

COLLEGE OF SOCIAL SCIENCE  
UNDERGRADUATE AND GRADUATE STUDENT  
ACADEMIC HEARING PROCEDURES

PREAMBLE

The College of Social Science is a community of scholars dedicated to the highest standards of personal and professional conduct in research, teaching, outreach, and engagement by faculty, graduate students, undergraduate students, and academic staff. The College of Social Science Honor Code reflects these values (<http://socialscience.msu.edu/asa/honorcode.html>). The academic hearing procedures of the College are designed to assure that those ideals are upheld for all members of our scholarly community when other efforts to resolve disputes have been exhausted. We ask that all parties to academic hearings conduct themselves in a manner that maintains the honor and integrity of the judicial process and advances the values of fairness, equity, and due process in the College.

The *Academic Freedom for Students at Michigan State University (AFR)* and the *Graduate Student Rights and Responsibilities (GSRR)* documents establish the rights and responsibilities of MSU students and prescribe procedures for resolving charges of violations of those rights through formal grievance hearings. In accordance with the AFR and the GSRR, the College of Social Science has established the following College Hearing Board procedures for adjudicating academic grievances and complaints. (See AFR Article 6 and 7; GSRR 5.4.1.)

**I. JURISDICTION OF THE COLLEGE OF SOCIAL SCIENCE HEARING BOARD:**

A. The College Hearing Board serves as:

1. the appellate Board for academic grievance hearings initiated at the Department/School level by graduate students. (See GSRR 5.1.1. and 5.4.12.)
2. the initial Hearing Board for academic grievance hearings involving undergraduate and graduate students who charge violations of student academic rights OR graduate students seeking to challenge a charge of academic misconduct (academic dishonesty, violations of professional standards or falsifying admission and academic records) AND when one of the following situations occurs:
  - a. the Associate Dean for Academic and Student Affairs (undergraduate) or the Associate Dean for Graduate Studies (graduate) concurs with a request by the Chair/Director of a Department/School to waive jurisdiction. (See AFR 6.II.A and 7.IV.B; GSRR 5.3.6.2.)

- b. the Dean of the College of Social Science administers the course or program in which the alleged violation of student rights or academic integrity by a graduate student took place, including Integrative Studies in Social Science (ISS).
    - c. the Associate Provost for Undergraduate Education or the Dean of The Graduate School randomly selects the College Hearing Board to hear a case of ambiguous jurisdiction. (See AFR 6.II.A, 7.II.B; GSRR 5.5.7. See also *Integrity of Scholarship and Grades* policy, Sections 5, 8 and 9.)
  - 3. the initial Hearing Board for academic disciplinary hearings in which the College seeks additional or alternative sanctions to a penalty grade for undergraduate or graduate students in the College accused of academic misconduct (academic dishonesty, violating professional standards or falsifying admission and academic records). The student can request this option only after meeting with the Associate Provost for Undergraduate Education or the Dean of The Graduate School. (See AFR 6.II.A.(3), GSRR 5.5 and *Integrity of Scholarship and Grades* policy, Sections 5, 8 and 9.)
- B. Students may not request an academic grievance hearing based on a charge of incompetent instruction. (AFR 2.II.A-D; GSRR 2.2.2 and 2.2.4.)

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

- A. The College of Social Science will constitute the College Hearing Board no later than the first day of classes of the fall semester. The College Hearing Board will serve from the second week of the fall semester through the end of the first summer term. The College Hearing Board will not convene during the second summer term. (See AFR 6.II.B, C, and D; GSRR 5.1.3 and 5.1.6.)
  - 1. Each department and school shall be represented by one tenure-stream faculty member, one graduate student, and one undergraduate student. Units will select faculty representatives according to their own policies and procedures. Undergraduate and graduate student representatives will be selected by their respective student organizations in their department or school. In the absence of such an organization, the faculty advisory committee or equivalent body in each unit will select the student representatives according to that unit's policies and procedures. The units will submit the names of their representatives to the College no later than the first day of classes in the fall term.
    - a. Each faculty Hearing Board member will be appointed to a two year term. One half of the faculty representatives to the College Hearing Board will be appointed per academic year. Faculty can serve a maximum of two consecutive terms. In the first year under this policy, half of the faculty members will be appointed for one year and half for two years.

- b. Each undergraduate and graduate student Hearing Board member will serve a one year term. No undergraduate or graduate student may serve more than two terms.
  - c. In instances in which a Hearing Board member cannot serve a portion of her or his term, a substitute will be appointed by the respective unit for the duration of the absence.
  - d. Faculty selected to the College Hearing Board will serve on both undergraduate and graduate Hearing Boards. Undergraduate and graduate students will serve on Hearing Boards involving their peers.
  - e. The Chair of the College of Social Science Graduate Committee will be a member of the College Hearing Board and must serve on all Hearing Boards involving graduate students.
  - f. The College Director of Student Affairs will provide clerical and administrative support to the Chair of the College Hearing Board.
  - g. The College Director of Student Affairs will sit on the Hearing Board ex officio. The Director of Student Affairs will not participate in proceedings unless given voice by the Hearing Board. The Director's remarks will be confined to matters relating to College or University policies or other procedural issues.
  - h. In the event that mid-semester openings occur, or should faculty members be unable to serve during the summer, such vacancies will be filled on an interim basis by the Chair of the College Hearing Board in consultation with the appropriate unit administrator. In the case of summer vacancies, interim appointees should be drawn from a list of faculty on annual appointments or who are assigned teaching duties in the summer.
- B. The Chair of the College Hearing Board shall be a faculty Hearing Board member with tenure.
- 1. The Chair of the College Hearing Board will be elected by the full membership. The term shall be one year. The Chair must have served previously on a College Hearing Board. The Chair can serve a maximum of three consecutive terms.
  - 2. The Chair shall report to the Dean of the College (or designee). The Chair will issue a written report to the Dean at the end of the first summer session. The Dean may remove the Chair for detrimental conduct or maladministration. In the event of removal, the Chair will also be removed from the College Hearing Board.

3. The Chair of the College Hearing Board is responsible for organizing individual hearings, including the selection of Hearing Board members, communication with the complainant and respondent, chairing and acting as advisor on University policy in each meeting, and issuing written rulings to the parties to the grievance and the Associate Dean for Academic and Student Affairs or the Associate Dean for Graduate Studies for undergraduate and graduate hearings, respectively.
  4. The files of the College Hearing Board will be maintained in a secure location in the College of Social Science Office of Student Affairs. The Chair of the College Hearing Board will be responsible for the maintenance of all Hearing Board records during her or his term, in coordination with the Director of Student Affairs.
- C. For hearings involving graduate students, the Chair of the College Hearing Board will select two faculty (including the Chair of the College Graduate Committee) and two graduate students. For hearings involving undergraduate students, the College Hearing Board shall include two faculty and two undergraduate students. For each undergraduate and graduate hearing, a list will be generated with random numbers and with this list individuals will be selected from the pool of faculty and student representatives, with the exception of the Chair of the College Graduate Committee, who will serve on all graduate Hearing Boards.
- D. All members of the College Hearing Board shall have a vote, except the Chair, who shall vote only in the event of a tie. (See AFR 6.II.C; GSRR 5.1.3, and 5.1.5.)
- E. The Chair will provide Hearing Board members with resources to familiarize them with these procedures and the applicable sections of the AFR and GSRR. (See AFR 7.IV.C; GSRR 5.1.3.)

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

- A. Grievance Hearing
1. After consulting with the instructor and appropriate unit administrator, undergraduate students who remain dissatisfied with their attempt to resolve a charge of a violation of student academic rights may request an academic grievance hearing. The hearing will occur at the College level if one of the conditions outlined in 1.A.2 above exists. At any time in the grievance process, students may consult with the University Ombudsman. (See AFR 7.III.A; GSRR 5.3.)
  2. After consulting with the instructor and appropriate unit administrator, graduate students who remain dissatisfied with their attempt to resolve a charge of a violation of student academic rights or academic misconduct (academic dishonesty, violations of professional standards or falsifying admission and academic records) may request an academic grievance hearing. The hearing will occur at the College level if one of the conditions

outlined in 1.A.2 above exists. At any time in the grievance process, students may consult with the University Ombudsman. (See AFR 7.III.A; GSRR 5.3.)

B. Disciplinary Hearings

1. For complaints that involve charges of academic misconduct (academic dishonesty, violations of professional standards, or falsifying academic and admission records), the complainant (instructor or unit administrator) or the Dean of the College may request an academic disciplinary hearing to impose sanctions in addition to, or other than, a penalty course grade. Undergraduate students may request an administrative hearing before the Associate Provost for Undergraduate Education or a hearing before the College Hearing Board; graduate students may request an administrative hearing before the Dean of The Graduate School or a hearing before the College Hearing Board. However, if an undergraduate or graduate student's Dean calls for an academic disciplinary hearing, the student has **10** semester class days to request an academic grievance hearing to contest the charge 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; GSRR 5.5. 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 a charge of academic misconduct, and the initial Hearing Board decides for the instructor, the disciplinary hearing would proceed promptly, pending an appeal, if any, within **10** semester 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** semester class days by the undergraduate student to the University Academic Appeal Board (UAAB). If the UAAB 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.)

C. In cases of ambiguous jurisdiction, the Associate Provost for Undergraduate Education will select the appropriate Hearing Board for hearings involving undergraduate students and the Dean of The Graduate School will select the appropriate Hearing Board for cases involving graduate students. (See AFR 7.III.B; GSRR 5.3.)

- D. The deadline for submitting the written request for a hearing is the middle of the semester following the alleged violation (excluding 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.)
- E. A written request for an academic grievance hearing must (1) specify the alleged violation(s) of academic rights in sufficient detail to justify a hearing, (2) identify the individual against whom the grievance is filed (the respondent) and (3) state the desired redress. Anonymous grievances will not be accepted. The request must be dated, sent either by federal mail or as pdf email attachments, or hand delivered with a date- and time-stamp from the recipient. Grievances sent in email form or via campus mail will not be accepted. (See AFR 7.III.B and C; AFR footnotes 26 and 35.)

#### **IV. PRE-ACADEMIC GRIEVANCE AND PRE-ACADEMIC DISCIPLINARY HEARING PROCEDURES**

- A. Grievances will be sent to the Associate Dean for Academic Affairs (undergraduate) or Associate Dean for Graduate Studies (graduate).
- B. After receiving a student's written request for a hearing, the Associate Dean will refer the grievance to the Chair of the Hearing Board within one semester class day. (See AFR 7.IV.D.1; GSRR 5.3.2, 5.4.3.)
- C. Within **5** semester 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 Hearing Board members to both parties and, to avoid conflicts of interest between the two parties and the Hearing Board members, request written challenges, if any, within **3** semester class days of this notification;
  - 3. rule within one semester class day on any challenges, impanel a Hearing Board and send each party the names of the Hearing Board members. If the Chair of the Hearing Board is the subject of a challenge, the challenge shall be filed with the appropriate Associate Dean; and (See AFR 7.IV.D; GSRR 5.1.7.)
  - 5. send the Hearing Board members a copy of the request for a hearing and send all parties a copy of these procedures.
  - 6. The Chair of the Hearing Board shall notify both parties of the date of the initial meeting of the Hearing Board; however, neither party shall attend.

- D. Within **5** semester class days of being established, the Hearing Board shall review the request to determine jurisdiction and judicial merit. After considering all submitted information, the Hearing Board will:
1. Accept the request, in full or in part, and promptly schedule a hearing.
  2. Reject the request and provide a written explanation to appropriate parties; e.g., lack of jurisdiction. (The student may appeal this decision.)
  3. Invite the two parties to meet together 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 footnotes 26 and 35; GSRR 5.4.6.)

- E. If the College Hearing Board calls for a hearing, the Chair of the Hearing Board shall promptly negotiate a hearing date, schedule an additional meeting only for the Hearing Board should additional deliberations on the findings become necessary after the initial hearing, and request a reply to the grievance from the respondent. The respondent shall have no more than **3** semester class days to reply.
- F. At least **5** semester 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; GSRR 5.4.7.)
- G. At least **3** semester class days before the scheduled hearing, the parties must notify the Chair of the College Hearing Board of the names of their witnesses and advisor, if any, and, if necessary, request permission for the advisor to have voice at the hearing. The Chair will promptly forward the names given by the complainant to the respondent and vice versa. (See AFR 7.IV.D.6 and AFR footnote 37; GSRR 5.4.7.1.)
- H. The Chair of the Hearing Board may accept written statements from either party's witnesses at least **3** university semester class days before the hearing, in lieu of a personal appearance. (See AFR 7.IV.D.10) Written statements are acceptable only in exceptional circumstances when the parties cannot attend and the Hearing Board agrees to allow written statements.
- I. Only in exceptional circumstances and in lieu of a personal appearance, either party may request permission of the Hearing Board 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** semester class days before the scheduled hearing. (See AFR 7.IV.D.9; GSRR 5.4.9c.)

- J. Either party to the grievance hearing may request a postponement of the hearing. The College Hearing Board may either grant or deny the request. (See AFR 7.IV.D.8; GSRR 5.4.8.)
- K. At its discretion, the College Hearing Board may set a reasonable time limit for each party to present its case, and the Chair of the College Hearing Board must inform the parties of such a time limit in the written notification of the hearing. (See Section IV.E. above.)
- L. Hearings are closed unless the student requests an open hearing, which would be open to all members of the MSU community. The College Hearing Board may close a hearing to protect the confidentiality of information or to maintain order. (See AFR 7.IV.D.13; GSRR 5.4.10.4.)
- M. Members of the College Hearing Board are expected to respect the confidentiality of the hearing process. (See 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 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 charges a violation of academic rights, the student bears the burden of proof.
    - In hearings involving graduate students seeking to contest charges of academic misconduct, the instructor bears the burden of proof.
    - In academic disciplinary hearings, the Hearing Board is asked only to determine if sanctions in addition to, or other than, a penalty grade are warranted.
    - All Hearing Board decisions must be reached by a majority of the Hearing Board, based on a preponderance of evidence.

(See AFR 7.IV.D.14 and AFR footnote 37; GSRR 5.4.10.1. For various definitions, see AFR Article 11 and GSRR Article 8.)



2. If the complainant fails to appear in person or via an electronic channel at a scheduled hearing, the College Hearing Board may either postpone the hearing or dismiss the case for demonstrated cause. (See AFR 7.IV.D.11; GSRR 5.4.9.a.)
3. If the respondent fails to appear in person or via an electronic channel at a scheduled hearing, the College Hearing Board may postpone the hearing, hear the case in the respondent's absence, or dismiss the case. (See AFR 7.IV.D.11; 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 AFR 7.III.C; 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 AFR 7.IV.D.16; 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 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 relevant to the complainant's case. The Chair then recognizes questions directed at the witnesses by the College Hearing Board, the respondent and the respondent's advisor, if any.
8. Presentation by the Respondent: The Chair recognizes the respondent to present without interruption any statements relevant to the respondent's case. The Chair then recognizes questions directed at the respondent by the College Hearing Board, the complainant and the complainant's advisor, if any.
9. Presentation by the Respondent's Witnesses: The Chair recognizes the respondent's witnesses, if any, to present, without interruption, any statement relevant to the respondent's case. The Chair then recognizes questions directed at the witnesses by the College Hearing Board, the complainant and the complaint's advisor, if any.
10. Rebuttal and Closing Statement by Complainant: The complainant refutes statements by the respondent, the respondent's witnesses and advisor, if any, and presents a final summary statement.

11. Rebuttal and Closing Statement by Respondent: The respondent refutes statements by the complainant, the complainant's witnesses and advisor, if any, and presents a final summary statement.
12. Final questions by the Hearing Board: The College Hearing Board asks questions of any of the participants in the hearing.

## **VI. POST-HEARING PROCEDURES**

### **A. Deliberations:**

After all evidence has been presented, with full opportunity for explanations, questions and rebuttal, the Chair of the Hearing Board shall excuse all parties to the grievance and convene the Hearing Board to determine its findings in executive session. When possible, deliberations should take place directly following the hearing and/or at the previously scheduled follow-up meeting.

### **B. Decision:**

1. In grievance (non-disciplinary) hearings involving undergraduate and graduate students in which the College Hearing Board serves as the initial hearing body, and based on a "preponderance of the evidence," a majority of the Board finds that a violation of the student's academic rights has occurred and that redress is possible, it shall direct the Dean, or designee, to implement an appropriate remedy, in consultation with the Hearing Board. If the College Hearing Board finds that no violation of academic rights has occurred, it shall so inform the Dean, or designee. (See AFR 7.IV.D.E; GSRR 5.4.11)
2. In grievance (non-disciplinary) hearings involving graduate students in which the College Hearing Board serves as the initial hearing body to adjudicate a charge 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, or designee, that the penalty grade be removed, the Academic Dishonesty Report be removed from the student's records and a "good faith judgment" of the student's academic performance in the course take place. If the Hearing Board finds for the complainant (instructor), the penalty grade shall stand and the Academic Dishonesty Report regarding the charge will remain on file.
3. In disciplinary hearings involving academic misconduct by undergraduate or graduate students 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 designee, an appropriate sanction. If the Hearing Board recommends no sanctions in addition to, or other than, are 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 appellant Board, the Hearing Board may direct the Department/School Hearing Board to rehear the initial case or reconsider or clarify its decision.

C. Written Report:

The Chair of the College 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 appropriate unit administrator within 3 semester 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 semester class days following notice of the decision. The Chair shall forward copies to the parties involved, the responsible administrators, the University Ombudsman and, in hearings involving graduate students, the Dean of The Graduate School. All recipients must respect the confidentiality of the report and of the hearing board's deliberations resulting in a decision. (See AFR 7.IV.E and F; GSRR 5.4.11.)

## **VII. APPEAL OF COLLEGE HEARING BOARD DECISION:**

- A. In hearings involving undergraduate students, either party may appeal the decision of the College Hearing Board to the University Academic Appeal Board in cases involving (1) academic grievances charging 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. 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 charging violations of student rights heard initially by the College Hearing Board and (2) alleged violations of regulations involving academic misconduct (academic dishonesty, professional standards or falsification of admission and academic records) that were referred initially to the College Hearing Board for disciplinary action. (See GSRR 5.4.12.)
- C. All appeals must be in writing, signed and submitted to the Chair of either the University Academic Appeal Board within 5 semester class days or the University Graduate Judiciary within 5 semester 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; 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 charge, 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 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; GSRR 5.4.12.1, 5.4.12.2 and 5.4.12.4.)

#### **VIII. RECONSIDERATION:**

If new evidence should arise, either party to a hearing may request the College Hearing Board to reconsider the case within **30** days upon receipt of the written hearing outcome. "New evidence" is relevant evidence that was not available to the Grievant at the time of the hearing despite reasonable efforts by the Grievant to discover and obtain relevant evidence. The written request for reconsideration is to be sent to the Chair of the Hearing Board, who shall promptly convene the College Hearing Board to review the new material and render a decision on a new hearing. A request for reconsideration can be made only once. (See AFR 7.IV.G; GSRR 5.4.13.)

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