

## Task 1-Bylaws

### Q&A EPC and Program Conveners of French, German, Linguistics, SLS, Spanish

Updated 09-13-2017

Updated 11-02-2017

Updated 10-04-2017

Updated 11-16-2017

Updated 10-21-2017

Updated 11-27-2017

Updated 10-31-2017

Updated 11-29-2017

#### MSU acronyms

- FGO Faculty Grievance Office at MSU. They review all bylaws to make sure that they are in compliance with MSU policies and regulations.
- ADAAP Advancing Diversity Through the Alignment of Policies and Procedures: <https://www.adapp-advance.msu.edu/>  
This office provides the checklist to review and approve bylaws. This office works closely with FGO.
- SGA Secretary of Academic Governance—is kept informed about Programs and School Bylaws.

#### School-related acronyms

- S-EPC School Executive Planning Committee.
- SD School Director (current search). Reports to Dean.
- AD1 Associate Director for Academic Affairs (to be appointed by Dean). Reports to SD.
- AD2 Associate Director for Administration (to be appointed by Dean). Reports to SD.
- PH Program Head—(s)elected and recommended by the Programs with 6 or more TS faculty and then appointed (this year) by the Dean. Reports to SD.
- PD Program Director—Programs with majors (and minors) but less than 6 TS faculty. Reports to SD.
- PC Program Coordinator—Programs with minors or only language instruction. Reports to AD2.
- SAC School Advisory Committee—to be appointed by the School Executive Planning Committee.
- SIC School Initiatives Committee—to be appointed by the School Executive Planning Committee.
- ARC Annual review committees for TS faculty.
- FTFEC Fixed Term Faculty Evaluation Committee-School level except for Spanish.
- ASEC Academic Specialists Evaluation Committee-School level.
- DGS Director of Graduate Advisor
- GA Graduate Advisor

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**Q&A**  
**(September 5 – November 29, 2017)**

**Q1:** *In looking over the bylaws I was wondering if anybody has pulled the boilerplate language for various sections of the bylaws so that the Programs can merely adjust/delete/swap out the relevant language to address the individual program configuration.*

**A1:** The boilerplate language can be found in the School draft bylaws in our Google platform (it's a word document, so you can copy and paste as needed).

The template provided in our 9/5/2017 meeting is actually an outline based on the School bylaws.

**Q2a:** *Will spouses be explicitly not allowed to vote for spouses for Program Head or Director? I can't find anything about spouses and conflicts of interest.*

**Q2b (this is a comment to Q2a):** *The conflict of interest forms spouses sign (at least recent spousal hires) explicitly forbid one spouse working under the direct supervision of another, which would seem to rule out one spouse being the Head of a program in which another teaches and/or is evaluated.*

**A2a and 2b:**

The draft School Bylaws mention the issue of conflict of interest in several sections (serving in School Advisory Committee, RPT, Annual Performance Review, FT Evaluations, Academic Specialist evaluations).

University policy is that relatives should not be part of any process that implies evaluation and personnel since it is a conflict of interest.

Having one spouse participating in the (s)election of a Program Head or School Director would be equivalent of having a member in a search committee that is interviewing such member's spouse for the position.

The general policy (that will apply to the selection of Program Heads) is here:

[https://www.hr.msu.edu/policies-procedures/university-wide/conflict\\_of\\_interest.html](https://www.hr.msu.edu/policies-procedures/university-wide/conflict_of_interest.html)

While the draft School bylaws do not say anything explicit about (s)election of Program Heads, it makes sense to add a provision, for example:

\* No "relatives" (defined as "connection between persons by blood, marriage, adoption, domestic partnership, or other personal relationship in which objectivity might be impaired" shall participate in the (s)election process of the Program Head.

**Update 11/16/2017:** A partner (or family member, spouse, relative as indicated in the COI policy) shall not participate in any vote concerning such relative. This includes (s)election of PH. See more in **Question 15/Answer 15**.

**Q3:** *The Bylaws template has this suggestion in 2.2 but it seems the issues ought to be dealt with later in the bylaws.*

**2.2. Program Procedures**

**(Consider: election PH, meetings of the program, mode of participation)**

**The meetings issue comes up later in section 6. The modes of Participation in section 5. It seems that the mechanism for selecting the Program Head ought to be in section 8.**

**A3:** The template is based on the draft School Bylaws. The sequence follows what MSU recommends for a unit like the School. Bill Donohue's office (FGO) checked them. Program Bylaws **don't** have to have ALL the sections or items of the School bylaws. Likewise, there are things that will still have to be added (like: how will XXXX select a Program Head? and a DGS?); specific expectations for RPT, Annual Reviews, etc. Both sets (what goes, what does not go) are up to each Program to decide. And this may include the sequence of sections and items. As long as they do not contradict School bylaws, it'll be ok.

**Q4:** *What about "Faculty Workload Policy"? under 3.3. I drafted something from the College of Nat Science but if there is a better document to use as a template I'd appreciate it.*

**A4:** For Faculty Workload Policy --> feel free to use the one in the School Bylaws, pretty generic and approved by FGO. And it was originally based on the FWP of the CNS.

**Q5:** *How do we know what information is relevant to determining the head's compensation?*

**A5:** The Dean will determine the level of compensation for PH based on (a) Program data (number of faculty, students, enrollments, grants, etc. --> CAL has that information), (b) roles of PH in X Program.

Hypothetical examples of roles of PH:

- In Program X, in addition to the regular duties already indicated in the list, the PH will also take the role of Grad Advisor.

- In Program Z, the PH will also be faculty supervisor of FT faculty or a combination of above.

→ Compensation for PH translates in two possible areas: (i) time (course release for example); (ii) resources (funds for research, or administrative stipend, a RA, etc.).

**Update 11/27/2017:** Dean Long sent a document by email (via Melissa Staub) to all faculty from our departments and programs, with a list of compensations for AD1, AD2, PH, PD, PC.

**Q6:** *It might help to know whether the motivation is in part to make the case to the dean that these duties are sufficient to merit additional compensation.*

**A6:** Yes, correct.

**Q7:** Per the draft School Bylaws: "**The Program Head will make hiring recommendations and get approval/sign-off from the School Director.**"

*However, what IS next after a recommended hire is approved? Does the program head, just like the dept chair, also make offers/write offer letters, negotiate with the candidates, etc? The hiring-related tasks can often take up time going between the college/school, the head, the staff, and the candidates, so it's not something trivial. These don't seem to be specified on the list of responsibilities on the school bylaws. Or will the actual hirings done by the School rather than the Program?*

**A7:** I can't answer your question with 100% accuracy because we have not talked about that level of detail. And this was intentional: we (Action Comm) wanted to leave some freedom for the SD to take decisions on how this or that would work.

My first impression (only mine) is yes to your question: The PH (like a chair) takes care of negotiations with candidates (in consultation with the SD).

It's similar to what happens now: chairperson negotiates after dean's approval, and s/he cannot extend a final offer or agree to some terms without the approval of the Dean.

**Q8:** *We submitted a list of positions (including time for appointment and suggested levels of compensation for service) to you on September 30, 2017. When will we hear back from you or the Dean's office?*

**A8:** I included all the information submitted by the Program conveners in one document and sent it to Dean Long on October 2. EPC met with Dean Long on October 3 and talked about next steps in regards to these lists. Dean Long's initial response:

1. Based on the duties and responsibilities for future PH, and all the data about each Program, Dean Long will make a determination on compensation and contracts for PH. His office is also considering other proposed Program officers. He will inform all of us at a future time (not determined).
2. Note the following:

(a) not advisable to use the term "Director" for officers within Programs because it's confusing with other School officers; and (b) Consider the roles of AD1, AD2, Celta Director, and the current UG advisors--all Programs and PH will work with all of them.

**Update 11/02/2017:** The Dean's office has confirmed the following:

- The Dean is working on the compensation packages for Program Heads. These compensation packages will be included in the overall School budget.
- Each Program may have as many officers as they see fit to run their programs while maintaining or increasing quality of instruction, research and service. The Dean insists in not using the term "director" for Program officers but other possible terms.
- Compensations for Program officers other than the PH (language coordinators, UG coordinators, graduate advisors, etc.) will be covered/paid by each Program's budget (not the School budget). According to the proposal made by the Action Committee last May, PH will be the administrators of their program budgets including: GA-budget, OCCI, SSE. PH will be responsible for Program budgetary decisions as well as promoting excellence in teaching, research, and service among Program faculty. PH will also be responsible for the scheduling of courses and their staffing. This includes making requests to AD2 or the School Director for hiring (salary).

**Q9:** *Is there a common expectation across the programs for how the Program head should be evaluated? That would seem necessary. If I understand correctly the Assoc Director for Academic Affairs will be ultimately responsible for evaluating the PH. That would follow the model of chairs being evaluated by the Dean.*

*It seems like the 5 programs are all being asked to invent the wheel in isolation on a range of issues. Is there nothing that is common to all 5 programs that can spare us some of the tedious work?*

**A9:** Each Program is different in various ways. When working on the draft School Bylaws (which are not final until approved), the Action Committee indicated that the PH will be evaluated by the SD. There are two forms of evaluation:

a) The annual evaluation by the SD (still to be determined), and (c) the end-of-the-term evaluation at the end of the 3-year term (or 2 for the first PH). This one is also to be determined, according to the final duties/responsibilities of the PH.

**Update 10/21/2017:** Follow School draft bylaws for “Review of PH...” 8.3.3. (page 10).

**Q10:** *Philosophy uses the term Director for these positions and in English the "directors" are Associate Chairs. "I) Not advisable to use the term "Director" for officers within Programs (DGS, DUS) because it's confusing with other School officers..."*

**A10:** In the School there will be School Director, Assoc Director 1, Assoc Dir 2, Program Directors (which are different from Program Heads). Starting next AY, we will no longer be departments.

The Dean's office and the Associate Provost's office pointed out the confusion with multiple uses of "director"--not so much among us but with MSU at large. I was not instructed to pass this on as an official "prohibition" but a recommendation.

We (EPC) will work with the College and FGO to review bylaws and it's possible that revisions (including not using/changing this or that term) will be asked. That is, we cannot guarantee that "DGS" or "DUS" can be used in the context of this School.

Thus the recommendation to avoid duplication of terms now to save time and surprises later.

**Q11:** *There are going to be Program **Directors** in the new school, but we are discouraged from using the term Director of Graduate Studies? How are Program Directors different from Program Heads?*

**A11:** All (criteria, selection of terms, etc.) is/are explained in detail in the Action Committee report and appendices from last May. Scroll down here: [http://languages.cal.msu.edu/phase-2/FINAL REPORT \(May 2017\)](http://languages.cal.msu.edu/phase-2/FINAL%20REPORT%20(May%202017))

[Final Report of the Action Committee \(PDF\)](#)

[Appendices to the Final Report of the Action Committee \(PDF\)](#)

Some programs have proposed to have one "Grad Adv" and continue working with the current UG adv.

**Q12:** *Voting rights for FT faculty when FT faculty outnumber TS faculty.*

**A12:** (After consultation with Associate Provost Terry Curry and team, 10/11/2017): There is no protocol on faculty voting rights, there is nothing written about this situation. MSU (CAL and School) bylaws grant voting rights to FT who have served 3+ years (similarly to CAL and School).

Each program within the School will define its criteria to grant voting rights to FT faculty. For example, (a) clearly define in what matters FT can and cannot vote; (b) grant voting rights to FT who are Designation B and hold a PhD, etc.

**Q13:** *About the determination of the Program head. Does the program select this person or is the program head selected by the School Director? We have been told that the Program head serves like a mini-department chair, who is selected by the dean and not chosen by the program or the department.*

A13: The Program chooses the procedure to (s)elect and recommend the PH to the School Director. PH will be confirmed (and appointed or recommended for appointment to the Dean) by the School Director.

→ This year (into the next) is exceptional because there is no School Director. Then, the Program will (s)elect and recommend X for PH to the Dean, and the Dean will follow (or not--there is always that option) that recommendation and will appoint the PH.

**Q14:** *We are wondering about **the eligibility of an individual with a spouse in the same program to serve as Program Head.** (...) Rocío has already pointed us to the relevant University policy on conflict of interest, and we're grateful for her efforts so far to help clarify its application. Our understanding is that the broad interpretation of this policy is that a spouse can be Program Head, so long as spouses recuse themselves from selection and review procedures involving their partner, such as the selection of the Program Head, annual review, RPT etc.*

**A15:** Yes, correct. My latest conversations (November 2017) with the Associate Provost for Academic Human Resources, the Secretary of Academic Governance, and the Faculty Grievance Officer have now confirmed that a partner (or family member, relative as indicated in the COI policy) shall not participate in any vote concerning such relative. This includes (s)election of PH. From the Associate Provost of Academic HR (11-03-2017): *The University has a policy called Conflict of Interest in Employment that states, in part, that no employee shall be under the direct supervision or control of a "relative." The policy goes on to state that "relatives" should not participate in roles which have the potential for influencing employment decisions, e.g., peer review.*

See also **Questions 2a and 2b.**

**Q15:** *However, the COI policy states that "no employee shall be under the direct supervision or control of a 'relative.'" So presumably a narrow interpretation of the policy would rely on the definition of "direct supervision", and whether a Program Head fits this definition.*

**A16:** MSU makes accommodations if this is the case. I have seen it in other units in CAL--for example, someone else (in the School) would supervise the spouse of such PH. This arrangement is formalized with a MoU or another document.

I'd think that in the School, such faculty member would be supervised by the School Director or one of the AD--still tbd.

**Q17:** *Are Program Heads to be considered "academic administrators"/"academic officers", cf College bylaw 3.1.1.*

**A17:** In the forthcoming School, PH have duties similar to Chairpersons and, as such, administrators (with the appropriate compensation, etc.)

**Update 11/27/2017 from the Dean:** PH will not be grieved for personnel matters (RPT, Annual reviews). Any grievances related to RPT, annual reviews, merit increases, will be filed against the School Director (not the PH or AD2)

**Q18:** *"The College's administrative officers are the Dean, Associate and Assistant Deans, and the Department chairpersons or directors of programs. The duties, responsibilities, and powers of these officers and the procedures for appointment and review of appointment shall be as specified in the Bylaws for Academic Governance-Michigan State University." The relevant part of the Bylaws for Academic Governance-MSU is section 2. But that section seems to refer to*

*administrators with the pay grade of at least a chair; it's opaque on roles like Program Heads. I'm also not sure what is meant in the College bylaws by "directors of programs".*

**A18:** Dean Long is working right now on the appropriate compensation package for PH. Whether they receive a course release and/or administrative bonus/stipend is pending and the Dean will make the ultimate decision on this. PH will be in charge of the Program budget, will conduct annual reviews, will make recommendations for salary merit, etc., i.e. these make them 'administrators' even if their appointment is not for 12 months.

→ “directors of programs” in the College refer to officers of those units such as CISAH, GenCen, AIISP, Digital Humanities, CEDAR, GSAH, etc. They are administrators like the Chairpersons. They may have terms and compensation packages different from the chairpersons but they are considered administrators.

→ In the School, the term “Program Director” refers to the leaders of Arabic, Chinese, Japanese, Russian.

**Q19: Review of the Program Head.** *The School bylaws provide that the School Director will review the PH annually. What other mechanisms will be available to program faculty to raise concerns about the PH? Will the PH be grievable? These questions seem to depend on the status of the PH, who currently is not a chair, but whose authority over major decisions such as annual review and RPT (however constrained by the AD and SD) is rather chair-like.*

**A19:–Update 11/27/2017:** The PH is not grievable. Faculty concerns about PH, AD1 or AD2 should talk to the School Director who will review the performance of these officers.

→ The School Director will review PH and PD annually. How to is still tbd. Right now we are working with an idea similar to the Chairpersons being reviewed by the Dean. How the PH and PD will be reviewed is a process to be developed by the School officers in tune with the College.

**Q20:** *We may need to amend the College bylaws this year to incorporate any relevant language regarding the School and its officers. Perhaps we can discuss this on December 7 when the EPC representative comes to the CAC meeting.*

**A20:** Yes! we have communicated this to the Dean since last spring: the necessity to amend CAL Bylaws as soon as the School starts and/or the School Bylaws are approved (which will not happen before Sept-October 2018). A task for the CAC: how, when, etc.

**Q21:** *What happens next, that is, after we have submitted our Program’s draft bylaws to you/EPC?*

**A21:** Each Program will submit their draft bylaws not later than December 1, 2017.

They will be reviewed by:

- EPC
- Faculty Grievance Office
- Dean’s office

Programs will receive feedback sometime in January 2018. Programs should allow room for discussion and resubmission if needed.

Once bylaws are final and approved by the Program faculty, the (s)election process for a PH will follow. It is important that each Program has a process in place to (s)elect/identify a PH (or viable candidates to become PH) and recommend them to the Dean for the final appointment. This process can be part of supplementary materials. The first PH will serve a 2-year term (2018-2020) renewable for a 3-year term.

**Q22:** *If the departments cease to exist 8/15/2018 and the School bylaws will not be subject to approval until September or October 2018--what do we use as governing document during these weeks or maybe 1 month?*

**A22:** The office of the Associate Provost of Academic HR advises to label the bylaws as “**interim and vetted, pending official faculty vote**” or something of the sort. I reached out to Computational Mathematics to find out how they handled this situation. Once draft bylaws are agreed upon by the faculty of the department, then sent to the Dean’s office for review. While waiting from comment/edit from the Dean’s office, the faculty agreed to abide by the draft by-laws.

**Q23:** *What changes are there for RPT in Bylaws? What’s the role of the PH vis-a-vis the School Director?*

**A23: New information 11/27/2017 from Dean’s memo:**

The RPT process will be conducted by each Program Head or AD2 respectively. Only two letters (the RPT committee’s and the School Director’s) will be sent to the College along with the candidate’s dossier. This is necessary to align with the University-wide RPT standards and procedures.

The Program Head or AD2 may serve on the RPT committee because the ultimate recommendation will come from the School Director.

The School Executive Planning Committee (EPC) is currently working on their revision of the School Bylaws section 13 (reappointment, promotion, and tenure) to make sure this is included. The programs of French, German, Linguistics, SLS/TESOL, Spanish, and the joint policies of all the undergraduate programs must make necessary revisions to be consistent with School Bylaws. It is important to note that any grievances related to RPT recommendations and actions will be filed against the School Director who will be the Chief Academic Officer of the School.

**Q23:** *What changes are there for Annual Reviews in Bylaws? What’s the role of the PH vis-a-vis the School Director?*

**A23: New information 11/27/2017 from Dean’s memo:**

The Program Heads and the AD2 will conduct the annual review process and will write the annual review letters for their respective tenure stream faculty, and non-tenure track faculty if applicable.

The Dean’s office plans to include Program Heads and the AD2 in professional development opportunities that focus on writing annual review letters.

The School EPC will finish their revisions of the School Bylaws section 12 (annual performance reviews) to make sure this is clearly presented.

The programs of French, German, Linguistics, SLS/TESOL, Spanish, and the joint policies of all the undergraduate programs must make necessary revisions to be consistent with the School Bylaws.

Both Program Heads (or AD2) and the School Director should sign the annual review letter. The School Director needs to be in agreement with the contents of the letter, since any grievances related to annual performance reviews will be made against the School Director only.

Additionally, programs might consider a process in which the School Director joins the Program Head [or AD2] for performance review meetings for pre-tenure faculty and faculty moving towards promotion to full professor.

**Q24:** *Who determines salary increases (merit and market)? PH or SD?*

**A24: New information 11/27/2017 from Dean’s memo:**

Based on the annual review process, each Program Head or AD2 will make recommendations for merit to the School Director. The School Director will determine salary increases based on these recommendations.

The salary pool will be at the School level (not the program level → **see Q29 for more clarification on this**). The School Director's market raise recommendations will be made in consultation with the Leadership Council.

The School EPC will finish their revision of School Bylaws section 12 (annual performance review) to make sure this is clearly presented.

**Q25:** *Do we call these "bylaws"? "guidelines"? other?*

**A25:** **New information 11/27/2017 from Dean's memo:**

These procedures may be called "Policies" (Dean's preference) or even "Bylaws" if the programs feel this is important for them, but the term "Guidelines" is too weak for the procedures that govern program-level operations.

Each program must establish in writing how to approve or vote when changes are needed in the future. It is important that these documents are consistent with and do not contradict the School Bylaws.

An advanced draft of the Bylaws or Procedures of the programs of French, German, Linguistics, SLS/TESOL, and Spanish are due to the EPC Chair by 5 p.m. Friday, December 1, 2017.

**Q26: (update 11/29)** *Will information on compensation for the other program officers be forthcoming?*

**A26:** The Dean let EPC know that the information about this (his 11/27 memo) will be firmed up in the spring 2018 taking into account factors of each Program that may affect the compensation of School officers and Program Heads.

**Q27: (update 11/29)** *If the PH position is 9-month, who will handle program business in summer such as external letters for RPT? One of the ADs?*

**A27:** This is a question related to not only RPT process but also annual review letters and recommendations for salary. EPC will recommend processes and details to the Dean (who does what when and especially during the summer). And, of course, as soon as we have firm language, I will update everyone!

**Q28:** *Will graduate directors continue to get a course release, for example? My understanding from the Q&A is that the PH will make these decisions -- is that still the case? What if the budget isn't big enough for a course release?*

**A28:** Whether graduate advisors get or not a course release and how often → up to the Program budget and PH decisions on that budget.

If there are no funds in the budget, compensation (course release) cannot be offered or the money will have to be taken from another initiative of the Program (decide which one the Program funds).

**Q29: (update 11/29)** *Merit raises. The Dean told us that the merit pool would be allocated program by program (with some held aside to address inequities across programs). But his 11/27 memo suggests that the pool will be allocated School-wide. So is the Leadership Council going to look at every faculty member's dossier? This seems unlikely. Can you clarify?*

**A29:** The Dean has confirmed to us (EPC) that the merit pool would be allocated program by program but these individual Programs' pools will reside (be located) in the SD office (--> **see**

**Q/A 24).** Some funds will be held aside to address inequities across programs--this is a usual practice of departments and colleges.

The memo also suggests that the SD will consult with the Leadership Council about recommendations for provost and market (which are different from merit raise) that go to the Dean. I have seen this process at the departmental level. I interpret here that each PH (similarly to what chairpersons do now), makes a recommendation in writing for anyone who should be considered for provost and market merit to the SD. The SD consults with LC and then the SD sends recs to the Dean. I hope that firm language will be ready next spring.