



COLLEGE OF NATURAL SCIENCE

Student Academic Grievance Hearing Procedures

Definitions and Abbreviations used in the Student Academic Grievance Hearing Procedures of the College of Natural Science:

Abbreviations

AFR: The Academic Freedom for Students at Michigan State University; also known as the Academic Freedom Report, applies primarily to undergraduate students

GSRR: Graduate Students Rights and Responsibilities; applies to graduate students

Jurisdiction of all University Academic Hearing Boards

Department/School Level Hearing Boards: Department/school hearing boards shall have initial jurisdiction over student academic grievances alleging violations of student academic rights. Department/school hearing boards also have jurisdiction over student grade disputes. (See AFR 6.I.A.) They are NOT responsible to hear cases involving academic misconduct for undergraduates (i.e. challenges to penalty grades.) See UAIHB below. Department/school hearing boards do hear graduate student complaints to contest charges of alleged academic misconduct.

College jurisdiction is defined herein.

University Academic Integrity Hearing Board (UAIHB): The University Academic Integrity Hearing Board shall have jurisdiction over academic grievances brought by an undergraduate student to contest an allegation of academic misconduct which usually includes a penalty grade. (See AFR 6.III.A.) So there is no departmental or college level hearing in cases of penalty grade challenges for undergraduate students.

University Academic Appeal Board (UAAB): The University Academic Appeal Board shall have appellate jurisdiction over (1) decisions by the University Academic Integrity Hearing Board in cases alleging academic misconduct for undergraduates; (2) decisions by college hearing boards acting as a disciplinary hearing body for an allegation of academic misconduct by an undergraduate student, and (3) decisions by department/school and college hearing boards in cases involving academic grievances alleging violations of undergraduate student rights. (See AFR 6.IV.A.) This is to say that all undergraduate appeals go to UAAB and it does NOT hear any graduate student appeals. Graduate students may appeal decisions initiated at the college level only to the University Graduate Judiciary.

Types of Hearings

Academic Disciplinary Hearing: a hearing in which sanctions apart from or beyond a penalty grade are requested. Such sanctions can be requested by faculty or deans for academic misconduct in situations in which no penalty grade is possible. Examples included falsifying admissions documents or egregious violations of professional standards of conduct. A typical case might be the associate dean initiating academic disciplinary proceedings upon noting a pattern of academic infractions across courses. Academic disciplinary hearings are typically used to determine sanctions, so students may request an academic grievance hearing before the proper hearing body to dispute the original allegation of academic misconduct before the academic disciplinary hearing proceeds.

Grievance (Non-disciplinary) Hearing: a hearing in which any student is alleging violations of student rights or graduate students are appealing a penalty grade.

Open Hearing: Permits any member of the academic community (faculty, staff, students) to attend.

Closed Hearing: Only parties to the hearing and the Hearing Board members may attend a closed hearing. This is the default for all hearings in CNS.

Respondent and Complainant

Respondent: If the student requests the hearing, then the faculty is the respondent. If the faculty/administrator requests the hearing as in an academic disciplinary case, then the student is the respondent.

Complainant: If the student requests the hearing, then the student is the complainant. If the faculty/administrator requests the hearing as in an academic disciplinary case, then the faculty/administrator is the complainant.

Preponderance of Evidence

Preponderance of evidence: That which is more convincing, more credible, and of a greater weight. In disciplinary hearings, a preponderance of evidence must overcome an appropriate presumption of innocence.

Determination of Procedural Compliance (Previously called Merit Determination)

Before a hearing is scheduled, the Hearing Board considers the evidence presented by the complainant to determine whether the complaint warrants a hearing; that is, that the Hearing Board has jurisdiction and that all timelines have been met. (See Article IV of this document). This is NOT a pre-hearing ruling on the facts of the case itself. The complainant is entitled to the

hearing, even with an apparently weak case, as long as all procedural items are in order. The decision that the case does not warrant a hearing can be appealed.

Procedures

Preamble: The Academic Freedom for Students at Michigan State University (AFR) and the Graduate Student Rights and Responsibilities at Michigan State University (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 College of Natural Science has established the following College Hearing Board procedures for adjudicating academic and disciplinary hearings. The staff of the College Office of Student Affairs will assist Hearing Board members with logistics such as establishing meeting times and distributing documents. (See AFR2.II.D and GSRR 5.4.1. Also see Integrity of Scholarship and Grades policy) [See also explanatory notes 1 and 2.]

I. JURISDICTION OF THE COLLEGE HEARING BOARD

The College Hearing Board serves as:

- A. the APPELATE board for hearings initiated at the Department level by graduate students. (See GSRR 5.1.1, 5.2.1 and 5.4.12.) (All undergraduate appeals will be heard by the University Academic Appeal Board (UAAB).)
- B. the INITIAL Hearing Board for grievance hearings involving undergraduate or graduate students who allege violations of student academic rights and for graduate students seeking to contest allegations of academic misconduct in the following situations:
 1. The Dean of the College concurs with a request by the Chair/Director of a Department/School/Program to waive jurisdiction. (See AFR 6.II.A; 7.IV.B; GSRR 5.3.6.2.)
 2. The Dean of the College administers the course or program where the alleged violation took place (See AFR 6.II.A)
 3. The Associate Provost for Undergraduate Education or the Dean of the Graduate School selects the College Hearing Board to hear a case of ambiguous jurisdiction. An example might be an infraction occurring with a student not yet admitted to an upper division college that has a hearing board. (See AFR 6.II.A, GSRR 5.5.7. See also Integrity of Scholarship and Grades policy, Sections 5, 8 and 9.)
- C. the INITIAL Hearing Board for academic disciplinary hearings for graduate students accused of (1) committing an act of academic dishonesty, (2) violating professional

standards or (3) falsifying admission and/or academic records, when the students' dean calls for a disciplinary action and the student, after meeting with the Dean of the Graduate School, selects a college-level hearing rather than an administrative hearing. (See GSRR 5.5.2. See also Integrity of Scholarship and Grades policy)

- D. the INITIAL Hearing Board for academic disciplinary hearings for undergraduate students accused of (1) academic dishonesty, (2) violating professional standards or (3) falsifying admission and/or academic records, when the students' dean calls for a disciplinary action and the student, after meeting with the Associate Provost for Undergraduate Education, selects a college-level hearing rather than an administrative hearing. (See AFR 7.V.E. See also Integrity of Scholarship and Grades policy)

II. COMPOSITION OF THE COLLEGE HEARING BOARD

- A. The College Hearing Board pool shall consist of all faculty with appointments in the College of Natural Science. Hearing boards shall be composed of equal numbers of faculty and students plus an additional faculty chairperson. When a hearing board is required, the necessary number of faculty members and one alternate will be selected by the appropriate Associate Dean from the first available names from a randomized computer generated list of the faculty of the College. (See AFR 6.II.B,C ; GSRR 5.1.3 and 5.1.6)
- B. The Chairperson of the College Graduate Committee, or designee, will serve as a fourth faculty member on any Hearing Board involving a graduate student. (GSRR 5.1.3)
- C. The Chairperson of the Hearing Board shall be a Hearing Board member selected by the Chairperson of the CNS Faculty Advisory Council from among the randomly selected Hearing Board members with the highest faculty rank and with the greatest seniority. (See GSRR 5.1.5.) It is the duty of the Hearing Board Chairperson to preside over the hearing, maintain decorum, and see that due process, as defined in Article 7 of the Academic Freedom Report, and further explicated herein, is followed. The Hearing Board Chairperson is authorized to make decisions regarding procedures of the hearing, such as exemptions described below, and will be responsible for insuring a report is delivered to the Dean in a timely manner at the conclusion of the proceedings.
- D. In hearings involving undergraduate students, the Hearing Board shall include 2 faculty and one alternate, the Hearing Board chairperson, and 2 undergraduate students and one alternate. For grievances involving graduate students, the Hearing Board shall include 2 faculty and one alternate, the Chair of the College Graduate Committee, the Hearing Board Chairperson, and 3 graduate students and one alternate.

- E. Student representatives to Hearing Boards will be selected by the appropriate Associate Dean from the first available names from a randomized computer generated list of the members of the Student Advisory Council, taking into consideration the need for undergraduate or graduate student representation on the hearing board.
- F. Alternates must participate without vote in all matters up to the hearing so as to be able to substitute for a hearing panel member if needed. All members of the Hearing Board who participate in the hearing shall have a vote, with the exception of the Chair. The Chair will vote only in instances of a tie. (See AFR 6.II.B; GSRR 5.1.3, 5.1.5 and 5.1.6.)
- G. Restrictions on serving on a Hearing Board include:
 - 1. Faculty members may not hear a case if they represent an administrative unit or teaching unit involved in the hearing.
 - 2. Students may not hear a case if they are majoring in the unit involved in the hearing.
 - 3. No representative of the Dean's Office or other administrators, i.e., Chairpersons, Directors, Associate Chairpersons or Assistant Chairpersons of a teaching or research unit may serve on a Hearing Board. If the Chairperson of the Graduate Committee is also a departmental administrator, s/he must designate another member of the College Graduate Committee to serve on Hearing Boards concerning graduate students.
 - 4. No more than one faculty member from a single administrative or teaching unit may serve on a given Hearing Board.
 - 5. No one involved in the case may serve on the Hearing Board.
 - 6. At the discretion of the Chairperson of the Hearing Board, depending on the nature of the allegation and/or units(s) involved, other exemptions may be granted. Any faculty member who has served on a similar College-level judiciary within the previous three years may request an exemption.
- H. The FAC Chairperson and Chairperson of the College Graduate Committee will designate an alternate to assume their responsibilities relative to any grievance in which they may be prevented from serving by virtue of any restriction in II.G above or due to any other perceived conflicts of interest.
- I. The College will train hearing board members about these procedures and the applicable sections of the AFR and GSRR. (See AFR 7.IV.C and GSRR 5.1.3)

III. REFERRAL TO THE COLLEGE HEARING BOARD

A. Grievance Hearings

1. Graduate or undergraduate students who believe a member of the MSU community has violated their academic rights should first attempt to resolve the dispute through informal discussions with the party. Graduate students seeking to resolve an accusation of academic misconduct should also seek resolution through informal discussions. If the students remain dissatisfied with the results of this discussion, they should consult with the head of unit (Chairperson, Director or Dean) in which the dispute occurred and/or University Ombudsman. (See AFR 7.III.A, 7.IV.H; GSRR 5.3.1, 5.3.2 and 5.5.1.) [Also see explanatory note 3]
2. Students who remain dissatisfied with the results of these discussions may then file a written request for an academic grievance hearing with the appropriate unit head. The hearing will occur at the College level if the conditions in Article I above hold. Students may not seek redress through an academic grievance hearing based on an allegation of instructor incompetence (AFR 2.II A and C; GSRR 2.2.1, 2.2.2 and 2.2.4.). These concerns can be raised with Department/unit chairpersons but judgments of faculty competence will be made by faculty. In hearings that originate at the department or school level, a Chairperson or Director at this time may request that the Dean waive unit-level jurisdiction and refer the case to the College Hearing Board. (See AFR 6.II.A; GSRR 5.3.2 and 5.3.6.)
3. Undergraduate students must submit the written request (hard copy or electronic) for a hearing by the middle, (as specified in the University's academic calendar) of the next semester (including summer semester) following the semester in which the alleged violation occurred. Graduate students must submit the written request (hard copy or electronic) for a hearing by the middle of the semester (as specified in the University's academic calendar) following the one wherein the alleged violation occurred, not counting summer semester. If the middle of the semester falls during a scheduled vacation period when students are not enrolled for classes, the grievance must be filed on the first class day after the vacation period. If either the student or the instructor/administrator is absent from the university during that semester, or if other appropriate reasons emerge, an extension may be granted. The Chairperson of the Faculty Advisory Council, in consultation with the appropriate Associate Dean, is authorized to act on this and other matters as necessary before a Hearing Board is empanelled. The Chairperson of the Faculty Advisory Council may delegate this responsibility to the academic dean. 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.)

4. A written request (hard copy or electronic) 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 and (3) state the desired redress. (See AFR 7.III.B and C; GSRR 5.3.2, 5.3.5 and 5.3.6.)
5. If a teaching assistant is named in the grievance, the faculty of record for the course may share responsibility as the respondent, as in instances in which the TA is administering policies set by the faculty. The TA may stand alone in instances in which the action of the individual TA is being grieved. The determination as to whether the faculty of record shall be included will be at the discretion of the Hearing Board Chairperson.(GSRR 5.3.5)

B. Disciplinary Hearings

1. For student violations that involve allegations of academic misconduct including academic dishonesty, violations of professional standards or falsifying academic or admission records, the faculty/administrator may request the Dean of the college call for an academic disciplinary hearing to impose sanctions in addition to or other than a penalty grade.
 - a. For undergraduate students, the student's dean will notify the Associate Provost for Undergraduate Education. The Associate Provost will promptly notify the student in writing of the call for a disciplinary hearing and will invite the student to a meeting. The student may elect an administrative review by the Associate Provost or a hearing. In the latter case, the Associate Provost will determine the appropriate judiciary for the hearing. (See AFR 7.V.E; See also the Integrity of Scholarship and Grades policy.)
 - b. For graduate students, the student's academic dean will refer the request for disciplinary action to the Dean of the Graduate School. The Dean of the Graduate School will notify the student in writing of the call for a disciplinary hearing and will invite the student to a meeting. The student may elect an administrative review by the Dean of the Graduate School or a hearing. In the latter case, the Dean of the Graduate School will determine the appropriate judiciary for the hearing. (See GSRR 5.5.2 and 5.5.2.1. See also the Integrity of Scholarship and Grades policy.)
2. If the 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 alleged misconduct occurred. The disciplinary hearing will be held in abeyance until the conclusion of the grievance hearing, including appeals. (See AFR 7.V; GSRR 5.5.2.2. See also Integrity of Scholarship and Grades policy.)

- a. 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)
- b. If a disciplinary hearing by either the Associate Provost for Undergraduate Education or the College Hearing Board is pending the outcome of a grievance hearing by an undergraduate student before the University Academic Integrity Hearing Board (UAIHB), and the UAIHB finds for the instructor, the academic disciplinary hearing would promptly proceed, pending an appeal, if any, within 5 class days by the undergraduate student to the University Academic Appeal Board (UAAB). If the UAIHB finds for the student, the academic disciplinary hearing would be dismissed, pending an appeal, if any, by the instructor to the UAAB. (See AFR 7.V and 7.VII.A.).

C. Pre-Hearing Procedures

1. Within 5 class days of receiving a student's written request for an academic grievance hearing (see AFR 7.IV.D 1, 2 or GSRR 5.4.3), the Dean of the College, or designee, shall forward the written hearing request or complaint to the respondent. No response from the respondent is required until it has been determined that a hearing will proceed (See Article V below) Also within 5 class days of receiving the hearing request, the Dean/designee will:
 - a. Constitute a Hearing Board as specified in Article II and identify the chairperson.
 - b. Send a copy of this document (hard copy or electronic) to each party and to the Hearing Board members.
 - c. Send the complaint to the Hearing Board members.
 - d. Notify each party to the hearing of the Hearing Board membership, including alternates and notify them of their options to challenge membership as specified in this document.

- i. In hearings involving graduate students, either party may remove and replace two members of the Hearing Board, except the Chairperson, without cause. The Hearing Board Chairperson must receive this notification in writing (hard copy or electronic) no later than 3 class days after the student receives notice of the Hearing Board's membership. The challenged members will be replaced by the designated alternate and, if needed, then selected from the next available individuals on the randomly generated lists of faculty and students from which the Hearing Board membership was originally drawn. The Hearing Board should be reconstituted to include alternate members. (See GSRR 5.1.7.a and c.)
 - ii. For both graduate students and undergraduate students, upon receiving notice of the Hearing Board's membership, either party may request the Chairperson of the Hearing Board to remove members of the Hearing Board whom the parties believe to be in conflict of interest. Such requests must be made in writing (hard copy or electronic) explaining the cause for removing the hearing board member and must be received no later than 3 class days after receiving notice of the Hearing Board's membership. If the Hearing Board Chairperson is among the challenged members, the FAC Chairperson or designee will receive the requests and will appoint a Chairperson from the randomly selected replacements. The Hearing Board should be reconstituted to include alternate members. (See AFR 7.IV.D 2.)
 - iii. The Hearing Board Chairperson will review the request(s) and report the results of his or her findings, including any replacement of Hearing Board members, in writing to both parties within 3 class days of receiving the replacement request. If members are replaced, the establishment date of the Hearing Board is reset to the date of empanelment of the new members. If the Hearing Board Chairperson is among the challenged members, the FAC Chairperson or designee will receive the request and make the determination. (See AFR 7.IV.D; GSRR 5.1.2 and 5.1.7.a.)
2. Upon receipt of the request and with the assistance of the CNS Office of Student Affairs, the Chairperson of the Hearing Board must schedule a meeting within 5 class days of the establishment of the Hearing Board to determine the procedural compliance of the hearing request. (See AFR 7.D.4; GSRR 5.4.3.) [See also explanatory note 2.]

IV. DETERMINATION OF PROCEDURAL COMPLIANCE

- A. The Hearing Board shall meet within 5 class days of its establishment to review the hearing request for its completeness, jurisdiction and timing. (AFR 7.IV.D.4) All individuals involved in the hearing process are expected to respect the confidentiality of the information provided and avoid discussions and electronic communications outside the hearing. After considering all submitted information, the Hearing Board, acting as the initial hearing body or as the appellate body, must:
1. Accept the request, in full or in part, and proceed with the hearing; or
 2. Reject the request and provide a written explanation to appropriate parties. The hearing board must reject the complaint/grievance if the written complaint/grievance does not (1) specify the alleged violation(s) of academic rights, (2) identify the individual against whom the grievance is filed, and (3) state the desired redress. (See AFR footnote 35) The Hearing board must also reject the complaint/grievance if (4) it has been filed with the wrong hearing board or (5) the deadline for filing a grievance/complaint had already elapsed when it was filed. The Hearing Board should not reject hearing requests by prematurely judging the evidence provided. The complainant may appeal the decision rejecting a hearing; or
 3. Invite all parties to meet with the entire Hearing Board in an informal session to try to resolve the matter without a formal hearing. Such a meeting does not preclude a later hearing. (For convenience, the informal session may be scheduled so that if resolution is not achieved, the parties and the Hearing Board can proceed directly to a hearing but this requires the hearing preparations below to be complete.) (See 7.IV.4; GSRR 5.4.6.)
- B. If the Hearing Board determines to proceed to a hearing, the Hearing Board Chairperson will notify the parties of the decision within 3 class days of the compliance hearing and invite a written response from the respondent (AFR 7.IV.D.4.)
- C. The compliance determination meeting and the hearing may be scheduled so that if the complaint is determined to be valid, the Hearing Board can proceed directly to the hearing. This is particularly applicable when an expedited decision is warranted. When scheduled in this manner, all procedures relative to a hearing must be followed.

V. PREPARING FOR A HEARING

- A. If the Hearing Board decides to schedule a hearing, the Chairperson of the Hearing Board shall promptly set a hearing date with the parties and the Hearing Board and notify all of the date, time and place and request a response from the respondent in a

timeframe that conforms to V.B. below. In instances in which a delay may threaten immediate or irreparable damage to any of the parties involved, the Hearing Board shall expedite the hearing timeline specified below and the final disposition of the case.

1. An additional contingency meeting only for the Hearing Board should be scheduled if additional deliberations on the findings become necessary. Time for an informal session as described in Article IV.A.3 of this document may also be established. The parties shall be notified of the hearing date in writing (hard copy or electronic) and the deadlines for submitting additional materials and information specified V.B below.
- B. At least 5 class days before a scheduled hearing, the Chairperson of the Hearing Board shall notify the parties in writing (hard copy or electronic) of the (1) time, date and place of the hearing; (2) the names of the parties to the grievance; (3) the names of the Hearing Board members after challenges, including alternates; (4) time limits, if any, for presenting his/her case during the hearing; (5) request for notification within 3 days of the intent to present witnesses and have an advisor (see V.C below) and (6) provide copies of the complaint/grievance and response. (See AFR 7.IV.D.5, and GSRR 5.4.7 and 8.1.4. Also see explanatory notes 4 and 5)
- C. At least 3 class days before a scheduled hearing the parties must notify the Chairperson of the Hearing Board of the (1) intent to present witnesses and their names, (2) the intent to be accompanied by an advisor and his/her name and relationship/role/title, and if necessary, request permission for the advisor to have voice at the hearing, and (3) request that the hearing be opened to the MSU community (See Section V. G). The Hearing Board Chairperson shall promptly forward this information to all concerned. In instances when the College Hearing Board is hearing an appeal, presentation of new evidence would be inappropriate.(AFR 7.IV.D.6, 13, 14 and 15; GSRR 5.4.7.1, 5.4.10 and 8.1.4)
- D. 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 AFR 7.IV.D.10)
- E. 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 AFR 7.IV.D.9; GSRR 5.4.9c)
- F. Either party to the grievance hearing may request a postponement of the hearing for good cause. The Hearing Board may either grant or deny the request. (See AFR 7.IV.D.8 and GSRR 5.4.8.)

- G. 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. Under no circumstances will observers have voice at the proceedings. (See Section V.B; AFR 7.IV.D 13)
- H. Members of the College Hearing Board are expected to respect the confidentiality of the hearing process and must not talk about the hearing with either party before the scheduled hearing.

VI. HEARING PROTOCOLS

- A. If the complainant fails to appear at the scheduled hearing in person or via an electronic channel, the Hearing Board may either postpone the hearing or dismiss the case for demonstrated cause. (See AFR 7.IV.D.11 and GSRR 5.4.9a.)
- B. If the respondent fails to appear at the scheduled hearing in person or via an electronic channel, 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.)
- C. If the respondent is a faculty member or staff and no longer employed by the University before the grievance procedures conclude, the hearing may still proceed. If the student is the respondent and has already graduated, the hearing may still proceed. In the case of a disciplinary hearing, sanctions, including withdrawing a degree, can be imposed even if the student has graduated. (See AFR 7.III.C; GSRR 5.3.6.1.)
- D. No written materials or visual aids may be presented at the hearing that were not provided to the Hearing Board or the other party in advance of the hearing. Any amendments to a complaint/grievance must be filed at least five class days before the hearing (AFR 7.IV.7)

VII. HEARING PROCEDURES

General Procedures:

- A. The Chairperson of the Hearing Board shall convene the hearing at the designated time, date and place. The Chairperson will ensure that a collegial atmosphere prevails and enforce announced time limits for the presentation of arguments. During the hearing, parties shall have an opportunity to state their case, present evidence, designate witnesses, ask questions and present a rebuttal.
- B. Witnesses called by either party shall be excluded from the proceedings except when testifying. Witnesses must confine their testimony to their own independent

recollection and may not speak for others. The Hearing Board may limit the number of witnesses. Unless otherwise approved by the Hearing Board, witnesses shall be limited to members of the MSU community (faculty, staff or students). (See AFR 7.IV.D.15, GSRR 5.4.10.3.)

- C. Involvement of counsel/advisor normally should not be required. Each party must present her/his own case, but advisors may have a voice in the hearing when previously requested and granted, and when recognized by the Hearing Board Chairperson. (See AFR 7.IV.D.14 GSRR 5.4.10.)
- D. To assure orderly questioning, the Chairperson of the Hearing Board must recognize individuals before they speak. All parties have the right to speak without interruption. Each party has the right to question the other party and to rebut any oral or written statements submitted to the Hearing Board. The Chairperson of the Hearing Board shall enforce announced time limits on each party to present its case and, if necessary, extend equal time to each party.
- E. The hearing will proceed as follows:
 - 1. Introductory remarks by the Chairperson of the College Hearing Board: The Chairperson of the Hearing Board introduces Hearing Board members, the complainant, the respondent and advisors, if any. The Chairperson reviews the hearing procedures, including time restraints, if any, for presentations by each party and witnesses. The Chairperson also explains:
 - a. In academic grievance hearings in which a student alleges a violation of academic rights, the student bears the burden of proof. If the Hearing Board finds in favor of the student, it may recommend whatever redress it may consider appropriate to the specific case and is not restricted to the redress requested. (See AFR 6.II.D.)
 - b. In hearings involving graduate students seeking to contest allegations of academic misconduct, the instructor bears the burden of proof.
 - c. 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. The sanctions available are those specified in AFR 7.VI and GSRR 5.5.8.
 - d. The Chair also explains that the decision of the Hearing Board must be reached by a majority of the Hearing Board, based on a “preponderance of the evidence.” (See AFR 7.IV.D.14, AFR 11 and footnote 37; GSRR 8.1.18.)
 - 2. Presentation by the Complainant: The Chairperson recognizes the complainant to present without interruption any statements relevant to the complainant’s case, including the redress sought. The Chairperson then recognizes questions

directed at the complainant, in no particular order, by the Hearing Board, the respondent, and the respondent's counsel/advisor, if approved to speak.

3. Presentation by the Complainant's Witnesses: The Chairperson recognizes the complainant's witnesses, if any, one at a time to present, without interruption, any statement directly relevant to the complainant's case. The Chairperson then recognizes questions directed at the complainant's witnesses, in no particular order, by the Hearing Board, the respondent, the respondent's counsel/advisor, if approved to speak, and the complainant.
4. Presentation by the Respondent: The Chairperson recognizes the respondent to present without interruption any statements relevant to the respondent's case. The Chairperson then recognizes questions directed at the respondent, in no particular order, by the Hearing Board, the complainant, and the complainant's counsel/advisor, if allowed to speak.
5. Presentation by the Respondent's Witnesses: The Chairperson recognizes the respondent's witnesses one at a time, if any, to present, without interruption, any statement directly relevant to the respondent's case. The Chairperson then recognizes questions directed at the respondent's witnesses, in no particular order, by the Hearing Board, the complainant, the complainant's counsel/advisor, if approved to speak, and the respondent.
6. Rebuttal and Closing Statement by Complainant: The complainant may refute statements by the respondent, the respondent's witnesses and counsel/advisor, if any, and present a summary statement.
7. Rebuttal and Closing Statement by Respondent: The respondent may refute statements by the complainant, the complainant's witnesses and counsel/advisor, if any, and present a summary statement.
8. Final questions by the Hearing Board: The Hearing Board may ask questions of any of the parties in the hearing.

F. Deliberations by the Hearing Board:

1. After all evidence has been presented, with full opportunity for explanations, questions and rebuttal, the Chairperson 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 schedule follow-up meeting. (See Article V.A.1 above.)
2. A decision must be reached by a majority of the Hearing Board and shall be conducted by secret ballot.

G. Decision:

1. In grievance (non-disciplinary) hearings involving undergraduate and graduate students in which the College Hearing Board serves as the initial hearing body, the panel shall render a finding by majority vote based on a “preponderance of the evidence.” If it is found 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. The redress need not be that requested by the complainant. If the Hearing Board finds that no violation of academic rights has occurred, it shall so inform the Dean or designee. (See AFR 6.II.D, 7.IV.D and E; GSRR 5.4.11.)
 2. In grievance (non-disciplinary) hearings involving graduate students in which the College Hearing Board acts 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 Dean that the penalty grade be removed and the written record of the allegation, if any, be removed from the student’s records. A good faith evaluation of the student’s academic performance in the course must then take place. If the Hearing Board finds against the student, the penalty grade shall stand and the Academic Dishonesty Report regarding the allegation will remain on file. (See GSRR 5.4.11.)
 3. In disciplinary hearings involving academic misconduct by undergraduate or graduate students in which College Hearing Board serves as the initial hearing body and, a majority of the Hearing Board, based on a “preponderance of the evidence,” finds that disciplinary action in addition to or other than a penalty grade is warranted, it shall recommend to the Dean an appropriate sanction. Available sanctions are those listed in AFR 7.VI and GSRR 5.5.8. If a majority of the College Hearing Board finds that no additional sanction is warranted, the Chair of the Hearing Board shall so inform the Dean, or designee (See AFR 6.II.D and 7.VI.)
 4. When acting as an appellate Board, the Hearing Board may direct the Department/School Hearing Board to rehear the initial case or reconsider or clarify its decision as in instances where salient points were overlooked during the initial hearing.
- H. Written Report: The Chairperson of the Hearing Board shall promptly 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 and recommendation to the Dean or 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, which support the Hearing Board’s decision. Within 3 days of receipt of the report, the appropriate unit administrator shall, in consultation with the Hearing Board determine an appropriate redress or sanction.

The chair of the Hearing Board will prepare a statement of the final decision and will forward copies to the parties, unit administrators who will implement the redress or sanctions, and the University Ombudsman. The report of the final decision also should inform the parties of the right to appeal within 5 class days following notice of the decision and should direct the parties to the proper appeal body. If an appeal is filed, the redress or sanctions will be held in abeyance while the appeal is pending. All recipients must respect the confidentiality of the report and of the Hearing Board's deliberations resulting in a decision. (See AFR 7.IV.F; GSRR 5.4.11 through 5.4.12.3.) [See also explanatory note 6]

VIII. APPEALS OF COLLEGE HEARING BOARD DECISIONS

- A. In hearings involving undergraduate students, either party may appeal the decision of the College Hearing Board to the University Academic Appeal Board in hearings involving (1) academic grievances alleging violations of student rights or (2) a hearing on alleged violations of regulations involving academic dishonesty, professional standards or falsification of admission or academic records that were referred initially to the College Hearing Board for disciplinary action. (See AFR 6.IV.A and 7.VII.)
- B. In hearings involving graduate students, either party may appeal a decision by the College Hearing Board to the University Graduate Judiciary for cases involving (1) academic grievances alleging violation 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.)
- C. All appeals must be in writing, signed and submitted to the Chairperson of either the University Academic Appeal Board within 5 class days or the University Graduate Judiciary within 5 class days following notification of the College Hearing Board's final decision. While under appeal, the original decision of the College Hearing Board will be held in abeyance. (See AFR 7.VII.A and B; GSRR 5.4.12, 5.4.12.2 and 5.4.12.3.)
- D. A request for an appeal of a College Hearing Board decision to either the University Academic Appeal Board or the University Graduate Judiciary 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. Presentation of new evidence normally will be inappropriate unless the information was previously unavailable to the party submitting it and the party acted with due diligence to obtain such evidence for the first hearing. (See AFR 7.VII.A and B; GSRR 5.4.12.1 and 5.4.12.2)

IX. RECONSIDERATION

- A. If new evidence should arise, either party to a hearing may request the Hearing Board to reconsider the case within 30 class days upon receipt of the final decision of the original hearing outcome. The written request for reconsideration is to be sent to the Dean, or designee, who shall promptly convene a Hearing Board to review the new material and render a compliance decision on a new hearing. If possible, the Dean, or designee, will reconvene the original Hearing Board. However, if necessary, a new panel can be composed, in which case the procedures for challenging the membership must be implemented. (See AFR 7.IV.G; GSRR 5.4.13.)

Approved by College Faculty Advisory Council May, 2009
Revised and adopted, College Faculty Advisory Council, February, 2011

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Explanatory Notes

[1] The references to the AFR and GSRR documents are not exhaustive. Parties to the grievance hearing should consult the appropriate document. Use of the word “promptly” rather than a specific number of class days occurs in situations when neither the AFR nor the GSRR cites a specific time reference.

[2] As noted in the preamble, the staff in the Associate Deans’ office is available to assist with logistics acting as secretary to the Hearing Board Chairperson. The FAC chair and Hearing Board chair have latitude to adjust timelines as necessary to administer the hearing process in fairness and good faith.

[3] Sections III.A.1 represents the steps a student or complainant should take before requesting a hearing before a college Hearing Board. Students are not required to follow the informal procedures particularly if there is a concern for a conflict of interest.

[4] Use of the Angel course management system or its equivalent to provide a secure mode to transmit documents electronically is acceptable.

[5] Customary time limits are 20 minutes each for presentation of the case by complainant and respondent and 5 minutes each for summary.

[6] The Associate Deans’ office may prepare a template or provide samples to guide the development of the report. Redacted actual reports may not be provided