

BYLAWS

DEPARTMENT OF EDUCATIONAL ADMINISTRATION

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10/28/08	3.3.4.1
10/9/89	3.3.4.1
	3.3.5.1
3/30/92	Article 5
3/30/92	Appendix C
4/26/93	Appendix D

BYLAWS

DEPARTMENT OF EDUCATIONAL ADMINISTRATION

Preamble

These bylaws are adopted to meet the special needs and concerns of the faculty of the Department of Educational Administration, to facilitate communication among the faculty and the administrative officers of the Department, and to provide means by which the faculty may exercise its delegated responsibility for curriculum and its shared, advisory and consultative responsibilities for all policies related to the governance, development, and welfare of the Department. These bylaws are intended to respond to the letter and spirit of the following documents:

Bylaws for Academic Governance of Michigan State University

Bylaws of the Michigan State University Board of Trustees

Bylaws of the College of Education

Faculty Handbook of Michigan State University

Interim Faculty Grievance Procedure

Policy Handbook of the College of Education

Code of Teaching Responsibilities

Graduate Students' Rights and Responsibilities

Academic Freedom for Students at Michigan State University

Upon adoption of these bylaws by the present faculty of the Department eligible to vote on internal matters under previous bylaws, they shall replace all existing bylaws and all revisions and amendments thereto.

ARTICLE 1. STRUCTURE AND FACULTY OF THE DEPARTMENT

1.1 The Department

- 1.1.1 The Department of Educational Administration is a primary academic unit and a Department of the College, within the meaning of College and University policies and bylaws. It is the responsibility of the Department as a whole to discharge all of the duties and to exercise all of the prerogatives assigned to departments; to serve as a primary unit of academic governance; and to serve as the academic "home" of all faculty members whose primary departmental designation is Educational Administration.
- 1.1.2 In order to achieve the goals of the department and to insure the integrity of the several disciplinary specialities represented in the Department, sub-units termed "Faculties" may be formed as structures entirely internal to the Department. In all matters external to the Department, the Department shall act as a single unit.
 - 1.1.2.1 Faculties shall be formed as necessary to provide program and disciplinary identity for faculty members and to provide a mechanism for cohesive faculty groups to discharge their responsibilities in academic and personnel policies.
 - 1.1.2.2 The structure of Faculties in the Department may be changed by majority vote of the Department. Changes in structure may be recommended by membership of one or more Faculties, the Department Chair, the Department Advisory Committee (DAC, hereafter).

1.2 Composition of the Faculty

- 1.2.1 Regular faculty: Primary affiliation: all persons appointed under the rules of tenure and holding the rank of professor, associate professor, assistant professor, or instructor, whose primary designation is in the Department. Each regular faculty member shall have a primary affiliation in one of the Faculties in the Department.
- 1.2.2 Regular faculty: Secondary affiliation: any regular or temporary Department member may petition one or more of the Faculties of the Department in which *s/he* does not have primary affiliation for a secondary affiliation. Such petition should stipulate the Faculty activities in which petitioner seeks to participate. The members of the petitioned Faculty shall act upon the petition and upon majority approval may recommend a secondary affiliation for petitioner. There should be a written agreement between the Faculty and all secondary affiliates clearly stipulating the rights and responsibilities of the secondary affiliates and the conditions of participation.
- 1.2.3 Temporary faculty: all persons holding the rank of professor, associate professor, assistant professor, instructor, assistant instructor, or specialist who are not appointed

under the rules of tenure, who are not on part-time appointment, and who are assigned a majority load in the Department. Temporary faculty shall have a primary affiliation in a Faculty of the Department and may petition for secondary affiliation in accord with 1.2.2.

1.2.4 Joint membership: all faculty appointed to a regularly funded position in two or more departments or agencies of the University for the benefit of each and with a mutually agreed-upon arrangement for financial support. The member under joint appointment is listed on the official roster of each Department or agency, and his/her services and remuneration are allocated according to an agreed-upon plan. All jointly appointed members of the Department shall have a primary affiliation in a Faculty of the Department and, with the approval of the DAC, shall have the right to petition for secondary affiliations in Faculties of the Department.

1.2.5 Adjunct faculty: any person, within or outside the University, whose contributions to the work or welfare of the Department so merit may be considered for adjunct membership in the Department. Appointment to adjunct membership shall be for one calendar year, unless otherwise specified, and carries no implication for any future assignment or appointment to regular or joint membership. Application for adjunct membership shall be acted on by the DAC, and each appointment to adjunct membership shall include a statement of the scope and duration of the appointment. The status of adjunct faculty appointments shall be subject to annual review by the DAC for continuance or discontinuance. There shall be two categories of adjunct membership.

1.2.5.1 Adjunct I: regular or temporary faculty members of the University (or College) who are appointed principally or exclusively to some activity or position not within the Department, but whose qualifications and interests make adjunct membership mutually desirable. Adjunct I faculty shall have membership in a Faculty. Requests for Adjunct I membership shall be acted on initially by the appropriate Faculty and, if the Faculty recommends acceptance, the request shall be forwarded to the DAC for approval. If the DAC contemplates rejection of the Faculty's recommendation, the DAC shall submit its reasoning to the recommending Faculty and receive and consider the Faculty's response prior to action.* Upon recommendation of the DAC and with appropriate other approvals, the title of the Adjunct I faculty member will be changed to designate membership in the Department and his/her name will be added to the official roster of the Department. (NOTE: all adjunct memberships in effect at the time of approval of these bylaws shall be recognized by the Department.)

* *Each Faculty shall determine what, for that Faculty, will constitute "approval" for an adjunct appointment. Rejection of the recommendation of a Faculty shall require a two-thirds vote by the DAC.*

1.2.5.2 Adjunct II: persons without professional rank or appointment in the University whose professional position, qualifications, and interests make some relationship mutually desirable. Upon approval of the DAC, and with other appropriate approvals, an appointee will be designated: Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor, or Adjunct Instructor and his/her name will be added to the official roster of the Department. Adjunct IT faculty may, upon approval of a Faculty, have membership in a Faculty or may be appointed to adjunct membership in the Department only.

1.2.6 Emeritus faculty: all emeritus faculty of the Department of Educational Administration and faculty who attained emeritus status during the period when the Department was named Administration and Higher Education. Others may petition the Department for affiliation. Emeritus faculty shall be notified of, and have the right to attend, all general meetings of the Department.

1.3 Voting Rights

1.3.1 External matters: on matters external to the Department, the voting faculty shall consist of all regular faculty in the Department whose lead department is designed as Educational Administration.

1.3.2 Internal matters: on matters that are internal to the department, the voting faculty shall consist of all regular faculty, temporary faculty, and jointly appointed faculty. Adjunct faculty and emeritus faculty may be extended voting rights on internal matters if they are actively engaged in some activity of the Department and if they receive approval by the DAC and the Department Chair.

1.4 Student Participation

1.4.1 The student constituency shall consist of all persons officially enrolled as students in the University, except those who are also defined as faculty, who have been formally admitted as a major or, in the case of doctoral programs, a major or a minor in a program of the Department. An unenrolled person may retain student status for one term/semester if s/he has not been awarded a degree or enrolled as a degree candidate at another college or university or been withdrawn or recessed by the University.

1.4.2 Student participation in Department governance shall in all cases be in the same mode as faculty participation, except in decisions and policy concerning: salary, leaves, insurance, retirement, fringe benefits, appointment, reappointment, promotion, tenure,

or dismissal of individual faculty members or the professional responsibility of the faculty to establishment and maintain the intellectual authority of the University.

- 1.4.3 Student representatives shall be selected by their peers through mechanisms devised by the students. If student groups are unable to secure stipulated student membership, student positions shall remain vacant.

ARTICLE 2. MEETINGS OF THE DEPARTMENT

- 2.1 The Department shall meet once a term and more frequently at the call of: (a) the Department Chair, (b) resolution of two or more Faculties, (c) petition of 10 or more regular faculty members, or (d) the DAC. A meeting held during the fall faculty conference may serve as the meeting for the fall term/semester.
- 2.2 Written notice of all meetings, with an agenda, shall be sent to all faculty members at least one week prior to any meeting. This provision may be suspended in the event of emergency meetings.
- 2.3 The agenda for all meetings shall be set by the DAC. Faculty members may suggest agenda items to the DAC. Faculty members may move to add items to the agenda at any meeting and, if the motion be passed, the item(s) will be added.
- 2.4 A quorum for all actions except by law amendment (see Article 4) shall be one-third of members eligible to vote on internal matters. Faculty action shall require a majority of a quorum present and voting in meeting or on any mail ballot. Voting may be by voice or show of hand, unless one member calls for a roll call or secret ballot.
- 2.5 Any matter related to the activities or welfare of the Department may be discussed at a Department meeting.
- 2.6 The Department meeting shall determine its own procedures. Robert's Rules of Order will be a general guide for procedure.
- 2.7 The Department Chairperson or his/her designee shall chair all Department meetings, except any items bearing upon the conduct of the Chairperson, in which case the Chairperson of the DAC shall assume the chair.
- 2.8 A secretary, appointed by the Chairperson, shall make a written record of all meetings and circulate minutes to all members of the Department faculty. The DAC may rule that a tape recording of any meeting shall be made.

ARTICLE 3. ORGANIZATION OF THE DEPARTMENT

3.1 The Chair

- 3.1.1 Duties: the Department Chair serves as the chief representative of the Department with the College and the University. SIRE is responsible for educational, research, and service programs; budgetary matters; physical facilities; and personnel matters in his/her jurisdiction, taking into account the advisory procedures of the unit. The Chair has a special obligation to build a department strong in scholarship, teaching, and public service. The Department Chair shall have the responsibility to maintain communication with the Faculties and with the faculty generally; to identify departmental needs in consultation with appropriate faculty and faculty bodies; and to represent the interests of the Department, its Faculty, and its faculty members to the central administration of the College. The faculty have the right to expect the Chair to represent their interests fairly and accurately and, where the will of the faculty is clearly expressed, to adhere as closely as possible to the judgment of the faculty.
- 3.1.2 Selection: the DAC shall have shared responsibility with the Dean of the College to determine procedures for the selection of the Department Chair. Those procedures should include the provision for a representative body of the Department faculty to review all applicants and to prepare a ranked list of candidates. Selection procedures should also include provision for the regular faculty of the Department to express their assessment of candidates.
- 3.1.3 Selection of an Acting Chair: in the event that conditions require the appointment of an Acting Chair, the DAC shall receive and review applications and nominations of regular members of the Department faculty for the position and shall forward the name of one applicant to the Dean. Should the Dean not accept the nomination, the DAC will repeat the process until a satisfactory candidate shall be nominated.
- 3.1.4 Review: the Department Chair shall be reviewed at intervals not to exceed five years. Review of the Chair may be initiated by the Dean or by a petition of a majority of faculty members of the Department eligible to vote on internal matters. In any event, review is automatic at the end of a five-year term of office. The DAC shall have shared responsibility with the Dean to develop procedures for review of the Chair. Review should include effective mechanisms for participation of all faculty of the Department.
- 3.1.5 Term: the normal term of appointment for the Chair is five years. There shall be no restriction on reappointment of the Chair.

3.2 Coordinators for K-12 Administration, Adult and Continuing Education, and College and University Administration

- 3.2.1 Selection: each Faculty shall choose, from among its primary membership, one member to serve as Coordinator of the Faculty.
- 3.2.2 Duties: the Coordinator works in cooperation with the Department Chairperson in the following tasks:
- A. convenes necessary meetings of the Faculty, prepares agendas for such meetings, communicates regularly with the Department Chair on matters of concern to the Faculty, and performs any and all administrative duties within the purview of the Faculty; and
 - B. serves as a member of the DAC.

3.3 Standing Committees of the Department

- 3.3.1 There shall be three standing committees of the Department: the Department Advisory Committee, the Committee on Faculty Affairs, and the Committee on Academic Policy.
- 3.3.2 All standing committees shall be subject to the following general provisions:
- 3.3.2.1 Meetings: standing committees shall set their own meeting schedule. Special meetings may be called by the Department Chair or the chair of the committee. All meetings shall be open unless, for clearly stated and recorded reasons, the Chair declares the meeting closed.
 - 3.3.2.2 Procedures: standing committees shall determine their own procedures.
 - 3.3.2.3 Minutes: minutes shall be kept of all meetings and circulated to the faculty of the Department.
 - 3.3.2.4 Chairs: standing committees shall elect their own chairs.
 - 3.3.2.5 Terms: faculty shall serve for two-year terms, renewable once, and student members for one-year terms, renewable once. All committees shall have staggered terms so that half of each committee is elected each year.
 - 3.3.2.6 Review: the decisions of the standing committees of the Department are subject to review by the voting membership of the Department, upon a petition of 50% of the voting membership or upon referral by the standing committee.
 - 3.3.2.7 Alternates: Faculties may select alternates when a regular member is absent. Alternates shall have full voice and vote.

3.3.3 The Department Advisory Committee (DAC)

3.3.3.1 Membership: the DAC shall consist of the Departmental coordinators and chairpersons from the DCFA and DCAP. There shall be two student members selected by their peers.

3.3.3.2 Duties and responsibilities: the duties and responsibilities of the DAC shall include, but are not limited to, the following:

- A. to perform all duties and responsibilities assigned to unit advisory committees in University and College bylaws and not assigned to other standing committees of the Department as stipulated in these bylaws;
- B. to advise the Department Chair on all written documents setting forth policies for the Department in any area not assigned to another committee by these bylaws;
- C. to consult with the Department Chair on matters of administrative action within the purview of the Chair;
- D. to cooperate with the Chair in setting the agenda for Department meetings;
- E. to participate in selection and review of Department Chair as indicated in 3.1;
- F. to supervise and conduct any Departmental elections required for the governance of the Department and the College;
- G. to establish sub-committees of its own membership and/or ad hoc committees of the Department as needed for the effective operation of the Department;
- H. to advise and consult with the Chair on all matters slhe wishes to bring before it;
- I. to interpret these bylaws.

3.3.4 The Department Committee on Faculty Affairs (DCFA)

3.3.4.1 Membership: the DCFA shall consist of one representative from each Faculty of the Department, elected by the membership of the Faculty and one member elected at-large from the faculty of the Department. If the elected membership does not include representatives of (a) all professorial ranks on the Department

roster and b) at least one “protected class” member, the DCFA shall nominate persons satisfying those categories to the DAC for certification as members of the Committee on Faculty Affairs. The Department Chair shall be an ex-officio member. (APPROVED, 10/9/89). When advising the Department Chair regarding reappointment, tenure or promotion, Committee members at a lower or the same academic rank as the candidate shall not participate in discussions or vote on these decisions. (APPROVED 10/28/08).

3.3.4.2 **Duties and Responsibilities:** the duties and responsibilities of the DCFA shall include, but are not limited to, the following:

- a) to exercise *shared responsibility* with the Chair on the formulation of grievance procedures for obtaining an equitable adjudication of faculty grievance and on the rights and responsibilities of faculty; (Appendix D)
- b) to *advise* the Chair on personnel policies including, but not limited to, appointment, reappointment, promotion, leaves, retirement, and salary;
- c) to *consult* with the Chair in the formulation of budget decisions within the purview of the Department;
- d) to develop and distribute guidelines for materials to be submitted by faculty members in support of promotion and salary recommendations
- e) promotion materials shall be reviewed initially by the Faculties. The Committee on Faculty Affairs shall review recommendations for promotion with the Chair and shall *advise* the Chair on recommendations for promotion to be sent forward from the Department;
- f) to *advise* the Chair on guidelines, criteria, and procedures for the distribution of funds for faculty salary increases;
- g) to *consult* with the Chair on final Departmental recommendations for faculty salary increases;
- h) to *consult* with the Chair in review of faculty load and assignment;
- i) to exercise *delegated authority* for Departmental decision on the Granting or withholding of tenure

3.3.5 The Department Committee on Academic Policy (DCAP)

3.3.5.1 **Membership:** the DCAP shall consist of one representative from each Faculty of the Department, *one member elected at-large from the faculty of the Department*, and two student representatives. The Department Chair shall be an ex-officio member. (APPROVED 10/9/89).

3.3.5.2 Duties and responsibilities: the Duties and responsibilities of DeAP shall . -include, but are not limited to, the following:

- A. to exercise the faculty's delegated authority on grading policy;
- B. to exercise the faculty's delegated authority to review and approve or reject all changes in courses, curricula, and degree requirements proposed by Faculties;
- C. to advise the Chair on policy pertaining to curriculum revision, methods of instruction, evaluation of instruction and advising, and the establishment and deletion of courses and curricula;
- D. to consult with the Chair on policy pertaining to admissions and retention, financial aid, and the use and distribution of educational and research resources for students and programs;
- E. to advise and consult with the Chair on policy relating to research development;
- F. to serve as the Committee on Teaching for the Department;
- G. to serve as the Student-Faculty Advisory Committee for the Department;
- H. to serve as the Board for hearing student appeals as provided for in the Code of Teaching Responsibilities.

A panel/board hearing a student grievance will consist of the faculty and students on the Departmental Committee on Academic Policy (DCAP) with additional student members to be appointed by the Department Chair so as to be consistent with University policy. Subject to the University's hearing procedures, the Department Chair will also be responsible for replacing faculty members (e.g., for reasons of conflict of interest, etc.). The panel's procedures will conform with University guidelines (see most recent versions of documents entitled, "Information: Graduate Student -- Grade and Other Grievances," available from the office of the Ombudsman, Spartan Life, Student Resource Guide and Handbook). (This paragraph was approved as an amendment to item 3.3.5.2.H, 12/7/92.)

ARTICLE 4. REVIEW AND AMENDMENT

- 4.1 Review: these bylaws shall be reviewed at intervals of no more than five years. Review shall be conducted by appropriate College committees. The decisions of such committees can be appealed to the University Committee on Academic Governance.
- 4.2 Amendment: these bylaws may be amended by a two-thirds vote of a quorum of 50% plus one of faculty eligible to vote on internal matters. Voting may take place by mail ballot or by vote in a meeting of the Department. If amendment(s) are voted on in a Department meeting, mail ballots must be provided for faculty not present and results shall not be final until mail ballots are returned, unless the vote in the Department meeting is sufficient to pass amendment(s) as stated here. Any faculty member or group of faculty members may propose amendment(s) at any time. Proposals for amendment(s) shall be made to the Faculty Advisory Committee. The DAC shall prepare and distribute proposed amendment(s), setting forth clearly the changes proposed.

At least one week shall elapse between the distribution of proposed amendment(s) and the vote on amendment(s). The DAC may, at its discretion, schedule open meetings on proposed amendment(s) prior to vote.

ARTICLE 5. REAPPOINTMENT, PROMOTION, AND TENURE RECOMMENDATIONS
(APPROVED, 3/30/92.)

5.1 Criteria, Standards, and Sources of Evidence

5.1.1 The criteria, standards, and sources of evidence to be used in reappointment, promotion, and tenure reviews are specified in the Appendix to these Bylaws entitled "Reappointment, Promotion, and Tenure: Criteria, Standards and Evidence" adopted by the faculty on March 30, 1992. The Department Chair is responsible for providing this document to new regular faculty at the time of initial appointment and discussing it thoroughly with them.

5.2 Procedures

5.2.1 All procedures shall conform to the Academic Personnel Policies specified in the Faculty Handbook. Tenure system faculty without tenure may apply to be considered for tenure prior to the date of a mandatory tenure review. Tenured faculty below the rank of Full Professor may apply to be considered for promotion in any year. The Department Chair will be responsible for initiating mandatory reappointment, promotion, and tenure reviews. It shall be the responsibility of faculty not subject to mandatory review to notify the Chair that they wish to be considered for promotion and/or tenure. The Chair and the candidate share responsibility for compiling a dossier of materials documenting the candidate's accomplishments as specified in the document "Reappointment, Promotion, and Tenure: Criteria, Standards, and Evidence." The candidate will provide the Chair with a list of at least three individuals who the candidate believes qualified to judge his/her accomplishments. The Chair shall form a list of external referees, selecting at least three names from the list provided by the candidate and adding additional names as the Chair deems appropriate, to total at least six names. After discussing the names on this list with the candidate and modifying it as appropriate, the Chair shall solicit confidential letters of evaluation from the external referees. The Chair shall ensure that the Department adheres to University policies regarding the confidentiality of such materials. The Chair shall assemble other relevant Departmental materials, such as negotiated load expectations, annual reviews, written teaching evaluations, etc. The candidate shall be responsible for assembling other materials in support of his/her candidacy.

5.2.2 The initial review of the dossier of materials of candidates for reappointment, promotion, and/or tenure will be conducted by the unit with which the candidate has a primary affiliation. All tenured regular faculty with a primary or secondary affiliation in the relevant unit will be eligible to participate in the review of candidates for reappointment or promotion to Associate Professor. Review of candidates for promotion to full professor will be limited to regular faculty with a primary or secondary affiliation in the relevant unit who hold the rank of Full Professor. The Department Chair may participate in such reviews if eligible. The unit coordinator will

make the candidate's materials available to faculty eligible to participate in the review. The unit coordinator will convene a meeting of the eligible faculty to discuss the candidate's materials. The candidate has the right to make a presentation at this meeting but shall not be present during deliberations. The unit coordinator (or his/her designee) will conduct a vote, via a written ballot, on whether to support the candidate's application for reappointment, promotion, and/or tenure. Only faculty who **affirm** that they have reviewed both the candidate's dossier and the document entitled "Reappointment, Promotion, and Tenure: Criteria, Standards, and Evidence" shall be eligible to vote. Absentee ballots are permissible if the preceding conditions are satisfied. The unit coordinator (or his/her designee) shall prepare a memorandum summarizing the deliberations and indicating the outcome of the vote. This memorandum, which is advisory to the Department Chair, will become part of the candidate's dossier. The dossier will be forwarded to the Department Committee on Faculty Affairs.

- 5.2.3 The Department Committee on Faculty Affairs (DCFA) will review the candidate's dossier. The Department Chair, as an ex-officio member of the DCFA, may participate in this review. The candidate has the right to make a presentation at the meeting of the DCFA convened to discuss the candidate's application. The chairperson of DCFA will conduct a vote, via written ballot, on whether to support the candidate's application. All faculty serving on the DCFA, regardless of rank, are eligible to vote, but only faculty who affirm that they have reviewed both the candidate's dossier and the document entitled "Reappointment, Promotion, and Tenure: Criteria, Standards, and Evidence" shall participate in the vote. Absentee ballots are permissible if the preceding conditions are satisfied. The chairperson of the DCFA will prepare a memorandum summarizing the deliberations and indicating the outcome of the vote. This memorandum, which is advisory to the Department Chair, will become part of the candidate's dossier. The dossier will be forwarded by the chairperson of DCFA to the Department Chair.
- 5.2.4 The Department Chair is solely responsible for recommending, after consultation with faculty, a personnel action and forwarding that recommendation to the Dean of the College of Education. The memorandum summarizing this recommendation shall include the outcomes of the votes taken at the unit level and by the DCFA. The Department Chair will notify the candidate of his/her recommendation, and the reasons for the recommendation, in writing within 15 working days of the date the recommendation is forwarded to the Dean of the College.

APPENDIX A

MODES OF PARTICIPATION

(Bylaws of Academic Governance, p. 9)

- 1.3 There are four modes of faculty and student participation identified for use in Academic Governance.
 - 1.3.1 Consultation: a body of faculty and/or students who discuss with and inform the administrator with authority and responsibility for decision. Such a committee is not a deliberative body; there is no vote. Rather the members express their views to inform an administrator's decision.
 - 1.3.2 Advisory: a deliberative body of faculty and/or students recommendations to an administrator authorized to make decisions. The administrator is not bound by the recommendation and accepts responsibility for the decision.
 - 1.3.3. Shared responsibility: a deliberative body of faculty and/or students makes recommendations to an administrator authorized to make decisions. If the administrator and deliberative body cannot agree and action must be taken, the recommendations of the administrator and the deliberative body will be submitted in writing to the next higher administrative level for resolution.
 - 1.3.4 Delegated authority: a deliberative body of faculty and/or students is authorized to make decisions on specified matters. Such decisions are subject to administrative review, but will be altered only in exceptional circumstances.

APPENDIX B

RECOMMENDED GUIDELINES: ORGANIZATION AND FUNCTIONS OF THE FACULTIES

1.0 Organization of the Faculties

- 1.1 Each Faculty shall choose from among its primary membership one member to serve as Coordinator of the Faculty. It shall be the responsibility of the Coordinator to convene necessary meetings of the Faculty, to prepare agendas for such meetings, to communicate regularly with the Department Chair on matters of concern to the Faculty, and to perform any and all administrative duties within the purview of the Faculty.
- 1.2 The coordinator of the Faculty may appoint members of the Faculty to such Faculty activities as may be necessary to insure the effective functioning of the Faculty.

2.0 Functions of the Faculties

- 2.1 The Faculty shall perform the delegated responsibility of the Department in the origination, review, and elimination of courses and programs. The Faculty shall recommend on all matters of academic policy to the Department Chair and to appropriate Departmental committees.
- 2.2 The Faculty shall have delegated authority within the context of University, College, and Department policies for admission of degree candidates and for the development and enforcement of standards for degrees, including examinations.
- 2.3 The Faculty shall have delegated authority to recommend adjunct membership in the Faculty to faculty members who petition for such membership.
- 2.4 The Faculty shall advise the Department Chair on all matters of promotion, tenure, salary, or other aspects of faculty welfare.
- 2.5 The Faculty shall advise the Department Chair on selection of new faculty members in the Faculty and shall, where appropriate, select membership for Search and Recommendation Committees.
- 2.6 The Faculty shall determine its own procedures and voting rights on matters internal to the Faculty.

APPENDIX C

REAPPOINTMENT, PROMOTION, AND TENURE: CRITERIA, STANDARDS, AND EVIDENCE

(Adopted by the "Faculty, March 30, 1992)

This Appendix sets forth the criteria, standards, and sources of evidence governing the reappointment, promotion, and tenure of faculty within the Department of Educational Administration at Michigan State University.

Recommendations for reappointment, promotion, and/or tenure shall be based on criteria related to a candidate's appointment responsibilities and activities in the following three areas: (1) the production of knowledge, (2) the transmission of knowledge, and (3) the application of knowledge. We also recognize the importance of institutional service and expect that all faculty will participate in those activities necessary to maintain the Department, College and University. In addition, faculty are expected to participate actively in their professions, serving their chosen fields in ways that contribute to the growth and development of the profession. The following paragraphs provide detailed examples of criteria and sources of evidence that may be applied to activities in these areas.

In setting out these criteria, standards, and sources of evidence, we affirm the commitment of the Department of Educational Administration to the fundamental principles of academic freedom. In particular, we affirm that faculty are entitled to freedom in pursuit of their academic responsibilities in the areas of production, transmission and application of knowledge. A detailed statement on faculty rights and responsibilities, including academic freedom and responsibility, is reproduced in the Faculty Handbook.

Criteria

Production of Knowledge

The production of knowledge is marked by the search for new knowledge (including the discovery, reconceptualization, and synthesis of knowledge) and the use of high standards of technical expertise, professional judgment, and intellectual honesty in the pursuit and creation of new knowledge. Faculty members who excel in the production of knowledge make original and useful contributions that are respected by their colleagues and peers, both within and outside of the university. Through their efforts, they foster or spark new research and have an impact on scholarship in their area of specialization. They are aware of new developments and strive to broaden and deepen their knowledge and understanding of their specialties and, where relevant, related fields.

Evidence of excellence in the production of knowledge comes from a variety of sources. These should include reports on the production of knowledge in the form of published and unpublished writings such as journal articles, books, book chapters, book reviews, technical reports, grant proposals, and conference papers. Evidence may also consist of other public forms of disseminating one's scholarship, such as conference or seminar presentations, lectures, performances, and exhibits. In addition, invitations to participate in others' research activities may be evidence of excellence. Letters or comments from external peer reviewers are also an important form of evidence of excellence in the production of knowledge. The candidate's dossier must include external letters of evaluation, as specified in the Department bylaws. A candidate's self-evaluation may also be used as evidence.

Transmission of Knowledge!

The transmission of knowledge is marked by the honest and open attempt to disseminate knowledge both by teaching and inspiring learners to inquire for themselves. Faculty members who excel in the transmission of knowledge demonstrate command of subject matter and present ideas clearly and in an organized way. They foster intellectual curiosity and encourage learners to challenge and exchange ideas. They demonstrate concern and respect for the learners with whom they interact, both individually and in groups. They show and generate enthusiasm in subject matter and are recognized by their students and university colleagues as persons who guide and inspire the individuals whose lives they touch. Faculty who excel in knowledge transmission use appropriate techniques to foster and measure learning and are willing to help individual learners. They strive continuously to broaden and deepen their knowledge and understanding of their fields of expertise and stay up to date with recent developments in the field.

Evidence of excellence in the transmission of knowledge should be demonstrated by the evaluations of learners and of professional peers. Typically the evaluations of learners will include SIRS forms, and may also include other evaluation forms completed by learners, letters from students in courses, and letters from groups sponsoring public presentations. Other sources of evidence may include course syllabi, curriculum materials, syllabi and materials for new courses devised and instituted, and extramural course and program development, support, and proposals. Examples of other sources of evidence that may be relevant include written faculty evaluations of classroom observations; quantity and quality of the doctoral dissertations on which the candidate served as a committee member or chair; awards and honors received for teaching; solicited letters from advisees; formal or informal collegial judgments regarding the candidate's contributions to unit, Department, College or University curriculum formulation; manuscript or proposal reviews; and candidate self-evaluations.

The use of the phrase "transmission of knowledge" is for convenience and is not meant to deny the legitimacy of constructivist approaches to learning.

Application of Knowledge

The application of knowledge is marked by the marshaling of specialized knowledge and professional judgment to address social problems and issues of concern to a wider public than the discipline or the academy. Faculty who excel in the application of knowledge interpret their own scholarship and that of others for practitioners and lay audiences. They identify problems and issues of practice and develop new ways to instruct, inform, and assist their clientele to solve those problems. They are knowledgeable about current research and new developments in their areas of specialization and demonstrate the ability to interpret, facilitate, or apply this knowledge to meet the needs of their publics. They are successful in communicating and maintaining professional relationships with practitioners, especially with regard to the linkage between problems of practice and the ability of scholarship to inform those problems.

Evidence of excellence in the application of knowledge should include the evaluations of practitioners in the form of solicited or unsolicited letters or formal or informal evaluations of workshops and in-service activities. Because communicating with practitioners is an important element of knowledge application, evidence of such communication, in the form of talks to practitioners, workshops, and in-service activities conducted, consultations, and audio and video materials developed, is desirable. Other forms of evidence may include writing in newsletters, books, and other publications oriented to practitioners and the improvement of practice, manuscript and proposal reviews, grants and contracts received, and candidate self-evaluations. In addition, faculty peer review of both the quality and quantity (or scope) of activities contributing to the application of knowledge should be solicited. It is recognized that contributions to the field of practice are jointly determined by the quality of knowledge application activities and the number of practitioners whose lives are touched by those activities.

Institutional Service

Institutional service pertains to contributions to the successful functioning of the University at all levels. In addition to responsibilities in the areas of the production, transmission, and application of knowledge, faculty members are frequently called upon to engage in a variety of activities necessary for maintaining institutional vitality. Faculty members who excel in institutional service participate effectively in faculty governance and in the formulation and implementation of Department, College, and University policies. They also may carry out administrative responsibilities at the unit, Departmental, College, or University level. They take their service responsibilities seriously and apply their creative energies to the identification and solution of problems of institutional functioning at various levels. They work collaboratively and cooperate with other faculty and administrators and are willing to assume an appropriate share of the institutional work for which the faculty is responsible. They demonstrate leadership and initiative and express a spirit of helpfulness. Faculty who excel at institutional service are willing to take on institutional tasks to further the collective good of the unit, Department, College, or University.

Evidence of excellence in institutional service is both quantitative and qualitative in nature. It consists of an enumeration of institutional service activities, such as membership on and service to unit, Departmental, College, and University committees and administrative assignments, as well as descriptions of participation in the process of formulating and implementing policy. Other sources of evidence may consist of documents and products arising from service activities and the evaluations of faculty peers and administrators of the quality of the candidate's service in such activities. A candidate's self-evaluations are an important source of evidence.

Standards

Standards of performance vary according to the specific personnel action under consideration. As a rule, higher standards are applied to personnel actions involving higher academic ranks.

Reappointment as Assistant Professor

The decision to reappoint an individual to the rank of assistant professor is based on evidence of potential to make significant contributions in the scholarly areas of production, transmission and/or application of knowledge. Successful candidates for reappointment as assistant professor will show evidence of professional growth and development that can lead to excellent performance in at least two, and preferably three, scholarly areas of production, transmission, and application of knowledge. In addition, candidates should show evidence of or the promise of contributions to institutional service.

Promotion to or Reappointment as Associate Professor with Tenure

Promotion to or reappointment as associate professor with tenure represents a long-term commitment on the part of the University to a candidate. The decision to award tenure is based on evidence of sustained achievements in the areas of the production, transmission, and/or application of knowledge. It is generally expected that the successful candidate will demonstrate high levels of performance in at least two of the three areas of production, transmission, and application of knowledge. In addition, candidates should show evidence of or the promise of contributions to institutional service.

Promotion to Professor

Promotion to full professor is typically the highest academic honor an institution can award individual faculty members. No faculty member is entitled to promotion to professor simply based on years of service at the rank of associate professor. Rather, promotion to the rank of professor signifies recognition by the University and its faculty that a candidate has achieved a national or international reputation in the individual's field of study. Promotion to the rank of professor is

based on sustained excellent performance in the production, transmission and/or application of knowledge. The successful candidate's record must demonstrate a strong expectation for continued outstanding performance over the remainder of the candidate's academic career at the University. The successful candidate typically will have a record of outstanding contributions in at least two of the three areas of scholarship. In addition, candidates for promotion to the rank of professor are expected to demonstrate a solid record of institutional service. A defining feature of individuals holding the rank of professor is the exercise of leadership, either in a scholarly community, in the University community, or in a larger public domain.

Additional Commentary in Evidence

Direct and Indirect Faculty Involvement

Faculty involvement in the production, transmission, and application of knowledge can be either direct or indirect. Direct faculty involvement implies that a faculty member's activities are *directly* responsible for the production, transmission, and/or application of knowledge. Some common examples include: conducting a research study may represent the direct production of knowledge, teaching a graduate seminar may represent the direct transmission of knowledge, and helping to draft a strategic plan for a school district may represent the direct application of knowledge.

Indirect faculty involvement implies that a faculty member's activities *lead indirectly* to the production, transmission, and/or application of knowledge. Some common examples include supervising a doctoral dissertation which may represent the indirect production of knowledge (as well as, perhaps, the direct transmission of knowledge); serving on a department curriculum committee may represent the indirect transmission of knowledge (as well as, perhaps, the direct production or application of knowledge); or speaking to a practitioner group may represent the indirect application of knowledge (as well as, perhaps, the direct transmission of knowledge).

In this way it can be understood that a particular faculty activity may contribute directly to one or more domains of faculty responsibility and indirectly to one or more domains as well. For example, in the example cited above, speaking to a practitioner group may reflect the direct transmission of knowledge and the indirect production of knowledge. Similarly, serving as an officer in a professional organization may represent the direct application of knowledge and the indirect production and/or transmission of knowledge.

Although both the direct and indirect production, transmission, and application of knowledge are important criteria, the evaluation process should give more credence to the direct production, transmission, and application of knowledge than to the indirect production, transmission, and application of knowledge. Direct contributions are easier to assess, more visible, and more central both to the faculty role and the University mission. At the same time, indirect contributions should be recognized as the result of faculty professional activity where appropriate.

Complex Cases

Professional activities. There are a number of professional activities that do not fit neatly into the three scholarly categories described in this document. Among these are activities characterized as "service to the field," an integral part of the faculty role. Examples of such activities are serving as an officer in a professional organization, serving as an editor of a professional journal, or reviewing manuscripts or proposals for professional bodies or public agencies. These activities are described as complex because the activity is not descriptive of the scholarly contribution. Unlike teaching a class, which is readily recognizable as the transmission of knowledge, editing a journal is an ambiguous scholarly activity. It might reflect the production of knowledge (perhaps by shaping the content and quality of published work), or perhaps the transmission of knowledge (by improving the quality of discourse, or helping an author communicate more successfully with a professional audience). The critical point, however, is that the verb "editing" does not describe the nature of the scholarly activity or activities involved in sufficient detail to categorize them. Serving professional organizations, reading manuscripts or proposals, consulting with the field, and being nominated for or receiving professional recognition or awards represent similar difficulties.

In light of this, candidates preparing narratives describing their professional accomplishments may need to pay special attention to the ways in which they describe the scholarly contributions of activities like the ones described above. In the absence of such explanatory material, there is a risk that the scholarly contributions will be misjudged. Moreover, because the candidate is in the best position to explain the nature of such activities, his or her interpretation of their contributions to the production, transmission and/or application of knowledge is invaluable. Instances of professional service that are not readily described as scholarly also are important; these should be grouped with institutional service in a candidate's narrative.

Diversity. An additional source of complexity pertains to activities undertaken in support of the University's commitment to diversity and the improvement of opportunities for traditionally disadvantaged groups in society. We regard the pursuit of the University's principles of diversity and affirmative action as a special obligation of all faculty members in the Department. We also recognize that faculty drawn from traditionally disadvantaged groups may be called upon to render service to the University that is based more on these faculty members' personal characteristics and experiences than on their specific scholarly expertise. To cite but one example, minority faculty may be asked to serve on a disproportionate share of University committees to help broaden representation on such committees. We affirm the importance of such activities to the mission of the Department, College, and University.

Collaborative work. Finally, we acknowledge the complexity of judging the ways in which candidates contribute to collaborative work. Collaborative activity is not to be systematically devalued or elevated in importance. Rather, the value of collaborative scholarly work is to be judged via a careful delineation of the contributions made by individual collaborators. The collaborating individuals are the primary source of evidence of their respective contributions.

Evaluation as a Holistic Activity

The evaluation of faculty accomplishments necessarily involves the exercise of professional judgment. This document specifies sample criteria, standards, and sources of evidence for judging faculty accomplishments in the areas of the production, transmission, and application of knowledge and of institutional service. While outstanding performance in a subset of these domains may be a sufficient basis for a positive outcome, faculty should be reviewed along all dimensions of professional activity.

There are several reasons for this. First, faculty should be recognized for all of their accomplishments, not just those in one or two domains of activity. A process which only examined a subset of the domains would not provide adequate recognition of the range of faculty accomplishment. Second, the reappointment, promotion, and tenure process provides an opportunity for the faculty of the Department to provide feedback to candidates regarding their performance. The evaluation of a candidate along only one or two dimensions would fail to provide feedback regarding a wide range of scholarly activity. Third, while faculty generally will have stronger records in some areas than in others, the faculty role may encompass all domains of professional activity, especially over the course of a professional career. To allow faculty to be evaluated on the basis of only one or two of these domains sends a signal that striving for excellence in all domains is not important. For these reasons, then, the evaluation process should examine all domains of faculty activity. It is understood, however, that the overall evaluation of faculty performance is holistic, such that exceptionally strong records of performance in some areas may balance weaker records in others.

Evaluation and Faculty Load

As an element of due process and a principle of fairness, faculty should know the bases on which their accomplishments are to be evaluated. In particular, faculty performance should be evaluated in light of load assignments negotiated between the candidate and the Department Chair. If faculty and the Chair negotiate faculty participation in specific projects or activities, faculty performance in those projects or activities should be weighted more heavily than their performance in other areas. Individual faculty and the Department Chair share the responsibility of ensuring that such negotiated load assignments are consistent with the standards specified in this document.

Balance between Merit and Worth

Merit refers to judgments about the scholarly accomplishments of individuals, *independent of the institutional context*. In contrast, worth refers to judgments about the value of these scholarly accomplishments *to the institution*. Scholarly accomplishments that are widely valued in a national or international scholarly community, but that do not contribute to a unit, departmental, or College mission, *may* be of little worth to the institution. Similarly, scholarly activity consistent with unit, departmental, or College priorities, and hence reflecting substantial worth in the institutional context, may be of little merit in the eyes of a wider scholarly audience. The evaluation process should take account of both merit and worth. While specific activities may be valued more highly

by one scholarly community than the other, the expectation is that the body of faculty accomplishments should reflect at least moderate levels of both merit, judged by a broad scholarly community, and worth, judged by the Michigan State University community.

Bylaws
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APPENDIX D

FACULTY GRIEVANCE PROCEDURE

1. Any BAD regular faculty member with the rank of professor, associate professor, assistant professor, lecturer, instructor, assistant instructor, research associate, specialist, or librarian may initiate a grievance procedure, alleging violation of existing policies or established practices by an administrator, by filing a complaint with the *FGD* pursuant to the procedures set forth in the Faculty Grievance Procedure.
2. Initiation of Grievances and Hearing Procedures
 - 2.1 Initiation of Grievances
 - 2.1.1 A Faculty member who feels aggrieved may without delay discuss the matter in a personal conference with the FGO. The FGO shall determine if the grievance falls under the Faculty Grievance Procedure, the University Committee on Faculty Tenure or the Anti-Discrimination Judicial Board.
 - 2.1.2 In order to establish and retain access to the formal hearing mechanisms at the department level, a faculty member must submit a written grievance statement to the FGO within 30 days of his/her first knowledge of the alleged violation.¹
 - 2.1.3 The grievance statement shall set forth the alleged violation of existing policy or established practices, a concise statement of the facts relevant to the grievance, the name(s) of any administrator(s) whose action is at issue, the approximate date on which the alleged action took place, and the redress sought.
 - 2.1.4 The FGO shall forward a copy of the grievance statement to the administrator(s) named within 10 days of receipt of the grievance.
 - 2.2 Informal Resolution
 - 2.2.1 The FGO shall investigate the grievance and make every reasonable effort to resolve it informally. The FGO may recommend dropping the grievance as lacking in merit or for other just cause. Such a recommendation, however, shall not be binding on the grievant.

¹For good cause shown, any time limits specified in this document may be waived or extended by the FGO or upon mutual agreement of the parties. References to days in this document are to calendar days.

- 2.2.2 Within 30 days of the filing of the grievance statement, the parties and the FGO shall attempt to resolve the grievance informally. If the FGO determines that the grievance cannot be resolved informally, notice shall be provided to the parties. If the faculty member wishes to pursue the grievance, a written request for a formal hearing must be submitted to the FGO within 30 days of such notice. Failure to submit such a request will constitute a waiver of the faculty member's right to pursue the grievance.
- 2.2.3 The FGO shall determine after consultation with both parties the appropriate hearing level (department/unit, college, university) and shall notify the administrator at the appropriate level of the written request for hearing.

3. Formal Hearing Procedures

- 3.1 A department hearing panel shall be established by the FGO in the following manner:
 - 3.1.1 A hearing panel shall consist of 3 members, drawn by lot from the department faculty. All drawing shall be conducted by the FGO.
 - 3.1.2 The FGO shall notify each party of the names drawn for the hearing panel and within 10 days either party may challenge any member for cause. In addition, each party shall have one peremptory challenge. Cause shall be determined by the Departmental Advisory Council (DAC) or its designee(s). Challenged members shall be replaced pursuant to the procedures stated in 3.1.1.
- 3.2 The hearing panel shall conduct a hearing according to the procedures stated below and according to guidelines in Articles 3 and 6 of the Faculty Grievance Procedure.
 - 3.2.1 A hearing shall commence within 14 days of the establishment of the hearing panel.
 - 3.2.2 The FGO shall assemble the hearing panel and shall supervise selection of the Presiding Officer from among the members of the hearing panel.
 - 3.2.3 The Presiding Officer shall apply the rules of procedure consistent with the guidelines stated in Article 6 of the Faculty Grievance Procedure.
 - 3.2.4 The hearing panel shall decide whether the preponderance of the evidence does or does not support the allegation(s) made by the grievant.
 - 3.2.5 Findings and recommendations of hearing panels shall conform to existing policy and procedures in the departmental Bylaws.

- 3.2.6 Whenever a hearing panel loses a member, the hearing shall be terminated and a new panel selected.
- 3.2.7 Hearing panels shall report their findings and recommendations in writing within 14 days of the completion of the hearing to the FGO, who shall forward them to the grievant, the respondent, and the administrator who is the respondent's immediate supervisor.
- 3.3 The Presiding Officer shall provide written notification of his/her decision to the parties to the grievance and to the FGO within 14 days of his/her receipt of the findings and recommendations of the hearing panel. Failure to provide written notification shall result in automatic appeal.
- 3.4 If the grievance is not satisfactorily resolved, either party may appeal the decision within 14 days of the receipt of the decision of the appropriate administrator, in accordance with the procedures established in Article 5 of the Faculty Grievance Procedure.
 - 3.4.1 Failure to appeal within the prescribed time shall be deemed to be acceptance of the decision.

APPROVED BY EAD Faculty
April 26, 1993

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Department of Educational Administration
Michigan State University

Academic Hearing Procedures for the Department of Educational Administration

Each right of an individual places a reciprocal duty upon others: the duty to permit the individual to exercise the right. The student, as a member of the academic community, has both rights and duties. Within that community, the student's most essential right is the right to learn. The University has a duty to provide for the student those privileges, opportunities, and protections which best promote the learning process in all its aspects. The student also has duties to other members of the academic community, the most important of which is to refrain from interference with those rights of other which are equally essential to the purposes and processes of the University. (AFR Article 1.)

The *Academic Freedom for Students at Michigan State University (AFR)* and the *Graduate Student Rights and Responsibilities (GSRR)* documents establish the rights and responsibilities of MSU students and prescribe procedures for resolving allegations of violations of those rights through formal grievance hearings. In accordance with the AFR and the GSRR, the Department of Educational Administration has established the following Hearing Board procedures for adjudicating student academic grievances and complaints, and for conducting disciplinary hearings. (See AFR Article 6 and 7; GSRR 5.4.1.)

I. JURISDICTION OF THE DEPARTMENT OF EDUCATIONAL ADMINISTRATION (EAD) HEARING BOARD:

- A.** The EAD Hearing Board serves as the initial Hearing Board for academic grievance hearings involving graduate and undergraduate students who allege violations of academic rights and graduate students seeking to contest an allegation of academic misconduct (academic dishonesty, violations of professional standards or falsifying admission and academic records). (See AFR 6.I.A and 7.I.B; GSRR 2.3.9 and 5.1.1.)
- B.** Students may not request an academic grievance hearing based on an allegation of incompetent instruction. (AFR 2.II.A-D; GSRR 2.2.2 and 2.2.4.)

II. COMPOSITION OF THE HEARING BOARD:

- A.** The Department shall constitute a Hearing Board pool no later than the end of the tenth week of the spring semester. The faculty pool consists of all regular faculty members from the Department of Educational Administration and the graduate pool includes 8 members identified by the Program Unit Coordinators representing each of the graduate programs. Because the Department does not have undergraduate students, an undergraduate pool will be identified via the established processes of the three other Departments in the College of Education.
- B.** The Hearing Board members will be selected by the Department Chair based on recommendations within the appropriate member pools by the Department Advisory Committee (DAC).
- C.** For hearings involving graduate students, the Chair of the Hearing Board shall be the faculty member with highest rank, who shall vote only in the event of a tie. In addition to the Chair, the Hearing Board shall include an equal number of voting graduate students and faculty, including the unit administrator, or designee. (See GSRR 5.1.2, and 5.1.5.)
- D.** For hearings involving undergraduate students, the Chair of the Hearing Board shall be the faculty member with highest rank, who shall vote only in the event of a tie. In addition to the Chair, the Hearing Board shall include an equal number of voting undergraduate students and faculty. (See AFR 6.I.B.C)

- E. The Department will train hearing board members about these procedures and the applicable sections of the AFR and GSRR. (See AFR 7.IV.C; GSRR 5.1.3.)

III. REFERRAL TO HEARING BOARD:

- A. After consulting with the instructor and appropriate unit administrator, undergraduate or graduate students who remain dissatisfied with their attempt to resolve an allegation of a violation of student academic rights may request an academic grievance hearing. When appropriate, the Department Chair, in consultation with the Dean, may waive jurisdiction and refer the request for a hearing to the College Hearing Board. At any time in the grievance process, students may consult with the University Ombudsperson. (See AFR 7.III.A, 7.IV.H; GSRR 5.3.)
- B. After consulting with the instructor and appropriate unit administrator, graduate students who remain dissatisfied with their attempt to resolve an allegation of a violation of academic misconduct (academic dishonesty, violations of professional standards or falsifying admission and academic records) may request an academic grievance hearing. When appropriate, the Department Chair, in consultation with the Dean, may waive jurisdiction and refer the request for a hearing to the College Hearing Board. At any time in the grievance process, students may consult with the University Ombudsperson. (See AFR 7.III.A, 7.IV.H; GSRR 5.3.)
- C. In cases of ambiguous jurisdiction, the Associate Provost for Undergraduate Education will select the appropriate Hearing Board for hearings involving undergraduate students, and the Dean of The Graduate School will select the appropriate Hearing Board for cases involving graduate students. (See AFR 7.III.B; GSRR 5.3.)
- D. Generally, the deadline for submitting the written request for a hearing is the middle of the next semester in which the student is enrolled (including summer). If either the student (the complainant) or the respondent (usually, the instructor or an administrator) is absent from the university during that semester, or if other appropriate reasons emerge, the Hearing Board may grant an extension of this deadline. If the university no longer employs the respondent before the grievance hearing commences, the hearing may still proceed. (See AFR 7.III.C; GSRR 5.3.6.1.)
- E. A written request for an academic grievance hearing must (1) specify the specific bases for the grievance, including the alleged violation(s) of the AFR or GSRR, (2) identify the individual against whom the grievance is filed (the respondent) and (3) state the desired redress. Anonymous grievances will not be accepted. (See AFR 7.III.B and C, AFR footnote 35.)

IV. PRE-HEARING PROCEDURES

- A. After receiving a student's written request for a hearing, the Chair of the Department will promptly refer the grievance to the Chair of the Hearing Board. (See AFR 7.IV.D.1; GSRR 5.3.2, 5.4.3.)
- B. Within **5** class days, the Chair of the Hearing Board will:
 1. forward the request for a hearing to the respondent;
 2. send the names of the pool of Hearing Board members to both parties and, to avoid conflicts of interest between the two parties and the Hearing Board members, request written challenges, if any, within **3** class days of this notification;
 3. rule promptly on any challenges, impanel a Hearing Board and send each party the names of the Hearing Board members. If the Chair of the Hearing Board is the subject of a

challenge, the challenge shall be filed with the Chair of the Department (see AFR 7.IV.D; GSRR 5.1.7.); and

4. send the Hearing Board members a copy of the request for a hearing and the written response, and send all parties a copy of these procedures.
- C. Within **5** class days of being established, the Hearing Board shall review the request, and, after considering all requested and submitted information:
1. accept the request, in full or in part, and promptly schedule a hearing.
 2. reject the request and provide a written explanation to appropriate parties; e.g., lack of jurisdiction. (The student may appeal this decision.)
 3. invite the two parties to meet with the Hearing Board in an informal session to try to resolve the matter. (Such a meeting does not preclude a later hearing.) (See AFR 7.IV.D.4 and AFR footnote 35; GSRR 5.4.6.)
- D. If the Hearing Board calls for a hearing, the Chair of the Hearing Board shall promptly negotiate a hearing date, schedule an additional meeting only for the Hearing Board should additional deliberations on the findings become necessary, and request a written response to the grievance from the respondent.
- E. At least **5** class days before the scheduled hearing, the Chair of the Hearing Board shall notify the respondent and the complainant in writing of the (1) time, date, and place of the hearing; (2) the names of the parties to the grievance; (3) a copy of the hearing request and the respondent's reply; and (4) the names of the Hearing Board members after any challenges. (See AFR 7.IV.D.5; GSRR 5.4.7.)
- F. At least **3** class days before the scheduled hearing, the parties must notify the Chair of the Hearing Board the names of their witnesses and advisor, if any, and request permission for the advisor to have voice at the hearing. The chair may grant or deny this request. The Chair will promptly forward the names given by the complainant to the respondent and visa versa. (See AFR 7.IV.D.6; GSRR 5.4.7.1.)
- G. The Chair of the Hearing Board may accept written statements from either party's witnesses at least **3** class days before the hearing. (See AFR 7.IV.D.10.)
- H. In unusual circumstances and in lieu of a personal appearance, either party may request permission to submit a written statement to the Hearing Board or request permission to participate in the hearing through an electronic communication channel. Written statements must be submitted to the Hearing Board at least **3** class days before the scheduled hearing. (See AFR 7.IV.D.9; GSRR 5.4.9c.)
- I. Either party to the grievance hearing may request a postponement of the hearing. The Hearing Board may either grant or deny the request. (See AFR 7.IV.D.8; GSRR 5.4.8.)
- J. At its discretion, the Hearing Board may set a reasonable time limit for each party to present its case, and the Chair of the Hearing Board must inform the parties of such a time limit in the written notification of the hearing.
- K. Hearings are closed unless the student requests an open hearing, which would be open to all members of the MSU community. The Hearing Board may close an open hearing to protect the confidentiality of information or to maintain order. (See AFR 7.IV.D.13; GSRR 5.4.10.4.)
- L. Members of the Hearing Board are expected to respect the confidentiality of the hearing process. (AFR 7.IV.D.13, 7.IV.F.)

V. HEARING PROCEDURES:

- A. The Hearing will proceed as follows:

1. Introductory remarks by the Chair of the Hearing Board: The Chair of the Hearing Board introduces hearing panel members, the complainant, the respondent and advisors, if any. The Chair reviews the hearing procedures, including announced time restraints for presentations by each party and the witnesses, and informs the parties if their advisors may have a voice in the hearings and if the proceedings are being recorded. Witnesses shall be excluded from the proceedings except when testifying. The Chair also explains:
 - In academic grievance hearings in which a student alleges a violation of academic rights, the student bears the burden of proof.
 - In hearings involving graduate students seeking to contest allegations of academic misconduct, the instructor bears the burden of proof.
 - All Hearing Board decisions must be reached by a majority of the Hearing Board, based on a "preponderance of the evidence."

(See AFR 7.IV.D.14, Footnote 37; GSRR 5.4.10.1. For various definitions, see AFR Article 11 and GSRR Article 8.)
2. If the complainant fails to appear in person or via an electronic channel at a scheduled hearing, the Hearing Board may either postpone the hearing or dismiss the case for demonstrated cause. (See AFR 7.IV.D.11; GSRR 5.4.9a.)
3. If the respondent fails to appear in person or via an electronic channel at a scheduled hearing, the Hearing Board may postpone the hearing, hear the case in the respondent's absence, or dismiss the case. (See AFR 7.IV.D.11; GSRR 5.4.9-b.)
4. If the respondent is absent from the University during the semester of the grievance hearing or no longer employed by the University before the grievance procedure concludes, the hearing process may still proceed. (See AFR 7.III.C; GSRR 5.3.6.1.)
5. To assure orderly questioning, the Chair of the Hearing Board will recognize individuals before they speak. All parties have a right to speak without interruption. Each party has a right to question the other party and to rebut any oral or written statements submitted to the Hearing Board. (See AFR 7.IV.D.16; GSRR 5.4.10.2.)
6. Presentation by the Complainant: The Chair recognizes the complainant to present without interruption any statements relevant to the complainant's case, including the redress sought. The Chair then recognizes questions directed at the complainant by the Hearing Board, the respondent and the respondent's advisor, if any.
7. Presentation by the Complainant's Witnesses: The Chair recognizes the complainant's witnesses, if any, to present, without interruption, any statement directly relevant to the complainant's case. The Chair then recognizes questions directed at the witnesses by the Hearing Board, the respondent, and the respondent's advisor, if any.
8. Presentation by the Respondent: The Chair recognizes the respondent to present without interruption any statements relevant to the respondent's case. The Chair then recognizes questions directed at the respondent by the Hearing Board, the complainant, and the complainant's advisor, if any.
9. Presentation by the Respondent's Witnesses: The Chair recognizes the respondent's witnesses, if any, to present, without interruption, and statement directly relevant to the respondent's case. The Chair then recognizes questions directed at the witnesses by the Hearing Board, the complainant, and the complainant's advisor, if any.
10. Rebuttal and Closing Statement by Complainant: The complainant refutes statements by the respondent, the respondent's witnesses and advisor, if any, and presents a final summary statement.

11. Rebuttal and Closing Statement by Respondent: The respondent refutes statements by the complainant, the complainant's witnesses and advisor, if any, and presents a final summary statement.
12. Final questions by the Hearing Board: The Hearing Board asks questions of any of the participants in the hearing.

VI. POST-HEARING PROCEDURES

A. Deliberation:

After all evidence has been presented, with full opportunity for explanations, questions and rebuttal, the Chair of the Hearing Board shall excuse all parties to the grievance and convene the Hearing Board to determine its findings in executive session. When possible, deliberations should take place directly following the hearing and/or at the previously scheduled follow-up meeting. (See Section IV.D above.)

B. Decision:

1. In grievance (non-disciplinary) hearings involving undergraduate and graduate students in which a majority of the Hearing Board finds, based on a "preponderance of the evidence," that a violation of the student's academic rights has occurred and that redress is possible, it shall recommend an appropriate remedy to the Department Chair. Upon receiving the Hearing Board's recommendation, the Director shall implement an appropriate remedy, in consultation with the Hearing Board, within **3** class days. If the Hearing Board finds that no violation of academic rights has occurred, it shall so inform the Chair. The Chair of the Hearing Board shall promptly forward copies of the final decision to parties and the University Ombudsman. (See AFR 7.IV.D and E; GSRR 5.4.11.)
2. In grievance (non-disciplinary) hearings involving graduate students in which the Hearing Board serves as the initial hearing body to adjudicate an allegation of academic dishonesty and, based on a "preponderance of the evidence," the Hearing Board finds for the student, the Hearing Board shall recommend to the Chair of the Department that the penalty grade be removed, the Academic Dishonesty Report be removed from the student's records and a "good faith judgment" of the student's academic performance in the course take place. If the Hearing Board finds for the complainant (instructor), the penalty grade shall stand and the Academic Dishonesty Report regarding the allegation will remain on file, pending an appeal, if any to the College Hearing Board within **5** class days of the Hearing Board's decision. If an academic disciplinary hearing is pending, and the Hearing Board decides for the complainant, the graduate student's disciplinary hearing before either the College Hearing Board or the Dean of The Graduate School would promptly follow, pending an appeal, if any, within **5** class days. (See GSRR 5.4.12.3 and 5.5.2.2.)

C. Written Report:

The Chair of the Hearing Board shall prepare a written report of the Hearing Board's findings, including redress for the complainant, if applicable, or sanctions, if applicable, and forward a copy of the decision to the appropriate unit administrator within **3** class days of the hearing. The report shall indicate the rationale for the decision and the major elements of evidence, or lack thereof, that support the Hearing Board's decision. The report also should inform the parties of the right to appeal within **5** class days following notice of the decision. The Chair shall forward copies to the parties involved, the responsible administrators, the University Ombudsperson and, in hearings involving graduate students, the Dean of The Graduate School. All recipients must respect the confidentiality of the report and of the hearing board's deliberations resulting in a decision. (See AFR 7.IV.E & F; GSRR 5.4.11.)

VII. APPEAL OF THE HEARING BOARD DECISION:

- A. In hearings involving undergraduate students, either party may appeal the decision of the Hearing Board to the University Academic Appeal Board in cases involving academic grievances alleging violations of student rights. (See AFR 6.IV.A and 7.VII.)
- B. In hearings involving graduate students, either party may appeal a decision by the Hearing Board to the College Hearing Board for cases involving (1) academic grievances alleging violations of student rights heard initially by the Hearing Board and (2) alleged violations of regulations involving academic misconduct (academic dishonesty, professional standards or falsification of admission and academic records). (See GSRR 5.4.12.)
- C. All appeals must be in writing, signed and submitted to the Chair of either the University Academic Appeal Board or the College Hearing Board within **5** class days following notification of the Hearing Board's decision. While under appeal, the original decision of the Hearing Board will be held in abeyance. (See AFR 7.VII.A; GSRR 5.4.12, 5.4.12.2 and 5.4.12.3.)
- D. A request for an appeal of a Hearing Board decision to either the University Academic Appeal Board or the College Hearing Board must allege, in sufficient particularity to justify a hearing, that the Hearing Board failed to follow applicable procedures for adjudicating the hearing or that findings of the Hearing Board were not supported by the "preponderance of the evidence." The request also must include the redress sought. The appellate board normally will not allow the presentation of new evidence.. (See AFR 7.VII.A and B; GSRR 5.4.12.1, 5.4.12.2 and 5.4.12.4.)

VIII. RECONSIDERATION:

If new evidence should arise, either party to a hearing may request the Hearing Board to reconsider the case within **30** days upon receipt of the hearing outcome. The written request for reconsideration is to be sent to the Chair of the Hearing Board, who shall promptly convene the Hearing Board to review the new material and render a decision on a new hearing. (See AFR 7.IV.G; GSRR 5.4.13.)

IX. FILE COPY:

The Department Chair will file copies of these procedures with the Office of the Ombudsperson and the Dean of The Graduate School. (See AFR 7.IV.A; GSRR 5.4.1.)

Approved by Department of Educational Administration Faculty (5/4/12)