



# Board of Regents

OF THE UNIVERSITY OF MICHIGAN

## Bylaws

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#### **Sec. 5.01. Definitions (revised October 2003)**

As used in these bylaws:

1. The term *faculty* shall include members of the teaching and research staff together with the executive officers, the directors of various teaching, research, and library units, *research associates, curators, and persons with similar duties.*
2. The term *professorial staff* shall include professors, associate professors, and assistant professors.
3. The term *governing faculty*, when used in connection with a school or college, shall include those members of the school or college who are professors, associate professors, and assistant professors. The governing faculty shall include instructors and lecturers who hold appointments of one-half time or more; provided, however, that such instructors and lecturers may vote at faculty meetings only if they have held appointments for one or more years and are authorized to vote by a majority of the professorial staff of the appropriate school or college. The governing faculty may include clinical professors, clinical associate professors, clinical assistant professors, research scientists, associate research scientists, assistant research scientists, research investigators, research professors, research associate professors, and research assistant professors when authorized by, and in accordance with, the policies and bylaws of the appropriate school or college.
4. The term *teaching staff* shall include professors, associate professors, assistant professors, instructors, lecturers, and teaching fellows.
5. The terms *teaching fellow, teaching associate, teaching assistant, student assistant, research assistant, technical assistant, laboratory assistant, and assistant* shall be used to designate junior appointees who participate in the processes of teaching and research but do not possess faculty rank. Students in these classifications shall have student status.
6. The term *university year*, as used in connection with appointments of members of the faculty and other personnel, contains any two terms in the calendar, as defined for the

year in question. Faculty members are expected to participate in orientation, registration, and commencement.

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**Sec. 5.02. Governing Bodies in Schools and Colleges (revised January 1993)**

In each school, college, or degree granting division of the University, including those at the University of Michigan-Dearborn and at the University of Michigan-Flint, the governing faculty shall be in charge of the affairs of the school, college, or division, except as delegated to the executive committee, if any, and except that in the School of Graduate Studies the governing body shall be the executive board, and in the Medical School shall be the executive faculty.

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**Sec. 5.03. Powers and Duties of the Governing Faculties**

The faculty of each school and college shall from time to time recommend to the Board for approval such regulations as are not included within these bylaws and which are pertinent to its structure and major operating procedures, such as departmental organization, requirements for admission and graduation, and other educational matters, the determination of which is within the peculiar competence of the faculties of the several schools and colleges. All such recommendations when approved by the Board shall be recorded in the *Proceedings of the Board of Regents*.

Subject to the ultimate authority of the Board, the faculty of each school and college is also vested with plenary powers to make rules and regulations concerning other matters such as grading regulations, class attendance, committee organization and related internal matters. All such regulations shall be recorded in the minute books of the adopting authority and filed with the secretary of the University.

Each faculty shall provide suitable instruction for the students enrolled in its school or college. Each faculty shall recommend to the Board students under its jurisdiction who qualify for University degrees. It shall, subject to the Board, possess such other powers as are necessary to the performance of its duties.

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**Sec. 5.04. Faculty Procedure**

Each faculty shall adopt rules for its own government and procedure and shall appoint a secretary, define the secretary's duties, and keep a record of faculty action.

In the absence of specific rules to the contrary, the rules of parliamentary procedure as described in *Robert's Rules of Order* shall be followed by school and college faculties, committees, boards, and other deliberative bodies.

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**Sec. 5.05. Faculty Communications to the Board**

Each faculty shall submit its communications to the Board in writing through its dean, and at the University of Michigan-Dearborn and the University of Michigan-Flint through the chancellor, and through the president of the University. Each dean shall endorse faculty communications, making appropriate explanatory statements as needed. (See also Sec. 1.08.)

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#### **Sec. 5.06. The Deans and Executive Committees**

The dean or director, or administrative head of a school, college, or department of instruction or research shall be appointed by the Board on recommendation by the president to act as executive officer of the school, college, or department.

If an executive committee has been created by the Board for the school, college, or department, the dean, director, or head shall be assisted by the executive committee of which he or she shall be *ex officio* the chair. The executive committee in addition to assisting with administrative functions shall be charged with the duties of investigating and formulating educational and instructional policies for consideration by the faculty and shall act for the faculty in matters of budgets, promotions, and appointments.

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#### **Sec. 5.07. Administrative Officers of Other University Units (revised July 1997)**

Administrative officers of units other than those covered by Sec. 5.06 shall be appointed by the Board on recommendation by the president. They shall perform such administrative duties as are prescribed by the appropriate University authorities. Appointments to such administrative positions are without tenure and may be terminated upon the request of the appointee for relief from administrative duties or by the action of the Board.

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#### **Sec. 5.08. Appointment, Tenure, Promotion, and Resignation of the Staff (revised April 1991)**

1. Members of the tenured professorial staff shall be appointed by the Board on recommendation by the appropriate dean or executive committee, and at the University of Michigan-Dearborn or the University of Michigan-Flint by the chancellor, and by the president. Unless otherwise provided by specific action by the Board, professors and associate professors shall be appointed on indeterminate tenure. The annual budget as approved by the Board shall be deemed the record of continuance of service for the ensuing year of all persons on the professorial staff.
2. Assistant professors and all other nontenured members of the teaching staff shall be appointed by the president on recommendation by the dean and executive committee, and at the University of Michigan-Dearborn or the University of Michigan-Flint by the chancellor. Assistant professors, instructors, and lecturers shall be appointed for terms of up to four years, as is in each case specifically designated in the terms of the appointment. Whenever the term of appointment to assistant professor, instructor, or lecturer is not specified, it shall be for one year only. Other teaching appointments shall be for not more than one year. The annual budget as approved by the Board shall be deemed the record of continuance of service for the ensuing year for all persons on the teaching staff. All such appointments shall be reported monthly to the Board.
3. Unless specifically provided otherwise by these bylaws, all other members of the staff of the University shall be appointed by the president, on recommendation by the appropriate administrative officer for the fiscal year only.

4. All promotions to tenured teaching positions shall be made by the Board on recommendation by the chair of the department, the dean, and the executive committee, and at the University of Michigan-Dearborn or the University of Michigan-Flint by the chancellor and the president. All promotions to nontenured teaching staff shall be made by the president on recommendation by the appropriate administrative officer and shall be reported to the Board in the same manner as an original appointment in this class. All such changes for other members of the staff shall be made by the president on recommendation by the appropriate administrative officer or agency.
5. All resignations of teaching staff shall be reported to the Board monthly.
6. Appointments to positions paid in whole or in part from grants or contracts for limited periods of time shall be subject to the following provisions in the event of cessation of these funds:
  - a. In case of persons previously holding full-time or part-time positions paid from general University funds the person shall be restored to this appointment status within the department, either with tenure or for the remainder of the term of appointment, at the appropriate departmental salary.
  - b. In case of persons brought to the University for the performance of duties payable from limited term funds, both service and salary shall be terminated.

Nothing in these regulations shall prohibit a department from recommending a new appointee to a tenure grade within the faculty and assigning the new appointee immediately to duties payable from limited term funds. When the limited term funds are no longer available, the department concerned will be responsible for providing further tenure of duties and salary.

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**Sec. 5.09. Procedures in Cases of Dismissal, Demotion, or Terminal Appointment  
(revised November 1993)**

1. *Applicability.* The procedures prescribed in this section shall be followed (a) before recommendation is made to the Board of Regents of dismissal or demotion of a tenured member of the University teaching staff or of any member of the teaching staff during the term for which any member of the teaching staff is appointed; or (b) before recommendation is made to the Board of Regents of dismissal, demotion, or terminal appointment of a teaching staff member holding appointments with the University for a total of eight years in the rank of full-time instructor or higher. Subject to pursuing these procedures, a recommendation of dismissal, demotion, or terminal appointment may be made for causes accepted by University usage, properly connected with the improvement and efficiency of the faculty, and consistent with the character of the tenure involved.
2. *Initiation of Proceedings.* Proceedings which may result in a recommendation of dismissal, demotion, or terminal appointment may be initiated by the provost and executive vice president for academic affairs or by the executive authority (dean, director, or executive committee) of the school, college, or other unit (hereinafter called the administrative unit) in which the affected faculty member is employed. In exceptional cases which, in the judgment of the president, threaten direct and immediate injury to the public reputation or the essential functions of the University, the president may direct that the affected faculty member be relieved of some or all of his or her University duties and responsibilities, without prejudice and without loss of compensation, pending the final disposition of the case.
3. *Proceedings Dependent on Classification of Case.* Cases involving matters concerning primarily the administrative unit in which the affected faculty member is employed shall be subject to the procedures provided for by subsection 4 of this section. Cases involving matters of general University concern shall be subject to the procedures provided for by subsection 5 of this section. The provost and executive vice president for academic affairs, before initiating action with respect to a faculty member, shall notify the president, SACUA, and the executive authority of the administrative unit. The president, after consulting with SACUA and the executive authority of the administrative unit, shall determine whether the case shall be handled under subsection 4 or subsection 5 of this section. The executive authority of an administrative unit, before

initiating action with respect to a faculty member, shall notify the president and SACUA, and the president, after consulting with SACUA, shall determine whether the case shall be handled under subsection 4 or subsection 5 of this section. The president's determination shall be communicated in writing to SACUA and the executive authority of the administrative unit.

4. *Procedure in Cases Referred to the Executive Authority of the School or College.*
  - a. Upon referral by the president of a case to the executive authority of an administrative unit, the executive authority shall promptly give written notice thereof to the faculty member affected and to SACUA. The notice shall state with reasonable particularity the charges which the executive authority proposes to investigate and shall advise the faculty member that the faculty member may, upon making written request not more than ten days after receipt of the notice, have the right to a hearing.
  - b. The executive authority shall promptly investigate a case referred to it; and, if the faculty member has requested a hearing, shall provide for a hearing either (1) before the executive committee of the administrative unit or (2) before a special ad hoc faculty committee appointed by the executive authority with the approval of the executive committee or the governing faculty of the administrative unit. The affected faculty member may (1) have an adviser of the faculty member's own choosing who may act as counsel; (2) be present at all sessions of the hearing committee at which evidence is received or argument is heard; (3) call, examine, and cross examine witnesses; and (4) examine all documentary evidence received by the hearing committee. A full stenographic record of the hearing shall be taken, and the hearing committee shall, with reasonable promptness, file a written report on the case, together with a transcript of the record of the hearing, with the executive head of the administrative unit, SACUA, and the president. The report shall contain the hearing committee's conclusions and recommendations and the reasons therefor. If dismissal, demotion, or terminal appointment is recommended, the report shall contain a specific statement of the deficiencies or acts of misconduct on which the recommendation is based, and a copy of the report shall be delivered to the faculty member.
  - c. If the hearing committee recommends that adverse action be taken against the faculty member, the executive authority of the administrative unit, before considering the matter further, shall advise the faculty member in writing that the faculty member may have a review of the case by the standing subcommittee on tenure appointed by the Senate Advisory Committee on University Affairs as provided in subparagraph (d) of this subsection. If the hearing committee recommends that adverse action should not be taken against the affected faculty member, but the executive head of the school or college, upon review of the hearing committee's report and the record, disagrees with its recommendation and concludes that the executive head of the school or college should recommend adverse action against the faculty member, the executive head of the school or college shall notify the faculty member in writing of his or her recommendation, and with reasonable particularity of the reasons therefor, and shall advise the faculty member that the faculty member may have a review of the case as provided in subparagraph (d) of this subsection.
  - d. The request of the faculty member for review of the faculty member's case by the review committee shall be presented in writing to the chair or secretary of SACUA within ten days after receipt by the faculty member of the notice from the executive head or authority of the administrative unit that adverse action against the faculty member has been recommended. The request for review shall be referred to the standing Subcommittee on Tenure appointed by SACUA and designated by it as the review committee. The review committee shall promptly, but upon not less than ten days' written notice to the faculty member and to the executive head of the administrative unit, conduct a hearing in the matter, of which a full written record shall be taken. The review committee shall review the record, reports, and recommendations transmitted by the hearing committee and may in addition receive new evidence. The faculty member, either in person or through a representative or both, and the executive head of the administrative unit shall have the right to appear, to comment on the proceeding before the hearing committee and on its findings, conclusions, and recommendations, and to examine and rebut any new evidence received by the review committee. A full record shall be kept of the review proceeding.
  - e. In conducting its review of the case, the review committee shall take account of

all relevant factors, including consideration of the questions (1) whether the hearing committee observed the procedure prescribed in this subsection, (2) whether the hearing committee accorded a fair hearing, (3) whether the deficiencies or acts of misconduct on which the hearing committee's recommendations are based are related to the charges stated in the first instance as the basis for investigation, (4) whether the proceeding as it developed before the hearing committee involves matters of general University concern, and (5) whether the weight of the evidence, as it appears in the record and as supplemented by any further evidence by the review committee, supports the hearing committee's findings and recommendations. In determining what its recommendation shall be, the review committee shall be free to make any recommendation appropriate to its findings and conclusions respecting either the procedural or meritorious aspects of the case.

- f. Within thirty days following its hearing, the review committee shall file a written report with the affected faculty member, the executive head of the administrative unit, the president, and SACUA. The report shall contain the committee's conclusions, recommendations, and the reasons therefor. There shall be filed with the report a transcript of the record of the hearing conducted by the review committee.
  - g. The faculty member and SACUA may, within ten days after receiving the review committee's report, file written comments thereon with the president and, in the case of the faculty member, with the executive head of the administrative unit. Within twenty days after it receives the hearing committee's report, the executive authority of the administrative unit shall notify the president of its final recommendations in the case.
  - h. The president shall thereafter review the record in the case and shall formulate his or her own recommendations and the reasons therefor. The affected faculty member and SACUA shall be furnished copies of the president's recommendations and may, within ten days after receiving the same, submit to the president written comments respecting the recommendations. The full record of the case, including the recommendations of the president and any comments by the affected faculty member or SACUA, shall then be transmitted by the president to the Board for final action.
5. *Procedure in Cases Referred to SACUA*
- a. Upon referral of a case by the president to SACUA, the committee shall designate its standing Subcommittee on Tenure to serve as a hearing committee and shall refer the case to it for hearing. The hearing committee shall promptly give written notice to the faculty member affected. The notice shall state with reasonable particularity the charges (as prepared by the provost and executive vice president for academic affairs) which the committee proposes to investigate, and shall advise the faculty member that the faculty member may, upon making written request not later than ten days after receipt of the notice, have the right to a hearing before the committee.
  - b. The hearing committee shall promptly investigate a case referred to it, and may call upon any member of the University faculty or staff for relevant information. The provost and executive vice president for academic affairs, or a representative, may be present at all meetings of the committee, and may present such evidence as the provost and executive vice president for academic affairs deems appropriate. The executive authority of the administrative unit in which the affected faculty member is employed may be present or represented at all meetings of the committee, and if it wishes to make any recommendations, shall make them to the committee prior to the conclusion of the committee's investigation, whereupon such recommendations shall become a part of the committee's record in the case. If the affected faculty member requests a hearing before the committee, a full stenographic record of the hearing shall be taken. The affected faculty member may (1) have an adviser of the faculty member's own choosing who may act as counsel; (2) be present at all sessions of the hearing committee at which evidence is received or argument is heard; (3) call, examine, and cross examine witnesses; and (4) examine all documentary evidence received by the hearing committee.
  - c. Within a reasonable period of time after the referral of the case to the hearing committee, the committee shall file a written report with SACUA. The report shall contain the committee's conclusions, recommendations, and the reasons

therefor. If dismissal, demotion, or terminal appointment is recommended, the report shall contain a specific statement of the conduct on which the recommendation is based. There shall be filed with the report the complete written record in the case, including the recommendations, if any, made to the committee by the executive authority of the school or college and a transcript of the record of any hearings conducted by the committee.

- d. If the committee recommends that adverse action be taken against the faculty member, SACUA shall advise the faculty member affected that the faculty member may request the Senate Advisory Committee to review the proceeding conducted by the hearing committee. The faculty member's request for a review shall be presented in writing to the chair or secretary of SACUA within ten days thereafter. Upon receipt of this request SACUA may in its discretion conduct a hearing for the purpose of determining whether the hearing committee granted a fair hearing and followed the procedure prescribed by this subsection. If such a review hearing is granted, the faculty member, either in person or through a representative or both, shall have the right to appear and to comment on the proceeding before the hearing committee. A full record shall be kept of the review proceeding.
- e. If SACUA determines that the hearing committee failed to grant a fair hearing or to follow the prescribed procedure, it shall set aside the committee's findings and conclusions and remand the case to the committee for a new hearing in accordance with the procedure prescribed by this subsection. A written report of the action taken by SACUA, together with the record of its review proceeding, shall be filed with the affected faculty member, the executive head of the administrative unit, the provost and executive vice president for academic affairs, and the president.
- f. If the hearing committee recommends that adverse action should not be taken against the affected faculty member, or if it recommends that adverse action be taken and the affected faculty member does not request a review by SACUA, or if in case a review is requested and granted it is determined that the hearing committee granted a fair hearing and followed the prescribed procedures, SACUA shall file the hearing committee's report and recommendations together with the complete written record in the case with the affected faculty member, the president, the provost and executive vice president for academic affairs, and the executive authority of the administrative unit. In filing the report and record with the president, SACUA may also include its comments on the hearing committee's findings, conclusions, and recommendations. The affected faculty member, the executive authority of the administrative unit, and the provost and executive vice president for academic affairs may, within ten days after receiving copies of the hearing committee's report and the record, file written comments with the president.
- g. The president shall thereafter review the record in the case and shall formulate his or her own recommendations and the reasons therefor. The affected faculty member and SACUA shall be furnished copies of the president's recommendations and may, within ten days after receiving the same, submit to the president written comments respecting the recommendations. The full record of the case, including the recommendations of the president and any comments by the affected faculty member or SACUA, shall then be transmitted by the president to the Board for final action.

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