of 4.7.4. states that UCFT shall be the judicial agency for all matters involving tenure which is incorrect. Since 1972, the Faculty Grievance Procedure has had the authority to resolve grievances involving the non-reappointment of a non-tenured faculty member appointed in the tenure system. Suggested changes to address these matters is as follows:

Change 4.7.4. as follows:

4.7.4. The Committee on Faculty Tenure shall be the judicial and investigatory agency for all tenure actions except those matters within the jurisdiction of the Faculty Grievance Procedure, act on all cases of deviation from the rules, and shall hear all cases for exception to the rules. The role of the University Committee on Faculty Tenure
on the interpretation of the rules of tenure is determined by Principle 7 of the Operating Principles of the Tenure System (see Faculty handbook).

Alternatively, insert the relevant langue (see above) provided in Principle 7, of the Operating Principles of the Tenure System.

4.7.5 Decisions by the Committee on Faculty Tenure in cases involving deviation from tenure rules shall be binding on the administration and on the faculty member concerned.

Delete language on interpretation of the tenure rules.

4.7.6 The Committee on Faculty Tenure shall report promptly to the Faculty Senate in any case in which the administration acts contrary to the committee’s recommendations on a question involving tenure (see section 4.3.5).

Alternatively, simply delete Section 4.7.6.

Delete reference to UCFT decisions.