

Academic Hearing Procedures for Lyman Briggs College

The report on *Academic Freedom for Students at Michigan State University*, or *Academic Freedom Report (AFR)*, establishes the rights and responsibilities of MSU students and prescribes procedures for resolving allegations of violations of those rights through formal grievance hearings. In accordance with the AFR, Lyman Briggs College has established the following College Hearing Board procedures for adjudicating academic grievances and complaints. (See AFR 6 and 7.)

I. JURISDICTION OF THE LYMAN BRIGGS COLLEGE HEARING BOARD:

- A. The Lyman Briggs College Hearing Board serves as the initial Hearing Board for:
 - 1. academic grievance hearings for students who seek redress for alleged violations of academic rights and professional standards, including the right to a "good faith judgment of performance." (See AFR 2.III.B and C, 6.II.A and 7.I.B.)
 - 2. academic disciplinary hearings for students in the College who are accused of academic misconduct (academic dishonesty, violating professional standards or falsifying admission and academic records) and for whom the Dean of the College seeks to impose sanctions in addition to, or other than, a penalty grade. A student so accused, after meeting with the Associate Provost for Undergraduate Education, may opt for a hearing before the College Hearing Board. (See AFR 6.II.A.(3), and *Integrity of Scholarship and Grades* policy).
 - 3. cases in which the Associate Provost for Undergraduate Education selects the Hearing Board to hear a case of ambiguous jurisdiction. (See AFR 6.II.A and 7.III.B.)
- B. Students may not request an academic grievance hearing based on an allegation of incompetent instruction. (AFR 2.II.A-D.)

II. COMPOSITION OF THE COLLEGE HEARING BOARD:

- A. The College shall constitute a College Hearing Board no later than the end of the tenth week of the spring semester. College Hearing Board members will be selected through the following process:
 - 1. Three faculty members will be randomly selected by the Dean from a list of faculty of the College. (See Article 11 from AFR for the definition of faculty.)
 - a. At least one faculty member must be a representative from the science or mathematics faculty and at least one other faculty member must be a representative from the history, philosophy and sociology of science faculty.

- b. All faculty must be eligible to serve a 2-academic year term to be considered.
 - c. The Dean will randomly select the Chair of the College Hearing Board from among the three faculty members selected to serve on the Board. All faculty members of the College Hearing Board shall have a vote, except the Chair, who shall vote only in the event of a tie.
 - 2. Two undergraduate students enrolled in LBC (plus six alternates) will be randomly selected by the Dean from a list of undergraduates in the College.
 - a. All students must be eligible to serve a 1-academic year term to be considered.
 - b. Each student member of the College Hearing Board shall have a vote.
 - 3. Restrictions on serving on a College Hearing Board include:
 - a. No representative of the Deans' Office may serve on the College Hearing Board.
 - b. Anyone involved in a case or with a conflict of interest must recuse themselves and be replaced as described below in II.A.3.d. (See AFR 7.IV.D.2.)
 - c. At the discretion of the Chair of the College Hearing Board, depending on the nature of the allegation and/or units(s) involved, other exemptions may be granted.
 - d. Requests for replacement on the College Hearing Board must be through the Dean's office. In the event of a faculty replacement, the Dean will follow the process outlined in section II.A.1.a-b. Students will be replaced by the Dean via a random selection of the alternatives identified in section II.A.2.
- B. The Dean of the College will train Hearing Board members about these procedures and the applicable sections of the AFR. (See AFR 7.IV.C.)

III. REFERRAL TO COLLEGE HEARING BOARD:

- A. Grievance Hearing (Non-disciplinary)
 - 1. Students who believe a member of the College has violated their academic rights should first attempt to resolve the dispute through informal discussions with the party. Students who are dissatisfied with the outcome should consult with the Dean of the College, or the Dean's designee. Students may consult with the University Ombudsman at any time in the grievance process. (See AFR 7.III.A and 7.IV.H.)

2. Students who remain dissatisfied with the results of these discussions may then file a written request for an academic grievance hearing with the Dean of the College, or the Dean's designee. (See AFR 7.III.A.)
3. 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. (See AFR 7.III.C.)
4. A written request for an academic grievance hearing must (1) specify the alleged violation(s) of the AFR, (2) identify the individual against whom the grievance is filed (the respondent) and (3) state the desired redress. An anonymous grievance request will not be accepted. (See AFR 7.III.B and C, AFR footnote 35.)

B. Disciplinary Hearings

1. For complaints that involve allegations of academic misconduct (academic dishonesty, violations of professional standards, or falsifying academic and admission records), the complainant (usually the instructor or an administrator) or the Dean of the College, or the Dean's designee, may request an academic disciplinary hearing to impose sanctions in addition to, or other than, a penalty grade. Students for whom an academic disciplinary hearing has been called may request either an administrative hearing before the Associate Provost for Undergraduate Education or a hearing before the College Hearing Board.
 - a. If the Dean, or Dean's 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. (See AFR 7.V. See also *Integrity of Scholarship and Grades* policy.)
 - b. If a disciplinary hearing by either the Associate Provost for Undergraduate Education or the College Hearing Board has been held in abeyance, pending the outcome of a hearing before the University Academic Integrity Hearing Board (UAIHB), and if the UAIHB 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 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.)

IV. PRE-HEARING PROCEDURES

- A. After receiving a student's written request for a hearing, the appropriate unit administrator will promptly refer the grievance to the Chair of the College Hearing Board. (See AFR 7.IV.D.1.)
- B. Within **5** class days, the Chair of the College Hearing Board will:
1. forward the request for a hearing to the respondent;
 2. send the names of the of College Hearing Board members previously selected to both parties and, to avoid conflicts of interest between the two parties and the College Hearing Board members, request written challenges, if any, within **3** class days of this notification;
 3. rule promptly on any challenges, impanel a College Hearing Board and send each party the names of the College Hearing Board members. If the Chair of the College Hearing Board is the subject of a challenge, the challenge shall be filed with the Dean of the College, or the Dean's designee (see AFR 7.IV.D); and
 4. send the College members a copy of the request for a hearing and send all parties a copy of these procedures.
- C. Within **5** class days of being established, the College Hearing Board shall review the request, and after considering all submitted information, the College Hearing Board will:
1. accept the request, in full or in part, and promptly schedule a hearing; or
 2. reject the request and provide a written explanation to appropriate parties; e.g., lack of jurisdiction (the student may appeal this decision); or
 3. invite the two parties to meet with the College Hearing Board in an informal session to try to resolve the matter. (Such a meeting does not preclude a later hearing.)
- (See AFR 7.IV.D.4 and AFR footnote 35.)
- D. If the College Hearing Board calls for a hearing, the Chair of the College Hearing Board shall promptly negotiate a hearing date and schedule an additional meeting only for the College Hearing Board should additional deliberations on the findings become necessary.
- E. 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 AFR 7.IV.D.5.)

- F. At least **3** class days before the scheduled hearing, the parties must notify the Chair of the College Hearing Board the names of their witnesses and advisor(s), if any, and request permission for their advisor(s) to have voice at the hearing. The Chair may grant or deny the request. The Chair will promptly forward the names given by the complainant to the respondent and vice versa. (See AFR 7.IV.D.6 and AFR footnote 37.)
- G. The Chair of the College Hearing Board may accept written statements from either party's witnesses at least **3** days before the hearing. (See AFR 7.IV.D.10)
- H. 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.)
- I. 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 AFR 7.IV.D.8.)
- J. 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.
- K. 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 an open hearing to protect the confidentiality of information or to maintain order. (See AFR 7.IV.D.13.)
- L. Members of the College Hearing Board are expected to respect the confidentiality of the hearing process. (AFR 7.IV.D.13 and 7.IV.F.)

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 College 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 academic disciplinary hearings, the College Hearing Board is asked only to determine if sanctions in addition to, or other than, a penalty grade are warranted.
- All College Hearing Board decisions must be reached by a majority of the College Hearing Board, based on a "preponderance of the evidence."

(See AFR 7.IV.D.14 and AFR footnote 37. For various definitions, see AFR Article 11.)

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 AFR 7.IV.D.11.)
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, hear the case in the respondent's absence, or dismiss the case. (See AFR 7.IV.D.11.)
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 AFR 7.III.C.)
5. To assure orderly questioning, the Chair of the College 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 College Hearing Board. (See AFR 7.IV.D.16.)
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 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 directly 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 College 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 College Hearing Board shall excuse all parties to the grievance and convene the College 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 in which the College Hearing Board serves as the initial hearing body and, based on a "preponderance of the evidence" a majority of the College Hearing Board finds that a violation of the student's academic rights has occurred and that redress is possible, it shall direct the Dean, or Dean's designee, to implement an appropriate remedy, in consultation with the College Hearing Board. If the College Hearing Board finds that no violation of academic rights has occurred, it shall so inform the Dean, or Dean's designee. (See AFR 7.IV.D and E.)
2. In disciplinary hearings involving academic misconduct in which the College Hearing Board serves as the initial hearing body and, based on a "preponderance of the 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 Dean's designee, an appropriate sanction. If the College finds no sanctions in addition to, or other than, a penalty grade are warranted, the Chair of the College Hearing Board shall so inform the Dean, or Dean's designee. (See AFR 6.II.D and 7.VI.)

C. Written Report:

The Chair of the College Hearing Board shall prepare a written report of the College Hearing Board's findings, including redress for the complainant, if applicable, or sanctions, if applicable, and forward a copy of the decision to the 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 that support the College 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 and, the University Ombudsman. All recipients must respect the confidentiality of the report and of the College Hearing Board's deliberations resulting in a decision. (See AFR 7.IV.E and F.)

VII. APPEAL OF COLLEGE HEARING BOARD DECISION:

- A. Either party may appeal the decision of the College Hearing Board to the University Academic Appeal Board in cases involving (1) academic grievances alleging violations of student rights, or (2) alleged violations of regulations involving academic misconduct (academic dishonesty, violations of professional standards or falsification of admission and academic records) that were referred initially to the College Hearing Board for disciplinary action. (See AFR 6.IV.A and 7.VII.)
- B. All appeals must be in writing, signed and submitted to the Chair of the University Academic Appeal Board 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 AFR 7.VII.A.)
- C. A request for an appeal of a College Hearing Board decision to the University Academic Appeal Board must allege, in sufficient particularity to justify a hearing, that the College Hearing Board failed to follow applicable procedures for adjudicating the hearing or that findings of the College 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 AFR 7.VII.A and B.)
- D. Either party may appeal a decision by the University Academic Appeal Board to the Provost. (See AFR 6.IV.E.)

VIII. RECONSIDERATION:

If new evidence should arise, either party to a hearing may request the College 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 College Hearing Board, who shall promptly convene the College Hearing Board to review the new material and render a decision on a new hearing. (See AFR 7.IV.G.)