

Michigan State University

Office of the Provost

November 1997

Revisions/Additions to the Faculty Handbook

Enclosed please find revised and/or new pages for the Michigan State University Faculty Handbook. These pages (dated November 1997) should be inserted into your existing Handbook. Major revisions/additions include:

1. Conflict of Interest in Educational Responsibilities Resulting from Consensual Amorous or Sexual Relationships (page 21).
2. Faculty Review (page 47). Requires an annual written review of all tenure system faculty.
3. Code of Teaching Responsibility (page 117). Revised to clarify the policy on commercial note taking.
4. Protection of Human Subjects and Materials of Human Origin (page 141). Revised to include definition of non-compliance by an investigator.
5. Procedures Concerning Allegations of Misconduct in Research and Creative Activities (page 150). Final procedures adopted April 11, 1997.
6. Other Retirement Information (page 181). Revised to provide information about required premium for Medicare B.

Michigan State University

Office of the Provost

November 1997

Revisions/Additions to the Faculty Handbook

Enclosed please find revised and/or new pages for the Michigan State University Faculty Handbook. These pages (dated November 1997) should be inserted into your existing Handbook. Major revisions/additions include:

1. Conflict of Interest in Educational Responsibilities Resulting from Consensual Romantic or Sexual Relationships (page 21)
2. Faculty Review (page 47). Requires an annual written review of all tenure system faculty.
3. Code of Teaching Responsibility (page 117). Revised to clarify the policy on commercial non-teaching.
4. Protection of Human Subjects and Materials of Human Origin (page 141). Revised to include definition of non-compliance by an investigator.
5. Procedures Concerning Allegations of Misconduct in Research and Creative Activities (page 150). Final procedures adopted April 11, 1997.
6. Other Retirement Information (page 181). Revised to provide information about required premium for Medicare B.

MICHIGAN STATE UNIVERSITY

FACULTY HANDBOOK

The MSU Faculty Handbook is distributed by the Office of the Provost to executive managers and to all academic departments/schools. Individuals appointed in the tenure system and the librarian continuous appointment system are provided a copy of the Faculty Handbook upon appointment. Additionally, the Faculty Handbook is accessible on the Internet through the World Wide Web at <http://www.msu.edu/dig/FACULTY>. Questions about the Internet should be directed to the Computer Lab at 353-4856.)

Office of the Provost
November, 1997

TABLE OF CONTENTS

I. INTRODUCTION

1.	Foreword	1
2.	Disclaimer	2
3.	Services and Opportunities	2
4.	Mission Statement	4

II. ORGANIZATION

1.	Board of Trustees	6
2.	Administrative/Academic Organization	6
3.	Academic Governance	6
	Preamble	6
	The Faculty	7
	Student Participation in Academic Governance	7
	Academic Senate	7
	Academic Council	8

III. UNIVERSITY POLICIES

1.	Equal Opportunity and Non-Discrimination	10
2.	MSU Anti-Discrimination Policy	11
3.	Procedures of the Anti-Discrimination Judicial Board	14
4.	Handicapper and Veteran Self-Identification	18
5.	Policy on Sexual Harassment	18
6.	Academic Freedom	20
7.	Borrowing University Equipment	21
8.	Buildings	21
9.	Conflict of Interest in Educational Responsibilities Resulting from Consensual Amorous or Sexual Relationships	21
10.	Conflict of Interest in Employment	22
11.	Drugs and Alcohol	23
12.	Endorsements, Sponsorship and Advertising	23
13.	Holidays	24.1
14.	Indemnification	24.1
15.	Moving Expenses	24.1
16.	Questionnaires	24.1
17.	Risk Management and Quality Assurance	25
18.	Smoke-Free Policy	25
19.	Solicitation of Funds	26
20.	University Travel	26

IV. ACADEMIC PERSONNEL POLICIES

1.	Appointment Basis	27
2.	Basic Employment Commitment on an Academic Year Basis	27
3.	Temporary Appointment	28
4.	Summer Session	29
5.	Adjunct and Clinical Appointment	30

6.	Emeritus	32
7.	Faculty Rights and Responsibilities	33
8.	Health Assessment	40
9.	Identification Cards	40
10.	Jury Duty	40
11.	Payroll Procedures	40
12.	Tenure System	41
	Receipt of Qualifying Degree as a Condition of	
	Appointment in the Tenure System	41
	Granting Tenure	42
	Operating Principles	44
	Amendments to the Tenure Rules	45
	Implementation Practices	45
	Principles of Faculty Reassignment	46
	Faculty Review	47
	Appointment, Reappointment, Tenure and Promotion	
	Recommendations	48
	Tenure Action and Promotion	51
	College Level Reappointment, Tenure and Promotion Committees	51
	Guidelines for Academic Unit Peer Review Committee Composition	
	and External Evaluations	52
	Confidentiality of Letters of Reference for Reappointment,	
	Promotion and Tenure Recommendations	53
	Non-Tenured Faculty in the Tenure System	54
	Faculty Career Advancement and Professional Development:	
	A Special Affirmative Action Responsibility	55
	Faculty Status: Reserved for Appointments in Primary	
	Academic Units of the University	56
	Long-Term Disability	58
	Policy and Procedure for Implementing Disciplinary Action	
	Where Dismissal is Not Sought	60
	Policy and Procedure for Rescission	61
	Dismissal of Tenured Faculty for Cause	61
13.	Librarian Continuous Appointment System	71
14.	Specialists	72
15.	Administrative Review	73
16.	Faculty Grievance Procedure	74
17.	Leaves of Absence	86
	Sabbatical	86
	Without Pay	89
	Optional Leave Without Pay Dates for	
	Academic Year Appointed Faculty and Academic Staff	89
	Continuation of Benefits for Faculty on Leave of Absence	
	No Pay Status to Receive Prestigious Awards,	
	Fellowships and/or Special Assignment Opportunities	90
	Medical	92
	Family and Medical Leave	93
	Military	94
	Vacation	94
18.	Bridging Breaks in Service	95
19.	Credit for Past Service	96

20.	Retirement	97
	Working Retirement Options	97
21.	Resignation	99
22.	Participation in Partisan Political Activities	100
23.	Study at MSU by Faculty Members	100
24.	Course Fee Courtesy	101
25.	Faculty Awards	102
	Distinguished Faculty Awards	102
	MSU Teacher-Scholar Awards	102
	MSU Excellence-In-Teaching Citations for Graduate Teaching Assistants	103
26.	University Distinguished Professor	103
27.	Administrative Assignment Procedure for Faculty and Student Participation in the Selection of Specified University Level Administrators	105
	Salary, Appointment, and Faculty Status of Faculty Members Who Assume Administrative Responsibilities	107
	Annual Evaluation of Chairpersons/Directors	110
28.	Extension, Medical Care and Other Faculty/Academic Staff Service Activities	110
29.	Outside Work for Pay	110
30.	Medical Service Plan for Colleges of Human Medicine and Osteopathic Medicine	113
31.	Overload Pay	113

V. INSTRUCTION

1.	General Statement	115
2.	Abrogation of Faculty Teaching Responsibility	115
3.	Academic Advisement, Enrollment, Registration, and Counseling	116
4.	Academic Apparel	117
5.	Academic Program	117
6.	Code of Teaching Responsibility	117
7.	Faculty Relationships with Student-Athletes	119
8.	Supervision of Academic Work by Relatives	120
9.	Participation in Commencement	121
10.	Religious Holidays	121
11.	Rights of Students to Receive Instruction	121
12.	Student Instructional Rating System	122
13.	Threats to a Faculty Member	123
14.	Composition of a Doctoral Program Guidance Committee	124

VI. RESEARCH AND CREATIVE ENDEAVOR

1.	General Statement	126
2.	Sponsored Research and Creative Endeavor	126
3.	Conflict Situations	128
4.	Interim Guidelines for Potential Conflicts of Interest in Academic Areas of the University	131
5.	Guidelines for Potential Conflicts of Interest Pertaining to Applications for NSF and PHS Research Support	134

6.	Facilitation of Research and Creative Efforts	137
7.	Office of Research Development	137
8.	All-University Research Funding	137
9.	Support for Development of Intellectual Property	138
10.	MSU Foundation	138
11.	International Travel	138
12.	Office of Contract and Grant Administration	138
13.	Regulatory Guidelines for Research	138
14.	Use of Radiation, Biological and Chemical Hazards	139
15.	Protection of Human Subjects	140
16.	Use of Animals in Research, Teaching and Service	142
17.	Patents	143
18.	Textbook Publication	144
19.	Development of Instructional Materials	144
20.	Procedures Concerning Allegations of Misconduct in Research and Creative Activities	150

**VII. FACULTY AND ACADEMIC STAFF
RETIREMENT AND BENEFIT PROGRAMS**

1.	Overview	172
	Automatic Benefits	172
	Optional Benefits	172
	Retirement Programs	172
2.	Full-Time Equivalent (FTE) Service Months	173
3.	Expanded Life	173
4.	Long-Term Disability	173
5.	Social Security	174
6.	Travel Accident	174
7.	Unemployment Compensation	174
8.	Workers' Compensation	174
9.	Accidental Death and Dismemberment	175
10.	Dental	175
11.	Employee-Paid Life	176
12.	Health Care	176
13.	Waiver of Health Care Coverage	177
14.	Dependent Care Spending Account	177
15.	Benefits for Postdoctoral Fellows	178
16.	Health Care Benefits for Visiting Faculty/Scholars	179
17.	Retirement Plans	180
	Base Retirement Plan	180
	Supplemental Retirement Plan	181
	Other Retirement Information	181
18.	Leave of Absence	182
	With Pay	182
	Without Pay	182
19.	Termination	183
20.	Death	183

VIII. INDEX 184

providing the vehicle through which individual faculty members, students or faculty-student groups and other organizations may initiate action. The Steering Committee announces this meeting in the State News and the MSU News-Bulletin.

Most of the issues debated by the Academic Council are considered by its various standing committees: The University Committees on Academic Environment, Academic Governance, Academic Policy, Curriculum, Faculty Affairs, Faculty Tenure, Student Affairs and the University Graduate Council. For information about composition, procedures and functions of the various standing committees see Section 4 of the *Bylaws for Academic Governance*. Faculty and student members of the standing committees of the Academic Council are selected in accordance with the procedures specified in the *Bylaws for Academic Governance*.

Bylaws are an integral component of the governance system adopted in each academic unit. These documents describe faculty consultation and advisement in the units and normally describe reappointment, tenure and promotion procedures.

- Title IX of the Higher Education Amendments of 1972 prohibiting discrimination against students and employees on the basis of gender.
- Age Discrimination Act of 1975 prohibiting discrimination on the basis of age in programs of activities receiving federal financial assistance.
- Age Discrimination in Employment Act of 1967 prohibiting discrimination in employment on the basis of age.
- Equal Pay Act of 1963 prohibiting discrimination in salaries on the basis of gender.
- Titles VII and VIII of the Public Health Service Act prohibiting discrimination in the admission of students in health personnel training programs on the basis of gender.
- Sections 503 and 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap in any program or activity receiving federal financial assistance and requiring the facilitation of the employment of the handicapped.
- Section 402 of the Vietnam Era Veterans Readjustment Act of 1974 regarding affirmative action in the employment of disabled and Vietnam-era veterans.
- Retirement Equity Act of 1984 regarding pension equity.
- Michigan Elliott-Larsen Civil Rights Act of 1976 prohibiting discriminatory practices, policies and customs.
- Michigan Handicappers' Civil Rights Act of 1976 prohibiting discriminatory practices, policies, and customs.
- Americans with Disabilities Act of 1990 prohibiting discrimination against individuals with disabilities.

The Board of Trustees has directed the establishment of the Anti-Discrimination Judicial Board (ADJB) to serve as its internal mechanism for the receipt, consideration, and resolution of complaints of alleged acts of discrimination as defined in the all-University policy entitled "MSU Anti-Discrimination Policy." Individuals who believe their rights have been violated or that they have been discriminated against in violation of any applicable law or regulation may contact the Anti-Discrimination Judicial Board Office, telephone 353-3929, for information about the ADJB procedure.

III. UNIVERSITY POLICIES

EQUAL OPPORTUNITY AND NON-DISCRIMINATION

Michigan State University is committed to the principles of equal opportunity, non-discrimination and affirmative action. University programs, activities and facilities are available to all without regard to race, color, gender, religion, national origin, political persuasion, sexual orientation, marital status, handicap, height, weight, veteran status or age. The University is an Affirmative Action, Equal Opportunity Employer.

In carrying out this commitment, the University is guided by the policies adopted by the Board of Trustees and by applicable federal and state laws and regulations. Among these are:

- Titles VI and VII of the Civil Rights Act of 1964 prohibiting discrimination in the provision of services and employment on the basis of race, color, religion, national origin or gender.
- Title IX of the Higher Education Amendments of 1972 prohibiting discrimination against students and employees on the basis of gender.
- Age Discrimination Act of 1975 prohibiting discrimination on the basis of age in programs or activities receiving federal financial assistance.
- Age Discrimination in Employment Act of 1967 prohibiting discrimination in employment on the basis of age.
- Equal Pay Act of 1963 prohibiting discrimination in salaries on the basis of gender.
- Titles VII and VIII of the Public Health Service Act prohibiting discrimination in the admission of students in health personnel training programs on the basis of gender.
- Sections 503 and 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap in any program or activity receiving federal financial assistance and requiring the facilitation of the employment of the handicapped.
- Section 402 of the Vietnam Era Veterans Readjustment Act of 1974 requiring affirmative action in the employment of disabled and Vietnam-era veterans.
- Retirement Equity Act of 1984 requiring pension equity.
- Michigan Elliott-Larson Civil Rights Act of 1976 prohibiting discriminatory practices, policies and customs.
- Michigan Handicappers' Civil Rights Act of 1976 prohibiting discriminatory practices, policies, and customs.
- Americans with Disabilities Act of 1990 prohibiting discrimination against individuals with disabilities.

The Board of Trustees has directed the establishment of the Anti-Discrimination Judicial Board (ADJB) to serve as its internal mechanism for the receipt, consideration, and resolution of complaints of alleged acts of discrimination as defined in the all-University policy entitled "MSU Anti-Discrimination Policy." Individuals who believe their rights have been abridged or that they have been discriminated against in violation of any applicable law or regulation may contact the Anti-Discrimination Judicial Board Office, telephone 353-3929, for information about the ADJB procedure.

BORROWING UNIVERSITY EQUIPMENT

University equipment is used only for University activities. Personal use or use for private gain is forbidden. University equipment must not be loaned to non-campus organizations except, under special circumstances, to departments of the state or federal government. University policy stipulates that equipment cannot be taken off-campus. Any exception to this policy can only be made with the approval of the department chairperson, director, or administrative head prior to written approval of the Secretary of the Board of Trustees. The department is responsible for loss of or damage to the item.

BUILDINGS

The closing time for most buildings other than residence halls is 10:00 p.m., Monday through Friday. There are exceptions for more frequently used buildings. Building hours are posted on the doors of most University buildings. University employees may work in their offices or laboratories beyond closing hours if they have authorized building keys and/or room keys to the areas occupied.

University facilities may not be used by outside groups unless sponsored by Lifelong Education or authorized by the Secretary of the Board of Trustees, telephone 353-4647.

CONFLICT OF INTEREST IN EDUCATIONAL RESPONSIBILITIES RESULTING FROM CONSENSUAL AMOROUS OR SEXUAL RELATIONSHIPS^{1 2}

This policy was approved by the Board of Trustees on November 8, 1996.

An amorous or sexual relationship between a student and a faculty member, a graduate teaching assistant or another University employee who has educational responsibility for that student may impair or undermine the ongoing trust needed for effective teaching, learning and professional development. Because of the faculty member, graduate assistant or other employee's authority or power over the student, inherently conflicting interests and perceptions of unfair advantage arise when a faculty member, graduate teaching assistant or other employee assumes or maintains educational responsibility for a student with whom the faculty member, graduate teaching assistant or other employee has engaged in amorous or sexual relations.

It is, therefore, the policy of Michigan State University that each faculty member, graduate teaching assistant and other University employee who has educational responsibilities for students shall not assume or maintain educational responsibility for a student with whom the faculty member, graduate teaching assistant or other employee has engaged in amorous or sexual relations, even if such relations were consensual. Whether such amorous or sexual relationships predate the assumption of educational responsibility for the student, or arise out of the educational relationship, the faculty member, graduate teaching assistant or other employee shall immediately disclose the amorous or sexual relationship to the relevant unit administrator, who shall promptly arrange other oversight for the student.

¹The Board of Trustees approved this policy statement on November 8, 1996. The Board of Trustees adopted a subsequent motion which emphasized the view of the Board that consensual amorous or sexual relations between faculty and students are discouraged.

²Other relevant policies include "Supervision of Academic Work by Relatives" and "Conflict of Interest in Employment"

In unusual circumstances, the achievement of the affected student's academic requirements may necessitate continued oversight of the affected student by the faculty member, graduate teaching assistant or other University employee who has engaged in amorous or sexual relations with that student. In such circumstances the unit administrator shall, therefore, have authority, after consulting the affected student, to permit the continued oversight of the affected student by the faculty member, graduate teaching assistant or other University employee, provided that the faculty member, graduate teaching assistant or other University employee shall not grade or otherwise evaluate, or participate in the grading or other evaluation of, the work of the affected student, and that the alternative arrangements for grading or evaluating the affected student's work treat the student comparably to other students.

CONFLICT OF INTEREST IN EMPLOYMENT

The following policy was approved by the Board of Trustees on December 8, 1995 as a replacement for the Employment of Relatives policy.

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

General Principles:

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

5. In circumstances which have the potential for the conflicts of interest referenced in item #1, above, individuals have the responsibility for disclosing that a conflict of interest may exist to the department chairperson, school director, dean or other relevant administrator or supervisor: the specifics of the potential conflict do not have to be provided.

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

DRUGS AND ALCOHOL

The following policy was approved by the Board of Trustees on October 12, 1990.

Consistent with state and federal law, Michigan State University will maintain a workplace free from the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance.¹

The unlawful manufacture, distribution, dispensation, possession or use of controlled substances, illicit drugs and alcohol are prohibited on any property under the control of and governed by the Board of Trustees of Michigan State University, and at any site where work is performed by individuals on behalf of Michigan State University.

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

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

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

ENDORSEMENTS, SPONSORSHIP AND ADVERTISING

The following policy was approved by the Board of Trustees on April 11, 1997.

As a publicly supported institution of higher education, Michigan State University must be operated

¹Five schedules of controlled substances are defined in the comprehensive Drug Abuse Prevention and Control Act of 1970, 21. U.S.C. 812.

in the public trust. Each unit of the University and every University employee is responsible for protecting the integrity of the name of the University.

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

Endorsements

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

Sponsorship, Advertising

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

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

Administration

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

HOLIDAYS

The University observes six legal holidays by closing offices and dismissing classes. They are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas Day. In addition, the Friday following Thanksgiving Day, and as stipulated by the University based on the calendar, the working days preceding or following Christmas Day and New Year's Day are granted as holidays.

INDEMNIFICATION

The following policy was approved by the Board of Trustees on March 15, 1974 and revised on September 2, 1983.

Michigan State University will support its trustees, officers, faculty, and staff when acting in the performance of assigned duties on behalf of the University. This policy also applies to students while engaged in approved academic programs and volunteers who are performing services for the University with prior written approval of the appropriate University official. The University will defend, save harmless, and indemnify such persons against any suit or proceeding, wherever brought, premised upon the fact that he or she is or was a member of the Board or an officer, employee, student, or volunteer of the University. The indemnity extends to expenses including attorney fees, judgments, fines, and amounts paid in settlement, actually and reasonably incurred, and with respect to any criminal action or proceeding where such person had no reasonable cause to believe that his or her conduct was unlawful. As a condition of indemnification, the trustee, official, employee, student, or volunteer is required to cooperate fully on a continuous basis with the University Attorney and the Office of Insurance and Risk Management.

MOVING EXPENSES

Rules regarding moving expenses are covered in detail in the *Manual of Business Procedures*, available in deans and departmental offices. Reimbursement for actual moving expenses is not an entitlement; it is an option to be agreed upon between the unit administrator(s) and the prospective faculty/staff member. Eligibility is extended to faculty (at the rank of instructor and above), academic, professional and executive management staff who are either new or reassigned and are moving from outside a radius of fifty (50) miles to the MSU work location.

QUESTIONNAIRES

In order to insure consistency in the reporting of data to state and federal agencies and to other colleges and universities, it is requested that all questionnaires requiring data for the entire University be referred to the Office of Planning and Budgets (OPB). This office will consider whether the data are readily available and whether they should be released to the inquiring agent. Data requests or questionnaires relating primarily to a sub-unit of the University may be filled out by that sub-unit, but any items which require all-University data should be cleared with OPB. Although the office is not always in possession of the necessary data, referral to the appropriate office or person can be made, or in cases where justifiable, arrangements may be made to collect the data.

HOLIDAYS

The University observes six legal holidays by closing offices and dismissing classes. They are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas Day. In addition, the Friday following Thanksgiving Day, and as stipulated by the University based on its calendar, the working days preceding or following Christmas Day and New Year's Day are treated as holidays.

INDemnIFICATION

The following policy was approved by the Board of Trustees on March 12, 1974 and revised on September 2, 1983.

Michigan State University will support its trustees, officers, faculty, and staff when acting in the performance of assigned duties on behalf of the University. This policy also applies to students while engaged in approved academic programs and volunteers who are performing services for the University with prior written approval of the appropriate University official. The University will defend, save harmless, and indemnify any and all persons, including members of the Board or an officer, brought, promised upon the fact that such person acted in good faith and with reasonable care and with respect to any criminal action or proceeding where such person had no reasonable cause to believe that his or her conduct was unlawful. As a condition of indemnification, the trustee, official, employee, student, or volunteer is required to cooperate fully on a continuous basis with the University Attorney and the Office of Insurance and Risk Management.

MOVING EXPENSES

Rules regarding moving expenses are covered in detail in the Manual of Business Procedures. Available in deans and department offices. Reimbursement for actual moving expenses is not an entitlement; it is an option to be agreed upon between the unit administrator(s) and the prospective faculty/staff member. Eligibility is extended to faculty (at the rank of instructor and above), academic, professional and executive management staff who are either new or reassigned and are moving from outside a radius of fifty (50) miles to the MSU work location.

QUESTIONNAIRES

In order to insure consistency in the reporting of data to state and federal agencies and to other colleges and universities, it is requested that all questionnaires requiring data for the entire University be referred to the Office of Planning and Budgets (OPB). This office will consider whether the data are readily available and whether they should be released to the inquiring agency. Data requests or questionnaires relating primarily to a sub-unit of the University may be filled out by that sub-unit but any items which require all-University data should be cleared with OPB. Although the office is not always in possession of the necessary data, referral to the appropriate office or person can be made, or in cases where justification arrangements may be made to collect the data.

Interim Guidelines for Potential Conflicts of Interest in Academic Areas of the University
Medical Service Plan for Colleges of Human Medicine and Osteopathic Medicine

(*Faculty Handbook*)

Mission Statement, Michigan State University

Non-Tenured Faculty in the Tenure System (*Faculty Handbook*)

Ordinance on Examinations (*Ordinance #18.00*, Michigan State University)

Outside Work for Pay (*Faculty Handbook*)

Overload Pay (*Faculty Handbook*)

Patents (*Faculty Handbook*)

On Preventing Conflicts of Interests in Government-Sponsored Research at Universities

(*Faculty Handbook*)

Protection of Human Subjects (*Faculty Handbook*)

Regulatory Guidelines for Research (*Faculty Handbook*)

Rights of Students to Receive Instruction (*Faculty Handbook*)

Sponsored Research and Creative Endeavor (*Faculty Handbook*)

Sponsored University Programs for Research and Education

Student Instructional Rating System (*Faculty Handbook*)

Student Records (*Academic Programs*, General Information section)

Tenure of Appointment at Michigan State University (*Faculty Handbook*)

Use of Animals in Research, Teaching and Service (*Faculty Handbook*)

HEALTH ASSESSMENT

Employment health assessments are only required where legally mandated, where work assignments will necessitate contact with potentially hazardous substances or will be physically intensive, or as otherwise determined necessary on an administrative basis. The assessment is conducted at the Michigan State University Health Center on campus.

IDENTIFICATION CARDS

All members of the faculty and academic staff are encouraged to obtain identification cards. Similar identification cards can be issued to spouses upon request. The identification cards are useful for campus privileges. It is inappropriate to alter, falsify or misuse an MSU I.D. card.

To obtain an ID card, the faculty/academic staff member and spouse may visit either the Registrar's Office (150 Administration Bldg., M-TH 8:00 - 6:00, and FRI 8:00-5:00) or Human Resources (30 Nesbit Bldg., M-FRI 4:00-5:00). A picture ID (driver license, etc.) and the old ID, if available, are necessary for processing.

JURY DUTY

The University recognizes the civic responsibility of faculty/academic staff members to serve jury duty and makes provision for them to perform such duty without loss of pay.

The University will compensate the faculty/academic staff member called to jury duty for the difference between the pay received from the court and the normal take-home pay. The faculty/academic staff member's benefits will continue. The faculty/academic staff member must notify his/her department chairperson/school director of the call to jury duty as soon as it is received and must provide proof of the jury duty pay to the payroll department. The faculty/academic staff member is expected to report for regular University duty when temporarily excused from attendance at court.

Full cooperation is expected between the faculty/academic staff member, unit administrator and department(s) involved to insure minimal disruption in the instructional and service responsibilities of the unit.

PAYROLL PROCEDURES

The following items must be furnished to the Payroll Division of the Office of the Controller before a new faculty/academic staff member can be put on the University payroll.

1. **SOCIAL SECURITY NUMBER.** Social security numbers must be verified by the Payroll Office, 350 Administration Building, prior to the first pay date. Verification may be completed by presenting the social security card to the Payroll Office or by sending a photocopy to that office.
2. **EMPLOYEE WITHHOLDING ALLOWANCE CERTIFICATE (FORM W-4).** The W-4 form authorizes the University to recognize the appropriate exemptions when calculating withholding taxes.

New faculty/academic staff members should at the same time complete the appropriate forms in the Benefits office to participate in such programs as employee-paid life, health care coverage, accidental death and dismemberment, and base and supplemental retirement benefits. All benefit programs are described briefly in the Faculty/Academic Staff Benefit and Retirement Programs section of this handbook. Additional information is available from the Benefits office, 140 Nisbet Building.

THE TENURE SYSTEM

The following policy was approved by the Board of Trustees on May 15, 1952 and amended on June 11, 1993.

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

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

RECEIPT OF QUALIFYING DEGREE AS A CONDITION OF APPOINTMENT IN THE TENURE SYSTEM

The following statement was issued by the Office of the Provost with an effective date of September 1, 1980.

Attainment of the appropriate terminal qualifying degree (Ph.D. or other) will be required as a condition of appointment in the tenure system (ranked faculty, instructor through professor) at Michigan State University.

This policy is consistent with Michigan State University's ongoing quest to improve its status and quality as a major land-grant, AAU University.¹

As such, MSU is an institution which expects that its faculty make significant and ongoing contributions to scholarship in their respective disciplines. This policy on qualifying degrees advances MSU's attainment of its mission because the receipt of the appropriate terminal qualifying degree is a necessary prerequisite for faculty to make such scholarly achievements. Unit criteria for reappointment, promotion, and tenure must stress the importance of such scholarly achievements. Continuing involvement in scholarly work and research insures the continuing ability to provide highly competent instruction and service which are general requirements of MSU faculty.

The Ph.D. and several other terminal qualifying degrees (Ed.D.; D. Ed.; D.A.; D.B.A.; Doctor of Journalism; J.D.; M.D.; D.O.; M.S.W.; M.F.A.; D.S.W.; D.M.A.; and D.V.M.), as appropriate

¹In addition, this policy is supported by other considerations. Other quality institutions do not allow appointments in the tenure system without the appropriate terminal qualifying degree and there is no general shortage of faculty candidates with appropriate terminal qualifying degrees to be considered as prospective faculty at Michigan State University. Finally, the University Committee on Faculty Tenure annually receives and acts on a number of requests that tenure system probationary appointments be extended to permit the completion of the necessary terminal qualifying degree. The existence of such requests indicates that such individuals typically have spent the bulk of their probationary appointment period in completing the requirements for the Ph.D. and, therefore, have not been able to devote time towards scholarly contributions beyond the dissertation stage.

to specific academic units, are designated appropriate qualifying degrees applicable under this policy. The application of the policy will operate on this assumption unless colleges and separately reporting units identify other degrees that should be accorded "qualifying degree status." Justification will be required in support of each such recommendation, and an agreement that they should be recognized as "appropriate qualifying degree" must be reached with the Office of the Provost.

This policy will not affect the status of individuals currently appointed in the tenure system who have not as yet completed the appropriate qualifying degree. However, the continued expectation for such individuals is that the receipt of such a degree is a necessary but not sufficient condition for the awarding of tenure. The earliest possible completion of the degree is expected.

Individuals currently completing the requirements for the appropriate qualifying degree may be employed at Michigan State University on a temporary basis (appointment with an ending date) and, with a prior agreement with the Office of the Provost, may be shifted to a tenure system position after the qualifying degree has been completed. It is strongly recommended that such individuals be employed on a temporary basis no longer than two years.

Individuals to whom offers for tenure system appointments are made before the appropriate terminal qualifying degree is completed should be informed that a temporary appointment as an instructor will be required if the terminal qualifying degree is not received by a specified date prior to the effective date of appointment. On proof of receipt of the degree and with agreement of the Office of the Provost, the individual's status can be changed to that of an assistant professor in the tenure system.

For all appointments in the tenure system, proof of receipt of the terminal qualifying degree is to be provided by The Graduate School or other appropriate university office at the institution where the degree has been earned. Such documentation must accompany the appointment form when submitted to the Office of Planning and Budgets.

Exceptions to this policy can be made because of truly exceptional and unique qualifications, market considerations, for affirmative action, or other appropriate reasons, but only with the prior written approval of the Office of the Provost.

GRANTING TENURE

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

An *associate professor* who has not served previously at Michigan State University usually is appointed in the tenure system for a probationary period of four years. In some cases, upon the recommendation of the unit administrator(s), dean(s), and with the prior approval of the Provost and President, the probationary period may vary in length from two to five years. If an *associate professor* is reappointed, tenure is granted. Individuals appointed at the rank of *associate professor* without tenure have the option of requesting reappointment at any point¹ prior to the conclusion of the stipulated probationary appointment period. A negative decision on such a request shall not preclude consideration for reappointment at the time specified upon appointment.

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

¹Such early reviews would occur on the normal review cycle as established by university, college and department/school procedures.

Principle Four: In evaluating affected tenured faculty members for assignment to a receiving academic unit, both the Provost and the administrators of the former and potential receiving units shall make a good faith effort to negotiate the reassignment. Administrators in the potential receiving units shall urge their faculty to consider especially carefully the broader social good that derives from having tenure in the university in cases in which reassignment results from dissolution or curtailment of a department or school.

Principle Five: The Provost shall receive in writing any compromise in assignment, responsibilities or duties agreed to by the faculty member and receiving unit(s).

Principle Six: If the assignment to a unit by the Provost entails duties which compromise Principle One, above, the Provost must seek to assure that it is with the full, voluntary consent of the reassignee and the receiving unit. (For example it would be appropriate to reassign a tenured faculty member to a non-college unit if the assignee and the unit agree. A reassignee may also be reassigned into two or more units if both the reassignee and the units agree).

Principle Seven: Should previous attempts at good faith negotiations yield no resolution, the Provost may impose a 30 day deadline for mutual, voluntary agreement on a reassignment. If units and faculty members are unable, after the 30-day period, to achieve a resolution regarding appointments, assignments, salary, rank, responsibilities, or duties, the Provost shall impose a solution.

Principle Eight: While nothing shall preclude shifts between units based on voluntary agreement between all relevant parties, the Provost and the University have no special responsibility to reassign faculty who desire a unit change for reasons other than the dissolution or curtailment of their academic unit.

FACULTY REVIEW

This statement reflects advice by the Faculty Council and the University Committee on Faculty Affairs; it was issued by the Office of the Provost on February 11, 1997, effective Fall semester 1997.

All units must have procedures for written evaluation of tenure system faculty at all ranks to support the annual merit process and to provide a basis for a clear statement of performance expectations and accomplishments. It is recognized that provisions and practices in units may vary; however, all evaluation procedures must incorporate, at the minimum, the principles included in this model policy for regular faculty review.

I. Principles

While some variation may occur in the approach to reviews, the following principles as implemented by unit procedures are to be followed by unit administrators (i.e., Deans, Chairpersons and Directors) and faculty. In the case of faculty with joint appointments, a lead unit administrator shall be designated. The process should be clearly defined by the bylaws or established personnel policies and procedures of each academic unit.

- A. Each tenure system faculty shall be evaluated on an annual basis and informed in writing of the results of his/her review by the unit administrator.
- B. Each unit shall have clearly formulated and relevant written performance criteria and shall provide these at the time of appointment, and subsequently as necessary, to all faculty to clarify expectations.

- C. Faculty shall be informed of all factors used for evaluation, the evaluation of their performance on each of these factors and the relationship between their performance and decisions on merit salary adjustments and, if appropriate, on reappointment, promotion and tenure. Faculty are entitled to have all their assigned duties given weight in the evaluation.
- D. These annual assessments of faculty reviews shall be reflected in recommendations to the Provost's Office regarding reappointment, tenure, and promotion.

II. Guidelines for Implementation

- A. Units should initiate the annual review process early enough so that the full process, including feedback to faculty, may be completed before the beginning of the fall semester.
- B. Each faculty member shall submit a written summary of activities for the appropriate period of time to the unit administrator in a timely manner prior to the review. These materials will be shared with the faculty in accordance with unit bylaws and procedures.
- C. If unit bylaws or procedures provide for performance evaluation by peer review committees, unit administrators shall rely on the advice of this designated group, in addition to their own judgement.
- D. Unit administrators or their designees, no later than 3 months after completion of the evaluation, shall provide to the faculty member a written evaluation of her/his overall performance. Whenever appropriate, such evaluations shall contain constructive and explicit recommendations and clarify expectations of what is needed to make additional scholarly progress in the tenure system.
- E. If, after receiving the written review, the faculty member disagrees with its content or chooses to provide additional documentation or comment, the faculty member shall have an opportunity to respond to the review. Any additional written faculty comment and/or documentation which is submitted within one month of receipt of the written review shall become part of the documentation for the review.
- F. The full documentation for this written review, including the faculty member's response, shall be placed in the faculty member's unit personnel file.
- G. Meetings between faculty members and unit administrators are encouraged prior to the written summary to provide feedback about expectations and evaluation. Each faculty member shall have the right to meet in person with the unit administrator or designee after the written review is received.

APPOINTMENT, REAPPOINTMENT, TENURE, AND PROMOTION RECOMMENDATIONS

*The following statement is sent annually by the Office of the Provost to deans, directors, and chairpersons on the occasion of reappointment, promotion, and tenure decision recommendations. It is reviewed annually and advice is requested from the University Committee on Faculty Affairs and the University Committee on Faculty Tenure. Any changes will be sent to deans, directors, and chairpersons to incorporate into departmental and unit copies of the **Faculty Handbook** and for distribution to the faculty.*

Michigan State University is a research-intensive, land-grant University of international scope. MSU is a member of the Association of American Universities (AAU), members of which are recognized worldwide for the quality and breadth of their scholarship and research and graduate-professional education programs. MSU is one of only 17 universities that are designated as both land-grant and AAU. The Guiding Principles, issued in 1994, provide a framework for a practical vision for MSU.

The University is dedicated to educating tomorrow's leaders and scholars through our undergraduate, graduate, graduate-professional and lifelong education programs. MSU, through its faculty, must create knowledge and find new and innovative ways to extend its applications to serve Michigan, the nation, and the international community. Faculty at this research-intensive land-grant university must infuse cutting edge scholarship into the full range of our teaching programs. At MSU, faculty are expected to be both active scholars and student focused, demonstrating substantial ability to promote learning through our on-campus and off-campus education and research programs. Within this context, scholarship is demonstrated in both our education and research programs. The essence of scholarship is the thoughtful discovery, transmission, and application of knowledge that is based in the ideas and methods of recognized disciplines, professions, and interdisciplinary fields. What qualifies an activity as scholarship is that it be deeply informed by the most recent knowledge in the field, that the knowledge is skillfully interpreted and deployed, and that the activity is carried out with intelligent openness to new information, debate, and criticism.¹

MSU must improve continuously. To do so requires that academic personnel decisions must result in a progressively stronger faculty. This process begins with vigorous, effective recruitment and selection of new faculty, followed by systematic encouragement and facilitation of the professional growth of these faculty members, followed by the application of demanding standards and the use of rigorous evaluation procedures when reappointment, tenure, and promotion recommendations are made. Our policies, procedures, criteria, and decisions on recruitment, reappointment, award of tenure, promotions and salary changes must be guided by the goal of enhancing academic excellence at MSU. The reputation and prominence of MSU for many years to come will be determined in large measure by these decisions.

Initially a review of the mission and goals of the University, college, and unit and their related personnel needs, fiscal constraints and any other relevant factors must occur to determine if the applicable position(s) is (are) to be retained within the unit and the University. If it (they) will, then recommendations for appointment, reappointment, promotion and tenure are initiated following rigorous evaluation at the unit level, including peer review. Recommendations for promotion of individuals with tenure should also be initiated following rigorous evaluation at the unit level, including peer review. All involved in these deliberations must apply high standards of performance

¹MSU Guiding Principles, February 1994; Outreach at MSU: Extending Knowledge to Serve Society, October 1993.

consistent with appropriate expectations of faculty at leading research-intensive land-grant universities, that is faculty must be both active scholars and student focused. Chairpersons and directors make the unit level recommendations. Unit level recommendations are subject to review and approval or disapproval at the college and University levels. Recommendations are to be based on explicit unit criteria and quality evaluations that are consistent with college and University policies and goals.

As provided in the 1978 *Bylaws for Academic Governance*, the faculty, operating in the advisory mode, is to provide advice to the chairperson/director as described in unit bylaws. Each department, school, and comparable unit is required to have procedures and criteria that are clearly formulated and relevant to the evaluation of the performance of faculty members (see Statement on Non-Tenured Faculty in the Tenure System, *Faculty Handbook*). The 1978 *Bylaws for Academic Governance* includes the following statement that is of fundamental importance.

...The chairperson or director has a special obligation to build a department or school strong in scholarship, teaching capacity, and public service. (2.1.2.1.)

The chairperson or director makes judgments taking into consideration peer evaluations, including their quality, and other supporting data and information. The chairperson or director is responsible as an individual for the recommendations made.

Unit criteria for appointment, reappointment, tenure, promotion, and salary changes must serve the objective of improving academic strength and quality, taking account of the mission and goals of the department, school, college, and University, including the Guiding Principles.

Assessment of faculty performance should recognize the importance of both teaching and research and their extension beyond the borders of the campus as part of the outreach dimension. Assessment should take into account the quality of outcomes as well as their quantity, and also acknowledge the creativity of faculty effort and its impact on students, others the University serves, and on the field(s) in which the faculty member works. In many cases, individual scholarly activities are the ways in which faculty demonstrate excellence. Collaborative scholarly efforts, cross-disciplinary activities and the integration of scholarship in the creation, application and dissemination of knowledge also should be recognized as relevant dimensions of faculty performance.

Deans review independently each recommendation for appointment, reappointment, promotion, and tenure and approve or disapprove them, taking into account unit, college, and University criteria and other factors such as quality, progress, resources, program needs, percent of tenured faculty in the unit, and any other relevant University policies and goals (see below).

The Office of the Provost will review each recommendation for reappointment, the awarding of tenure and promotion and in each case will focus primarily on the evidence of the effectiveness of the individual in the performance of academic duties. Within this context, faculty must demonstrate substantive and sustainable achievement in both teaching and research and the infusion of this scholarship in outreach programs.

In addition, as applicable, the following elements, which relate to individual performance or institutional contextual factors, all of which relate to quality, will be considered:

Those factors which relate most closely to individual performance include, but are not limited to:

- In each case, solid evidence of consistent and persistent professional improvement and effectiveness at MSU sufficient to serve as a basis for predicting continued professional achievement and growth for the remainder of the individual's academic career.
- Evidence of actual and/or potential external competition for employment in the Committee on Institutional Cooperation (CIC)¹ Universities or institutions of at least comparable quality.
- The history of salary increases awarded the individual relative to others in the unit.
- Evidence of having met the standards of the college and department/school for recommendation of appointment, reappointment, award of tenure, and promotion.

Those factors which relate most closely to institutional contextual factors include, but are not limited to:

- Standards of the college and department/school for recommendation of appointment, reappointment, award of tenure, and promotion.
- Progress of the unit toward achieving and maintaining diversity and recognition of diversity in the unit's definition of quality. The standards for progress are to be found in activities required by the University's Affirmative Action Plan, as referred to in the *Manual of Planning and Hiring Procedures for Academic Personnel*, by the statement on "Faculty Career Advancement and Professional Development: A Special Affirmative Action Responsibility" found in the *Faculty Handbook*, and by unit participation in diversity activities supported by departments/schools and colleges.

¹University of Chicago; University of Illinois; Indiana University; University of Iowa; University of Michigan; Michigan State University; University of Minnesota; Northwestern University; Ohio State University; Pennsylvania State University; Purdue University; University of Wisconsin-Madison.

- Fiscal constraints.
- The extent to which program commitments require the continuation of faculty (relevant primarily for decisions on reappointments and awards of tenure).
- The Guiding Principles and advancement of the shared University agenda, including scholarship across the mission.

Each dean or director is to assure that unit administrators in his or her college make clear, in a timely fashion, to the concerned faculty the procedures and criteria that will be used in making tenure system reappointment and promotion recommendations. Forms for "Recommendation for Reappointment, Promotion or Tenure Action" outline many of the activities that are relevant to decisions on promotion, tenure and reappointment. As stated above, "academic administrators have the special obligation to build academic units strong in scholarship, teaching capacity, and public service". To discharge this responsibility, academic administrators must apply rigorous standards in making reappointment, tenure, and promotion recommendations. The achievement and performance level required must be competitive with faculties of leading research-intensive, land-grant universities of international scope.

1. Reappointment with award of tenure: Each tenure recommendation should be based on a clear record of sustained, outstanding achievements in education and scholarship across the mission consistent with performance levels expected at leading research-intensive, land-grant Universities of international scope.
 - a. For the assistant professor who has established such a record, the tenure recommendation is effective upon reappointment after two cumulated probationary appointments in the tenure system.
 - b. For the faculty member appointed initially as associate professor on a probationary basis in the tenure system who has established such a record, the tenure recommendation is effective upon reappointment after one probationary appointment period.
2. A recommendation for promotion from assistant professor to associate professor in the tenure system should be based on several years of sustained, outstanding achievements in education and scholarship across the mission, consistent with performance levels expected for promotion to associate professor at leading research-intensive, land-grant Universities of international scope. The purpose of a reasonably long period of time in rank prior to promotion is to provide a firm basis in actual performance for predicting capacity to become an expert of national stature and long-term, high quality professional achievement.

A recommendation for promotion from associate professor to professor in the tenure system should be based on several years of sustained, outstanding achievements in education and scholarship across the mission, consistent with performance levels expected for promotion to professor at leading research-intensive, land-grant Universities of international scope. The purpose of a reasonably long period of time in rank prior to promotion is to provide a firm basis in actual performance to permit endorsement of the individual as an expert of national stature and to predict continuous long-term, high quality professional achievement.

V. INSTRUCTION

GENERAL STATEMENT

This section provides a broad overview of selected policies and procedures of particular relevance to faculty and academic staff. Additional information on instructional policies and procedures appears in the MSU Catalog: Academic Programs and Descriptions of Courses (<http://www.msu.edu/students>). Faculty/academic staff members are urged to consult these publications.

The report on *Academic Freedom for Students at Michigan State University*, the *Graduate Student Rights and Responsibilities* document, and the *Medical Student Rights and Responsibilities* document contain guidelines on the rights and duties of students in matters of conduct, academic pursuits, the keeping of records, and publications, and for channeling student complaints, grievances or concerns. These documents are printed in *Spartan Life* (<http://www.ssb.msu.edu/SpLife/index.htm>), which is available from the Division of Student Affairs and Services.

ABROGATION OF FACULTY TEACHING RESPONSIBILITY

The following policy was accepted by the Board of Trustees on September 20, 1970 and revised on June 12, 1987:

Any member of the instructional staff¹ who fails to fulfill any provision of the University's *Code of Teaching Responsibility* shall be held accountable.

It is the responsibility of the department chairpersons, school directors, and deans to ensure that students are provided the instruction to which they are entitled. All absences by instructional staff should be covered by other instructional staff, where possible and appropriate, so that students will not lose instructional time.

It is the responsibility of department chairpersons and school directors to determine if services have been withheld without proper cause and, if so, to report the precise details of such alleged withholding of services. This report should be made to the dean of the college, with a copy to the Provost, and should include information as to the total load of the instructional staff member so that an estimate can be made of the percentage of service that has been allegedly withheld. The Provost or designee shall review the contents of the report with the dean of the college and the applicable department chairperson/school director and shall discuss the matter with the affected instructional staff member.² The Provost or his/her designee shall determine if the withholding of services was improper and may direct an appropriate deduction from the instructional staff member's salary. The instructional staff member, academic staff member, or graduate assistant shall be informed of this action in writing.

If the faculty or academic staff member believes that the action is a violation, misinterpretation, or misapplication of existing University policies and legislation, he/she may initiate a grievance under the Faculty Grievance Procedure. Graduate assistants may initiate a grievance in accordance with judicial procedures stipulated in the document entitled *Graduate Students' Rights and Responsibilities*.

¹The term *instructional staff* includes tenure system faculty, graduate assistants and all other individuals holding academic personnel system appointments.

²If the instructional staff member is not available for this conference, the procedure continues without this participation by the instructional staff member. A reasonable effort shall be made by the Provost to arrange for this conference.

ACADEMIC ADVISEMENT, ENROLLMENT, REGISTRATION AND COUNSELING

On January 20, 1966, the Educational Policies Committee distributed a statement entitled "Policy Recommendations on Academic Advising". It included the following definitions:

Academic Advisement - Academic advisement is a continuing process in which a student and a faculty member discuss possible options; first, in the student's total educational program; second, in specific curricular fields; and third, in potential careers, in order that the student may make more intelligent choices.

Enrollment - Enrollment is a student responsibility in selecting courses for a semester schedule from the student's Academic Progress Plan previously developed but continually reviewed with the academic adviser.

Registration - Registration is the process of securing classes for which one has enrolled by payment of charges due. Completion of this process generates official University and class records for use by faculty and staff.

Counseling - Counseling is a service available from the Counseling Center to help students adjust to social and personal problems encountered while enrolled in the University, and to identify potential occupational choices.

Several policy recommendations were approved by the Academic Council on February 8, 1966, among them:

Each department shall develop a system of advisement of students within the context of the structure of the college and/or department consistent with the following:

1. Academic advising is a responsibility of faculty, but the division of responsibility (for example, relative emphasis on graduate versus undergraduate advising, number of advisees per faculty member, etc.) should be determined through mutual agreement between faculty and deans and/or department chairpersons in each college and/or department.
2. Excellence and effort in advising are to be recognized by chairpersons and deans, as well as by the provost, as an integral part of a faculty member's assignment.
3. Procedural provisions are to be made at the departmental and college level for the availability of academic advisors at times in addition to those scheduled for enrollment and registration.
4. Students are responsible for studying and knowing University, college, and department requirements as stated in the catalog. They shall also prepare tentative academic plans for review by their academic advisers.
5. With efficient use of faculty and student time as prime considerations, all administrative offices involved in enrollment and registration should continue to develop improvements in the process.

Procedures developed by the colleges for guidance of faculty involved in student advising are available in college offices.

The *Academic Programs* section of the MSU Catalog contains definitive information regarding academic advisement, enrollment, registration and counseling in the pages titled "Undergraduate Education."

ACADEMIC APPAREL

Faculty members are expected to provide their own academic apparel for use at commencement exercises and other ceremonies when such apparel is appropriate. University funds may not be used for the purchase or rental of academic apparel for faculty.

THE ACADEMIC PROGRAM

The Michigan State University Catalog, available in the Office of the Registrar and on the Internet, comprises two separate volumes: *Academic Programs and Descriptions of Courses*. The electronic version is updated to reflect any approved changes in programs and policies within several weeks of each Academic Council meeting.

The publication entitled *Academic Programs* describes programs of study and the structure of the University and is the primary source for University regulations and policies concerning instruction. The "Undergraduate Education" section states the academic requirements and policies concerning undergraduate study, the "Graduate Education" section refers specifically to graduate study. The "General Information" section provides information such as costs, attendance, examinations, grading system, integrity of scholarship and grades. Information about campus, student housing, campus activities, student organizations and services also is included. Admission and graduation requirements for programs in the individual colleges at both the undergraduate and graduate levels are described in the section "The Colleges and Programs of Study." *Descriptions of Courses* provides information about the courses offered by the departments, schools and colleges. *Schedule of Courses* is published annually and is available in the Office of the Registrar. It provides current information on enrollment and registration procedures, the schedule of courses and the schedule for final examinations. In addition, this publication provides selected updated information on courses, University regulations, the academic calendar, and administrative procedures. A separate *Schedule* contains summer session offerings.

CODE OF TEACHING RESPONSIBILITY

The Code which follows was approved by the Academic Senate on May 19, 1976.

The teaching responsibilities of instructional staff members (herein referred to as instructors) are among those many areas of University life which have for generations been a part of the unwritten code of academicians. The provisions of such a code are so reasonable to learned and humane individuals that it may appear redundant or unnecessary to state them. However, the University conceives them to be so important that performance by instructors in meeting the provisions of this code shall be taken into consideration in determining salary increases, tenure, and promotion.

1. Instructors are responsible for insuring that the content of the courses they teach is consistent with the course descriptions approved by the University Committee on Curriculum and the Academic Council. Instructors are also responsible for stating clearly to students in their classes the instructional objectives of each course at the beginning of each semester. It is expected that the class activities will be directed toward the fulfillment of these objectives and that the bases upon which student performance is evaluated will be consistent with these objectives. The University prohibits students from commercializing their notes of lectures and University-provided class materials *without the express written consent of the instructor*. Instructors may allow commercialization by including express permission in the course syllabus or other written statement distributed to all students in the class.

2. Instructors are responsible for informing students in their classes of the methods to be used in determining final course grades and of any special requirements of attendance which differ from the attendance policy of the University. Course grades will be determined by the instructor's assessment of each student's individual performance, judged by standards of academic achievement.
3. Examinations and other assignments submitted for grading during the semester should be returned with sufficient promptness to enhance the learning experience. Unclaimed final examination answers will be retained by the instructor for at least one semester so that they may be reviewed by students who desire to do so. Examination questions are an integral part of course materials, and the decision whether to allow their retention by students is the responsibility of the instructor. Term papers and other comparable projects are the property of students who prepare them. They should be returned to students who ask for them and those which are not returned should be retained by the instructor for at least one semester. Instructors who desire to retain a copy for their own files should state their intention to do so in order that students may prepare additional copies for themselves.
4. Instructors are expected to meet their classes regularly and at scheduled times. Instructors will notify their units if they are to be absent and if appropriate arrangements have not been made, so that suitable action may be taken by the unit if necessary.
5. Instructors of courses in which assistants are authorized to perform teaching or grading functions shall be responsible for acquainting such individuals with the provisions of this Code and for monitoring their compliance.
6. Instructors are expected to schedule and keep a reasonable number of office hours for student conferences. Office hours should be scheduled at times convenient to both students and instructors with the additional option of prearranged appointments for students when there are schedule conflicts. The minimum number of office hours is to be agreed upon by the teaching unit, and specific times should be a matter of common knowledge.
7. Instructors who are responsible for academic advising are expected to be in their offices at appropriate hours during pre-enrollment and enrollment periods. Arrangements shall also be made for advising during registration.

Hearing Procedures

The procedures stated below were approved by the Academic Senate on May 18, 1977.

1. Students may register complaints regarding an instructor's failure to comply with the provisions of the Code of Teaching Responsibility directly with that instructor.
2. Students may also take complaints directly to chief administrators of teaching units or their designates.¹ If those persons are unable to resolve matters to the student's satisfaction, they are obligated to transmit written complaints to unit committees charged with hearing such complaints. A copy of any complaint transmitted shall be sent to the instructor. A written

¹Such complaints must normally be initiated no later than mid-term of the semester following the one wherein alleged violations occurred. Exceptions shall be made in cases where the involved instructor or student is absent from the University during the semester following the one wherein alleged violations occurred.

conflicts of interest, and the University must manage, reduce, or eliminate disclosed financial conflicts of interest.

Disclosure forms are available in departmental offices or from the Office of Intellectual Integrity (5-2180).

FACILITATION OF RESEARCH AND CREATIVE EFFORTS

Departmental and college facilities and resources are available in most units to partially support research and creative efforts of the faculty. In addition, the University maintains an array of facilities and programs which can be drawn upon for support. These include the Library, the Office of Research Development, various divisions such as the Computer Laboratory, Office of Radiation, Chemical and Biological Safety, University Laboratory Animal Resources, Instructional Media Center, Broadcasting Services, etc. and various centers and institutes for facilitating multi- and interdisciplinary research projects. Solicitation of funds for research by the faculty is encouraged within established policies and procedures.

THE OFFICE OF RESEARCH DEVELOPMENT

This office assists faculty in a number of ways:

1. It helps faculty identify both on-campus and off-campus sources of research support.
2. It has at its disposal a modest level of discretionary funds, which it uses to provide support for research and creative projects that have the potential for generating external funding, typically with joint participation of the relevant department(s) and college(s), and the Office of the Provost.
3. Working with the Office of the Provost, it administers certain funds made available from the MSU Foundation, to provide startup support for new faculty, matching for external grants, and seed monies for new projects that have the potential to attract funds from outside sponsors. Faculty seeking matching funds are advised to initiate discussions first with their department chairperson and college dean.
4. It maintains a World Wide Web site as well as the Research Handbook (a practical guide for MSU researchers). The Internet address is <http://www.msu.edu/unit/vprgs>.

ALL-UNIVERSITY RESEARCH FUNDING

The "All-University Research Initiation Grant (AURIG)" program is a University-wide competition for grants to initiate research and creative projects. Applications for AURIG awards are invited during the fall term; all awards are for a 15 month period, from May 15 through August 15 of the following year. AURIG funding is aimed at bringing a project to a state where it can compete successfully for external support for its continuation. Final reports are expected from faculty receiving University support.

Additional information, application forms, etc., relating to the AURIG program can be obtained from the Office of the Vice President for Research and Graduate Studies.

SUPPORT FOR DEVELOPMENT OF INTELLECTUAL PROPERTY

A limited amount of funding is available through the Office of Intellectual Property to support innovative projects that have the potential to generate patents and royalty income. For example, funds might be provided to purchase an instrument that would facilitate additional studies to bring an idea to a patentable stage. For more information, contact the Director of the Office of Intellectual Property, in the Office of the Vice President for Research and Graduate Studies.

THE MSU FOUNDATION

The Michigan State University Foundation receives and invests royalty income generated by the University, and returns funds to MSU for a variety of research purposes. For example, the AURIG program and the funds available for development of intellectual property are derived from the MSU Foundation. The Foundation does not have a grants evaluation mechanism, and therefore does not directly accept proposals from MSU faculty. Evaluation of projects on which to expend Foundation funds is the joint responsibility of the Office of the Provost and the Office of the Vice President for Research and Graduate Studies; support for projects is often contingent on cost-sharing by the college and department involved. A portion of MSU Foundation funds is set aside for larger projects, involving multidisciplinary collaborations, and which may lead to, for example, external support for a national center of excellence. Some Foundation funds are also reserved for support of symposia and conferences. In rare cases a compelling project may be taken to the Foundation by the Provost and Vice President for Research and Graduate Studies for special consideration outside the usual allocation process.

For more information, contact the relevant college office, or the Office of Research Development.

INTERNATIONAL TRAVEL

The Special Foreign Travel Fund provides partial funding for faculty presenting papers or otherwise playing significant roles at international meetings. Contact International Studies and Programs for eligibility criteria and other information.

THE OFFICE OF CONTRACT AND GRANT ADMINISTRATION

Formal agreements by funding organizations to support research and creative projects are normally made between the organization and the University rather than with individual faculty. Fiscal administration of gifts, grants and contracts is the responsibility of the Office of Contract and Grant Administration. Pre-proposals and draft proposals should be cleared with this office before contact is made with granting organizations to insure conformity with University policies on overhead, cost sharing and similar matters. A proposal to be sent to a potential sponsor should be accompanied by a combined Transmittal Sheet/Gift and Grant form, which signifies approval by the relevant department chairperson(s), dean(s) and the Office of Contract and Grant Administration. This form also facilitates formal acceptance of the award by the Board of Trustees. When Contract and Grants receives official notification of an award from a funding organization, an account can be established for initiating the project.

REGULATORY GUIDELINES FOR RESEARCH

Protection of a research environment for free and unfettered pursuit of knowledge is an important University responsibility. Infringement on this freedom must be restricted to those factors which are clearly essential to the protection of individuals and the public at large.

There exist federal or state laws, regulations and guidelines in several areas which are designed for this purpose. In addition, the University community itself acts through its advisory committees and academic governance bodies to insure that individual research and scholarly projects incorporate appropriate safeguards.

USE OF RADIATION, CHEMICAL, AND BIOLOGICAL HAZARDS

The use of hazardous materials in research, teaching, and outreach activities is subject to state and federal laws and guidelines. The Vice President for Research and Graduate Studies has been assigned responsibility to see that appropriate practices are followed where hazardous materials are involved, to maintain a safe environment for campus personnel, to protect the surrounding community, and to assure that MSU meets its obligations under the law.

Oversight of activities involving hazardous substances is provided by the Office of Radiation, Chemical, and Biological Safety (ORCBS), which reports to the Vice President for Research and Graduate Studies. ORCBS is assisted by faculty committees in the areas of radiation safety, chemical safety, and biological safety. The Radiation Safety Committee has responsibility and authority under federal law for specific actions.

It is University policy that faculty members and principal investigators (PIs) are responsible for the day-to-day safety and well-being of all personnel engaged in activities under their aegis. Administrative officers, and ORCBS, are responsible for making available to faculty information needed to maintain a safe working environment, for providing safety training, for keeping project directors informed about changes in regulations, and for assaying laboratories and work areas for radiation, chemical, or biological hazards.

All individuals who work with hazardous substances must accept shared responsibility for operating in a safe manner once they have been informed (a) about the extent of risk and (b) about safe procedures that should be followed.

To support these University policies, a number of responsibilities are assigned to the project director. The following list of project director responsibilities is not necessarily inclusive. Up-to-date information is contained in the document entitled "Policies, Procedures, and Guidelines for Radiation, Chemical, and Biological Safety for the ORCBS", which can be obtained from ORCBS, along with other safety related materials, services, and training programs.

In general, the project director **must**:

1. Be aware of appropriate safety policies, procedures, and guidelines that apply to the project; if in doubt about any aspect of project safety, contact ORCBS to obtain relevant information.
2. Insure that all personnel under his or her supervision have been instructed with regard to the general safety requirements of laboratory or work area operations, such as those generally associated with Right-to-Know requirements; post warnings and restrict entry to work areas containing potentially hazardous materials; properly label and store containers of hazardous materials; maintain appropriate safety training records (also called informed employee consent statements).
3. Be aware of special hazards that may be inherent in a specific activity, and which may not be covered by the general program of laboratory safety, inform all personnel under her or his supervision of those unique hazards, and provide opportunities for appropriate special training.

4. Understand the risks and regulations associated with receipt and subsequent distribution of all hazardous materials. Federal and state regulations control and regulate the use, storage, transport, and disposal of certain chemicals, venomous animals, infectious agents, pharmaceuticals, recombinant DNA, genetically engineered organisms, and radioactive materials. PIs must be aware of the known dangers in working with particularly hazardous materials, and must take the necessary protective and containment measures, must minimize worker exposures to potentially hazardous materials, and must follow applicable waste disposal regulations.
5. **Request and acquire approval from relevant University committees or Offices before initiating teaching, research, or service activities that involve regulated radioactive, chemical, or biological materials.**
6. Be informed as to whether a spill or release of a regulated or controlled material is of a magnitude that ORCBS should be notified, and to notify ORCBS immediately when so required; notify ORCBS prior to vacating or closing out a laboratory or other work area containing hazardous radioactive, chemical, or biological materials.

PROTECTION OF HUMAN SUBJECTS AND MATERIALS OF HUMAN ORIGIN

Federal and University regulations and policies require that all research involving human subjects or materials be reviewed and approved before initiation by the University's Institutional Review Board (IRB) to protect the rights and welfare of those human subjects.

Michigan State University's IRB is the University Committee on Research Involving Human Subjects (UCRIHS). Prescribed by the National Research Act of 1974 (PL 93-348) and endorsed by Academic Council, UCRIHS reviews applications for research involving human subjects in keeping with the U.S. Department of Health and Human Services (HHS) regulations for the Protection of Human Research Subjects (45 CFR 46, as amended) as codified and extended by the University's formal Assurance to HHS: M-1239.

Ethical Principles for the Protection of Human Subjects

As set forth in its Assurance (section 1.1-1.4) UCRIHS reviews applications for research on the basis of four Ethical Principles for the Protection of Human Subjects of Research:

- 1.1 Every person has the right to determine what shall be done to him or her, what activities he or she shall engage in and what risks he or she will take. This requires that research on human subjects cannot be carried out without the subjects' competent, voluntary and informed consent.
- 1.2 No person should be placed at risk as a subject of research unless the risks are reasonable in relation to the anticipated benefits of the research.
- 1.3 The risks and burdens to subjects in research should not be unjustly distributed. The recruitment and selection of subjects should be reasonably related to the research and not impose inequitable risks and burdens on any segment of society.
- 1.4 Special consideration and protection should be given in research to persons who may lack full capacity to secure their own rights and interests, e.g. children, the mentally infirm and those in involuntary custody.

Definitions

"Research" means "formal investigation designed to develop or contribute to generalizable knowledge."

"Human Subject" means "an individual about whom an investigator conducting research obtains: 1) data or materials (blood, tissue, etc.) through intervention or interaction with the person, or, 2) identifiable information." (Public officials, elected or in non-elected, decision-making positions, are not considered human subjects under these regulations.)

Investigator's Responsibility

It is the responsibility of the responsible project investigator to assure that all research involving human subjects is reviewed and approved by UCRIHS prior to initiation. If the investigator is uncertain whether a project requires UCRIHS review, she or he should seek assistance from the chairperson of UCRIHS. When review is required, the responsible project investigator should review the document, "UCRIHS Information and Instructions for Applicants," and then submit his or her project for review on a UCRIHS application form. UCRIHS instructions for applicants and application forms are available from the UCRIHS Office.

Non-compliance means significant failure by an investigator to abide by the University and federal regulations protecting human subjects of research. Instances of non-compliance would include beginning research before securing UCRIHS approval, misuse or non-use of approved consent forms, failure to secure UCRIHS approval before introducing changes in an on-going protocol, and continuing to gather data from subjects after UCRIHS approval expires. Regardless of investigator intent, unapproved research involving human subjects places those subjects at an unacceptable risk. Any incident of non-compliance with IRB guidelines must be reported to the Chair of UCRIHS immediately. On receipt of information indicating possible non-compliance, the Chair advises the project investigator(s) that a non-compliance review has been initiated by the IRB. UCRIHS will promptly investigate reported instances of non-compliance, will offer investigators the opportunity to meet with the Committee to discuss the apparent non-compliance and may require investigators to suspend research during the non-compliance review.

Review Categories and Review Time Guidelines

UCRIHS assigns each application to one of three review categories, based on the perceived level of risk to subjects:

1. Full Review
2. Expedited Review
3. Exempt from Full Review

If an investigator believes her or his project is eligible, he or she may request expedited or exempted review (categories #2 and #3) by submitting appropriate documentation, as specified in the instructions to applicants.

Investigators may submit a proposal for review at any time. The full review process typically requires a minimum of one month to complete, longer when revisions are necessary. If a proposal qualifies for the exempt from full review or expedited categories, and the application is in order, then the review is normally completed in ten to fifteen working days.

Reminders

Investigators are reminded that, pursuant to the common federal rule (1991) on human subjects protections, most federal departments and agencies will decline to review applications for funding of research involving human subjects unless applications are accompanied by a UCRIHS approval letter. Investigators are further reminded that the Office of Contract and Grant Administration will not open an account for any project involving human subjects that has not been reviewed and approved by UCRIHS. Finally, student researchers and major professors should be reminded that the Graduate School will not accept masters theses or doctoral dissertations containing research involving human subjects that has not had prior review and approval by UCRIHS.

UCRIHS approval is for a maximum of one year. Therefore, project investigators continuing to collect data from human subjects beyond one year must apply for updated certification prior to the expiration date. In order to allow time for UCRIHS to process such renewal requests, the Committee strongly recommends that the investigator request renewal one month before approval expires.

With regard to retention of project records, project investigators must retain copies of signed consent forms for at least three years past completion of their research activities. Project investigators must also make these signed consent forms available to UCRIHS upon request.

Student Research in Courses

In some courses students collect data by using professional research methods, even though the students' work is not expected to contribute to generalizable knowledge. Some of the methods involve human subjects, and in some instances subjects may be placed at risk. For this reason, student research projects should be reviewed and approved prior to initiation. Where student research in courses involves no more than minimal risk to subjects, UCRIHS has a policy of delegating to instructors the primary responsibility for assuring that the rights and welfare of human subjects are adequately protected. Further information for instructors is available in the document, "Student Research in Courses at Michigan State University," available from the UCRIHS office. Please note that student research involving more than minimal risk (as defined in this document) must be reviewed and approved by UCRIHS prior to initiation.

For more information or for consultation, researchers are invited to contact the UCRIHS office at 246 Administration Building, or to phone 355-2180.

USE OF ANIMALS IN RESEARCH, TEACHING, AND SERVICE

The use of animals in research, teaching, and outreach activities is subject to state and federal laws and guidelines. University policy specifies that:

- all animals under University care (that is, involved in projects under the aegis or sponsorship of the University) will be treated humanely;
- prior to their inception, all animal projects receive approval by the All University Committee on Animal Use and Care (AUCAUC);
- MSU will comply with state and federal regulations regarding animal use and care.

Responsibility for assuring compliance with state and federal regulations belongs to the Vice President for Research and Graduate Studies. The Vice President has designated the Assistant Vice President for Research Services to be the "Institutional Official" as defined in federal regulations.

The AUCAUC works closely with the Institutional Official, and has responsibility and authority under federal law for specific actions.

University Laboratory Animal Resources (ULAR), which reports to the Vice President for Research and Graduate Studies, provides a comprehensive program of animal care for all laboratory animal colonies, as well as training for researchers. ULAR also participates in developing institutional policies designed to insure humane treatment of animals and to assist investigators in maintaining high quality care of animals used in MSU projects.

Project directors are responsible for humane treatment of animals under their supervision, and for adherence to applicable University, state, and federal regulations. **Faculty members planning to use animals for any University-related activity must submit an animal use form (AUF) to the AUCAUC for review prior to the start of the project, regardless of the source of funding for the project.** The AUF can be obtained from ULAR; the completed form will include descriptions of experimental protocols, plans for animal care, available facilities, and any other matters relevant to the project. Some granting agencies require review and approval of the AUF before a grant application will be processed. An agency-approved grant will not be accepted by the Board of Trustees, nor will an account number be assigned, unless the AUF has been approved by the AUCAUC.

Additional information regarding both general principles and specific issues that apply to the care and use of animals at Michigan State University is available through ULAR.

PATENTS

This policy was approved by the Board of Trustees on November 15, 1930 and revised on June 7, 1985.

Federal regulations require that discoveries coming from federally assisted research must be reported promptly and appropriate patents must be applied for by the University. In addition, the State of Michigan and the University acknowledge the obligation to protect intellectual property emerging from research funded from any source by prompt filing of appropriate patent applications. The University's patent policy reads as follows:

Except as otherwise provided by Board-approved policies or legal instruments, any discovery or invention which results from research carried on by, or under the direction of, any employee of the University and having the cost thereof paid from University funds or from funds under the control of, or administered by the University, or which comes as a direct result of the employee's duties with the University, or which has been developed in whole or in part by the utilization of University resources or facilities, shall belong to the University and shall be used and controlled in such a manner as to produce the greatest benefit to the University and the public.

For purposes of this policy, the term "employee" shall include all faculty, staff and students (including postdoctoral appointees, graduate and undergraduate students) engaged in research conducted under the conditions defined above.

Patenting and licensing expenses for each patent will be recovered from its royalty earnings and distributions will be made from the net royalties remaining. Net royalties from licensed inventions will be distributed according to the following schedule:

Net Royalty Income on a Particular Patent	Inventor(s)	Academic Units	University
First \$1,000	100%	0	0
Next \$100,000	33 1/3%	33 1/3%	33 1/3%
Next \$400,000	30%	30%	40%
Next \$500,000	20%	20%	60%
All Additional Net Royalties over \$1,001,000	15%	15%	70%

The administration of Michigan State University patent matters, including technological know-how that may be licensable but may not be patentable, shall be the responsibility of the President. Patent matters include such activities as accounts, records and negotiations. Particular patents or items of technological know-how may be transferred to the Michigan State University Foundation for administration. The President has delegated this authority to the Vice President for Research and Graduate Studies. For additional information, telephone 355-2186.

TEXTBOOK PUBLICATION - MSU PRESS

Michigan State University Press is the scholarly publishing arm of the university. Consonant with MSU's land-grant mission and its stature as a member of the Association of American Universities (AAU), the Press's primary function is to publish the results of research and intellectual inquiry undertaken by scholars.

A manuscript, prospectus, or query letter may be sent to the Press for consideration at any time. After an initial evaluation by the Press editorial staff, works submitted for publication are subject to peer review by scholars in the relevant field of specialty. In addition, these works will undergo evaluation by the MSU Press Editorial Advisory Board, after which the Press will make a determination of suitability for publication.

MSU Press will market, sell, and otherwise make available its books to scholars, libraries, and to members of the informed reading public. A catalog of the Press's in-print, published works is available on request.

DEVELOPMENT OF INSTRUCTIONAL MATERIALS

The following policy was approved by the Board of Trustees on November 16, 1973.

Faculty and University Rights in University-Sponsored Instructional Materials

Introduction

To encourage faculty to utilize the most modern teaching methods and techniques, many universities support the development of educational materials. Michigan State University encourages creativity and increased productivity among faculty through the use of sophisticated communication techniques.

All University funds resulting from the sale of sponsored instructional materials shall be used to encourage further educational and instructional development. If the University licenses an external agency to reproduce and sell instructional materials, the total royalties shall be negotiated among the faculty member, the University, and the external agency, and the net income (royalties) shall be divided between the faculty member and the University in accordance with the procedure described above.

Section VIII

Transfer of Rights to Faculty Member

If the teaching unit employing the materials discontinues regular use of the University-sponsored instructional materials in their existing form for more than two years, such units shall relinquish all rights to these materials. In such cases, the rights shall be transferred to the faculty member if he/she so desires, and the faculty member shall be required to pay all costs associated with the transfer including expenses associated with copying, mailing and handling, duplication and copyright transfer, but not to include original costs of production.

Section IX

Protection and Liability

1. Protection

- a. The Office of the Provost shall investigate allegations of unauthorized use or copyright infringement of University-sponsored educational materials and shall recommend appropriate action. If such action is started by the University, acting alone or in concert with the faculty member, all costs of such action (including attorney's fees) shall be borne by the University. All proceeds in excess of such costs shall be shared equally by the University and the faculty member.
- b. If the University decides not to act, the faculty member may initiate action, and the University shall assign to him/her such rights as are necessary for him/her to pursue redress. Costs of such action (including attorney's fees) shall be borne by the faculty member who shall have the right to all proceeds resulting from the action.

2. Liability

- a. The faculty member(s) responsible for the creation of University-sponsored educational materials shall obtain, from individuals prominently appearing in or giving support to the materials, appropriate written releases, giving all necessary rights to the University. These releases shall be kept by the unit producing the material until such time as the material is withdrawn from circulation.
- b. Before any external use is made of University-sponsored educational materials, the faculty member shall certify in writing to the provost that the materials do not infringe on any existing copyright or other legal rights and shall be liable to the University for judgements resulting from such infringements.
- c. In the event others allege violations of personal property rights by the University, or by the faculty member of University-sponsored instructional materials, the University shall assume responsibility for the defense of any action.

Section X

Implementation

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

PROCEDURES CONCERNING ALLEGATIONS OF MISCONDUCT IN RESEARCH AND CREATIVE ACTIVITIES

These Procedures were approved by the Board of Trustees on April 11, 1997.

INTRODUCTION

Safeguarding the integrity of research and creative activities is fundamental to the mission of Michigan State University. We owe no less to the public which sustains institutions like ours and to the governmental agencies and private entities which sponsor the research enterprise. All members of the University community share responsibility to assure that misconduct or fraud in research and creative activity is dealt with effectively and that the University's high standards for scholarly integrity are preserved.

Moreover, the University has explicit obligations to federal agencies to safeguard research integrity. In seeking funds from these agencies, the University is required to establish and abide by uniform policies and procedures for investigating and reporting instances of alleged or apparent misconduct involving research and related activities.

To meet these needs, the University has developed these Procedures Concerning Allegations of Misconduct in Research and Creative Activities. By following these Procedures for the investigation and evaluation of alleged or apparent misconduct, the University will discharge its regulatory obligations and, more importantly, help preserve the integrity of research and creative activities conducted under its auspices. These Procedures will also provide a basis for imposing sanctions, or initiating processes that may result in the imposition of sanctions, on individuals who violate the University's expectations of integrity in research and creative activities.

I. Definitions

- a. "**Allegation of Misconduct**" means a charge of Misconduct or a report of suspected Misconduct, of an apparent instance of Misconduct, or of conduct by a Respondent that could, upon review by the University under these Procedures, constitute Misconduct.
- b. "**Assessment**" means initial information gathering to determine whether there is credible evidence to support an Allegation of Misconduct and whether the Respondent's alleged conduct could constitute Misconduct.
- c. "**Complainant**" means a person who makes an Allegation of Misconduct. A Complainant need not be a member of the University community.
- d. "**Conflict of Interest**" means any financial interest, or scholarly or social commitment or relationship, that would, in the judgment of the UIIO, impair the ability of a Responsible Administrator or a member of an Inquiry Panel or an Investigative Committee to make fair and impartial judgments about an Allegation of Misconduct.

- e. "**Creative Activities**" means the preparation or creation of computer programs, motion pictures, sound recordings, and literary, pictorial, musical, dramatic, audiovisual, choreographic, sculptural, architectural, and graphic works of any kind by (1) a faculty member or other employee of the University as part of her or his noninstructional scholarly activities, or (2) a student in fulfillment of any independent study requirement at the University whose product is intended to be an original scholarly or creative work of potentially publishable quality (including, without being limited to, a master's or doctoral thesis).
- f. "**HHS**" means the United States Department of Health and Human Services.
- g. "**Inquiry**" means information gathering and initial fact finding to determine whether an Allegation of Misconduct warrants an Investigation.
- h. "**Inquiry Panel**" means a group of at least three persons appointed by the Responsible Administrator to conduct an Inquiry.
- i. "**Investigation**" means the formal, thorough examination and evaluation of all facts relevant to an Allegation of Misconduct to determine if Misconduct occurred and to assess its extent, gravity, and consequences.
- j. "**Investigative Committee**" means a group of at least three persons appointed by the Responsible Administrator to conduct an Investigation.
- k. "**Misconduct**" means fabrication, falsification, plagiarism, or any other practice by a Respondent that seriously deviates from practices commonly accepted in the discipline or in the academic and research communities generally for proposing, conducting, or reporting Research and Creative Activities. Retaliation of any kind against a Complainant or a witness or other person who provides information about an Allegation of Misconduct and who has not acted in bad faith also constitutes Misconduct. Misconduct does not include honest error or honest differences in the interpretation or judgment of data.
- l. "**NSF**" means the National Science Foundation.
- m. "**Procedural Appeal Panel**" means the body described in Section II(1).
- n. "**Procedures**" means these Procedures Concerning Allegations of Misconduct in Research and Creative Activities.
- o. "**Proceeding**" means an Assessment, an Inquiry, an Investigation, or an appeal under these Procedures.
- p. "**Questionable Research Practices**" means practices that do not constitute Misconduct or Unacceptable Research Practices but that require attention because they could erode confidence in the integrity of Research or Creative Activities.
- q. "**Research**" means formal investigation conducted for the purpose of producing or contributing to generalizable knowledge, and the reporting thereof, by (1) a faculty member or other employee of the University as part of his or her noninstructional scholarly activities, or (2) a student in fulfillment of any independent study requirement at the University whose product is intended to be an original scholarly or creative work

of potentially publishable quality (including, without being limited to, a master's or doctoral thesis).

- r. **"Respondent"** means a person who is the subject of an Allegation of Misconduct. A Respondent must be an employee of the University or a student at the University, or must have been an employee or a student at the time the Misconduct allegedly occurred.
- s. **"Responsible Administrator"** means the administrator who has most immediate responsibility for the Respondent and who is not disqualified from serving as Responsible Administrator by a Conflict of Interest. The UIIO shall identify the Responsible Administrator. If the Responsible Administrator is a dean or vice president, she or he may designate a subordinate to act as Responsible Administrator. If the Respondent is a student, the Responsible Administrator shall be the chairperson of the department with which the student is affiliated. If an Allegation of Misconduct involves multiple Respondents, the UIIO shall identify an appropriate individual as the Responsible Administrator.
- t. **"UGC"** means the University Graduate Council.
- u. **"UIIO"** means the University Intellectual Integrity Officer.
- v. **"Unacceptable Research Practices"** means practices that do not constitute Misconduct but that violate applicable laws, regulations, or other governmental requirements, or University rules or policies, of which the Respondent had received notice or of which the Respondent reasonably should have been aware.
- w. **"VPRGS"** means University's Vice President for Research and Graduate Studies.

II. General

- a. **Applicability.** These Procedures apply to all members of the University community, including students, who engage in Research and Creative Activities.
- b. **Dissemination.** These Procedures shall be widely disseminated in the University community.
- c. **Integrity of Procedures.** Safeguarding the integrity of these Procedures is critical. No one shall attempt to prejudice or coerce the judgment or decisions of any member of an Inquiry Panel or an Investigative Committee or of the Responsible Administrator or the UIIO. No one shall attempt to prejudice or coerce the testimony of any witness, Complainant, or Respondent. No one shall retaliate against any Complainant or witness who has not acted in bad faith or against any member of an Inquiry Panel or an Investigative Committee or the Responsible Administrator or the UIIO. The UIIO shall be informed immediately of any such retaliation.
- d. **Indemnification.** The University's policy on indemnification shall govern the indemnification of the UIIO, the Responsible Administrator, parties' unpaid counsel who are University employees, and Inquiry Panel and Investigative Committee members who are University employees or students. Indemnification shall be provided to non-University members of Inquiry Panels and Investigative Committees and to witnesses (except for non-University expert witnesses appearing on a contractual basis) in accordance with the

University's policy on indemnification of volunteers and in the absence of a determination that they acted in bad faith.

- e. Anonymous Allegations. The University shall review anonymous Allegations of Misconduct under these Procedures.
- f. Complainant Confidentiality. The University shall use its best efforts to honor the request of any Complainant that her or his identity be kept confidential during the University's review of his or her Allegation of Misconduct under these Procedures.
- g. Cooperation. To preserve the integrity of the environment for Research and Creative Activities, members of the University community are expected to cooperate in the review of Allegations of Misconduct under these Procedures, for example, by providing documents and testimony if requested to do so by the UIIO.
- h. Location of Alleged Misconduct. An Allegation of Misconduct may be reviewed by the University under these Procedures no matter where or when the Misconduct allegedly occurred.
- i. Events Requiring Immediate Action. If at any stage of these Procedures, the UIIO obtains reasonable, credible evidence, in the UIIO's judgment, of
 - (1) a possible criminal violation,
 - (2) an immediate health hazard or other imminent risk of danger to public health or safety or to experimental subjects,
 - (3) the need to take immediate action to protect the funds or equipment of any governmental or other sponsor of Research or Creative Activities, or to assure compliance with the terms of a contract sponsoring Research or Creative Activities,
 - (4) the need to take immediate action to protect any Complainant, Respondent, witness, member of an Inquiry Panel or an Investigative Committee, or other person involved in any Proceeding,
 - (5) the need to take immediate action to prevent the loss, destruction, or adulteration of any evidence relevant to the University's review of an Allegation of Misconduct under these Procedures,
 - (6) the need to take immediate action to prevent or stop an imminent or continuing violation of an applicable law, regulation, or other governmental requirement or of a University rule or policy, or
 - (7) the probable public disclosure of an Allegation of Misconduct or of any Proceeding,

the UIIO shall immediately so notify the President, the Provost, the VPRGS, the General Counsel, and, if appropriate, the pertinent government official¹ or sponsor of Research or Creative Activities, and, following consultation with the General Counsel, the UIIO shall promptly make recommendations to the VPRGS, the Provost, and the President as to responsive actions. Notwithstanding any other provision of these Procedures, appropriate University administrators shall have authority to take any actions they deem necessary or appropriate to safeguard University personnel, other participants in any Proceeding, public health or safety, experimental subjects, sponsors' funds or equipment, evidence relevant to the University's review of an Allegation of Misconduct under these Procedures, or the integrity of the research environment. That any such action is taken shall not be deemed to predetermine any finding or conclusion from the University's review of an Allegation of Misconduct under these Procedures, but any evidence or information arising from any such action may be made part of the record of any Proceeding.

- j. Notice. Any notice or other document issued pursuant to these Procedures shall be in writing and shall include an explanation of any decision or opinion stated therein. The UIIO shall provide the Respondent copies of all such documents in a timely manner.
- k. Interpretation.
 - (1) Time Periods. Unless otherwise specified in these Procedures:
 - (A) the failure to exercise any right granted under these Procedures within the stated time period shall constitute a waiver of that right; and
 - (B) references to days in these Procedures shall mean calendar days.
 - (2) Plural Usage. The text of these Procedures generally assumes a single Complainant, Respondent, witness, and Allegation of Misconduct. Where there are multiple Complainants, Respondents, witnesses, or Allegations of Misconduct, these Procedures shall be construed accordingly.
 - (3) Headings. Headings used in these Procedures are for convenience of reference only and shall not be used for interpreting content.
- l. Procedural Appeal. The Respondent may challenge and appeal the procedural decisions of the UIIO and the Responsible Administrator in the administration of these Procedures (except when they are conducting an Assessment). An example of such a procedural decision by the UIIO is the determination whether a potential Responsible Administrator or a potential or sitting member of an Inquiry Panel or an Investigative Committee has a conflict of interest. Examples of procedural decisions by the Responsible Administrator include selecting Inquiry Panel and Investigative Committee members and determining what to include in the Charge to the Inquiry Panel and the Charge to the Investigative Committee. The Complainant (unless anonymous) may also challenge and appeal the procedural decisions of the UIIO and the Responsible Administrator as they relate to alleged conflicts of interest on the part of the Responsible Administrator or any potential

¹For example, the UIIO is obligated to inform the Office of Scientific Integrity in HHS within 24 hours of obtaining reasonable evidence of a possible criminal violation.

or sitting member of an Inquiry Panel or an Investigative Committee. The availability of this mechanism for procedural appeal precludes a challenge to procedural decisions by the UIIO and the Responsible Administrator in the administration of these procedures through the Faculty Grievance Procedure after the handling of an Allegation of Misconduct under these Procedures has been concluded. (The Respondent may appeal substantive decisions and procedural decisions by an Inquiry Panel, by an Investigative Committee, or by the UIIO and the Responsible Administrator when conducting an Assessment, as provided in section IX of these Procedures.)

A Respondent or Complainant who wishes to appeal a procedural decision by the UIIO or the Responsible Administrator must first challenge that decision in writing, with accompanying rationale, within ten days of receiving notice of the decision or of discovery of grounds for an appeal, whichever is later. The challenge shall be submitted to the UIIO and the Responsible Administrator. The UIIO or the RA must respond to the challenge in writing within three days, either accepting it and taking appropriate action, or rejecting it for stated cause.

If not satisfied with the UIIO's or the Responsible Administrator's response to the challenge, the Respondent or Complainant may appeal the UIIO's or the RA's decision to the VPRGS. The appeal must be in writing, must set forth the basis for the appeal, and must be filed with the VPRGS within three days after the Respondent's or the Complainant's receipt of the UIIO's or the Responsible Administrator's response to the challenge. A Respondent may request that the appeal be heard either by a Procedural Appeal Panel or by the VPRGS alone. This latter option is included in case the Respondent feels that it would enhance the confidentiality of the Proceeding. For the same reason, a Complainant may request that the appeal be heard by the VPRGS or by the Procedural Appeal Panel, but the Respondent has the right to require that the Complainant's appeal be heard by the VPRGS.

If the appeal is to be heard by a Procedural Appeal Panel, the VPRGS shall convene that Panel within three days of the filing of the appeal. The Procedural Appeal panel shall be composed of three members selected by the VPRGS from a pool of 25 individuals chosen every two years by the University Research Council. The pool may include emeritus faculty.

Within five days of being convened, the Procedural Appeal Panel will review the challenge, the response, and the appeal, and render a binding decision on the appeal.

If the appeal is to be heard by the VPRGS, the VPRGS will review the challenge, the response, and the appeal, and render a binding decision on the appeal within five days of the filing of the appeal.

The deadlines in this appeal procedure may be extended by the UIIO through written notice to the parties for good cause shown.

III. Role of the UIIO

The UIIO shall coordinate implementation of these Procedures and shall be responsible for their fair and impartial administration. The UIIO shall not be an advocate for the Complainant or the Respondent.

The UIIO shall serve as an advisor to Inquiry Panels and Investigative Committees. If so requested, the UIIO shall provide logistical support, recruit expert witnesses, and arrange for legal advice through the Office of the General Counsel.

When the alleged Misconduct involves Research or Creative Activity supported by a governmental agency, the UIIO shall see that the University meets all legal requirements to apprise that agency of the status of the Inquiry or the Investigation. The UIIO also shall report regularly to the President, the Provost, and the VPRGS on the status of each Inquiry and each Investigation.

The UIIO shall identify the Responsible Administrator. The UIIO also shall disqualify any Responsible Administrator, and any potential or sitting member of an Inquiry Panel or Investigative Committee, if the UIIO determines that such person has a Conflict of Interest.

The UIIO shall safeguard data and other evidence pertinent to each Allegation of Misconduct and shall maintain the records of each Proceeding. The UIIO also shall have such further responsibilities as are set forth elsewhere in these Procedures.

Provisions regarding the selection, reporting responsibilities, and evaluation of the UIIO are set forth in the Appendix.

IV. Other Internal or External Proceedings

A case of alleged Misconduct may involve the possible violation of University policies or the policies of other institutions, and of external laws and regulations, and may occasion other internal or external adjudicatory proceedings. The following shall govern the handling and sequencing of such proceedings.

- a. **Other Institution's Review.** Another educational or research institution may have the right to review the same Allegation of Misconduct (or a related Allegation of Misconduct) against the same Respondent.¹ In such an event, the UIIO shall consult her or his counterpart at the other institution to determine whether the University or the other institution is best able to review the Allegation of Misconduct. If the UIIO determines that the other institution is best able to review the Allegation of Misconduct, the UIIO shall so advise the VPRGS, who has authority to stay or terminate the University's review of the Allegation of Misconduct based on the review conducted at the other institution, as set forth in Section IV(g) below. The University and the other institution may also agree to conduct a joint review of the Allegation of Misconduct.
- b. **Research Collaborator.** In the event of an Allegation of Misconduct involving Research or Creative Activities undertaken by a Respondent in collaboration with a colleague at another educational or research institution, the UIIO shall advise his or her counterpart at the other institution confidentially of the Allegation of Misconduct, and ask if a similar allegation has been made against the collaborator. If it has, the University, through the UIIO, shall attempt to cooperate and share information confidentially with the other institution in their respective reviews of the Allegation of Misconduct and of the related

¹For example, because the Respondent is now affiliated with that institution, or because the Respondent was affiliated with that institution when the Misconduct allegedly occurred.

allegation involving the collaborator. The University and the other institution may also agree to conduct a joint review of the Allegation of Misconduct and the related allegation involving the collaborator.

- c. Agency Investigation. Certain governmental agencies, including HHS and NSF, have the option, at any stage in these Procedures, to initiate an independent investigation of an Allegation of Misconduct involving Research or Creative Activity supported by that agency. In that event, the UIIO shall consult that agency regarding its investigation and shall advise the VPRGS whether the University should suspend its review of the Allegation of Misconduct during the agency's investigation, which the VPRGS shall have authority to do, as set forth in Section IV(g) below.
- d. Criminal Process. In general, University review of an Allegation of Misconduct under these Procedures may occur in parallel with criminal processes. If an Allegation of Misconduct is also the subject of a criminal investigation or proceeding and the pertinent governmental authority advises the University that the University's review of the Allegation of Misconduct under these Procedures may prejudice or interfere with that investigation or proceeding, the President shall have authority to stay any Proceeding until the criminal investigation or proceeding is complete.
- e. Civil Litigation. The existence of civil litigation involving the University may necessitate staying a Proceeding. The President shall make such decisions on a case-by-case basis and promptly report them to the UIIO.
- f. UIIO Stay of Proceedings. The UIIO shall have authority to stay any Proceeding if, following consultation with the General Counsel, the UIIO determines that other University procedures mandated by law must be completed prior to the University's further review of an Allegation of Misconduct under these Procedures. Such governmentally-mandated procedures may involve various forms of regulatory action (for example, the removal or clean-up of radioactive or other hazardous materials).
- g. VPRGS Authority. The VPRGS shall have authority to:
 - (1) stay any Proceeding until the completion of the review of the same Allegation of Misconduct, or of a related Allegation of Misconduct against the same Respondent, at another educational or research institution;
 - (2) terminate for good cause shown the review of any Allegation of Misconduct under these Procedures upon the completion of the review of the Allegation of Misconduct at another educational or research institution;
 - (3) stay any Proceeding until the completion of an independent investigation by a governmental agency of an Allegation of Misconduct involving Research or Creative Activities supported by that agency; and
 - (4) terminate for good cause shown the review of any Allegation of Misconduct under these Procedures upon the completion of an independent investigation by a governmental agency of an Allegation of Misconduct involving Research or Creative Activities supported by that agency.

- h. Precedence of Proceedings. Subject to Sections II(l) and IV(f) above and to the University's right to take interim action under any University policy or contract, review of an Allegation of Misconduct under these Procedures shall precede all other internal University proceedings that relate to or arise out of the alleged Misconduct, including, without being limited to, disciplinary, anti-discrimination, and grievance proceedings.

V. Procedures for Conduct of Proceedings - General

- a. Determination of Procedures. Those charged with conducting a Proceeding shall determine the procedures that will be followed, provided that:
- (1) the procedures they adopt shall be those they deem best suited to achieve a fair and equitable review of the Allegation of Misconduct;
 - (2) the procedures they adopt shall reflect a spirit of mutual respect and collegiality, and may, therefore, be as informal as they deem appropriate under the circumstances;
 - (3) in Assessments and Inquiries, testimony shall be obtained from witnesses through private interviews rather than through a formal hearing;
 - (4) in Investigations, the Investigative Committee may choose to obtain testimony from witnesses through a series of private interviews with witnesses, or at a hearing at which the Complainant and the Respondent shall be invited to be present, provided, however, that the Respondent may, within one week of receiving a notice that the Investigative Committee has decided to conduct private interviews, deliver a notice to the UIIO requiring that a hearing be conducted instead of such interviews;
 - (5) at a hearing, the Respondent and the Complainant shall have the opportunity to raise questions for the Investigative Committee to pose to each witness about the testimony of that witness and the Allegation of Misconduct;
 - (6) if a Complainant who has requested that his or her identity be kept confidential declines to appear to give testimony at a hearing, the hearing may nevertheless be held, if the Investigative Committee determines that there is credible evidence of possible Misconduct by the Respondent apart from the Complainant's Allegation of Misconduct and that such evidence is sufficient to justify proceeding with the hearing;
 - (7) the Respondent shall have the right to be advised by counsel in all Proceedings;
 - (8) in all Assessments, Inquiries, and Investigations, the Respondent shall have the right to present evidence and to identify persons who might have material information about the Allegation of Misconduct;
 - (9) formal rules of evidence shall not apply; and
 - (10) each Proceeding shall be conducted confidentially and in private except that, in the event of a hearing, the Investigative Committee may decide that it will be open if requested by the Respondent and if permissible under applicable regulations.

At the start of each Proceeding, the UIIO shall notify the Complainant and the Respondent of the procedures that will be followed during that Proceeding.

- b. **General Counsel Advice.** The Office of the General Counsel shall, when so requested, provide legal advice regarding the implementation of these Procedures and other aspects of the University's review of an Allegation of Misconduct under these Procedures to the UIIO, the Responsible Administrator, the Inquiry Panel, the Investigative Committee, the VPRGS, the Procedural Appeal Panel, and the President.
- c. **Respondent Questions.** The UIIO shall contact the Respondent at the start of each Proceeding and attempt to answer any questions about that Proceeding.
- d. **Privacy of Parties.** The UIIO, the Responsible Administrator, the VPRGS, and each member of an Inquiry Panel, an Investigative Committee and a Procedural Appeal Panel shall respect to the maximum extent possible the privacy of the Complainant and the Respondent. This provision shall not be construed to limit the authority of the UIIO, the Responsible Administrator, or any other University administrator to give any notice, provide any information or record, or take any other action required by law or required or permitted under any other provision of these Procedures. Further, if an Allegation of Misconduct results in an Investigation, the UIIO may confidentially advise any person or entity that has plans to publish or disseminate the results of the Research or Creative Activity to which the Allegation of Misconduct relates of the pending Investigation. The UIIO shall be informed immediately of breaches of confidentiality.
- e. **Admission of Misconduct.** The VPRGS shall have authority to terminate the University's review of any Allegation of Misconduct under the Procedures upon the admission by the Respondent that Misconduct occurred and that the Respondent was responsible for it, if the termination of the review of that Allegation of Misconduct would not prejudice the University's review of another Allegation of Misconduct against that Respondent or against a different Respondent or the University's ability to assess the extent and consequences of the Misconduct and what action should be taken in response to it.
- f. **Records to Agency.** When the alleged Misconduct involves Research or Creative Activity supported by a governmental agency, the UIIO shall, if and to the degree required by law, make the records of the University's review of the Allegation of Misconduct under these Procedures available on request to authorized personnel of that agency.

VI. Reports of Misconduct and Assessments

- a. **Reports.** Any member of the University community or other person who wishes to make an Allegation of Misconduct shall contact the UIIO. Any member of the University community to whom an Allegation of Misconduct is made shall immediately refer that Allegation to the UIIO. An Allegation of Misconduct need not be made in writing. The UIIO shall report to the VPRGS and to the Provost all formal Allegations of Misconduct.

The UIIO shall notify the Respondent promptly of an Allegation of Misconduct and of the Respondent's right to be advised by counsel during all Proceedings.

- b. **Assessment - Standard for Determination.** In the event of an Allegation of Misconduct, the Responsible Administrator and the UIIO shall conduct an Assessment to determine whether an Inquiry is warranted. The UIIO and the Responsible Administrator shall

determine that an Inquiry is warranted if, in their judgment, the Respondent's alleged conduct could constitute Misconduct and there is credible evidence to support the Allegation of Misconduct.

- c. Conduct of Assessment. The UIIO and the Responsible Administrator shall conduct the Assessment promptly, generally within ten days of receipt by the UIIO of an Allegation of Misconduct.
- d. Initiation of Inquiry. If either the Responsible Administrator or the UIIO determines that an Inquiry is warranted, the Responsible Administrator shall immediately initiate an Inquiry.
- e. Inquiry Not Warranted. If the Responsible Administrator and the UIIO both determine that an Inquiry is not warranted, that determination will conclude the University's review of that Allegation of Misconduct, unless the Responsible Administrator or the UIIO believes that Unacceptable Research Practices or Questionable Research Practices may have occurred, in which case that finding shall be referred to the Responsible Administrator for action pursuant to Section XI below.
- f. Purpose and Nature of Assessment. The Assessment is a preliminary process whose purpose is to cull out a clearly erroneous, unsubstantiated, or bad faith Allegation of Misconduct before the Respondent is subjected to an Inquiry or an Investigation. Hence, in conducting the Assessment, the UIIO and the Responsible Administrator are not obligated to do any interviews on the Allegation of Misconduct or to engage in an exhaustive review of all evidence relevant to such Allegation. Once the UIIO or the Responsible Administrator decides that an Allegation of Misconduct warrants an Inquiry, the Assessment is concluded.
- g. Assessment Report. The Responsible Administrator and the UIIO shall prepare an Assessment Report that states the bases and rationale for their determination. Each shall prepare a section of the Assessment Report if their determinations are different.
- h. Bad Faith. If the UIIO or the Responsible Administrator finds that the Complainant or any witness acted in bad faith, the UIIO or the Responsible Administrator shall include that finding, with a brief explanation of the reasons therefor, in the Assessment Report.
- i. Distribution of Report. The UIIO shall submit copies of the Assessment Report to the Respondent and the VPRGS.
- j. Notification. The UIIO shall notify the Complainant of the outcome of the Assessment and provide the Complainant with a brief summary of the Assessment Report.
- k. Retention of Report. If either the Responsible Administrator or the UIIO determines that an Inquiry is warranted, the UIIO shall keep the Assessment Report for at least three years after the completion of the Assessment. If the Responsible Administrator and the UIIO both determine that an Inquiry is not warranted, the UIIO shall keep the Assessment Report for three years after the completion of the Assessment and then destroy it.

VII. Inquiry

- a. **Panel.** If the Responsible Administrator or the UIIO determines that an Inquiry is warranted, the Responsible Administrator shall promptly appoint an Inquiry Panel of at least three members, chosen for their pertinent expertise. While Inquiry Panels will usually be composed of University faculty, they may also include persons other than University faculty when the Responsible Administrator determines that such persons have experience or expertise useful to the Inquiry. When a student is the Respondent, at least one student shall be a member of the Inquiry Panel. The Inquiry Panel shall select one of its members to act as its chairperson.
- b. **Charge.** The Responsible Administrator, with the assistance of the UIIO, shall draft a Charge to the Inquiry Panel based upon the Assessment Report. The Responsible Administrator shall submit that Charge and a copy of the Assessment Report to the Inquiry Panel and the Respondent at the beginning of the Inquiry.
- c. **Briefing.** Before the Inquiry begins, the UIIO and an attorney from the Office of the General Counsel shall brief the Responsible Administrator and the Inquiry Panel on these Procedures, other relevant University regulations, and legal and procedural issues that the Inquiry Panel and the Responsible Administrator are likely to encounter in conducting the Inquiry.
- d. **Standard for Determination.** The Inquiry Panel shall conduct the Inquiry to determine whether an Investigation is warranted. A member of an Inquiry Panel shall determine that an Investigation is warranted if, in her or his judgment, an Investigative Committee could reasonably conclude that Misconduct occurred. To so determine, the member of the Inquiry Panel, like the UIIO or the Responsible Administrator in the Assessment, must find that the Respondent's alleged conduct could constitute Misconduct and that there is credible evidence to support the Allegation of Misconduct, but must also find that there is sufficient credible evidence and credible evidence of such merit that an Investigative Committee could reasonably conclude, in accordance with the criteria in Section VII(e) below, that Misconduct occurred.
- e. **Purpose and Nature of Inquiry.** Like the Assessment, the Inquiry is a preliminary process. Its purpose is to cull out an insufficiently substantiated, erroneous, or bad faith Allegation of Misconduct before the Respondent is subjected to an Investigation. Although it is expected that the Inquiry will be more comprehensive than the Assessment, the members of the Inquiry Panel, like the UIIO and the Responsible Administrator, are not obligated to conduct any interviews or hearings on the Allegation of Misconduct or to engage in an exhaustive review of all evidence relevant to the Allegation of Misconduct. When a majority of the members of the Inquiry Panel conclude that an Allegation of Misconduct warrants an Investigation, the Panel shall proceed to draft the Inquiry Report.
- f. **Assistance for Panel.** The UIIO shall secure for the Inquiry Panel such special scientific or technical assistance as it requests to evaluate an Allegation of Misconduct.
- g. **UIIO and Responsible Administrator.** Neither the UIIO nor the Responsible Administrator shall participate in the deliberations of the Inquiry Panel or vote on whether an Investigation is warranted. The Inquiry Panel may request the assistance of the UIIO during its deliberations and in the preparation of the Inquiry Report, but shall not seek the UIIO's opinion as to whether an Investigation is warranted.

h. Timing. The Inquiry shall be completed within 60 days of its inception unless circumstances warrant a longer period, in which event the Responsible Administrator shall notify the UIIO and the Respondent of the reason for the delay and the date on which the Responsible Administrator expects that the Inquiry will be completed. The UIIO shall decide whether the delay is warranted. If the UIIO determines that it is, the UIIO shall so notify the Respondent. If the UIIO finds the delay unwarranted, the UIIO shall work with the Responsible Administrator, the Respondent, and the Inquiry Panel to expedite completion of the Inquiry, but the Inquiry shall continue until its completion if, despite their diligent efforts, it cannot be finished in 60 days. The UIIO shall make the Responsible Administrator's report about the delay part of the record of the Inquiry.

i. Inquiry Report.

(1) Content. The Inquiry Panel shall prepare an Inquiry Report that identifies the evidence it reviewed, summarizes any interviews it conducted, and includes its determination of whether an Investigation is warranted and why. The Inquiry Report shall describe the nature of the alleged Misconduct, how it does or does not fit within the definition of Misconduct, the evidence that bears on the Allegation of Misconduct, and the sufficiency, credibility, and merit of that evidence.

(2) Deviation from Practice. If the alleged Misconduct involves a serious deviation from commonly accepted practices, evidence of such practices and an analysis of the alleged Misconduct in light of such practices shall be included in the Inquiry Report.

(3) Investigation Warranted. If the Inquiry Panel determines that an Investigation is warranted, the Inquiry Report may be summary in nature, provided that the Inquiry Panel sets forth the evidence that supports its determination in sufficient detail for the Respondent and an Investigative Committee to understand the basis for the Inquiry Panel's decision.

(4) Investigation Not Warranted. If the Inquiry Panel determines that an Investigation is not warranted, the Inquiry Report shall be more comprehensive and shall include a detailed statement of why the Respondent's alleged conduct would not, under the definition in these Procedures, constitute Misconduct, or why the available evidence is insufficient, or lacks sufficient credibility or merit, to warrant an Investigation.

(5) Draft Report; Comments. The UIIO shall send the Respondent a copy of the draft Inquiry Report. The Respondent may return comments on the draft Inquiry Report to the UIIO within seven days of receipt of the draft Inquiry Report. If the Respondent comments on the draft Inquiry Report, the Inquiry Panel shall consider such comments and make any changes in the Inquiry Report it deems appropriate in light of such comments. The Respondent's comments shall be included as an appendix to the final Inquiry Report.

(6) VPRGS Opinion on Final Draft Report.

(A) After making any changes it deems appropriate in the draft Inquiry Report in light of the Respondent's comments, the Inquiry Panel shall prepare a final draft of the Inquiry Report. The UIIO shall send the VPRGS a copy of the

final draft of the Inquiry Report, attaching any UIIO comments regarding procedural questions and concerns. Within 14 days after delivery of the final draft Inquiry Report to the VPRGS, the VPRGS may submit an opinion to the UIIO, the Responsible Administrator, and the Inquiry Panel on either or both of the following grounds:

- (i) If the VPRGS, with advice from the General Counsel, finds that the final draft Inquiry Report reflects procedural error by the Inquiry Panel in conducting the Inquiry, the VPRGS shall so inform the UIIO and shall identify and explain the Inquiry Panel's procedural error. The Inquiry Panel shall either correct the error before completing the Inquiry and the Inquiry Report or shall notify the VPRGS in, or concurrently with the issuance of, the final Inquiry Report that it does not believe a material procedural error occurred.
- (ii) If the VPRGS finds that the Inquiry Panel's determination, as set forth in the final draft Inquiry Report, is substantively wrong because the evidence does not support the Inquiry Panel's determination, the VPRGS shall so inform the UIIO and shall identify and explain the reason the VPRGS believes the Inquiry Panel's determination to be in error. The Inquiry Panel shall reconsider its decision in light of the opinion by the VPRGS. If the Inquiry Panel changes its determination in light of the opinion by the VPRGS, it shall submit a new draft of the Inquiry Report to the Respondent for further comment. If the Inquiry Panel does not change its determination in light of the opinion by the VPRGS, the Inquiry Panel shall respond to the VPRGS in completing the Inquiry Report and make any changes in the Inquiry Report that it deems appropriate in light of the opinion by the VPRGS.

(B) The opinion by the VPRGS shall be included as an appendix to the final Inquiry Report.

(7) Distribution of Final Report. The UIIO shall send the VPRGS and the Respondent a copy of the final Inquiry Report.

j. Determination Regarding Investigation.

- (1) Panel Initiation of Investigation. If a majority of the members of the Inquiry Panel determine that an Allegation of Misconduct warrants an Investigation, the Responsible Administrator shall initiate an Investigation.
- (2) VPRGS Override - Initiation of Investigation. If a majority of the members of the Inquiry Panel determine that an Investigation is not warranted, the VPRGS may, within 14 days of receiving the final Inquiry Report, issue a decision to the Responsible Administrator and the Respondent overruling the Inquiry Panel for stated cause and instructing the Responsible Administrator to initiate an Investigation immediately. Upon receiving the decision of the VPRGS, the Responsible Administrator shall initiate an Investigation.
- (3) No Investigation. If a majority of the members of the Inquiry Panel determine that an Investigation is not warranted and the VPRGS does not overrule the determination

of the Inquiry Panel, the determination of the Inquiry Panel will conclude the University's review of that Allegation of Misconduct, except as provided in Section XI(b).

- (4) Dissent. Any member of the Inquiry Panel who does not agree with the determination of the majority of the Inquiry Panel may file a dissent to the Inquiry Report.
- k. Bad Faith. If a majority of the members of the Inquiry Panel finds that the Complainant or any witness acted in bad faith, the Inquiry Panel shall include that finding, with a brief explanation of the reasons therefor, in the Inquiry Report.
- l. Notification. Promptly after completion of the Inquiry, the UIIO shall notify the Complainant of its outcome and provide the Complainant with a brief summary of the Inquiry Report and, if one was issued, the decision of the VPRGS.
- m. Retention of Report. The UIIO shall keep the Inquiry Report for at least three years after the completion of the Inquiry.

VIII. Investigation

- a. Committee. The Responsible Administrator shall initiate an Investigation within 30 days of the Inquiry Panel's determination, or the decision of the VPRGS, that an Investigation is warranted. The Responsible Administrator shall appoint an Investigative Committee of not less than three members, chosen for their pertinent expertise. While Investigative Committees will usually be composed of University faculty, they may also include persons other than University faculty when the Responsible Administrator determines that such persons have experience or expertise useful to the Investigation. When a student is the Respondent, at least one student shall be a member of the Investigative Committee. The Investigative Committee shall select one of its members to act as its chairperson.
- b. Notifications.
 - (1) Notification - Internal. The UIIO shall notify the Provost, the VPRGS, and the General Counsel of the initiation of the Investigation.
 - (2) Notification - Funding Source. When the alleged Misconduct involves Research or Creative Activity supported by non-University funds, the UIIO shall also notify the source of the funding of the Investigation before the start of the Investigation. Such notification shall include the name of the Respondent, the general nature of the Allegation of Misconduct, and the relevant grant application, grant number, or other identification for the support.
- c. Charge. The Responsible Administrator, with the assistance of the UIIO, shall draft a Charge to the Investigative Committee based on the Inquiry Report and, if one was issued, the decision of the VPRGS. The Responsible Administrator shall submit a copy of that Charge, the Assessment Report, the Inquiry Report, and, if one was issued, the overruling decision of the VPRGS to the Investigative Committee and the Respondent at the beginning of the Investigation.

- d. Briefing. Before the Investigation begins, an attorney from the Office of the General Counsel and the UIIO shall brief the Responsible Administrator and the Investigative Committee on these Procedures, other relevant University regulations, and legal and procedural issues that the Investigative Committee and the Responsible Administrator are likely to encounter in conducting the Investigation.
- e. Standard for Determination. The Investigative Committee shall determine if Misconduct occurred, if the Respondent was responsible for it, and the extent, gravity, and consequences of the Misconduct. Its decision shall be by majority vote. The standard of proof to be applied shall be a preponderance of the evidence. In other words, to find that Misconduct occurred, a member of the Investigative Committee must conclude that, based on all the evidence before the Investigative Committee, Misconduct is more likely to have occurred than not. To so conclude, the member of the Investigative Committee must find, by a preponderance of evidence, that:
- (1) the Respondent's conduct constitutes Misconduct;
 - (2) the Misconduct had a material or significant impact on the Research or Creative Activity in question; and
 - (3) the Respondent's conduct was not honest error or an honest difference in the interpretation or judgment of data.
- f. Documentation Review. The Investigative Committee shall examine all documentation pertinent to the Allegation of Misconduct. This could include, depending on the Allegation of Misconduct, materials such as:
- proposals, grant applications, and comments thereon,
 - relevant research data and related records,
 - laboratory notebooks and computer files,
 - telephone logs and memos of calls,
 - correspondence, or
 - manuscripts, posters, publications, and tapes of oral presentations.

At its discretion the Investigative Committee may also inspect laboratories and examine laboratory specimens, materials, procedures, and methods.

- g. Testimony.
- (1) Interviews or Hearing. When possible, the Investigative Committee shall conduct interviews or a hearing with the Complainant, the Respondent, and other persons, if any, who have material information regarding the Allegation of Misconduct.
 - (2) Summary of Testimony. The UIIO shall arrange for the preparation of a comprehensive written summary or tape of each witness' interview or hearing testimony and shall send the summary or tape to the witness for comment or correction. The witness shall have seven days after his or her receipt of the summary or tape to deliver comments on, and corrections of any errors in, the summary or the tape to the UIIO. Both the summary or tape and any such comments and corrections shall be made part of the record of the Investigation.

- h. Assistance for Committee. If the Investigative Committee decides that it needs special scientific or technical expertise to evaluate an Allegation of Misconduct, it shall so advise the UIIO, who shall secure for the Investigative Committee the assistance that it requests.
- i. UIIO and Responsible Administrator. Neither the UIIO nor the Responsible Administrator shall participate in the deliberations of the Investigative Committee or vote on whether Misconduct occurred. The Investigative Committee may request the assistance of the UIIO during its deliberations and in the preparation of the Inquiry Report, but shall not seek the UIIO's opinion as to whether Misconduct occurred.
- j. Timing. The Responsible Administrator and Investigative Committee shall use their best efforts to complete the Investigation within 120 days of its inception.
 - (1) Extension. If the Investigation cannot be completed in that period, the Responsible Administrator may request an extension from the UIIO, in which event the Responsible Administrator shall notify the UIIO and the Respondent of the reason for the delay and the date on which the Responsible Administrator expects that the Investigation will be completed. The Responsible Administrator's report about the delay shall be part of the record of the Investigation. If the alleged Misconduct involves Research or Creative Activity supported by HHS or NSF, the UIIO shall notify that agency of the delay; request an extension; explain why it is necessary; and provide a progress report of the Investigative Committee's activities to date and an estimate of the completion date of the Investigation.
 - (2) Notice of Stay. If the Investigation is stayed and the alleged Misconduct involves Research or Creative Activity supported by HHS or NSF, the UIIO shall promptly inform that agency of the date and expected duration of the stay, and of the reason for staying the Investigation.
- k. Investigation Report.
 - (1) Content. The Investigative Committee shall prepare a written Investigation Report. It shall include:
 - (A) the name of the Respondent;
 - (B) the relevant application or grant number, if the alleged Misconduct involves Research or Creative Activity supported by a governmental agency;
 - (C) a description of the Allegation of Misconduct and the name, if known and not held in confidence, of the Complainant;
 - (D) an account of how and from whom information was obtained in the Investigation;
 - (E) a summary or the text of each interview or hearing conducted during the Investigation;
 - (F) the findings of the Investigation and the evidentiary basis for them; and
 - (G) a copy of these Procedures and any other University policies and procedures

relevant to the Investigation.

- (2) Deviation from Practice. If the alleged Misconduct involves a serious deviation from commonly accepted practices, evidence of such practices and an analysis of the alleged Misconduct in light of such practices shall be included in the Investigation Report.
- (3) Misconduct Finding. If the Investigative Committee finds that Misconduct occurred, the Investigation Report must include the Investigative Committee's determination by a preponderance of the evidence that:
 - (A) the Respondent's conduct constitutes Misconduct;
 - (B) the Misconduct had a material or significant impact on the Research or Creative Activity in question; and
 - (C) the Respondent's conduct was not honest error or an honest difference in the interpretation or judgment of data.
- (4) No Misconduct Found. If the Investigative Committee determines that a preponderance of the evidence does not support the Allegation of Misconduct, it shall explain its finding and the reasons therefor in the Investigation Report, with specific reference to the pertinent criteria set forth in Section VIII(e) above.
- (5) Draft Report; Comments. The UIIO shall send the Respondent a copy of the draft Investigation Report. The Respondent may return comments on the draft Investigation Report to the UIIO within seven days of receipt of the draft Investigation Report. If the Respondent comments on the draft Investigation Report, the Investigative Committee shall consider such comments and make any changes in the Investigation Report it deems appropriate in light of such comments. The Respondent's comments shall be included as an appendix to the final Investigation Report.
- (6) VPRGS Opinion on Final Draft Report.
 - (A) After making any changes it deems appropriate in the draft Investigation Report in light of the Respondent's comments, the Investigative Committee shall prepare a final draft of the Investigation Report. The UIIO shall send the VPRGS a copy of the final draft of the Investigation Report, attaching any UIIO comments regarding procedural questions and concerns. Within 14 days after delivery of the final draft Investigation Report to the VPRGS, the VPRGS may submit an opinion to the UIIO, the Responsible Administrator, and the Investigative Committee on either or both of the following two grounds:
 - (i) If the VPRGS, with advice from the General Counsel, finds that the final draft Investigation Report reflects procedural error by the Investigative Committee in conducting the Investigation, the VPRGS shall so inform the UIIO and shall identify and explain the Investigative Committee's procedural error. The Investigative Committee shall either correct the error before completing the Investigation and the Investigation Report or shall notify the VPRGS in, or concurrently with the issuance of, the final

Investigation Report that it does not believe a material procedural error occurred.

- (ii) If the VPRGS finds that the Investigative Committee's determination, as set forth in the final draft Investigation Report, is substantively wrong because the evidence does not support the Investigative Committee's determination, then the VPRGS shall so inform the UIIO and shall identify and explain the reason the VPRGS believes the Investigative Committee's determination to be in error. The Investigative Committee shall reconsider its decision in light of the opinion by the VPRGS. If the Investigative Committee changes its determination in light of the opinion by the VPRGS, it shall submit a new draft of the Investigation Report to the Respondent for further comment. If it does not change its determination in light of the opinion by the VPRGS, the Investigative Committee shall respond to the opinion by the VPRGS in completing the Investigation Report and make any changes in the Investigation Report that it deems appropriate in light of the opinion by the VPRGS.

(B) The opinion by the VPRGS shall be included as an appendix to the final Investigation Report.

- (7) Dissent. Any member of the Investigative Committee who does not agree with the determination of the majority of the Investigative Committee may file a dissent to the Investigation Report.
 - l. Unacceptable or Questionable Research Practices. If a majority of the members of the Investigative Committee finds that the Allegation of Misconduct was not sustained but believes that Unacceptable Research Practices or Questionable Research Practices may have occurred, the Investigative Committee shall refer that finding to the Responsible Administrator for action pursuant to Section XI of these Procedures.
 - m. Bad Faith. If a majority of the members of the Investigative Committee finds that the Complainant or any witness acted in bad faith, the Investigative Committee shall include that finding, with a brief explanation of the reasons therefor, in the Investigation Report.
 - n. Final Report; VPRGS Overrule.
 - (1) Copy to VPRGS. The UIIO shall send the VPRGS a copy of the final Investigation Report.
 - (2) Overrule; New Investigation. If the VPRGS believes the Investigative Committee's determination is wrong, the VPRGS may, within 14 days of receiving the final Investigation Report, issue a written decision to the Responsible Administrator overruling the Investigative Committee for stated cause and instructing the Responsible Administrator to impanel another Investigative Committee immediately.
 - (3) Second Investigative Committee. If a second Investigative Committee is impaneled, it shall conduct a new Investigation. Subject to the Respondent's right to appeal pursuant to Section IX below, the second Investigative Committee's determination shall be binding.

- o. Distribution of Final Report; Comments. The UIIO shall send a copy of the final Investigation Report to the Respondent. The Respondent may deliver comments on the Investigation Report to the UIIO within 14 days of the delivery of the final Investigation Report to the Respondent. The UIIO shall include any such comments in the record of the Investigation.
- p. Notifications.
 - (1) Complainant. Promptly after completion of the Investigation, the UIIO shall notify the Complainant of its outcome and provide the Complainant with a brief summary of the Investigation Report, including those portions of the Investigation Report that address the Complainant's role and testimony, if any, in the Investigation.
 - (2) HHS/NSF. When the alleged Misconduct involves Research or Creative Activity supported by HHS or NSF, the UIIO shall submit the Investigation Report to that agency. NSF or HHS may accept the Investigation Report, ask for clarification or additional information, which shall be provided by the UIIO, or commence its own independent investigation.
 - (3) Other funding source. When the Alleged Misconduct involves Research or Creative Activity supported by a non-University source other than HHS or NSF, the UIIO shall notify the funding source of the outcome of the Investigation promptly after its completion and provide the funding source with a brief summary of the Investigation Report.
- q. Retention of Report. The UIIO shall retain a copy of the Investigation Report for at least three years after the completion of the Investigation.

IX. Appeal

- a. Right. A Respondent who has applied for or received HHS or NSF funding for the Research or Creative Activity in relation to which the Misconduct occurred has the right under certain circumstances to appeal a finding of Misconduct by an Investigative Committee to that agency. All other Respondents who are found to have committed Misconduct by an Investigative Committee have the right to an internal University appeal. During appellate proceedings no sanction will be imposed and no disciplinary proceeding will be commenced as a consequence of the finding of Misconduct.
- b. HHS/NSF. The Respondent shall send the UIIO copies of all documents filed by the Respondent in appeals at HHS or NSF.
- c. Procedure.
 - (1) Internal Appeal. When the alleged Misconduct did not involve Research or Creative Activities supported by HHS or NSF, the Respondent may appeal a finding of Misconduct to the UIIO within 30 days of the date of the final Investigation Report. The appeal must be in writing and must set forth the reasons (whether substantive or procedural) the Respondent believes the finding of Misconduct is wrong. The UIIO will submit the appeal to the President for decision.

- (2) Review and Recommendation. The President may appoint a University faculty member or administrator who does not have a Conflict of Interest and who has not previously been involved in the review of the Allegation of Misconduct under these Procedures to review the record of the Investigation and the appeal and make recommendations to the President.
 - (3) Request for Additional Information. The President, or the President's designee, may request further information about the Investigation in writing from the UIIO. A copy of such information shall be provided to the Respondent.
 - (4) Basis for Decision. The President's decision on the appeal shall be based on the record of the Investigation, as clarified or supplemented by the UIIO in response to any request for further information about the Investigation, and the Respondent's appeal.
- d. New Evidence. If the UIIO or the Responsible Administrator learns of material new evidence relevant to the finding of Misconduct during the appeal, the UIIO shall inform the President and the Respondent of the new evidence. If the President concurs that the new evidence could materially affect the finding of Misconduct, the President shall remand the finding of Misconduct to the Investigative Committee for its consideration of the new evidence. The Investigative Committee shall notify the President within 14 days that it finds the evidence immaterial to its prior judgment or that it wishes to reopen the Investigation. The President may extend this period for good cause by notice to the Respondent and the UIIO.
- e. Decision. The President shall issue a decision and rationale affirming or reversing the Investigative Committee's finding of Misconduct within 30 days after the submission of the appeal to the UIIO. The President may extend this period for good cause by notice to the Respondent and the UIIO.

X. Final Resolution and Outcome

- a. Exoneration. If the Assessment results in a determination that an Inquiry is not warranted, or if the Inquiry Panel decides that an Investigation is not warranted, or if an Investigative Committee concludes that the Allegation of Misconduct has not been sustained, or if a finding of Misconduct is reversed on appeal, the Responsible Administrator and the UIIO shall make diligent efforts, in consultation with the Respondent, to restore the Respondent's reputation (for example, by issuing a public statement that the Allegation of Misconduct has not been sustained). The Responsible Administrator and the UIIO shall also make diligent efforts, in consultation with the Complainant, to protect the position and reputation of the Complainant, if there has been no determination that the Complainant acted in bad faith.
- b. Misconduct Found.
- (1) Actions. When there is a final nonappealable decision that Misconduct has occurred, the Responsible Administrator, after consultation with the VPRGS and the Provost, shall take appropriate actions in response to the finding of Misconduct. Such actions may include the imposition of sanctions within the authority of the Responsible Administrator and initiating University disciplinary proceedings appropriate to the finding of Misconduct pursuant to existing

University policies, procedures, and contracts.

- (2) **Disciplinary Action.** The University views Misconduct as grounds for disciplinary action up to and including the termination of employment of faculty and staff and the dismissal of students.
 - (3) **Record Availability.** Those charged to adjudicate any University disciplinary proceeding arising out of the finding of Misconduct, after consultation with the General Counsel, shall determine whether the record or any portion of the record of the Investigation, including the Investigation Report, documentary evidence reviewed by the Investigative Committee, and any transcript, tape, or summary of testimony received by the Investigative Committee, may be provided to the adjudicatory body consistent with the regulations and procedures applicable to its proceeding. Upon receipt of a request from the adjudicatory body, the UIIO shall provide the adjudicatory body with such portions of the record as are specified in the request.
 - (4) **Agency Sanctions.** In addition to sanctions imposed by the University, certain governmental agencies may impose sanctions of their own, if the Misconduct involved Research or Creative Activities supported by such governmental agencies.
- c. **New Evidence.** If, following a final nonappealable decision that Misconduct has occurred, the Respondent finds new material evidence relevant to the determination of Misconduct, the Respondent shall send that evidence to the UIIO with an explanation of its origin and importance. The UIIO shall submit the new evidence to the Investigative Committee that conducted the Investigation of the Misconduct. The Investigative Committee shall promptly consider the new evidence and notify the President of its impact on its finding of Misconduct and on its Investigative Report. The President may also consult the VPRGS about the impact of the new evidence. Based on the new evidence and the information from the Investigative Committee and the VPRGS, the President may reverse or affirm the previous finding of Misconduct, or remand the matter to the Investigative Committee to conduct a new Investigation in light of the new evidence. The President shall issue that decision with stated cause within 30 days of receiving the notice from the Investigative Committee, but may extend this period for good cause by notice to the Respondent and the UIIO.
- d. **Termination.** If the University terminates any Proceeding without completing all relevant external regulatory requirements, an explanation for such termination shall be included in the record of such Proceeding.

XI. Unacceptable and Questionable Research Practices

- a. **Referral from Proceedings.** The UIIO, the Responsible Administrator, an Inquiry Panel, or an Investigative Committee may find that, while a Respondent's conduct does not warrant an Inquiry or an Investigation or constitute Misconduct, it nevertheless may constitute an Unacceptable Research Practice or a Questionable Research Practice. Any such finding shall be referred to the Responsible Administrator for review and further appropriate action.

- b. **Discovery and Report.** Unacceptable Research Practices or Questionable Research Practices may also be discovered in other circumstances. When that happens, the alleged Unacceptable Research Practice or Questionable Research Practice should be reported to the Responsible Administrator for such review and further action, if any, as may be appropriate under unit guidelines.
- c. **Discipline.** The University views Unacceptable Research Practices as grounds for appropriate disciplinary action pursuant to existing University policies, procedures, and contracts.

XII. Provisions for Changing these Procedures

Any member of the University community may recommend changes to these Procedures by writing to the UGC, which shall be the primary venue for governance consideration of these Procedures. The UGC shall forward any such recommended changes of which it approves to Academic Council as proposed amendments to these Procedures. If approved by Academic Council, the proposed amendments shall be forwarded to the President for transmission to the Board of Trustees. The Board of Trustees shall have final authority and control over these Procedures.

On an interim basis, the UIIO shall, after consultation with the Provost, the VPRGS and the Office of the General Counsel, modify these Procedures to incorporate relevant requirements of new laws, regulations, executive orders, and other governmental requirements as such laws, regulations, orders, and requirements take effect. The UIIO shall promptly report these changes to the President and to the chairperson of the Steering Committee of Academic Council.

Appendix

Appointment and Evaluation of the University Intellectual Integrity Officer

I. Appointment of the UIIO

1. The University Intellectual Integrity Officer (UIIO) shall be appointed from the tenured faculty by the President after consultation with the University Graduate Council (UGC), and shall serve at the pleasure of the President.
2. The UIIO shall report to the President and shall keep the Provost and the Vice President for Research and Graduate Studies (VPRGS) informed about the progress of cases under the University's *Procedures Concerning Allegations of Misconduct in Research and Creative Activities* and about the educational and other activities of the UIIO's office. The UIIO shall also perform such other duties as are assigned the UIIO under such *Procedures*.

II. Evaluation of the UIIO

1. The UIIO shall submit a report annually to the UGC which shall set forth the number of cases handled by the UIIO's office during the previous academic year and their outcomes, along with information on the educational and other activities of the UIIO's office during that academic year.
2. The UGC shall evaluate the performance of the UIIO biennially, pursuant to criteria established by the President, the Provost, and the VPRGS in consultation with the UGC.
3. The UGC shall submit the results of its biennial evaluation of the UIIO to the President, the Provost, and the VPRGS.

VII. FACULTY/ACADEMIC STAFF BENEFIT AND RETIREMENT PROGRAMS

OVERVIEW

This section presents a broad overview of the various benefit and retirement programs available to faculty/academic staff and their dependents. Each benefit is described briefly on the following pages. The provision of benefits is conditioned upon eligibility requirements and, in some cases, a written enrollment form is required.

The following pages summarize the ways in which benefit plans can help faculty/academic staff in time of need. Careful reading of this information will assist in understanding the protections that are available. Individual brochures/ certificates are issued at the time of enrollment in the programs and updated as necessary.

AUTOMATIC BENEFITS

Participation in the following benefits (when eligible) is automatic for full-time and part-time faculty/academic staff, except as noted. No enrollment applications are necessary:

1. Expanded Life
2. Long-Term Disability (**full-time only**)
3. Social Security
4. Travel Accident
5. Unemployment Compensation
6. Workers' Compensation

OPTIONAL BENEFITS

Participation in the following benefits is optional for full-time and part-time faculty/academic staff and coverage begins if written enrollment takes place within 60 days of initial appointment to an eligible status, during an Open Enrollment, or, in the case of Employee Paid Life, by furnishing evidence of insurability during an Open Enrollment:

1. Accidental Death & Dismemberment
2. Dental
3. Employee-Paid Life
4. Health Care Coverage
5. Waiver of Health Care Coverage
6. Dependent Care Spending Account

RETIREMENT PROGRAMS

Participation in the base retirement plan is initially optional with enrollment mandatory at age 35 and 24 full-time equivalent (FTE) service months. Participation in the supplemental retirement plan is optional at any time.

NOTE: All benefits are shown in abbreviated form. Specific master contracts between MSU and the various carriers/vendors are available for inspection in the Benefits office. The information contained in this Faculty/Academic Staff Benefit and Retirement Programs section does not modify or change any of the provisions in these contracts. Although MSU expects to continue the benefit programs indefinitely, it reserves the right to modify, suspend, or terminate such coverages in whole

or in part at any time, except as limited by the terms and conditions of master contracts. Complete information and descriptive details on all benefits may be obtained from the Benefits office, telephone (517)353-4434, extension 170 or 536, or, if long distance, 1-800-353-4434.

FULL-TIME EQUIVALENT (FTE) SERVICE MONTHS

This concept is defined as the cumulative full-time equivalent (FTE) months of service for University employment of 50% or greater. FTE service months are used in determining eligibility for University benefits which require a service waiting period.

AUTOMATIC BENEFITS¹

Expanded Life (Death Benefit)

Eligibility

The University provides a life benefit payable to beneficiaries of faculty/academic staff appointed 50 percent time or more for nine months or more. This benefit is effective immediately upon appointment.

Coverage

Eligible faculty/academic staff members are provided coverage equal to one year's base salary up to a maximum of \$50,000. Beneficiaries are those designated by the faculty/academic staff member or the same as designated in the Employee-Paid Life program. If no beneficiary has been designated, payment will be made to the survivor(s) in the first surviving class of those that follow: a) spouse; b) children; c) parents; or d) brothers and sisters. If none survives, payment would be made to the estate.

Cost

No enrollment application is necessary and the entire cost of this benefit is paid by the University.

Long-Term Disability

Eligibility

Coverage under the Long-Term Disability Plan is available for faculty/academic staff appointed full-time for nine months or more who have been employed for 12 FTE service months. Faculty appointed with tenure (or on the effective date of the award of tenure) or with NSCL continuing appointment status are immediately covered under this plan. Eligible faculty/academic staff may receive benefits provided by the Long-Term Disability Plan after six months of continuous disability.

Coverage

The benefits provide a disabled faculty/academic staff member with a monthly income equal to 60% of the basic monthly salary (minus any workers' compensation, social security or auto wage loss

¹For benefit purposes only, half-time is defined as 50.0-64.9 percent time; three-quarter time is defined as 65.0-89.9 percent time; full-time is 90.0-100.0 percent time.

benefits, if applicable). In addition, the program assumes both the faculty/academic staff member's contribution and the University's contribution to the base retirement program for as long as the individual remains entitled to Long-Term Disability benefits. The plan provides an annual cost-of-living increment of 3%.

Cost

The cost of this benefit is totally paid by the University.

Other Benefit Information

If the faculty/academic staff member is unable to work due to total disability and is eligible for benefits under the Long-Term Disability Plan, participation will be continued in the health, dental and employee-paid life programs at no cost to the faculty/academic staff member during the period of disability benefit payments.

Social Security

Most faculty/academic staff members who perform services for Michigan State University are covered by Social Security (FICA). Social Security provides retirement benefits subject to age rules and participation; a lifetime income in the event of total permanent disability for the faculty/academic staff member, and benefits for dependents subject to certain age rules, and a lump sum payment at death and monthly income for qualified survivors. (Foreign Nationals presenting F or J visas may be exempt from provisions of the Social Security Act - See Payroll Procedures.) Full information is available from the local Social Security Office.

Travel Accident

The University provides immediate Travel Accident coverage while traveling on approved University business or activity. This plan provides accidental death and dismemberment coverage up to \$50,000, and is automatic for all faculty/academic staff. No enrollment application is necessary and the cost is paid by the University.

Unemployment Compensation

Most faculty/academic staff members of Michigan State University will be in covered employment and therefore subject to the provisions of the Unemployment Compensation Act. Full information is available from Unemployment Compensation, Office of Human Resources (517/355-9631).

Workers' Compensation

The University, in accordance with the State of Michigan Disability Compensation Act, provides "Workers' Compensation benefits" if a faculty/academic staff member is injured in the course of employment. These benefits are payable at a rate of approximately 80% of the after-tax value of the faculty/academic staff member's average weekly wage, subject to a state-determined maximum rate.

Any injury arising out of and in the course of employment must be reported to the administrative head and Workers' Compensation. All necessary medical services for a compensable injury will be delivered by a medical provider designated by the University. Full information is available from Workers' Compensation, Office of Human Resources (517/353-5394).

OPTIONAL BENEFITS¹

Accidental Death & Dismemberment (AD&D)

Eligibility

Faculty/academic staff may select the AD&D Program within 60 days of initial appointment to an eligible status. Coverage is provided if death or dismemberment results from accidental cause. All faculty/academic staff appointed full-time or part-time for nine months or more are eligible to participate.

Coverage

Coverage may be selected for the faculty/academic staff member and the family, if desired, in one of the varying amounts as shown in the brochure. Beneficiaries are designated by the individual and may be changed at any time.

Cost

Cost of the various coverages offered is described in the brochure available in the Benefits office.

Dental Plan

All faculty/academic staff appointed 50 percent time or more for nine months or more and their eligible dependents may be covered by a dental plan. The benefit can be retroactive to the appointment date if a new employee enrolls within 60 days of the appointment. Failure to enroll during the initial 60-day eligibility period will result in the faculty/academic staff member having to wait until the next annual open enrollment period. This coverage is available to official retirees and their eligible dependents or survivors.

Coverage

Dental plan coverage is available under a traditional plan with Delta Dental or the dental maintenance organization Midwestern Dental Plans, Inc. (MDPI).

The Delta Dental Plan covers fifty percent of the usual, customary, and reasonable cost of preventive, diagnostic, restorative, prosthodontics and orthodontic services. The plan provides an individual maximum of \$600 per calendar year for covered charges. Orthodontic coverage is limited to those under 19 years of age and is subject to an individual lifetime maximum of \$600.

Coverage for MDPI must be provided through one of the seven of Midwestern's participating centers. Benefits are provided with a fixed dollar copay. Some benefits, such as diagnostic, preventive, and minor restorative are covered at no cost to the member. There are no deductibles, annual maximums, or lifetime orthodontic maximums. Orthodontic services are covered if under age 19 with a \$750 copay and for persons over age 19 with a \$1,300 copay.

¹For benefit purposes only, half-time is defined as 50.0-64.9 percent time; three quarter time is defined as 65.0-89.9 percent time; full-time is 90.0-100.0 percent time.

Cost

Premiums are fully paid by the University for full-time faculty/academic staff. There may be premium deduction for part-time employees depending on the percent of employment and the number of persons being covered.

Employee-Paid Life

A faculty/academic staff member may select employee-paid life within 60 days of initial appointment to an eligible status or by furnishing evidence of insurability during an Open Enrollment.

Eligibility

Faculty/academic staff appointed 50 percent time or more for nine months or more are eligible to enroll for coverage.

Coverage

The coverage is decreasing term insurance with no cash or loan value. Coverage may be selected in varying amounts up to \$187,500 maximum depending on age and plan selected, as shown in the brochure.

Optional dependent coverage (for spouse and children, if any) may also be selected.

Benefits are payable to the designated beneficiary in the event of death from any cause while the plan is in force. Beneficiaries are designated by the faculty/academic staff member and may be changed at any time.

Cost

Costs vary according to the plan selected; rates are subject to future group experience.

Health Care Coverage

If faculty/academic staff members enroll in health care coverage within 60 days of initial appointment to an eligible status or during an Open Enrollment, faculty/academic staff members and their eligible dependents are covered for health care services. Health care coverage is available under a traditional plan or health maintenance organization (HMO). Coverage is currently provided by Blue Cross Blue Shield of Michigan, Blue Care Network (HMO), or Physicians Health Plan (HMO). The benefit can be retroactive to the appointment date if a new employee enrolls within 60 days of the appointment. Specific coverage details under these plans differ. In general, the following apply:

Eligibility

Faculty/academic staff appointed 50% time or more for nine months or more are entitled to enroll themselves and their eligible dependents. Failure to enroll during the initial 60-day eligibility period will result in the faculty/academic staff member having to wait until the next annual open enrollment period.

Health Care Benefits for Visiting Faculty/Scholars

The following statement was issued by the Office of the Provost on January 7, 1982.

Visiting faculty/scholars are eligible for special medical benefit coverage with Blue Care Network of Mid-Michigan (Plan 7). These benefits are provided in recognition of the fact that many visiting faculty/scholars are enrolled in national or other private institutional health programs in the U.S.A or abroad, which do not provide them coverage when appointed at MSU. Individuals eligible for this program are visiting faculty/scholars: 1) who are appointed without pay or with pay on appointments of less than 50% time and/or for less than nine months, who will return to their home university, agency, firm or other institution after a limited appointment period at Michigan State University; and 2) who are currently enrolled in a medical benefit program which is not available to them while appointed at Michigan State University.

Information relating to the Blue Care Network of Mid-Michigan benefit plan which is available to eligible visiting faculty and/or scholars is indicated below:

1. Such individuals are eligible for Blue Care Network of Mid-Michigan "Plan 7." Please note that Plan 7 has a six-month exclusion for pre-existing conditions (including pregnancy).
2. Eligible visiting faculty/scholars must enroll for the Blue Care Network of Mid-Michigan coverage during the first sixty days following their initial appointment date. Otherwise, they will not be eligible to participate in this program. Coverage is effective the first day of the month following application.
3. Individuals participating in this program must pay the premiums. Blue Care Network of Mid-Michigan will bill eligible visiting faculty/scholars directly for the costs of participation. Upon enrollment, eligible individuals must pay the first three months' premium and complete the necessary paper work required by Blue Care Network of Mid-Michigan.
4. To provide eligibility under this program, unit administrators should contact the Office of the Assistant Provost and Assistant Vice President for Academic Human Resources. Further, individuals should be appointed with a "Visiting" prefix before the title and, in the "comments" section of the applicable appointment form, the following should be indicated: "Visiting Faculty/Scholar eligible to participate in special medical benefits plan with Blue Care Network of Mid-Michigan." After eligibility is confirmed, the visiting faculty/scholar should contact the enrollment representative at Blue Care Network of Mid-Michigan (322-8000) to complete application materials.

RETIREMENT PLANS ¹

All faculty/academic staff members appointed at 50 percent time or more for a period of nine months or more are eligible to make contributions to a base retirement plan as well as a supplemental retirement plan.

Base Retirement Plan

Eligibility

Participation in the base retirement plan, with the University contribution, is initially optional and required for full-time faculty/academic staff when certain service and/or age requirements are met. The general rules follow:

1. Faculty appointed 50 percent time or more for nine months or more with the rank of assistant professor, associate professor, or professor may elect immediate participation, with University contribution, or may defer participation for 24 FTE service months or until attaining age 35, whichever is later, at which time participation is mandatory for full-time faculty/academic staff.
2. A specialist with a probationary or continuing appointment of 50 percent time or more may elect immediate participation, with University contribution. A specialist who does not have a probationary or continuing appointment will become eligible for the University contribution 24 FTE service months from the date of initial appointment. Participation for all full-time specialist appointments may be deferred for 24 FTE service months or until attaining age 35, whichever is later.
3. Faculty/academic staff appointed 50 percent time or more for nine months or more as instructors, research associates, lecturers, or assistant instructors become eligible for the University contribution 24 FTE service months from the date of initial appointment to an eligible status. Participation is required at that time for full-time instructors or upon attainment of age 35, whichever is later. Research associates, instructor/residents, instructor/interns, lecturers, and assistant instructors are never required to participate.
4. Part-time faculty/academic staff are never required to participate.
5. Once required participation commences for faculty/academic staff appointed full-time for nine months or more, it is not possible to withdraw from the base retirement plan while employed at the University.
6. Faculty/academic staff members appointed 50 percent time or more previously enrolled in a 403(b) or 403(b)(7) contributory retirement program before appointment at MSU may elect immediate participation regardless of rank.
7. Participation in the base retirement plan is possible at any time without University contribution.
8. Faculty/academic staff must enroll in the base retirement plan by submitting a signed application to the Benefits office prior to the first of the month the application is to be effective. Failure to

¹For benefit purposes only, half-time is defined as 50.0-64.9 percent time; three-quarter time is defined as 65.0-89.9 percent time; full-time is 90.0-100.0 percent time.

apply prior to the first of the month in which faculty/academic staff are eligible for the University contribution will result in lost contribution without retroactive recovery.

Coverage

The base retirement plan provides a retirement income based upon the total amount accumulated from the employee's contribution, the University's contribution, and the earnings on those amounts over the period of the working years.

A faculty/academic staff member may commence to draw his/her accumulation under a variety of payment options after leaving the University; however, to be considered a retiree from the University, faculty/academic staff must meet the minimum University retirement requirements (see Other Retirement Information). The earlier retirement income begins, the smaller the payment.

The base retirement plan is fully vested indicating that both the faculty/academic staff member's and the University's contributions are placed directly in the faculty/academic staff member's account each month. In the event the faculty/academic staff member leaves the University, ownership of the total accumulation is retained by the faculty/academic staff member. The faculty/academic staff member may elect to receive an immediate retirement income or may defer the receipt of his/her retirement income until a later date. Cash withdrawal options are available if age 55 or older, and terminated or retired.

Cost

The base retirement plan is financed by a reduction of 5% from the faculty/academic staff member's base salary and a matching University contribution of 10%.

Supplemental Retirement Plan

Faculty/academic staff members appointed at 50% time or more for a period of at least nine (9) months may make additional tax-deferred contributions to the supplemental retirement plan subject to IRS limitations. Participation in the supplemental retirement plan is never required, and no matching contribution is made by MSU.

Other Retirement Information

1. To be considered a retiree from Michigan State University, a faculty/academic staff member must meet one of the following minimum University retirement requirements:
 - a. Be at least 62 years of age and have completed 15 years of service, or
 - b. Have completed 25 years of service at any age.
2. Faculty/academic staff meeting the minimum University retirement requirements will remain eligible to maintain health and dental coverage and receive a University contribution toward the premiums based on the number of full-time equivalent (FTE) service months at retirement.

Retirees (and their spouses) age 65 and over are required to enroll for Medicare Parts A & B at which time MSU's health plan coverage is adjusted to a Medicare supplement policy. Medicare Part B requires a monthly premium that is not reimbursed by MSU. Individuals may contact their local Social Security office for information on the monthly premium cost for Medicare Part B.

3. Faculty/academic staff meeting the minimum University retirement requirements may continue participation in the employee-paid life program after retirement until age 70.
4. Faculty/academic staff members participating in the employee-paid life plan at the time of retirement and who were enrolled prior to July 1, 1976 will receive a \$2,000 life benefit fully paid by the University.
5. Faculty/academic staff employed prior to July 1, 1958, who meet the minimum University retirement requirements as defined above, may have "frozen benefits" from the University Non-Contributory Retirement Plan, in addition to their base retirement plan. Full information is available from the Benefits office.
6. Retirement survivor options which protect the spouse, if any, are available and may be selected immediately prior to retirement. In the event a survivor option is selected, the spouse is guaranteed payments for life. Spouses of retired faculty/academic staff members are guaranteed lifetime participation in the health and dental plans.

FACULTY/ACADEMIC STAFF BENEFITS IN THE EVENT OF A LEAVE OF ABSENCE, TERMINATION OR DEATH

LEAVE OF ABSENCE

With pay

If the faculty/academic staff member's pay is being continued (e.g., if the leave is a medical leave), the normal premiums will continue to be deducted and the University will make its normal contribution toward the cost of the health, dental, and retirement programs. Benefits are continued in full for faculty members on sabbatical leave.

Without pay

Faculty/academic staff granted an approved leave of absence without pay may continue in force the optional benefit programs by paying the full cost of all premiums. The same University contribution toward the dental premium continues for up to 24 months while on a leave of absence without pay. Coverage for other optional benefits may be continued by making cash payments for as long as the approved leave continues. Payments for benefits to be kept in force should be made directly to Michigan State University and sent to the Benefits office no later than the first day of the month for which the payment is due. Optional benefits not maintained will be reinstated upon return to active employment.

A faculty/academic staff member on a Family Medical Leave (FMLA) will have their health and dental benefits continued at the same level and with the same premium contribution as prior to the FMLA leave. Any share of premiums which had been paid by the individual prior to the leave must continue to be paid during the leave, otherwise coverage will be cancelled.

Faculty/academic staff member contributions for the base retirement plan may be made on a direct basis or may be suspended during the period of the leave.

Provisions are available to faculty/academic staff members on leave due to acceptance of prestigious awards or fellowships for the continuation of applicable University benefits. Additional information should be requested from the Benefits office. (See Continuation of Benefits for Faculty on Leave of Absence No Pay Status to Receive Prestigious Awards, Fellowships and/or Special Assignment Opportunities.)

TERMINATION

In case of termination, benefits will be affected as follows:

1. Health, employee-paid life, and accidental death and dismemberment coverages will continue in force until the end of the month following the last deduction and/or contribution made.
2. Dental coverage continues through the end of the month of active employment.
3. Long-term disability, expanded life, and travel accident coverages cease on the last day of active employment.
4. Coverage under the health care plan and/or dental plan may be continued in accordance with the Consolidated Omnibus Reconciliation Act (COBRA) of 1986, for up to 18 months (29 months if currently disabled and receiving Social Security Disability (SSD) or deemed disabled by SSD any time during the first 60 days of COBRA coverage) by paying a monthly premium. Contact the Benefits Office for details.
5. Employee-paid and expanded life coverages may be converted by contacting the company directly.

DEATH

In addition to life benefit payments to beneficiaries, it is possible for the surviving spouse and eligible dependents to continue health and/or dental coverages by contacting the Benefits office. The University will contribute toward the health and dental premiums for the surviving spouse if the faculty/academic staff member was eligible for retirement. The surviving spouse of a vested employee who is also an active employee in their own right may be eligible for dual benefits as follows:

1. Eligible for 100% dental coverage.
2. Eligible to retain the deceased person's health plan benefits and also enroll in the waiver program as an active employee. It will be necessary for the active employee to enroll for the waiver, if not currently enrolled in the waiver program.

OR

3. Eligible to retain deceased person's health plan benefits instead of the health plan for which they are eligible as an active employee.

INDEX

Abrogation of Faculty Teaching Responsibility	115
Academic	
Academic Year Appointment	27
Advisement	116
Apparel	117
Council	8
Enrollment	116
Freedom	20, 34
Governance	6, 35
Organization	6
Personnel Policies	27
Programs	1, 117
Senate	7
Tenure	35
Accident Benefits	175
Accidental Death and Dismemberment	175
Adjunct and Clinical Appointments	30
Administrative/Academic Organization	6
Administrative Assignment	
Administrative Increment	28, 107, 109
Appointment Basis	28, 107
Evaluation	108, 110
Participation in Selection of Administrators	105
Status of Faculty Members who Assume Administrative Responsibilities	28, 107
Administrative Review	73
Advertising	23
Advisement	116
Affirmative Action Compliance and Monitoring, Office for	3, 11
Affirmative Action	55
Alcohol and Drugs	23
All-University Research Funding	137
Alumni Memorial Chapel	2
Amorous or Sexual Relationships	21
Animals	
Committee on Animal Facilities and Care	142
Use in Research, Teaching and Service	142
Annual Faculty Review	47
Antidiscrimination	
Judicial Board	10, 14
Policy	11
Appointment	
Adjunct and Clinical	30
Appointment Basis (AY/AN)	27, 107
Basic Employment Commitment	27
Emeritus	31, 32
Faculty Appointment in Academic Units	56
Reappointment	29, 42, 48, 51, 53
Rescission	61
Summer	29
Temporary	28

Athletic Ticket Office	3
Awards	102
Distinguished Faculty	102
Excellence-in-Teaching Citations	103
Teacher-Scholar	102
University Distinguished Professor	103
Benefits	172
Accidental Death and Dismemberment	175
COBRA	183
Continuation While on Leave No Pay	90, 182
Death	173, 175, 176, 182, 183
Dental	175
Dependent Care Spending Account	177
Employee-Paid Life	176
Expanded Life	173
Family Medical Leave	182
Full-time Equivalent Service Months	173
Health Care	176, 178, 179
Health Care Waiver	177
Leave of Absence	90, 182
Long-Term Disability	58, 92, 173
Open Enrollment	172
Postdoctoral Fellows	178
Retirement	172, 180
Social Security	174
Termination	183
Travel Accident	174
Unemployment Compensation	174
Visiting Faculty/Scholars	179
Workers' Compensation	174
Biological Hazards	139
Board of Trustees	6
Bylaws	1
Policy Manual	1
Bookstore	2
Borrowing University Equipment	21
Bridging Breaks in Service	95
Buildings	21
Business Procedures, Manual of	1
Bylaws	
Board of Trustees	1, 6
Academic Governance	1, 6
Catalog	1, 117
Chapel	2
Chemical Hazards	139
Child Care	2, 93, 177
Clinical and Adjunct Appointments	30
COBRA	183
Code of Teaching Responsibility	117
Commencement	121
Apparel	117
Commercial Products, Endorsement of	23

Computer Services	2
Confidentiality of Letters of Reference	53
Conflict of Interest	128, 131, 134
Conflict of Interest in Employment	22
Consensual Amorous or Sexual Relationships	21
Consultantship	97
Consulting	110, 126, 128
Contract and Grant Administration, Office of	138
Copyright	146
Council, Academic	8
Counseling	116
Course Fee Courtesy	101
Credit for Past Service	96
Credit Union	2
Death Benefits	173, 175, 176, 182, 183
Degree	28, 41
Dental Benefits	175
Dependent Care Spending Account	177
Descriptions of Courses	117
Dining	2
Disability	
Benefits	92, 173
Policy and Procedure	58, 92
Discipline	60
Disclaimer	2
Dismissal of Tenured Faculty for Cause	61
Distinguished Faculty Awards	102
Doctoral Guidance Committee, Composition of	124
Drugs and Alcohol	23
Education	2
Educational Materials, Development of	144
Emeritus	31, 32
Employee-Paid Life Benefits	176
Employment of Relatives (see Conflict of Interest in Employment)	22
Endorsements, Sponsorship and Advertising	23
Enrollment	116
Equal Opportunity	10
Equipment	21
Evaluation	47, 48, 51, 52, 53, 54, 108, 110, 122
Excellence-in-Teaching Citations	103
Expanded Life Benefits	173
Extension of Probationary Tenure System Appointment	45
Extension Service	110
Faculty	
Abrogation of Teaching Responsibility	115
Adjunct and Clinical	30
Annual Review	47
Appointment Basis	27
Appointment in Academic Units	56
Awards	102
Basic Employment Commitment on an Academic Year Basis	27
Benefits	172

Faculty, cont.	
Definition	7
Discipline	60
Dismissal	61
Emeritus	31, 32
Grievance Procedure	74
Handbook	1, 2
Participation in Commencement	121
Participation in Selection of Administrators	105
Reassignment, Principles of	46
Relationships with Student-Athletes	119
Retirement	95, 96, 97, 172, 180
Rights and Responsibilities	33
Status when Assuming Administrative Responsibilities	28, 107
Study at MSU	100
Temporary	7, 28
Tenure System	41
Threats	123
Faculty Grievance Procedure	74
Faculty Staff Directory	1
Family and Medical Leave	93, 182
Foreword	1
Fringe Benefits (See Benefits)	172
Full-time Equivalent Service Months	173
Gardens	2
Governance, Academic	6, 35
Graduate Assistants, Excellence-in-Teaching Citations	103
Graduate Study	100
Grievance Official	3, 74, 84
Grievance Procedure	74
Guidance Committee, Composition of	124
Handicapper and Veteran Self-Identification	18
Hazardous Substances	139
Health Assessment	40
Health Care	3
Health Care Coverage	176, 178, 179
Health Care Waiver	177
Holidays	24.1, 121
Religious	121
Hotel Services	3
Housing	3
Human Subjects	140
Identification Cards	40
Implementation Practices	45
Indemnification	24.1
Instruction	115
Abrogation of Faculty Teaching Responsibility	115
Academic Advisement, Enrollment, Registration, and Counseling	116
Academic Programs	1, 117
Code of Teaching Responsibility	117
General Statement	115
Rights of Students	121

Instruction, cont.	
Student Instructional Rating System	122
Supervision of Academic Work by Relatives	120
Threats to a Faculty Member	123
Instructional Materials, Development of	144
Intellectual Property	138
Internet	Cover page, 117
Intramural Sports	3
Jury Duty	40
Laboratory Animal Care Service	3, 142
Leave of Absence	86
Benefits	90, 182
Child Care	93
Continuation of Benefits While on Leave No Pay	90, 182
Failure to Return	86
Family	93, 182
Medical	92, 93
Maternity	92
Military	94
Sabbatical	86, 182
Vacation	94
Without Pay	45, 89, 90, 182
Letters of Reference, Confidentiality of	53
Liability	24.1, 25, 149
Librarians	71
Library Services	3
Life Benefits	173, 175, 176, 183
Long-Term Disability	
Benefits	92, 173
Policy and Procedure	58, 92
Lost and Found	3
MSU Foundation	138
MSU Press	144
Malpractice Insurance	30, 31
Manual of Business Procedures	1
Maternity Leave	92
Media Services	3
Medical Examination (See Health Assessment)	40
Medical Leave	92, 93
Medical Service Plan	113
Military Leave	94
Minority Organizations	3
Misconduct in Research and Creative Activities	150
Mission Statement	4
Moving Expenses	24.1
Museum	3
Music	3
Nepotism (see Conflict of Interest in Employment)	22
News-Bulletin	3
Newspapers	3
Non-Discrimination	10, 11, 14
Non-Smoking Policy	25

Non-Tenured Faculty	54
NSF and PHS Research Support	134
Nursery School	2
Open Enrollment, Benefits	172
Ordinances of Michigan State University	1
Organization of MSU	6
Outreach	36, 110
Outside Work for Pay	110
Overload Pay	113
Parking	3
Patents	143
Patient Care	25, 112, 113
Payroll Procedures	40
Peer Review	35, 51, 52
Performing Arts	3
Personal Assistance	3
Personnel Policies	27
PHS and NSF Research Support	134
Planetarium	3
Political Activity	100
Postdoctoral Fellows	28, 178
Press, MSU	144
Printing Services	3
Professional Development	55
Promotion	43, 48, 51, 53
Psychological Clinic	3
Public Relations	3
Public Service	36, 110
Publication	127, 144
Publishing Services	3
Quality Assurance, Risk Management and	25
Questionnaires	24.1
Radiation, Chemical, and Biological Hazards	139
Radiation Hazards	139
Radio	3
Reassignment, Principles of Faculty	46
Recombinant DNA	140
Recreation and Sports	3
References, Confidentiality of	53
Registration	116
Relatives, Employment of	22
Supervision of Academic Work	120
Religious Holidays	121
Rescission	61
Research	126
All-University Funding	137
Animals, Use of	142
Conflict Situations	128, 131, 134
Contract and Grant Administration	138
Facilitation of	137
General Statement	126
Human Subjects	140

Research, cont.	
Intellectual Property	138
MSU Foundation	138
Misconduct in Research and Creative Activities	150
NSF and PHS Research Support	134
Patents	143
Regulatory Guidelines	138
Safety	139
Services	3
Sponsored Research	126
Research Associates	28
Research Development, Office of	137
Resignation	99, 183
Retirement	
Benefits	172, 180
Bridging Breaks in Service	95
Consultantship	97
Credit for Past Service	96
Eligibility	97
Working Retirement Options	97
Rights and Responsibilities of the Faculty	33
Rights of Students to Receive Instruction	121
Risk Management and Quality Assurance	25
Royalty Income	144
Sabbatical Leave	86, 182
Safety	139
Schedule of Courses	117
Senate, Academic	7
Services and Opportunities	2
Sexual Harassment Policy	18
Sexual or Amorous Relationships	21
Sick Leave (See Medical Leave)	92, 93
SIRS (Student Instructional Rating System)	122
Smoke-Free Policy	25
Social Security	40, 174
Solicitation	26
Spartan Life Student Handbook	1
Specialists	72
Spending Account, Dependent Care	177
Sponsored Research	126
State News	3
Student	
Consensual Amorous or Sexual Relationships	21
Instructional Rating System	122
Newspaper	3
Participation in Academic Governance	7
Participation in Selection of Administrators	105
Right to Receive Instruction	121
Spartan Life Student Handbook	1
Student-Athlete Relationships with Faculty	119
Supervision of Academic Work by Relatives	120
Study by MSU Faculty	100

Summer Session	29
Supervision of Academic Work by Relatives	120
Teacher-Scholar Awards	102
Teaching	
Abrogation of Responsibility	115
Code	117
Teaching	35
Telephone Directory	1
Television	3
Temporary Appointment	28
Tenure System	41
Academic Tenure	35
Amendments to the Tenure Rules	45
Appointment, Reappointment, Tenure and Promotion Recommendations	48
Appointment Rescission	61
Appointments in Primary Academic Units	56
Career Advancement and Professional Development	55
College Level Reappointment, Tenure and Promotion Committees	51
Degree Requirement	41
Discipline	60
Dismissal of Tenured Faculty for Cause	61
Faculty Rights and Responsibilities	33
Granting Tenure	42
Guidelines for Academic Unit Peer Review Committee Composition and External Evaluation	52
Implementation Practices	45
Letters of Reference, Confidentiality of	53
Long-Term Disability	58, 92, 173
Non-Tenured Faculty in the Tenure System	54
Operating Principles	44
Implementation Practices	45
Probationary Appointment Periods	42
Extensions	45
Non-Reappointment	44
Reappointment	42, 48, 51, 53
Reassignment, Principles of Faculty	46
Receipt of Qualifying Degree as a Condition of Appointment	41
Resignation	99, 183
Tenure Action and Promotion	51
Terminal Consultanship	97
Termination	99, 183
Textbook Publication	144
Threats to a Faculty Member	123
Transportation	3
Travel	26
International	138
Travel Accident Coverage	174
Tuition	101
Unemployment Compensation	174
University Club	3
University Distinguished Professor	103

Vacation	94
Vehicle Registration	3
Veteran Self-Identification	18
Visiting Faculty/Scholars, Health Care Benefits	179
Waiver	
Health Care	177
Tuition	101
Womens' Organizations	3
Workers Compensation	174
Working Retirement Options	97