

Office of the Ombudsman
Michigan State University

Fall Semester 2014

Academic Hearing Procedures for Graduate Students
Department of Epidemiology and Biostatistics
College of Human Medicine

The *Graduate Student Rights and Responsibilities* (GSRR) document establishes the rights and responsibilities of MSU graduate students and prescribes procedures for resolving allegations of violations of those rights through formal grievance hearings. In accordance with the GSRR, the Department of Epidemiology and Biostatistics (EPI/BIOSTAT) of Michigan State University has established the following Hearing Board procedures for adjudicating academic grievances and complaints. (See GSRR 5.4.1.)

I. JURISDICTION OF THE Department of Epidemiology and Biostatistics HEARING BOARD:

- A. The Hearing Board serves as:
 - 1. the initial Hearing Board for academic grievance hearings involving students who allege violations of academic rights and/or who seek to contest an allegation of academic misconduct (academic dishonesty, violations of professional standards or falsifying admission and academic records). (See GSRR 2.3.9 and 5.1.1.)
- B. Students may not request an academic grievance hearing based on an allegation of incompetent instruction. (See GSRR 2.2.2 and 2.2.4.)

II. COMPOSITION OF THE HEARING BOARD:

- A. The EPI/BIOSTAT shall constitute a Hearing Board no later than May 15th of each academic year for the upcoming summer semester and shall serve one year.
- B. The Hearing Board shall be composed of the Departmental Chair (or her/his designee) and an equal number of graduate students (n=2) and faculty (n=2) selected by their respective groups -- in the former case, the Graduate Epidemiologists at Michigan State (GEMS), and in the latter case, ordinary faculty in accordance with EPI/BIOSTATS bylaws. Hearing Board members shall serve for a minimum of one year. (See GSRR 5.1.2)
- C. The Chair of the Hearing Board shall be a faculty member with rank per by-laws. All members of the Hearing Board shall have a vote, except the Chair, who shall vote only in the event of a tie. (See GSRR 5.1.5.)

III. REFERRAL TO Department of Epidemiology and Biostatistics HEARING BOARD:

- A. After consulting with the instructor and Graduate Program Director, students who remain dissatisfied with their attempt to resolve an allegation of a violation of academic misconduct (academic dishonesty, violations of professional standards or falsifying admission and academic records) may request an academic grievance hearing. When appropriate, the Graduate Program Director will consult with the Department Chair who subsequently, in consultation with the Dean, may waive jurisdiction and refer the request for a hearing to the College Hearing Board. At any time in the grievance process, students may consult with the University Ombudsman. (See GSRR 5.3.)
- B. In cases of ambiguous jurisdiction, the Dean of The Graduate School will select the appropriate Hearing Board. (See GSRR 5.3.)
- C. 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 an appropriate reason emerges, the Hearing Board may grant an extension of this deadline. (See GSRR 5.3.6.1.)
- D. A written request submitted to the EPI/BIOSTATS Chair for an academic grievance hearing must (1) specify the alleged violation(s) of the GSRR, (2) identify the individual against whom the grievance is filed (the respondent) and (3) state the desired redress. Anonymous grievances will not be accepted. (See GSRR 5.3.6.)

IV. PRE-HEARING PROCEDURES

- A. After receiving a student's written request for a hearing, the Chair of EPI/BIOSTATS will promptly refer the grievance to the Chair of the Hearing Board. (See GSRR 5.3.2, 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;
 - 2. send the names of the pool of potential Hearing Board members to both parties and, to avoid conflicts of interest between the two parties and the Hearing Board, request written challenges, if any, within **3** class days of this notification. 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;
 - 3. rule promptly on any challenges, impanel a Hearing Board and send each party the names of the Hearing Board members; and
 - 4. send the Hearing Board members a copy of the request for a hearing and send all parties a copy of these procedures.

(See GSRR 5.1.7.)
- C. Within **5** class days of being established, the Hearing Board shall review the request, and, after considering all submitted information:
 - 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 to the College Hearing Board.)
3. 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.)

(See GSRR 5.4.6.)

- D. If the Hearing Board calls for a hearing, the Chair of the Hearing Board shall promptly negotiate a hearing date and schedule an additional meeting only for the Hearing Board should additional deliberations on the findings become necessary.
- E. At least **5** class days before the scheduled hearing, the Chair of the 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 Hearing Board members after any challenges. (See GSRR 5.4.7.)
- F. At least **3** class days before the scheduled hearing, the parties must notify the Chair of the Hearing Board the names of their witnesses and advisor, if any, and request permission for the advisor to have voice at the hearing. The Chair of the Hearing Board will forward the names given by the complainant to the respondent and visa versa. (See GSRR 5.4.7.1.)
- G. The Chair of the Hearing Board may accept written statements from either party's witnesses at least **3** class days before the hearing.
- H. In unusual circumstances and in lieu of a personal appearance, either party may request permission to submit a written statement to the Hearing Board or request permission to participate in the hearing through an electronic communication channel. Written statements must be submitted to the Hearing Board at least **3** class days before the scheduled hearing. (See GSRR 5.4.9c.)
- I. 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.)
- J. At its discretion, the Hearing Board may set a reasonable time limit for each party to present its case, and the Chair of the Hearing Board must inform the parties of such a time limit in the written notification of the hearing.
- K. Hearings are closed unless the student requests an open hearing, which would be open to all members of the MSU community. The Hearing Board may close an open hearing to protect the confidentiality of information or to maintain order. (See GSRR 5.4.10.4.)
- L. Members of the Hearing Board are expected to respect the confidentiality of the entire hearing process. (See GSRR 5.4.11.)

V. HEARING PROCEDURES:

A. The Hearing will proceed as follows:

1. Introductory remarks by the Chair of the 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 in which a student seeks to contest an allegation of academic misconduct, the instructor bears the burden of proof.
 - All Hearing Board decisions must be reached by a majority of the Hearing Board, based on a "preponderance of the evidence."

(See GSRR 5.4.10.1. 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 Hearing Board may either postpone the hearing or dismiss the case for demonstrated cause. (See GSRR 5.4.9a.)
3. If the respondent fails to appear in person or via an electronic channel at a scheduled hearing, the Hearing Board may postpone the hearing or hear the case in the respondent's 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 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 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 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 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, and statement directly 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 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 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. (See Section IV.D above.)

B. Decision:

1. In grievance (non-disciplinary) hearings in which a majority of the Hearing 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 Chair of EPI/BIOSTATS 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 Chair. (See GSRR 5.4.11.)

2. In grievance (non-disciplinary) hearings in which the Hearing Board serves 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 Chair of EPI/BIOSTATS 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 instructor, the penalty grade shall stand and the Academic Dishonesty Report regarding the allegation will remain on file, pending an appeal, if any, within **5** class days, of the Hearing Board's decision to the College Hearing Board. If an academic disciplinary hearing is pending, and the Hearing Board decides for the student, the student's disciplinary hearing before either the College Hearing Board or the Dean of The Graduate School (student's choice) would promptly follow, pending an appeal, if any, within **10** class days. (See GSRR 5.4.12.3 and 5.5.)

C. **Written Report:**

The Chair of the Hearing Board shall 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 to the Chair of EPI/BIOSTATS 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, 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. The Chair shall forward copies to the parties involved, the responsible administrators, the University Ombudsman and the Dean of The Graduate School. All individuals party to the hearing must respect the confidentiality of the report and of the hearing board's deliberations resulting in a decision. (See GSRR 5.4.11.)

VII. APPEAL OF HEARING BOARD DECISION:

- A. Either party may appeal a Hearing Board decision to the College Hearing Board for cases involving (1) academic grievances alleging violations of student rights and (2) alleged violations of regulations involving academic misconduct (academic dishonesty, professional standards or falsification of admission and academic records). (See GSRR 5.4.12.)
- B. All appeals must be in writing, signed and submitted to the Chair of the College Hearing Board within **5** class days following notification of the initial 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 Hearing Board decision to the College Hearing Board must allege, in sufficient particularity to justify a hearing, that the initial Hearing Board failed to follow applicable procedures for adjudicating the hearing, or that findings of the initial 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, 5.4.12.2 and 5.4.12.4.)

VIII. RECONSIDERATION:

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

Approved by Department of Epidemiology and Biostatistics Faculty February 11, 2014