

College of Arts & Letters
Grievance Procedures for the College Graduate Hearing Board

The “Graduate Student Rights and Responsibilities at Michigan State University” (GSRR) documents establish the rights and responsibilities of MSU graduate students and prescribe procedures for resolving allegations of violations of those rights through formal grievance hearings. In accordance with the GSRR, the College of Arts & Letters has established the following College Hearing Board procedures for adjudicating student academic grievances.

I. JURISDICTION OF THE COLLEGE OF ARTS & LETTERS HEARING BOARD:

The College of Arts & Letters Hearing Board serves as:

- (1) the appellate board for hearings initiated at the Department/School level by graduate students. (See GSRR 5.2.1 and 5.4.12.)
- (2) the initial hearing board for cases in which the Dean of the College concurs with a request by the Chair/Director of a department/school to waive jurisdiction for hearings involving undergraduate or graduate students. (See GSRR 5.3.6.2.)
- (3) the initial hearing board for disciplinary hearings for graduate students accused of (a) academic dishonesty, (b) violating professional standards or (c) falsifying admission and/or academic records. (See GSRR 5.5.2.)

II. COMPOSITION OF THE COLLEGE HEARING BOARD:

The College of Arts & Letters shall constitute a College Hearing Board no later than the fall semester of each academic year. The College of Arts & Letters Hearing Board shall include the Chair of the College Graduate Committee, or a designee, and an equal number of faculty and graduate students, for grievances involving graduate students, including alternates, selected by their respective groups in accordance with the College bylaws. The chair of the Hearing Board shall be a Hearing Board member with faculty rank. Hearing Board members shall serve one calendar year. (See GSRR 5.1.3, 5.1.5 and 5.1.6.)

III. REFERRAL TO THE COLLEGE OF ARTS & LETTERS HEARING BOARD:

- A. After receiving a written request for a grievance hearing, the Dean of the College of Arts & Letters shall forward the grievance hearing request to the College Hearing Board members, the respondent, complainant and the student’s academic dean within **10** class days for hearing involving graduate students. (See GSRR 5.4.3.)
- B. The Hearing Board shall meet in a timely manner to review the grievance hearing request for jurisdiction and judicial merit and may invite a written response from

the respondent. 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; or
3. direct the Department/School Hearing Board to rehear the initial decision, or reconsider or clarify its decision; or
4. invite all 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.)

(See GSRR 5.4.6 and 5.4.12.4.)

- C. If the College Hearing Board decides to schedule a hearing, the Chair of the hearing Board shall promptly negotiate a hearing date with the parties and schedule an additional meeting only for the Hearing Board should additional deliberations on the findings become necessary.

At least **6** class days before a scheduled hearing involving a graduate student, the Chair of the Hearing Board shall notify the respondent and the complainant in writing of (1) the time, date and place of the hearing; (2) the names of the parties to the grievance; (3) the names of the Hearing Board members, including alternates; (4) the names of the witnesses and advisors, if any; and (5) their right to challenge the hearing Board membership, both with and without cause. (See GSRR 5.1.7, 5.4.7 and 8.1.4. See also III D below.)

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 limit in the written notification of the hearing.

Non-disciplinary hearings shall be open at the Hearing Board's discretion. Disciplinary hearings shall be closed unless otherwise requested by the respondent.

- D. In hearings involving graduate students, either party may remove two members of the Hearing Board without cause no later than **3** class days after receiving notice of the Hearing Board's membership. Further, upon receiving notice of the Hearing Board's membership, either party may request the Chair of the Hearing Board to remove members of the Hearing Board whom the parties believe to be in conflict of interest. The Chair will promptly review the request(s) and report the results of his or her findings in writing to both parties within **3** class days of making the decision. (See GSRR 5.1.2 and 5.1.7.)
- E. If the respondent fails to acknowledge the notice of a hearing, the Hearing Board may either postpone or proceed with the hearing.

If the complainant fails to appear at the hearing, the Hearing Board may either postpone the hearing or dismiss the case. (See GSRR 5.4.9a.)

If the respondent fails to appear at the hearing, the Hearing Board may either postpone the hearing or hear the case in the respondent's absence. (See GSRR 5.4.9b.)

In unusual circumstances, the Hearing Board may accept written statements from either party to a hearing in lieu of a personal appearance. These written statements must be submitted to the Hearing Board at least **1** day before the scheduled hearing. (See GSRR 5.4.9c.)

Either party to the grievance hearing may request a postponement of the hearing. The Hearing Board may either grant or deny the request. (See GSRR 5.4.8.)

Members of the Hearing Board must not talk about the hearing with either party before the scheduled hearing.

IV. COLLEGE GRIEVANCE HEARING PROCEDURES:

A. General Procedures:

The Chair of the College Hearing Board shall convene the hearing at the designated time, date and place. The Chair will ensure that a collegial atmosphere prevails and enforce time limits, as necessary, for the presentation of arguments. During the hearing, parties to a grievance shall have an opportunity to state their case, present evidence, designate witnesses, ask questions and present a rebuttal. The procedures may be taped. (See GSRR 5.4.10 and 5.4.10.1.)

To protect the confidentiality of the information, the Chair of the Hearing Board may limit attendance at the hearing to the complainant, the respondent, witnesses for either party, if any, and counsel/advisor for each party, if any.

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, counsel/advisors and witnesses shall be limited to members of the MSU community (faculty, staff or students). (See GSRR 5.4.10, 8.1.4.)

Involvement of counsel/advisor normally should not be required. Each party must present her/his own case, and counsel/advisors may have a voice in the hearing. (See GSRR 5.4.10.)

To assure orderly questioning, the Chair 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 Chair 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.

B. 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 counsel/advisors, if any. The Chair reviews the hearing procedures, including time restraints, if any, for presentations by each party and witnesses. The Chair explains that the burden of proof rests with the complainant, with the exception of hearings involving allegations of academic dishonesty, in which case the instructor bears the burden of proof, which must be met by a “preponderance of the evidence.” If the proceedings are to be taped, the Chair must inform the parties. (See GSRR 5.5.1 and 8.1.16.)
2. Presentation by the Complainant: The Chair recognizes the complainant to present without interruption any statements relevant to the complainant’s case, including the redress sought. The Chair then recognizes questions directed at the complainant by the Hearing Board, the respondent and the respondent’s counsel/advisor, if any.
3. Presentation by the Complainant’s Witnesses: The chair recognizes the complainant’s witnesses, if any, to present, without interruption, any statement relevant to the complainant’s case. The Chair then recognizes questions directed at the witnesses by the Hearing Board, the respondent and the respondent’s counsel/advisor, if any.
4. 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 Hearing Board, the complainant and the complainant’s counsel/advisor, if any.
5. 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 Hearing Board, the complainant and the complainant’s counsel/advisor, if any.

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 participants in the hearing.
- C. Deliberations by the Hearing Board: 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 schedule follow-up meeting. (See III C above.)
- D. Outcome:

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

In non-disciplinary hearings in which the College Hearing Board is asked to resolve an allegation of academic dishonesty and finds for the student, the Hearing Board shall recommend to the Dean that the penalty grade be removed, the written record of the allegation, if any, be removed from the student's records and a good faith evaluation of the student's academic performance in the course take place.

2. In disciplinary hearings, in which the College Hearing Board serves as the initial hearing body and in which a majority of the Hearing Board finds, based on a "preponderance of the evidence," that disciplinary action, in addition to or other than a penalty grade, is warranted, it shall recommend to the student's academic Dean the appropriate sanction. (See GSRR 5.5.2.)

If the College Hearing Board finds that no sanction is warranted, resulting in no disciplinary action, the student may then challenge the original penalty grade for academic dishonesty before the Department/School Hearing Board in the

Department/School in which the alleged misconduct occurred. (See GSRR 5.5.1.1.)

- E. Written Report: The Chair 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. 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. (See GSRR 5.4.11.)

The report also should inform the parties of the right to appeal within **10** class days following notice of the decision. (See GSRR 5.4.12 through 5.4.12.3.) The Chair shall forward copies to the parties involved, the responsible administrators, the Ombudsman and the Dean of The Graduate School. All recipients must respect the confidentiality of the report. (See GSRR 5.4.11.)

V. APPEALS OF COLLEGE HEARING BOARD DECISIONS:

- A. In hearings involving graduate students, either party may appeal a decision by the Hearing Board to the Graduate Student Judiciary only if the initial hearing took place at the college level. (See GSRR 5.4.12.)
- B. All appeals must be in writing, signed and submitted to the Chair of either the Academic Integrity Review Board or the University Graduate Judiciary within **10** class days following notification of the Hearing Board's decision. While under appeal, the original decision of the 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 either the Academic Integrity Review 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. (See GSRR 5.4.12.1 and 5.4.12.2.)

VI. RECONSIDERATION:

If new evidence should arise, either party to a hearing may request the Hearing Board to reconsider the case within 60 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 Hearing Board to review the new material and render a decision on a new hearing. (GSRR 5.4.13.)

Approved _____