

# Graduate Student Academic Grievance Hearing Procedures

## For the College of Education

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The *Michigan State University Student Rights and Responsibilities (SRR)* 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 SRR and the GSRR, the College of Education has established the following College Hearing Board procedures for adjudicating academic grievances and complaints. (See GSRR 5.4.)

### **I. JURISDICTION OF THE COLLEGE OF EDUCATION HEARING BOARD:**

- A. The College Hearing Board serves as:
  - 1. the appellate Board for academic grievance hearings initiated at the Department/School level by graduate students. (See GSRR 5.1.1. and 5.4.12.)
  - 2. the initial Hearing Board for academic grievance hearings involving graduate students who allege violations of student 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) in the following situations:
    - a. the Dean of the College concurs with a request by the Chair/Director of a Department/School to waive jurisdiction. (See GSRR 5.3.6.2.)
    - b. the Dean of the College administers the course or program where the alleged violation took place.
    - c. the Dean of The Graduate School selects the College Hearing Board to hear a case of ambiguous jurisdiction. (GSRR 5.5.7. See also *Integrity of Scholarship and Grades* policy, Sections 5, 8 and 9.)
  - 3. the initial Hearing Board for academic disciplinary hearings for graduate students in the College who are accused of academic misconduct (academic dishonesty, violating professional standards or falsifying admission and academic records) and the Dean, or designee, of the student's college seeks to impose sanctions in addition to, or other than, a penalty grade. The students, after meeting with the Graduate School Dean, may opt for a hearing before the College Hearing Board. (See GSRR 5.5 and *Integrity of Scholarship and Grades* policy, Sections 5, 8 and 9.)
- B. Students may not request an academic grievance hearing based on an allegation of incompetent instruction. (GSRR 2.2.2 and 2.2.4.)

## **II. COMPOSITION OF THE COLLEGE HEARING BOARD:**

- A. The College shall constitute a College Hearing Board pool no later than the end of the tenth week of the spring semester. Hearing Board members serve one year terms with reappointment possible. The Hearing Board pool should include both faculty and graduate students. (See GSRR 5.1.3 and 5.1.6.)
- B. The College Hearing Board shall include an equal number of graduate students and faculty. One of the faculty members should be the Chair of the College Graduate Committee, or designee. In addition, the Hearing Board will include a Hearing Board Chair, also drawn from the faculty pool.
- C. The Chair of the College Hearing Board shall be a Hearing Board member with faculty rank. All members of the College Hearing Board shall have a vote, except the Chair, who shall vote only in the event of a tie. (GSRR 5.1.3, and 5.1.5.)
- D. The College will train hearing board members about these procedures and the applicable sections of the GSRR.

## **III. REFERRAL TO COLLEGE HEARING BOARD:**

- A. Grievance Hearing
  - 1. 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 student academic rights or academic misconduct (academic dishonesty, violations of professional standards or falsifying admission and academic records) may request an academic grievance hearing. The hearing will occur at the College level if one of the conditions outlined in 1.A.2 above exists. At any time in the grievance process, students may consult with the University Ombudsperson.
  - 2. 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 College 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. (GSRR 5.3.6.1.)
  - 3. A written request for an academic grievance hearing must (1) specify the alleged violation(s) of academic rights in sufficient detail to justify a hearing, (2) identify the individual against whom the grievance is filed (the respondent), and (3) state the desired redress. Anonymous grievances will not be accepted.

B. Disciplinary Hearing

1. For complaints that involve allegations of academic misconduct (academic dishonesty, violations of professional standards, or falsifying academic and admission records), the complainant (instructor) or the Dean of the College, or designee, may request an academic disciplinary hearing to impose sanctions in addition to, or other than, a penalty grade. Graduate students may request an administrative hearing before the Dean of The Graduate School or a hearing before the College Hearing Board. However, if the student's Dean, or designee, calls for an academic disciplinary hearing, the student has **10** class days to request an academic grievance hearing to contest the allegation in the unit in which the misconduct occurred. Disciplinary hearings are held in abeyance until the conclusion of the grievance hearing, including appeals. (GSRR 5.5. See also *Integrity of Scholarship and Grades* policy.)
2. If a disciplinary hearing by either the Dean of The Graduate School or the College Hearing Board is pending the outcome of a grievance hearing by a graduate student to contest an allegation of academic misconduct, and the initial Hearing Board decides for the instructor, the disciplinary hearing would proceed promptly, pending an appeal, if any, within **5** class days by the student to the University Graduate Judiciary (UGJ). If the initial Hearing Board finds for the graduate student, the academic disciplinary hearing would be dismissed, pending an appeal, if any, by the instructor to the UGJ. (See GSRR 5.4.12.3.)

#### IV. PRE-HEARING PROCEDURES

- A. After receiving a student's written request for a hearing, the Dean (or designee) will promptly refer the grievance to the Chair of the Hearing Board. (GSRR 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 and ask for a written response;
  2. send the names of the 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. In addition to conflict of interest challenges, either party can challenge two hearing board members without cause (GSRR 5.1.7.c);
  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 Dean of the College, or designee (See GSRR 5.1.7.). Decisions by the Hearing Board chair or the College Dean (or designee) on conflict of interest challenges are final;
  4. send the Hearing Board members a copy of the request for a hearing and the respondent's written response, and send all parties a copy of these procedures.
- C. When serving as the initial Hearing Board and within **5** class days of being established, the Hearing Board shall review the request and all submitted information, and decide to:
  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. The GSRR allows the hearing board a third option: 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. However, by the time a grievance is requested all informal methods of conflict resolution should have been exhausted so this option should be rarely used. (See GSRR 5.4.6.)
- D. When serving as the appellant board for graduate students and within **5** days of being established, the College Hearing Board will forward the request for a hearing to the respondent, and:
1. decide that it does not have jurisdiction and allow the initial Hearing Board's decision to stand; or
  2. direct the initial Hearing Board to rehear the case or reconsider or clarify its decision; or
  3. decide that sufficient reasons exist for an hearing, request a written response from the respondent, and schedule the hearing. (GSRR 5.4.12.4.)
- E. If the College 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 after the initial hearing, and request a reply to the grievance from the respondent to be filed in a timely way.
- F. At least **5** class days before the scheduled hearing, the Chair of the College 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 College Hearing Board members after any challenges. (See GSRR 5.4.7.)
- G. At least **3** class days before the scheduled hearing, the parties must notify the Chair of the College Hearing Board of the names of their witnesses and advisor, if any, and, if necessary, request permission for the advisor to have voice at the hearing. The Chair will promptly forward the names given by the complainant to the respondent and visa versa. (See GSRR 5.4.7.1.)
- H. The Chair of the Hearing Board may accept written statements from either party's witnesses at least **3** class days before the hearing, in lieu of a personal appearance. (See GSRR 5.4.10.3.)
- I. In unusual circumstances and in lieu of a personal appearance, either party may request permission to submit a written statement to the College Hearing Board or request permission to participate in the hearing through an electronic communication channel. Written statements must be submitted to the College Hearing Board at least **3** class days before the scheduled hearing. (See GSRR 5.4.9c.)
- J. Either party to the grievance hearing may request a postponement of the hearing. The College Hearing Board may either grant or deny the request. (See GSRR 5.4.8.)
- K. At its discretion, the College Hearing Board may set a reasonable time limit for each party to present its case, and the Chair of the College Hearing Board must inform the parties of such a time limit in the written notification of the hearing. (See Section IV.F. above.)

- L. Hearings are closed unless the student requests an open hearing, which would be open to all members of the MSU community. The College Hearing Board may close a hearing to protect the confidentiality of information or to maintain order. (See GSRR 5.4.10.4.)
- M. Members of the College Hearing Board are expected to respect the confidentiality of the hearing process. (GSRR 5.4.11.)

## V. HEARING PROCEDURES:

- A. The Hearing will proceed as follows:
1. Introductory remarks by the Chair of the College 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.
    - In academic disciplinary hearings, the Hearing Board is asked only to determine if sanctions in addition to, or other than, a penalty grade are warranted.
    - All Hearing Board decisions must be reached by a majority of the Hearing Board, based on a "clear and convincing evidence."  
(For various definitions, see GSRR Article 8.)
  2. If the complainant fails to appear in person or via an electronic channel at a scheduled hearing, the College Hearing Board may either postpone the hearing or dismiss the case for demonstrated cause. (See GSRR 5.4.9.a.)
  3. If the respondent fails to appear, in person or via an electronic channel, at a scheduled hearing, the College Hearing Board may postpone the hearing or, only in unusual circumstances, hear the case in his or her absence. (See 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 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 GSRR 5.4.10.2.)

6. Presentation by the Complainant: The Chair recognizes the complainant to present without interruption any statements directly relevant to the complainant's case, including the redress sought. The Chair then recognizes questions directed at the complainant by the College 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 College 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 College 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, any statement relevant to the respondent's case. The Chair then recognizes questions directed at the witnesses by the College 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 College 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.

### B. Decision:

1. In grievance (non-disciplinary) hearings involving graduate students in which the College Hearing Board serves as the initial hearing body and, based on a "clear and convincing evidence," a majority of the Board finds that a violation of the student's academic rights has occurred and that redress is possible, it shall direct the Dean, or designee, to implement an appropriate remedy, in consultation with the Hearing Board. If the College Hearing Board finds that no violation of academic rights has occurred, it shall so inform the Dean, or designee. (See GSRR 5.4.11.)

2. In grievance (non-disciplinary) hearings involving graduate students in which the College Hearing Board serves as the initial hearing body to adjudicate an allegation of academic dishonesty and, based on a "clear and convincing evidence," the Hearing Board finds for the student, the Hearing Board shall recommend to the Dean, or designee, 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 (if appropriate) shall stand and the Academic Dishonesty Report regarding the allegation will remain on file.
3. In disciplinary hearings involving academic misconduct by graduate students in which the College Hearing Board serves as the initial hearing body and, based on a "clear and convincing evidence," finds that disciplinary action in addition to, or other than, a penalty grade is warranted, the College Hearing Board shall recommend to the Dean, or designee, an appropriate sanction. The Dean, in consultation with the Hearing Board, would then implement an appropriate sanction. If the Hearing Board recommends that no sanctions in addition to, or other than, are warranted, the Chair of the Hearing Board shall so inform the Dean, or designee
4. When acting as an appellant Board, the College Hearing Board may affirm, reverse, or modify the decision of the Department/School Hearing Board. It also may direct the Department/School Hearing Board to rehear the initial case or reconsider or clarify its decision. (See GSRR 5.4.12.4 and 5.4.12.4.1.)

C. Written Report:

1. The Chair of the Hearing Board shall prepare a written report of the Hearing Board's findings, including recommended redress or sanctions for the complainant, if applicable, and forward a copy of the decision to the appropriate unit administrator within **3** class days of the hearing. The administrator, in consultation with the Hearing Board, shall then implement an appropriate remedy. (GSRR 5.4.11.)
2. 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. (See GSRR 5.4.11, 5.4.12.3.)
3. The Chair of the Hearing Board shall forward copies of the Hearing Board's report and the administrator's redress, if applicable, to the parties involved, the responsible administrators, the University Ombudsperson and the Dean of The Graduate School. (See GSRR 5.4.11.)
4. All recipients must respect the confidentiality of the report and of the hearing board's deliberations resulting in a decision. (See GSRR 5.4.11.)
5. At any time during this process, either party may consult with the University Ombudsperson. (See GSRR 5.3.2.)

## VII. APPEAL OF COLLEGE HEARING BOARD DECISION:

- A. In hearings involving graduate students, either party may appeal a decision by the College Hearing Board, when acting as the initial hearing board, to the University Graduate Judiciary for cases involving (1) academic grievances alleging violations of student rights heard initially by the College Hearing Board and (2) alleged violations of regulations involving academic misconduct (academic dishonesty, professional standards or falsification of

admission and academic records) that were referred initially to the College Hearing Board for disciplinary action. (See GSRR 5.4.12.)

- B. All appeals must be in writing, signed and submitted to the Chair of the University Graduate Judiciary within **5** class days following notification of the College Hearing Board's decision. While under appeal, the original decision of the College Hearing Board will be held in abeyance. (See GSRR 5.4.12, 5.4.12.2 and 5.4.12.3.)
- C. A request for an appeal of a College Hearing Board decision to the University Graduate Judiciary must cite the specific applicable procedure(s) the initial Hearing Board allegedly failed to follow or allege that findings of the College Hearing Board were not supported by the "clear and convincing evidence." The request must state the alleged defects in sufficient detail to justify a hearing and also must include the redress sought. Presentation of new evidence normally will be inappropriate. (See 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 College Hearing Board 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 College Hearing Board to review the new material and render a decision on a new hearing. (See GSRR 5.4.13.)

#### **IV. FILE COPY:**

The Dean of the College shall file a copy of these procedures with the Office of the Ombudsperson and with the Dean of The Graduate School. (See GSRR 5.4.1.)

Approved by College Faculty August 4, 2015.