

# Academic Hearing Procedures for the College of Agriculture and Natural Resources

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The *Academic Freedom for Students at Michigan State University (AFR)* and the *Graduate Student Rights and Responsibilities (GSRR)* documents establish 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 Agriculture and Natural Resources 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 AGRICULTURE AND NATURAL RESOURCES 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 allege violations of student academic rights, and graduate students seeking to contest an allegation of academic misconduct (academic dishonesty, violations of professional standards or falsifying admission and academic records) in the following situations:
    - a. the Dean of the College 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 administers the course or program where the alleged violation took place. (See AFR 6.II.A.)
    - 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 for undergraduate or graduate students in the College who are accused of academic misconduct (academic dishonesty, violating professional standards or falsifying admission and academic records) and the Dean, or designee, of the student's college seeks to impose sanctions in addition to, or other than, a penalty grade. The students, after meeting with the Associate Provost for Undergraduate Education or the Dean of The Graduate School, may opt for a hearing before the College Hearing Board. (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 an allegation 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 shall constitute a College Hearing Board pool no later than the end of the tenth week of the spring semester. The College Hearing Board pool consists of one faculty member appointed by each of the College's departments and schools, eight undergraduates selected by the College's Student Senate and eight graduate students appointed by the Council of Graduate Students. The College faculty eligible for appointment to the Hearing Board pool shall be all regular faculty and full time fixed-term faculty who have served at least three consecutive years and are engaged in the academic activities of the College on a regular basis. Faculty appointments to the Hearing Board pool will be for a three year term beginning on May 16. The eight undergraduates selected by the Student Senate shall be chosen from the group of all undergraduate students who have declared with the Registrar a major or major preference in an academic program administered in the College including students enrolled in the Institute of Agricultural Technology. The eight graduate students appointed by COGS shall be chosen from among the group of all graduate students enrolled in the graduate programs administered by the College. Undergraduate and graduate students will serve a one year term beginning on May 16. No faculty member or student may serve more than two consecutive terms in the College Hearing Board pool.
- B. For hearings involving undergraduate students (including students enrolled in the Institute of Agricultural Technology), the Chair of the College Hearing Board shall be the faculty member with rank and shall vote only in the event of a tie. In addition to the Chair, the Hearing Board will consist of three voting faculty members and three voting undergraduates selected randomly from the College Hearing Board pool. (See AFR 6.II.C.)
- C. For hearings involving graduate students, the Chair of the College Hearing Board shall be the faculty member with rank, who shall vote only in the event of a tie. In addition to the Chair, the Hearing Board shall include three voting faculty members and three voting graduate students, including the Chair of the College Graduate Committee, or designee, selected randomly from the College Hearing Board pool. (See GSRR 5.1.3, and 5.1.5.)
- D. The College Advisory Council shall fill any vacancies on a College Hearing Board due to absences during the summer semester.
- E. The College will train hearing board members about 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

an allegation 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, 7.IV.H; GSRR 5.3.)

2. After consulting with the instructor and appropriate unit administrator, graduate students who remain dissatisfied with their attempt to resolve an allegation 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, 7.IV.H; GSRR 5.3.)
3. 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; GSRR 5.3.6.1.)
4. 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. (See AFR 7.III.B and C; AFR footnote 35.)

## B. Disciplinary Hearing

1. For complaints that involve allegations of academic misconduct (academic dishonesty, violations of professional standards, or falsifying academic and admission records), the complainant (instructor) or the Dean of the College, or designee, may request an academic disciplinary hearing to impose sanctions in addition to, or other than, a penalty 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 the student's 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 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 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 **10** 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 UAAB finds for the student, the academic disciplinary hearing would be dismissed, pending an appeal, if any, by the instructor to the UAIHB. (See AFR 7.V and 7.VII.)

#### C. Ambiguous Jurisdiction

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.)

### 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 Hearing Board. (See AFR 7.IV.D.1; 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 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** class days of this notification;
  3. rule promptly 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 Dean of the College; and (See AFR 7.IV.D; GSRR 5.1.7.)

4. send the Hearing Board 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 Hearing Board shall review the request, and 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 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; GSRR 5.4.6.)

- D. 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.
- 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; GSRR 5.4.7.)
- F. At least **3** 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 visa versa. (See AFR 7.IV.D.6 and AFR footnote 37; 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, in lieu of a personal appearance. (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; GSRR 5.4.9c.)
- 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; GSRR 5.4.8.)
- 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. (See Section IV.E. above.)

- 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 a hearing to protect the confidentiality of information or to maintain order. (See AFR 7.IV.D.13; GSRR 5.4.10.4.)
- 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 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 involving graduate students seeking to contest allegations 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 the 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 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 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 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 and 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 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, 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 allegation 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 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, 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 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. 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 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** class days or the University Graduate Judiciary within **10** 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 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 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 hearing outcome. 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. (See AFR 7.IV.G; GSRR 5.4.13.)

**Approved by the College of Agriculture and Natural Resources Advisory Council November 5, 2010.**