Faculty & Academic Staff Affairs
MICHIGAN STATE UNIVERSITY

Frequently Asked Questions:
Additional Guidance on Recent Executive Orders and the Impact to Academic Colleges, Departments and Units

Equal Employment Opportunity and Affirmative Action

Question: What is the difference between Equal Employment Opportunity and Affirmative Action?

Answer:

Equal Employment Opportunity (EEO)
Definition: EEO is a legal principle that ensures all individuals have a fair chance at employment, regardless of race, color, religion, sex, national origin, age, disability, or other categories protected by law.

Rationale: Prevents discrimination in hiring, promotion, training, and other employment practices; these principles should apply to all employment decisions.

Update: EEO laws continue to be upheld and are based on federal statutes, like Titles VI, VII and IX, and were not impacted by EO 14173.

Affirmative Action

Definition: Affirmative action refers to proactive policies and practices that seek to address past practices of discrimination and increase the representation of historically underrepresented groups in employment and education.

Rationale: Promotes diversity and corrects past and present discrimination.

Update: Executive Order 14173 revoked a previous Executive Order 11246, which had been the cornerstone of affirmative action in federal contracting since 1965; currently, affirmative action obligations apply only to persons with disabilities and veterans.

Land Grant University

Question: Where can I learn more about land-grant universities?

Answer: The Association of Public and Land-grant Universities offers FAQs where you can find more information about land-grant universities.

Question: Where can I learn more about MSU's history and land-grant identity?

Answer: You can learn more about MSU's history and land-grant identity here.

Access, Opportunity and Excellence

Question: What action should colleges/units take to align more closely with the university's mission and strategic priorities?

Answer: As the University recently refreshed and reaffirmed its 2030 Strategic Plan, which introduces Access, Opportunity and Excellence as one of six strategic themes, existing personnel and office/unit titles should reflect the clarified approach, noting that the work of our land-grant mission has not changed.

Question: What action should colleges/units take regarding DEI offices and positions?

Answer: The way in which we describe our work matters. Certain terms, like "DEI," have been viewed as proxies for discriminatory preference. This is a misinterpretation of what DEI has meant, but we must be responsive to this perception.

Leaders are encouraged to reflect on the purpose and work of positions and offices and evaluate whether a name, description, or mission change is appropriate.

The University has chosen "Access, Opportunity, and Excellence" to describe the foundational commitment to fostering a welcoming environment that supports the success of all students, staff, and faculty. Other language may better describe particular positions or offices, or resonate more fully with your units.

Regardless, names and descriptions should reflect MSU's values of inclusion and equal opportunity, and convey commitment to nondiscrimination, so that the important efforts of these roles and offices cannot be misinterpreted as granting preferential treatment based on protected identity.

Request for updates must go through the Dean's Office. Before changes are made, new titles and names must be shared with the Office for Inclusive Excellence and Impact at inclusion@msu.edu and the Office of the General Counsel at ogc@msu.edu.

Question: Is there recommended guidance on how faculty should talk about their work?

Answer: Faculty are encouraged to describe their scholarly contributions, teaching approaches and service activities through specific, substantive descriptions rather than categorical labels. For example, evaluation materials should describe faculty contributions using descriptors that capture the substance of the work itself, such as community engagement, collaborative partnerships, inclusive pedagogy, mentorship activities, or public service initiatives.

This approach allows units to continue recognizing faculty contributions that align with and demonstrate commitment to the University's land-grant mission and strategic priorities while using language that focuses on measurable outcomes and concrete activities. The University remains steadfast in supporting faculty in their efforts to create effective and inclusive academic communities.

Question: Is there specific language that should be avoided?

Answer: Language used should not suggest that the program or activity is restricted or grants preferential treatment to any individual or group based on legally protected identities such as race, sex, color, ethnicity, national origin, or religion. The federal government has expressed a view that DEI programs may unlawfully discriminate. Care must be taken to ensure that, however a program is named, it is legally compliant.

Additionally, the U.S. Department of Justice (DOJ) has cautioned against the use of proxies for prohibited discrimination. An unlawful proxy "may occur when a federally funded entity intentionally uses ostensibly neutral criteria that function as substitutes for explicit consideration of race, sex, or other protected characteristics." The DOJ provides examples of unlawful proxies, including: "cultural competence" requirements for admission; asking faculty candidates to describe how their "cultural background" informs their teaching; use of diversity statements in admission or hiring, etc.

It is important that all units comply with the University's directive regarding the Civil Rights Compliance Review. Please contact the Office of General Counsel for additional information. Email: ogc@msu.edu; Phone: 517-353-3530

Reappointment, Promotion and Tenure (RPT)

Question: What should faculty, leaders, and reviewers do for the 2025-26 RPT materials submitted before the July 2025 RPT memo?

Answer: Changes noted in the RPT memo reflect what is expected going forward. Faculty, leaders, and reviewers do not need to make changes to RPT materials already submitted. Faculty submitting materials for the 2025-26 RPT cycle should be reviewed by all involved in the process on the expectations set for them before the July 2025 RPT memo.

Question: What if the faculty's materials for the 2025-26 RPT cycle have not yet been submitted? Should we advise them to take out any diversity statements that were part of the unit's criteria for the 25-26 RPT cycle?

Answer: No. Even if faculty did not submit their packet as of the date of the July 2025 RPT Memo, they should still follow the guidelines and criteria that were provided to them by their unit for the 2025-26 RPT cycle. Going forward, units will need to change their RPT guidelines to reflect the guidance in the July 2025 RPT Memo.

Question: What should I do if my packet contains annual reviews or other documents from the past that may have language that is no longer being utilized?

Answer: Documentation written prior to the July 2025 RPT Memo can be included as is; no redaction or changes are necessary. Reviewers should not hold this against candidates in any way, as it reflects work that was assigned at that time.

Question: What should faculty, leaders, and reviewers do for the 2026-27 RPT cycle?

Answer: Faculty submitting materials for the 2026-27 RPT cycle should be reviewed on the expectations set for them following the July 2025 RPT memo. Moving forward, evaluation processes should focus on allowing faculty to describe their scholarly contributions, teaching approaches, and service activities through specific, substantive descriptions rather than categorical labels. Units should continue to recognize faculty contributions that align with and demonstrate commitment to the university's land-grant mission, institutional values, and strategic priorities while using language that focuses on measurable outcomes and concrete activities.

Question: How should annual reviews be conducted in 2025 for periods of time before adjusted guidance?

Answer: The RPT memo indicates that "moving forward," there will be changes. Faculty should be evaluated based on the guidance communicated to them as an expectation of their position. That guidance is what should be used until it has been adjusted.

Syllabus Guidance

Question: What should faculty keep in mind regarding syllabus language?

Answer:

1) Actual course content is covered by academic freedom and can be described fully.
2) Other information provided, such as class management policies and expectations, or other information unrelated to content, should be thoughtful and in compliance with university policy and guidance, including but not limited to the Anti-Discrimination Policy, Freedom of Speech, Thoughtful Restraint, and the Open to All Nondiscrimination Guidance.

3) Faculty review their syllabi and revise “other information” if needed to comply with university or college guidance.

4) Below are examples of phrasing that is allowable (but not required) and other language that should not be used.

Optional Syllabus Language:

- Michigan State University is committed to providing access and promoting/protecting freedom of speech in an inclusive learning environment. Discrimination and harassment based on a protected identity are prohibited. Please review MSU’s Notice of Non-Discrimination, Anti-Harassment, and Non-Retaliation.
- In this class, we will work together to create and maintain a respectful teaching and learning environment where we engage in conversations that challenge our perspectives and understanding.
- Please let me know if you would like me to use a name for you that is not reflected in the University system or if there is anything else I can do to support your access to this class.

Language to avoid in a syllabus:

- Language that appears to promote protected identity-based preferences or otherwise violates federal or state civil rights laws.
- Language that appears to restrict First Amendment rights.

Supporting Resources

- July 7: Important Hiring Changes
- July 8: The Reappointment, Promotion & Tenure Memo
- July 29: Department of Justice – Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination
- July 30: Follow-up to the RPT Memo
- Aug. 21: Civil Rights Compliance for Programs and Activities – Guidance Sheet (OGC) available on OGC Website.

Additional Resources

- Access, Opportunity and Excellence at MSU
- MSU 2030: Excellence for Global Impact
- MSU Mission and Values
- MSU Office of the General Counsel Legal Topics and FAQs
- Next Steps: A Practical Guide for Ensuring Access and Opportunity for All Employees
- Why Companies Are Renaming DEI Functions—And What It Means for You