

February 3, 2010

**MEMORANDUM**

**TO:** Trustee Policy Committee

**FROM:** Kim Wilcox, Provost

KAW

**SUBJECT:** Revision to the *Academic Freedom Report for Students*

**RECOMMENDATION:**

BE IT RESOLVED that the Trustee Policy Committee recommends to the Board of Trustees that it approve the revised Academic Freedom Report for Students ("AFR"), as presented in Attachment A, and make it effective as of the beginning of the next academic year on August 16, 2010.

BE IT FURTHER RESOLVED that the Trustee Policy Committee recommends to the Board of Trustees that it authorize the Provost to make any conforming changes to other University policies that will be necessary following this Board action.

**BACKGROUND:**

On December 4, 2009, the University Committee on Student Affairs endorsed the attached revision to the AFR. ASMSU added its endorsement on December 8, 2009, followed by COGS on December 9, 2009. Academic Council endorsed the attached revision to the AFR on January 26, 2010.

The existing AFR was passed by the Board of Trustees in March 1967. Since that time, it has been amended only twice, in 1977 and 1984. The memorandum prepared for the Executive Committee of Academic Council summarizing the main substantive changes to the AFR is presented in Attachment B. As more fully outlined in Attachment B, the primary purpose of the revision was to update and reformat the AFR to improve its organization, make it more "user friendly," and address provisions that have become out of date and inconsistent with current practice.

A copy of the current policy is presented in Attachment C.



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**PROVOST**

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# ACADEMIC FREEDOM FOR STUDENTS AT MICHIGAN STATE UNIVERSITY

This document provides the framework for student rights and responsibilities at Michigan State University, including student conduct, academic pursuits, keeping of records, and publications. It describes procedures for formulating regulations governing student conduct and for providing due process in the adjudication of student disciplinary cases. This document also defines channels and procedures for student complaints and grievances.

ARTICLE 1: Student Rights and Responsibilities

ARTICLE 2: Academic Rights and Responsibilities

ARTICLE 3: Student Records

ARTICLE 4: Non-Academic Hearing Board Structures

ARTICLE 5: Adjudication of Non-Academic Cases

ARTICLE 6: Academic Hearing Board Structures

ARTICLE 7: Adjudication of Academic Cases

ARTICLE 8: Regulations, Policies, and Rulings

ARTICLE 9: Independent and University-Supported Student Publications

ARTICLE 10: Office of the Ombudsman

ARTICLE 11: Definitions

ARTICLE 12: Procedures for Amending and Revising This Document

HISTORY OF APPROVAL

ACADEMIC FREEDOM  
FOR STUDENTS AT  
MICHIGAN STATE UNIVERSITY

**FOREWORD**

The foreword is not a part of the document that follows. It supplies, however, a necessary perspective for interpreting the document.

Student rights and responsibilities at Michigan State University must be understood against the social and historical background of the University itself.

When, more than 150 years ago, the people of Michigan established this institution on the land-grant principle, they framed a new conception of the role of the university in American life. A land-grant university is a trusteeship of intellect in the service of society. It gathers society's creative and critical powers and uses them to advance the common good and to solve fundamental problems.

That is the special character that has caused the land-grant university to become one of the great transforming agencies of the American scene. When it honors its commission, it acts not for the sake of the academic community, but for the sake of society beyond the academy. All members of the academic community -- trustees, administrators, faculty, staff and students -- enact a trust of which society beyond the University is the proper beneficiary.

The real significance of this document, as we believe, is not that students have acquired rights, but that they have explicitly been made party to our social trust. The responsibility which lies upon the trustees, the administration, and the faculty continues. They remain guardians of the University, charged with preserving in it the genius of scholarship and the conditions of inquiry which society has entrusted to their care.

**PREFACE**

This report, the *Graduate Student Rights and Responsibilities* document, and the *Medical Students Rights and Responsibilities* document contain guidelines to the rights and duties of students in matters of conduct, academic pursuits, the keeping of records, and publications. This report describes structures and procedures for the formulation of regulations governing student conduct, for the interpretation and amendment of the guidelines, for the adjudication of student disciplinary cases, and for channeling student complaints, grievances, or concerns to faculty, staff, and administrators for appropriate action.

For the most part, these provisions simply make explicit what has been long understood and practiced at Michigan State University. This report identifies rights and duties of students and provides for students a carefully prescribed system of due process. The report does not contain a

general or abstract definition of academic freedom. Rather, the report is an operational definition with concrete application of the concept of academic freedom for students.

## ARTICLE 1

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### Student Rights and Responsibilities

Michigan State University is a community of scholars whose members include its faculty, staff, students<sup>1</sup>, and administrators. The basic purposes of the University are the advancement, dissemination, and application of knowledge. The most basic condition for the achievement of these purposes is freedom of expression and communication. Without this freedom, effective sifting and testing of ideas cease, and research, teaching, and learning are stifled. Knowledge is as broad and diverse as life itself, and the need for freedom is equally broad. Yet absolute freedom in all aspects of life means anarchy, just as absolute order means tyranny. Both anarchy and tyranny are antithetical to the purposes and character of the University. Therefore, the University always must strive to strike that balance between maximum freedom and necessary order which best promotes its basic purposes by providing the environment most conducive to the many faceted activities of instruction, research, and service.

Each right of an individual places a reciprocal duty upon others: the duty to permit the individual to exercise the right. The student, as a member of the academic community, has both rights and duties. Within that community, the student's most essential right is the right to learn. The University has a duty to provide for the student those privileges, opportunities, and protections which best promote the learning process in all its aspects. The student also has duties to other members of the academic community, the most important of which is to refrain from interference with those rights of others which are equally essential to the purposes and processes of the University.

The University cherishes many values, modes of thought, and standards of behavior that are better taught by example and rewards than by the threat of penalties. Regulations governing the activities and conduct of student groups and individual students should not be comprehensive codes of desirable conduct; rather, they should be limited to the prescription of procedures for meeting the practical, routine necessities of a complex community and to the prohibition or limitation of acts which cannot be tolerated because they seriously interfere with the basic purposes, necessities, and processes of the academic community, or with rights essential to other members of the community.

The student is not only a member of the academic community, but a citizen of the larger society, who retains those rights, protections, and guarantees of fair treatment held by all citizens, and which the University may not deny. The enforcement of the student's duties to the larger society is, however, the responsibility of the legal and judicial authorities duly established for that purpose.

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<sup>1</sup> For the purposes of this document, an individual is considered a student from the time he or she attends his/her first class until graduation, recess, dismissal, suspension, or withdrawal from the University or until he/she fails to register for more than one consecutive term.

## I. Guidelines

To protect student rights and to facilitate the definition of student responsibilities at Michigan State University, the following guidelines shall apply to those stipulations and conditions by which student conduct is regulated, broadly referred to as "regulations" in the remainder of this Article.

- A. All regulations shall seek the best possible reconciliation of the principles of maximum freedom and necessary order.
- B. There shall be no regulation unless there is a demonstrable need which is reasonably related to the basic purposes and necessities of the University as stipulated herein.
- C. To the maximum extent feasible, students shall participate in formulating and revising regulations governing student conduct.
- D. All regulations governing student conduct shall be made public in an appropriate manner.
- E. Every regulation shall be as brief, clear, and specific as possible.
- F. Wherever rights conflict, regulations shall, to the maximum extent feasible, permit reasonable scope for each conflicting right by defining the circumstances of time, place, and means appropriate to its exercise.
- G. Regulations shall respect the free expression of ideas and shall encourage the competition of ideas from diverse perspectives.
- H. Procedures and penalties for the violation of regulations shall be primarily designed for guidance or correction of behavior.
- I. Penalties shall be commensurate with the seriousness of the offense. Repeated violations may justify increasingly severe penalties.
- J. There shall be clearly defined channels and procedures for the appeal and review of:
  - 1. The finding of guilt in an alleged violation of a regulation.
  - 2. The reasonableness, under the circumstances, of the penalty imposed for a specific violation.
  - 3. The substance of a regulation or administrative decision which is alleged to be inconsistent with the guidelines in this document.
  - 4. The fairness of the procedures followed in the adjudication.

- K. Students accused of violating a regulation or University policy shall have the right to appear before a duly constituted hearing board as provided in this document. No student shall be suspended or dismissed from the University for disciplinary reasons, except through the procedures of this document or the applicable sections of the *Graduate Student Rights and Responsibilities* document or the *Medical Student Rights and Responsibilities* document.
- L. Every regulation shall specify to whom it applies and whether responsibility for compliance lies with individuals, with groups, or with both.
- M. Student Handbook and Resource Guide: A handbook of the University's current regulations relating to student rights and responsibilities shall be made available to every member of the academic community (see *Spartan Life: Student Handbook and Resource Guide*).

## ARTICLE 2

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### Academic Rights and Responsibilities

#### I. Preamble

The freedom and effectiveness of the educational process depend upon the provision of appropriate conditions and opportunities for learning in an environment that is supportive of diversity among ideas, cultures, and student characteristics. The responsibility to secure, respect, and protect such opportunities and conditions is shared by all members of the academic community. The primacy of the faculty's role and its centrality in the educational process must be recognized and preserved. The primary intellectual purpose of the University -- its intellectual content and integrity -- is the responsibility of the faculty.

The establishment and maintenance of the proper relationship between instructor and student are fundamental to the University's function, and require both instructor and student to recognize the rights and responsibilities which derive from it. The relationship between instructor and student as individuals should be founded on mutual respect and understanding together with shared dedication to the educational process.

#### II. Role of the Faculty in the Instructional Process

- A. No provision for the rights of students can be valid which suspends the rights of the faculty. The student's right to competent instruction must be reconciled with the rights of the faculty, consistent with the principle that the competency of a professional can be rightly judged only by professionals. It is, therefore, acknowledged and mandated that competence of instruction shall be judged by the faculty.
- B. Faculty shall have authority and responsibility for academic policy and practices in areas

such as degree eligibility and requirements, course content and grading, classroom procedure, and standards of professional behavior in accordance with the *Bylaws for Academic Governance*, the *Code of Teaching Responsibility*, and other documents on faculty rights and responsibilities.

- C. No hearing board established under this document shall interfere with the evaluation of a student that represents a course instructor's good faith judgment of the student's performance. In the event that an evaluation is determined to be based on inappropriate or irrelevant factors, as discussed in Section III.B.1 below, the dean of the relevant college shall cause the student's performance to be reassessed and a good faith evaluation to be made.
- D. Colleges/department/schools shall provide appropriate and clearly defined channels for the receipt and consideration of student complaints concerning instruction. In no instance shall the competence of instruction form the basis for an adversarial proceeding before any of the judicial bodies established in this document.

### III. Rights and Responsibilities of the Student

- A. The student is responsible for learning the content of a course of study according to standards of performance established by the faculty and for adhering to standards of professional behavior established by the faculty.
- B. The student has a right to academic evaluations that represent the course instructor's good faith judgments of performance. Course grades shall represent the instructor's professional and objective evaluation of the student's academic performance. The student shall have the right to know all course requirements, including grading criteria, and course procedures at the beginning of the course. (See also *the Code of Teaching Responsibility*.)
  - 1. To overcome the presumption of good faith, it must be demonstrated that an evaluation was based entirely or in part upon factors that are inappropriate or irrelevant both to academic performance and applicable professional standards (e.g., race, sex, personal animus).
  - 2. The student shares with the faculty the responsibility for maintaining the integrity of scholarship, grades, and professional standards.<sup>2</sup>
  - 3. The student shall be free to take reasoned exception to information and views offered in the instructional context, and to reserve judgment about matters of opinion, without

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<sup>2</sup> Professional standards are defined as the codes of expected professional conduct. Such codes (sometimes referred to as honor codes) must be approved by the academic units, the dean, and in the case of college statements, the Office of the Provost. The development of such standards within academic units shall include student participation. The dean and the Office of the Provost shall consult with appropriate governance groups before approving professional standards.

fear of penalty or reprisal.

4. The student's behavior in the classroom shall be conducive to the teaching and learning process for all concerned.
5. The student has a right to be governed by educationally justifiable academic regulations and professional standards. The administering unit shall inform students in writing of such regulations, including codes of professional behavior, at the time of the student's entry into the academic program.
6. The student has a right to accurate, timely, and clear information in writing<sup>3</sup> at the time of entry into an academic program concerning (a) general academic requirements for establishing and maintaining an acceptable academic standing, (b) the student's academic relationship with the University and the details of any special conditions that may apply, and (c) graduation requirements for the student's academic program.
7. Students are responsible for informing themselves of University, college, department, and school requirements as stated in unit publications and in the University catalog. In planning to meet such requirements, students are responsible for consulting with their academic advisors.
8. The student has a right to protection against improper disclosure of his/her education records<sup>4</sup> and personal information such as values, beliefs, organizational affiliations, and health. (See also Article 3.)
9. The student has a right to be protected from personal exploitation and to receive recognition for scholarly assistance to faculty.
10. The student and the faculty share the responsibility for maintaining professional relationships based on mutual trust and civility.

## **ARTICLE 3**

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### **Student Records**

- I. Achieving educational goals, providing direction to students, and extending service to society demand that the University keep records. All policies and practices concerning records shall be based on respect for the privacy of the individual student as well as current federal and state law.

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<sup>3</sup> The terms "in writing" or "written" refer throughout the AFR to documents that exist in paper or electronic form.

<sup>4</sup> See the MSU Access to Student Information Guidelines for information regarding confidentiality of student education records.

- II. Because of respect for the privacy of the individual student, record keeping must be performed only by University personnel whose job responsibilities require record keeping.
- III. All policies and practices governing access to, and maintenance and release of, student records shall conform to the University's published guidelines. (See the MSU Access to Student Information Guidelines).
- IV. No record shall be made, reproduced, or retained unless there is a demonstrable need for it that is reasonably related to the basic purposes and necessities of the University.
- V. The University shall not make, reproduce, or retain records of a student's religious or political beliefs or affiliations without the student's knowledge and consent.
- VI. Students shall have the right to inspect any of their own educational records, except as waived by the student (e.g., confidential letters of recommendation). Student educational records include official transcripts, student disciplinary records, and records regarding academic performance.
- VII. All policies and practices dealing with the acquisition and dissemination of information in student records shall be formulated with due regard for the student's right to privacy and access.
- VIII. All student educational records shall include a notation of the name of the person who supplied the information and the date of its entry, with the exception of central, Student Information System records.
- IX. Confidential records shall be responsibly handled. Units shall train persons handling such records in appropriate methods of keeping and disposing of confidential records.
- X. No one outside the faculty or administrative staff of Michigan State University, except as specified by law, may have access to the record of a student's offenses against University regulations without the written permission of the student.
- XI. All policies governing the maintenance and the selective release of records and of portions of records shall be made public in an appropriate manner and shall be subject to judicial review as provided in Article 5, Section II of this document. These policies and practices shall conform to current federal and state law. In addition, any changes to the policies shall be made known to the student body through the appropriate student governance bodies.

## ARTICLE 4

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### Non-Academic Hearing Board Structures

Consistent with the fundamentals of fair play in any judicial process is an opportunity for those accused to be heard by their peers. What follows is the foundation and structure of a representative peer review structure, embedded within the hearing procedures outlined within this document. This Article describes the composition and jurisdiction of all non-academic hearing boards. Academic hearing boards are described in Article 6 of this document.

#### I. General Guidelines

##### A. Student Membership and Selection

A nomination committee composed of undergraduate and graduate members from each of the hearing boards outlined in this Article, as well as representatives from ASMSU<sup>5</sup> and COGS<sup>6</sup>, will be responsible for recruiting and nominating a full complement of students to serve on each hearing board. At its discretion, the committee may include faculty members in the nomination process. The committee will be advised by a designee of the Vice President for Student Affairs and Services, who shall be a non-voting member. The committee will develop and follow written procedures to govern the nomination process. The committee shall also develop procedures to recruit and nominate students primarily enrolled at MSU locations other than the main campus in East Lansing to serve on panels that may be convened to hear cases involving students from that location.

Throughout the course of the year, the committee may also identify replacements in case of resignations or a member's inability to serve for a full term. Once the nomination process is complete, the committee must submit the names of the candidates for appointment to the appropriate governing body (see Section I.B below). The names of candidates for appointment shall be submitted to the appropriate governing bodies no later than the sixth week of spring semester.

##### B. Student Appointment/Reappointment

COGS shall be responsible for the appointment of graduate students to the hearing boards described in this Article. RHA shall be responsible for the appointment of residence hall students to the hearing boards described in this article.<sup>7</sup> ASMSU shall be responsible for the appointment of undergraduates to the hearing boards described in this Article. All student appointments shall be made by the tenth week of spring semester.

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<sup>5</sup> ASMSU (the Associated Students of Michigan State University) is the All-University Undergraduate Student Governing Body.

<sup>6</sup> COGS (the Council of Graduate Students) is the All-University Graduate Student Governing Body.

<sup>7</sup> RHA (the Residence Hall Association) is the Residence Hall Governing Body.

In the event that mid-semester openings occur, or should students be unable to serve during the summer, each governing body shall make provisions for filling vacancies, including provisions for filling vacancies on an interim basis prior to completion of the appointment process.

#### C. Faculty Membership and Appointments

Faculty members on the hearing boards described in this Article shall be nominated pursuant to the *Bylaws for Academic Governance* and appointed by the President of the University. Faculty members may serve no more than two consecutive full-term appointments. 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 President.

#### D. Advisors

Each hearing board described in this Article shall have an advisor designated by the Vice President for Student Affairs and Services. The role of the advisor is to see that each hearing board follows the provisions outlined in this document. The advisor shall serve as an ex-officio and non-voting member of the hearing board.

#### E. Code of Operations

Each hearing board described in this Article shall establish a written code of operations that will be reviewed by the University Committee on Student Affairs. Student only hearing boards described in Section II of this Article will submit their code of operations to their related major governing group for approval. The student-faculty hearing boards described in Section III and Section IV of this Article will submit their codes of operation to the University Committee on Student Affairs for approval. The codes of operation must be consistent with this document, including confidentiality provisions, procedures for determining whether a complaint warrants a judicial hearing, and how a hearing is to be conducted.

The codes of operation shall, at a minimum, require that board members be trained, provide for the appointment of board members to specific board roles, and establish procedures for the assessment of conflicts of interest and removal of board members if necessary. The codes of operation shall also define the quorum for the hearing board, which in no case shall be less than three board members or 50% of the total number of hearing board members, whichever is more. The codes of operation shall also address procedures for expedited consideration of urgent cases in which a temporary restraining action is sought and detail what, if any, special hearing procedures will be followed in cases involving sensitive issues, such as sexual assault and relationship violence.

## II. Student Only Hearing Boards

### A. University Housing Hearing Boards

The Owen Graduate Association<sup>8</sup>, University Apartments Council of Residents (UACOR)<sup>9</sup>, and RHA may establish their own hearing boards with jurisdiction over cases involving:<sup>10</sup>

1. Complaints of personal misconduct occurring in or around University housing, including alleged violations of General Student Regulations, Student Group Regulations, Living Group<sup>11</sup> Regulations, or University policies, where the possible sanction would not be expected to result in suspension or dismissal from the University.
2. Complaints regarding the constitution, bylaws, or policies of RHA, UACOR, or the Owen Graduate Association.

#### B. All-University Student Hearing Board

ASMSU and COGS shall form one All University Student Hearing Board to be comprised of at least three undergraduate students and three graduate students. This hearing board will have jurisdiction over cases involving:<sup>12</sup>

1. Complaints of personal misconduct occurring in or around University housing for which another hearing board is not available and where the possible sanction would not be expected to result in suspension or dismissal from the University.
2. Complaints alleging violations of General Student Regulations, Student Group Regulations, or University policies by individual members or constituent groups within ASMSU or COGS where the possible sanction would not be expected to result in suspension or dismissal from the University.
3. Complaints regarding the constitution, bylaws, or policies of ASMSU or COGS.

#### C. Terms of Appointment

Student members of these student only hearing boards shall serve for one full calendar year, commencing with summer semester following appointment, with opportunity for reappointment for one additional term. Student members appointed mid-semester will serve until the beginning of the next succeeding summer semester.

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<sup>8</sup> The Owen Graduate Association represents the residents of Owen Hall.

<sup>9</sup> UACOR represents the residents of the University apartments.

<sup>10</sup> University Housing Hearing Boards do not have jurisdiction over cases involving academic misconduct, except as described in Article 5, Section I of this document.

<sup>11</sup> A living group is defined as any unit of University-owned housing, including a campus residence hall, floor, apartment, or residence complex.

<sup>12</sup> The All-University Student Hearing Board does not have jurisdiction over cases involving academic misconduct, except as described in Article 5, Section I of this document.

### III. Student-Faculty Hearing Board

#### A. Composition

The Student-Faculty Hearing Board shall be comprised of five undergraduate students, three graduate students, and five faculty members.

#### B. Jurisdiction

The Student-Faculty Hearing Board shall have jurisdiction over cases involving:<sup>13</sup>

1. Complaints of personal misconduct, including alleged violations of general student, student group, or living group regulations, or University policies.
2. Complaints arising between or within major governing groups<sup>14</sup>, student governing groups, living units, and/or registered student organizations that allege a violation of the group's, unit's, or organization's constitution, bylaws, or policies.
3. Complaints between ASMSU and COGS that allege a violation of either governing body's constitution, bylaws, or policies.

#### C. Terms of Office

Student members of the Student-Faculty Hearing Board shall serve for two years with the opportunity for reappointment for one additional two-year term. Faculty members shall serve for three years, with the opportunity for reappointment for one additional three-year term. All terms of office shall begin with the summer semester following appointment.

### IV. University Student Appeals Board

#### A. Composition

The University Student Appeals Board shall be comprised of two undergraduate students, one graduate student, and three faculty members.

#### B. Jurisdiction

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<sup>13</sup> The Student-Faculty Hearing Board does not have jurisdiction over cases involving academic misconduct, except as described in Article 5, Section I of this document.

<sup>14</sup> Major governing groups include the Greek Governing Boards, Student Housing Cooperative, Owen Graduate Association, RHA, and UACOR.

The University Student Appeals Board shall have appellate jurisdiction over appeals arising from sanctions imposed as a result of a hearing involving allegations of personal misconduct under any section of this Article and appeals arising out of cases heard pursuant to Section II of this Article. The University Student Appeals Board shall have original jurisdiction over non-academic student grievances filed pursuant to Section II of this Article to challenge a University policy or regulation.

#### C. Terms of Office

Student members of the University Student Appeals Board shall serve for two years with the opportunity for reappointment for one additional two-year term. Faculty members shall serve for three years, with the opportunity for reappointment for one additional three-year term. All terms of office shall begin with the summer semester following appointment.

## **ARTICLE 5**

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### **Adjudication of Non-Academic Cases**

#### I. Personal Misconduct Cases

The following procedures shall govern cases involving alleged acts of personal misconduct. The procedures contained in this Article apply to all students at Michigan State University. These procedures do not govern cases involving academic misconduct, which are governed by Article 7. The Vice President of Student Affairs and Services (the "Vice President") and the Provost will determine whether a case involving allegations of both personal misconduct and academic misconduct will be heard pursuant to Article 5 or Article 7 (or both).

##### A. Complaints

A complaint is defined as an allegation that a student has violated a University regulation, ordinance, or policy. Any member of the University community may file a complaint against a student.

##### B. Filing a Complaint

To file a complaint, a complainant must submit a written, signed statement to the Department of Student Life. The statement must contain the following information:

1. The specific policy, ordinance, or regulation that has allegedly been violated;
2. The time, place, and specific description of the alleged violation;
3. The name of the student against whom the complaint is filed (the "respondent"); and

4. The name of the individual who is filing the complaint (the “complainant”).

### C. Notice of Complaint

Upon receipt of a complaint, a designee of the Vice President shall notify the respondent in writing within five class days that he or she has been accused of violating a University regulation, ordinance, or policy.<sup>15</sup> The respondent shall be required to meet with an individual designated by the Department of Student Life (“administrator”) to discuss the complaint. The notice of complaint to the respondent shall include the following:

1. The specific policy, ordinance, or regulation that has allegedly been violated;
2. The time, place, and specific description of the alleged violation;
3. The name of the individual who is filing the complaint;
4. Notice of the opportunity to review the complaint in person;
5. A list of campus resources available to both parties; and
6. The deadline by which the respondent is required to meet with the administrator.

### D. Administrative Meeting

1. The respondent will meet with the administrator, who will advise the respondent of his/her rights and responsibilities under this document. At that time, the respondent will be provided with a copy of the complaint and may admit or deny the alleged violation.
2. If the respondent fails to meet with the administrator or fails to admit or deny the alleged violation within five class days<sup>16</sup> of meeting with the administrator, the administrator may take one of the following actions:
  - a. Place a hold on the respondent’s registration until the respondent meets with the administrator.
  - b. Refer the case to the appropriate hearing board for a formal hearing.
  - c. Render a decision on the complaint, provided that the administrator may not impose the sanctions of suspension or dismissal. If the administrator renders a decision on the complaint, the respondent shall have five class days from the date of the administrator’s decision to request a formal hearing before the appropriate

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<sup>15</sup> Notices sent via electronic mail will be sent to the individual’s official MSU email account.

<sup>16</sup> A “class day” is a day on which classes are held, including the days of Final Exam Week but excluding weekends.

hearing board. Such a request must be made in writing and filed with the administrator. Such a request voids the administrator's decision, which will not be shared with the hearing board that hears the complaint. In the absence of such a request, the administrator's decision on the complaint will be final.

3. A respondent who admits his/her violation waives his or her right to a hearing on the matter of responsibility. In such a situation, the respondent may request that the administrator determine the sanction for the violation or request that the appropriate hearing board determine the sanction.
4. If the respondent denies the violation alleged in the complaint, the complaint will be referred to the appropriate hearing board. The hearing should follow in a timely manner.

#### E. Hearing Procedures

1. At least five class days prior to a hearing, both the complainant and respondent shall receive written notification of the hearing from the appropriate hearing board. This notice of hearing shall include:
  - a. A copy of the notice of complaint;
  - b. The date, time, and location of the hearing;
  - c. The names of the hearing board members conducting the hearing;
  - d. The names of the complainant's witnesses and advisor (if known).
2. The chair of the hearing board shall take necessary precautions to avoid any conflict of interest on the part of the hearing board's members. The complainant and the respondent shall have two class days from receiving the hearing notice to challenge any hearing board members for cause.<sup>17</sup>
3. The complainant and respondent shall have two class days from receiving the hearing notice to provide the chair of the hearing board with the names of his/her witnesses or advisors, if such names are not already listed on the hearing notice. The complainant and respondent will receive a second notice containing this information no less than one class day prior to the hearing.

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<sup>17</sup> The standard the chair of the hearing body shall follow in ruling on challenges for cause is whether, in light of the challenged person's knowledge of the case or personal or professional relationships with the complainant, respondent, or a witness, the challenged person would be able to fairly and impartially hear the case. If the challenge is to the chair of the hearing body, the challenge shall be decided by the Senior Associate Vice President for Student Affairs and Services.

4. Either party may request, for good cause, that the hearing be postponed.<sup>18</sup> The chair of the hearing board may grant or deny such a request.
5. The hearing shall be closed unless the respondent requests an open hearing. If the complainant is a student or the complaint was filed on behalf of a student, both the respondent and complainant must agree to an open hearing. The hearing board may close an open hearing at any time to maintain order or protect the confidentiality of information.<sup>19</sup> An open hearing is open to any member of the University community.
6. The complainant and respondent shall be expected to appear at the hearing to present their cases. If appearance in person is not feasible, the hearing board may permit either party to present his/her case through other communication channels (phone, webcam, video conference, etc.). If the complainant fails to appear, the hearing board may either postpone the hearing or dismiss the case. If the respondent fails to appear, the hearing board may either postpone the hearing or hear the case in the respondent's absence. The respondent's failure to appear does not mean the respondent may be presumed to have committed the violation in the complaint.
7. The complainant and respondent shall be entitled to:
  - a. Receive a timely hearing.
  - b. Call witnesses on their behalf. Witnesses must be members of the University community, unless the hearing board determines that they have direct knowledge of the alleged behavior in question. Witnesses may be present in the hearing only when testifying. Witnesses may submit written statements to the hearing board in lieu of attending only with the written permission of the chair of the hearing board. Expert or character witnesses are generally not allowed. The hearing board may limit the number of witnesses.
  - c. Submit information in support of their positions.
  - d. Be accompanied to the hearing by an advisor, who must be a member of the faculty, staff, or student body of the University. The respondent may have an attorney who is not a member of the faculty, staff, or student body at the hearing as his/her advisor if criminal charges related to the alleged violation are pending. If the respondent is criminally charged with a sex offense related to the alleged violation when the hearing occurs, the complainant may have an attorney present at the hearing as his/her advisor. The advisor/attorney may be present throughout

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<sup>18</sup> "Good cause" includes, but is not limited to, circumstances outside of a party's control, such as illness, death in the family, or a class conflict.

<sup>19</sup> The hearing board described in this document should refer to University policies and applicable laws regarding confidentiality of information.

the hearing but has no voice in the hearing unless the chair of the hearing board grants the attorney/advisor permission to participate.<sup>20</sup>

- e. Question any witness who appears at the hearing.
8. The hearing board shall determine whether each allegation has been supported by a preponderance of the evidence<sup>21</sup>. If an allegation is not supported by a preponderance of the evidence, the respondent shall be found “not responsible” for that allegation. If the allegation is supported by a preponderance of the evidence, the hearing board may impose one or more of the sanctions listed in Section H of this Article.
9. The hearing board shall prepare a written report within five class days of the hearing. The report shall include rationale for the hearing board’s decision and notification of the right to appeal. A copy of the report shall be provided to the complainant and respondent, who will be required to maintain the confidentiality of the document.

#### F. Appeals

1. The University Student Appeals Board has jurisdiction over all appeals of decisions made by an administrator or hearing board under this Article.
2. A respondent may appeal an adverse decision on the basis that the information presented at the hearing does not support the decision reached by the hearing board or the sanction imposed or recommended by the hearing board.
3. Either the complainant or respondent may appeal on the basis that applicable procedures were not followed or there was a conflict of interest with a member of the hearing board.
4. A written appeal must be filed with the chair of the University Student Appeals Board within five class days after the date on which the hearing board’s decision was sent to the parties. Any sanctions imposed will be held in abeyance while the appeal is pending.
5. The chair of the University Student Appeals Board shall take necessary precautions to avoid any conflict of interest on the part of the appellate board’s members. Upon receipt of the appeal, the chair shall provide the complainant and respondent with written notice of the names of the members of the University Student Appeals Board. Both the complainant and respondent shall have two class days from receiving such notice to challenge any member for cause.

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<sup>20</sup> The chair shall normally grant permission for a student representative from the undergraduate student defender program to have voice in the hearing.

<sup>21</sup> A preponderance of the evidence is defined as that which is more convincing, more credible, and of a greater weight.

6. The University Student Appeals Board shall review the case and the procedures used, request additional information if needed, and then do one of the following:
  - a. Reject the appeal for lack of jurisdiction<sup>22</sup>.
  - b. Affirm or reverse the original decision.
  - c. Direct the original hearing board to rehear the case or to reconsider or clarify its decision.
  - d. Conduct a hearing of its own, from which the University Student Appeals Board may affirm, reverse or modify the original decision.
7. The University Student Appeals Board shall issue a written decision, including the rationale for its decision, within ten class days of convening to consider the appeal or conducting a hearing. A copy of the decision shall be provided to the complainant and respondent, who will be required to maintain the confidentiality of the document.
8. Either party may file a written request with the Vice President to review a decision by the University Student Appeals Board within five class days of the appellate board's decision. A request filed by the respondent must allege that the information presented at the appellate hearing does not support the decision reached by the University Student Appeals Board or the information presented at the hearing does not support the sanction imposed. Either the complainant or the respondent may file a request alleging that the applicable procedures were not followed or there was a conflict of interest with a member of the hearing board. The Vice President's decision is final.

#### G. Requests for Reconsideration

Each hearing board shall make provision to allow a complainant or respondent to request reconsideration of a case within 30 calendar days of its decision on the basis that new information has arisen.<sup>23</sup> An exception to the 30-day time limit may be granted by the appropriate hearing board only upon a showing of good cause.

#### H. Sanctions for Personal Misconduct

Disciplinary sanctions imposed should be based on a consideration of all circumstances in a particular case, including a student's prior record of misconduct, if any. Such sanctions may include any one or more of the following:

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<sup>22</sup> The appellate body must reject the appeal for lack of jurisdiction if the written appeal does not articulate one of the permissible bases for appeal or if the appeal deadline had already elapsed when the appeal was filed.

<sup>23</sup> For the purposes of this document, "new information" is defined as relevant information or documents previously unavailable to the party, although the party acted with due diligence to obtain such information.

1. **Warning:** An official written statement expressing disapproval of the behavior and notifying the student it must not occur again.
2. **Probation:** An official written statement establishing a period of time for observing and evaluating a student's conduct and indicating that any additional violations may result in more severe disciplinary action. This period may be accompanied by stipulations, including but not limited to restitution, participation in an educational program, or loss of specified University privileges.
3. **Restitution:** A requirement that a student pay for property damages or losses resulting from acts committed by the student, with the date by which the restitution must be completed.
4. **Change of Residence:** The student shall be required to move from his or her current on-campus residence, either to an off-campus location or to another location within the University housing system.
5. **Other:** The student may be required to participate in an educational program deemed appropriate to a specific case or set of behaviors or lose specified University privileges.
6. **Suspension:** A suspension is temporary removal from the University for a particular period of time, at the conclusion of which the student is eligible to apply for readmission. A suspension may also be a conditional suspension, in which case the student must demonstrate that he/she has fulfilled stated conditions prior to applying for readmission.
7. **Dismissal:** A dismissal is a permanent removal from the University.

Dismissal and suspension sanctions may be imposed only by the Vice President or Provost. A decision by the Student Faculty Hearing Board or University Student Appeals Board that includes the sanction of dismissal or suspension must be approved and implemented by the Vice President or Provost, as appropriate.

#### I. Urgent Disciplinary Cases

If the Vice President is presented with credible information that a student's continued presence at Michigan State University poses a clear and present danger<sup>24</sup> to the health or safety of persons or property, the Vice President or his/her designee may temporarily suspend a student from the University. Before temporarily suspending a student, the Vice President will make a reasonable attempt to notify the student of the potential interim suspension and offer the student an opportunity to present information that he/she does not pose a threat to persons or property.

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<sup>24</sup> A "clear and present danger to the health or safety of persons or property" is defined as an immediate and significant danger.

The interim suspension shall not preclude, render irrelevant, or predetermine the outcome of subsequent disciplinary action relating to conduct on which the interim suspension is based. Nor shall an interim suspension create a presumption of guilt. Students placed on interim suspension may petition for reinstatement at any time, with the following guidelines.

1. Such petitions will be considered by either the Vice President or the Provost (or their designees) as requested by the petitioner.
2. Within five class days after receipt of a student's petition, the Vice President or the Provost (or their designees) shall meet with the student for the sole purpose of deciding whether to continue the interim suspension or grant reinstatement.
3. The outcome of the meeting shall not preclude, render irrelevant, or predetermine the outcome of subsequent disciplinary action.

Students placed on interim suspension shall face disciplinary action for the underlying conduct pursuant to this Article, regardless of where the conduct occurred.

## II. Non-Academic Student Grievances

Any student (the "grievant") may file a grievance against a registered student organization, student governing group, or University employee alleging a violation of this document or a violation of the student group's constitution, bylaws, or policies. Any student may also file a grievance pursuant to this section to challenge a University policy or regulation as being inconsistent with the guidelines established in this document.<sup>25</sup> Such grievances should be filed in writing with the Vice President.

### A. Informal Resolution

Prior to filing a student grievance, the grievant should first attempt to resolve the grievance informally.

### B. Jurisdictional Findings

A designee of the Vice President shall review the grievance and forward it to the appropriate hearing board to determine whether it has jurisdiction to hear the case. The hearing board shall then forward a copy of the grievance to the respondent and invite a written response. After considering all submitted information, the hearing board may:

1. Schedule a hearing.

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<sup>25</sup> A designee of the Vice President will identify the appropriate respondent in grievances that are filed to challenge a University policy or regulation.

2. Reject the request for lack of jurisdiction<sup>26</sup> and provide a written explanation for that decision.
3. Invite all parties to meet with the hearing board for an informal discussion of the issues. Such a discussion shall not preclude a subsequent hearing.

### C. Hearing Procedures

1. At least five class days prior to a hearing, the parties shall receive written notification of the hearing from the appropriate hearing board. This notice of hearing shall include:
  - a. The date, time, and location of the hearing;
  - b. The names of the hearing board members; and
  - c. The names of the parties' witnesses and advisors (if known).
2. Both the respondent and grievant shall have two class days from receiving the hearing notice to challenge any hearing board members for cause.<sup>27</sup>
3. The parties shall have two class days from receiving the hearing notice to provide the chair of the hearing board with the names of their witnesses and advisors, if such names are not already listed on the hearing notice. Both parties will receive a second notice containing this information no less than one class day prior to the hearing.
4. Either party may request, for good cause, that the hearing be postponed.<sup>28</sup> The chair of the hearing board may grant or deny such a request.
5. The hearing shall be open unless the hearing board determines that the hearing should be closed to protect the confidentiality of information. An open hearing is open to any member of the University community. The hearing board may close an open hearing at any time to maintain order or protect the confidentiality of information.
6. Both parties are expected to appear at the hearing to present their cases. If appearance in person is not feasible, the hearing board may permit either party to present its case through other communication channels (phone, webcam, video conference, etc.). If the grievant fails to appear, the hearing board may either postpone the hearing or

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<sup>26</sup> The hearing board must reject the grievance for lack of jurisdiction if the grievance does not articulate one of the appropriate bases for a grievance.

<sup>27</sup> The standard the chair of the hearing body shall follow in ruling on challenges for cause is whether, in light of the challenged person's knowledge of the case or personal or professional relationship with a party or a witness, the challenged person would be able to fairly and impartially hear the case. If the challenge is to the chair of the hearing body, the challenge shall be decided by the Senior Associate Vice President for Student Affairs and Services.

<sup>28</sup> "Good cause" includes, but is not limited to, circumstances outside of a party's control, such as illness, death in the family, or a class conflict.

dismiss the case. If the respondent fails to appear, the hearing board may either postpone the hearing or hear the case in the respondent's absence. The respondent's failure to appear shall not result in any presumption favoring the grievant.

7. Both parties shall be entitled to:
  - a. Receive a timely hearing.
  - b. Call witnesses on their behalf. Witnesses must be members of the University community, unless the hearing board determines that they have direct knowledge of the matter at issue. Witnesses may be present in the hearing only when testifying. Witnesses may submit written statements to the hearing board in lieu of attending only with the written permission of the chair of the hearing board. Expert witnesses are generally not allowed. The hearing board may limit the number of witnesses.
  - c. Submit information in support of their positions.
  - d. Be accompanied by an advisor, who must be a member of the faculty, staff, or student body of the University. The advisor/attorney may be present throughout the hearing but has no voice in the hearing unless the chair of the hearing board grants the advisor permission to participate in the hearing.<sup>29</sup>
  - e. Question any witness who appears at the hearing.
8. The hearing board shall determine whether the allegation has been supported by a preponderance of the evidence<sup>30</sup>. If the allegation is not supported by a preponderance of the evidence, the grievance shall be decided in favor of the respondent. If the allegation is supported by a preponderance of the evidence, the hearing board may impose one or more of the sanctions listed in Section D below.
9. The hearing board shall prepare a written report within five class days of the hearing. The report shall include the rationale for the hearing board's decision and notification of the right to appeal. The hearing board will send a copy of its report to both parties, who will be required to maintain the confidentiality of the document.

#### D. Sanctions

1. Warning: An official written statement expressing disapproval of the behavior and notifying the respondent it must not recur.

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<sup>29</sup> The chair shall normally grant permission for a student representative from the undergraduate student defender program to have voice in the hearing.

<sup>30</sup> A preponderance of the evidence is defined as that which is more convincing, more credible, and of a greater weight.

2. Warning Probation: An official written statement establishing a period of time for observing and evaluating a student group's conduct and indicating that further violations may result in more severe consequences. This probation may be accompanied by conditions.
3. Revocation of privileges for a registered student organization or student governing group.
4. Revocation of registration of a student organization.
5. Other action deemed appropriate to the specific case.
6. A formal recommendation to the appropriate administrator to correct the action, policy, or regulation in question.

#### E. Appeals

Either party may appeal the decision of the hearing board on the basis that (1) the information presented does not support the decision reached by the hearing board, (2) the information presented does not support the sanction imposed or recommended by the hearing board, or (3) the procedures described above for adjudicating the case were not followed. A written appeal must be filed with the chair of the University Student Appeals Board within five class days after the hearing board's report has been sent to the parties. Any sanctions imposed will be held in abeyance while the appeal is pending.

#### F. Temporary Restraining Actions

1. The codes of operation for student judiciaries described in Article 4 of this document shall include provisions for expedited consideration of urgent cases in which a restraining action is sought because (1) a group action allegedly threatens immediate and irreparable harm through action contrary to the constitution of any undergraduate or graduate student governing group within the judiciary's jurisdiction; or (2) a regulation or administrative decision allegedly threatens immediate and irreparable harm through infringement of rights defined by this document.
2. Upon receipt of such a request, the relevant hearing board shall conduct a preliminary review to determine whether a temporary restraining action is appropriate. This review should include opportunity for both the grievant and the respondent to present information, either in writing or in person at the discretion of the hearing board. The purpose of the review is to consider the nature and potential extent of irreparable harm and other alternatives to remedy the situation. The review shall not preclude, render irrelevant, or predetermine the outcome of the ultimate decision of the hearing board on the grievance in question.
3. If the hearing board decides to take a temporary restraining action, the appropriate individual, group, or administrative unit shall be required to postpone or withdraw

the action in question pending a hearing on the merits of the grievance by the appropriate hearing board.

4. The hearing board shall make every reasonable effort to meet whatever exigencies of time may exist in such a case. If necessary, the hearing board may announce its decision regarding a temporary action without a written statement of its reasons, provided that such a statement of its reasons shall be made available to the parties as soon as is reasonably possible.

## ARTICLE 6

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### Academic Hearing Board Structures

This Article describes the composition and jurisdiction of all academic hearing boards that hear cases involving undergraduate students. Academic hearing boards that hear cases involving graduate students are described in the *Graduate Student Rights & Responsibilities* document. Non-academic hearing boards are described in Article 4 of this document.

#### I. Department/School Level Hearing Boards

##### A. Jurisdiction

Department/school hearing boards shall have initial jurisdiction over student academic grievances alleging violations of student academic rights. Department/school hearing boards also have jurisdiction over student grade disputes.

##### B. Composition

Department/school hearing boards shall be comprised of an equal number of undergraduate students and faculty and shall be drawn from the pool of potential hearing board members, as defined by the relevant department/school/college procedures. Those not selected shall serve as alternates. In addition, the chair of the hearing board shall be selected according to relevant department/school procedures and shall serve without vote, except in event of a tie.

##### C. Terms of Office

Terms of office shall be governed by department/school hearing board procedures. Students and faculty shall be selected for their department/school hearing board by the end of the tenth week of spring semester for the upcoming summer semester. Department/school hearing board procedures shall include provisions for filling vacancies, including provisions for appointments on an interim basis during summer semester.

##### D. Decisions

Department/school hearing boards may recommend whatever redress it may consider appropriate to the specific case.

##### E. Appeals

Decisions of department/school hearing boards may be appealed to the University Academic Appeal Board.

#### II. College Level Hearing Boards

##### A. Jurisdiction

College hearing boards serve as initial hearing boards for (1) allegations of violations of student academic rights in colleges without departments; (2) allegations of violations of student academic rights when the department/school hearing board has waived jurisdiction; (3) academic disciplinary hearings involving academic misconduct (including violations of professional standards)<sup>31</sup>; (4) allegations of violations of student academic rights occurring in courses or programs offered by a college, including integrative studies centers; and (5) cases of ambiguous jurisdiction in which the Associate Provost for Undergraduate Education has selected the board as the appropriate college hearing board.

#### B. Composition

College hearing boards shall be comprised of an equal number of undergraduate students and faculty and shall be drawn from the pool of potential hearing board members, as defined by the relevant department/school/college procedures. Those not selected shall serve as alternates. In addition, the chair of the hearing board shall be selected according to relevant college procedures and shall serve without vote, except in event of a tie.

#### C. Terms of Office

Terms of office shall be governed by college hearing board procedures. Students and faculty shall be selected for their college hearing board by the end of the tenth week of spring semester for the upcoming summer semester. College hearing board procedures shall include provisions for filling vacancies, including provisions for filling appointments on an interim basis during summer semester.

#### D. Decisions

In cases involving allegations of violations of student academic rights, a college hearing board may make whatever recommendations on redress it may consider appropriate to the specific case before it. In cases involving academic disciplinary hearings, college hearing boards shall have available to them the full range of sanctions listed in Article 7, Section VI below.

#### E. Appeals

The decision of a college hearing board that served as the initial hearing board for alleged violations of student rights may be appealed to the University Academic Appeal Board. The decision of a college hearing board, acting as a disciplinary hearing body, for an allegation of academic misconduct by an undergraduate student may be appealed to the University Academic Appeal Board.

### III. University Academic Integrity Hearing Board

#### A. Jurisdiction

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<sup>31</sup> See Article 7, Section V and the *Integrity of Scholarships and Grades policy*.

The University Academic Integrity Hearing Board shall have jurisdiction over academic grievances brought by a student to contest a penalty grade based on a charge of academic misconduct.

#### B. Composition

The University Academic Integrity Hearing Board shall be comprised of three faculty members, excluding the chair, and three undergraduate students drawn from a pool representing each college. The pool shall consist of at least two faculty members and two undergraduate students from each college. The chair of the hearing board will be a faculty member with seniority and will serve without vote, except in the event of a tie. Members of the University Academic Integrity Hearing Board selected to hear a case shall include at least one faculty member and one undergraduate student from the college in which the alleged violation occurred and at least one faculty member and one undergraduate student from the college in which the student is enrolled (if applicable). Those not selected from the pool will serve as alternates. The Office of the Provost shall provide necessary support services for the University Academic Integrity Hearing Board.

#### C. Terms of Office

Student members of the University Academic Integrity Hearing Board shall serve for two years, with the opportunity for reappointment for one additional two-year term. Faculty members shall serve for three years, with the opportunity for reappointment for one additional three-year term. All terms of office shall begin with the summer semester following appointment.

#### D. Decisions

The University Academic Integrity Hearing Board shall have available to it the full range of sanctions listed in Article 7, Section VI below. In addition, the Board may make whatever recommendations to the appropriate dean that it may consider appropriate to the specific case before it.

#### E. Appeals

Decisions of the University Academic Integrity Hearing Board may be appealed to the University Academic Appeal Board.

### IV. University Academic Appeal Board

#### A. Jurisdiction

The University Academic Appeal Board shall have appellate jurisdiction over (1) decisions by the University Academic Integrity Hearing Board in cases involving penalty grades for academic misconduct; (2) decisions by a college hearings boards acting as a disciplinary hearing body for an allegation of academic misconduct by an undergraduate student, and (3) decisions by department/school and college hearing boards in cases involving academic grievances alleging violations of student rights.

## B. Composition

The University Academic Appeal Board shall be comprised of three faculty members, excluding the chair, and three undergraduate students drawn from a pool representing each college. The pool shall consist of at least two faculty members and two undergraduate students from each college. The chair of the hearing board will be a faculty member with seniority and will serve without vote, except in the event of a tie. Members of the University Academic Appeal Board selected to hear a case shall include at least one faculty member and one undergraduate student from the college in which the alleged violation occurred and at least one faculty member and one undergraduate student from the college in which the student is enrolled (if applicable). Those not selected from the pool will serve as alternates. The Office of the Provost shall provide necessary support services for the University Academic Appeal Board.

## C. Terms of Office

Student members of the University Academic Appeal Board shall serve for two years, with the opportunity for reappointment for one additional two-year term. Faculty members shall serve for three years, with the opportunity for reappointment for one additional three-year term. All terms of office shall begin with the summer semester following appointment.

## D. Decisions

If the University Academic Appeal Board agrees to hear an appeal of an academic disciplinary decision, the Board shall have available to it the full range of sanctions listed in Article 7, Section IV of this document. If the University Academic Appeal Board agrees to hear an appeal of an academic grievance decision, the Board may recommend any redress it considers appropriate to the specific case before it.

## E. Appeals

All decisions of the University Academic Appeal Board are final unless appealed to the Provost, who may affirm or reverse the decision, reduce the sanction imposed, or direct that the case be reheard.

## ARTICLE 7

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### Adjudication of Academic Cases

The University undertakes, within the limits of its resources and the limits imposed by due respect for the professional rights of the faculty, to supply an appropriate remedy for legitimate student grievances. The limits of the University's resources proceed from factors that, while subject to its influence, are not always subject to its control.

#### I. Academic Grievances

- A. For the purposes of this Article, a grievance is an allegation filed by a student against a faculty or staff member within the time periods set forth in Section III.C below.
- B. A grievance may (1) allege a violation of any of the academic rights of students under this document, (2) challenge an academic evaluation on the grounds that the evaluation was based entirely or in part upon factors (e.g., race, sex, personal animus) other than a good faith judgment of the student's academic performance, including compliance with applicable professional standards, or (3) contest a penalty grade based on a charge of academic dishonesty.<sup>32</sup>
- C. A student who has been dismissed by a college for lack of academic progress may file a grievance under this section alleging procedural violations. Students may not file a grievance challenging such a decision to dismiss on substantive grounds.
- D. Where an instructor or a committee has rendered a judgment regarding a student's academic performance, that judgment is presumed to be made in good faith and the grievant bears the burden of proving the contrary, with the exception of allegations of academic dishonesty. In those cases, the instructor bears the burden of proof.

#### II. Academic Complaints

- A. For the purposes of this Article, a complaint is an allegation filed by a member of the University community against a student within the time periods set forth in Section III.C below.
- B. A complaint may allege academic dishonesty, violation of professional standards, or falsification of academic or admissions records<sup>33</sup> ("academic misconduct"). (See also

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<sup>32</sup> Instructors and deans seeking sanctions for academic dishonesty other than, or in addition to, penalty grades must file a complaint under Section II.B of this Article.

<sup>33</sup> Allegations of falsification of records submitted for admission to the University are processed through the Office of the Provost to determine whether the individual's admission will be rescinded. A decision by the Associate Provost for Undergraduate Education or the Dean of the Graduate School (as appropriate) to rescind admission may be appealed to the Provost within ten calendar days of the decision. Allegations of falsification of records submitted

*Integrity of Scholarships and Grades policy.)*

### III. Filing a Request for an Academic Grievance Hearing

- A. If problems arise in the relationship between instructor and student, they should attempt to resolve them in informal, direct discussions. If the problem remains unresolved, they should consult the unit administrator. If the problem remains unresolved, the student may file a request for a grievance hearing.
- B. To file a request for a grievance hearing, the student must submit a written, signed statement that contains the following information to the chair of the hearing board of the department/school within which the violation is alleged to have occurred. In cases of ambiguous jurisdiction, the appropriate college hearing board will be selected by the Associate Provost for Undergraduate Education ("Associate Provost"). Anonymous grievances will not be accepted.
  - 1. The specific basis for the grievance;
  - 2. The person(s) against whom the grievance is filed; and
  - 3. A concise statement of the sanction or remedy sought.
- C. Grievances must be filed not later than the middle of the semester (including summer semester) following the one in which the event which is the basis for the grievance occurred. If the middle of the semester falls during a scheduled vacation period when students are not enrolled for classes, the grievance must be filed on the first class day after the vacation period. If either party to a grievance is absent from the University during that semester, or if other appropriate reasons exist, an exception to this time limit may be granted. If either party to the grievance leaves the University prior to its resolution, the grievance may proceed at the discretion of the chair of the hearing board.

### IV. Judicial Procedures

- A. Departments/colleges/schools shall establish hearing board procedures consistent with this document. A copy of these procedures shall be filed with the dean's office and the Office of the Ombudsman. Units shall review their hearing board procedures every five years.
- B. Grievance hearings normally must be initiated at the department/school level. With the approval of the relevant college dean, departments/schools may waive jurisdiction over a grievance and refer it to the college hearing board.
- C. Each department/school/college shall provide training to its hearing board members

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by a current student for admission to a school, college, or program are handled through the academic disciplinary process as allegations of academic misconduct.

regarding its hearing procedures and the requirements of this document.

- D. The adjudication of grievances and complaints should proceed in a timely manner, as described below.
1. Within five class days of its receipt, the chair of the hearing board shall forward a copy of the request for a complaint/grievance hearing to the hearing board members and to the respondent.
  2. The chair of the hearing board shall take necessary precautions to avoid any conflict of interest on the part of the hearing board's members. The chair of the hearing board must promptly notify each party of the names of the hearing board members. Within three days of that notice, either party may submit a written challenge to the chair of the hearing board seeking to remove any member of the hearing board for cause. The challenge must explain the cause for removing the hearing board member. If the chair of the hearing board is the subject of the challenge, the challenge should be filed with the unit administrator.<sup>34</sup>
  3. The chair of the hearing board or unit administrator shall rule promptly on any challenge, replace any removed hearing board member from the pool of hearing board alternates, and promptly forward the name of the new hearing board member to the parties.
  4. Within five class days of being established, the hearing board shall review the request for a complaint/grievance hearing to determine whether it meets the requirements established by this Article. If it does, the chair of the hearing board shall invite a written response from the respondent. After considering the submitted documents, the hearing board shall:
    - a. Accept the request, in whole or in part, and schedule a hearing.
    - b. Invite the parties to meet with the hearing board to attempt to informally resolve the dispute. Such discussion does not preclude a later hearing.
    - c. Reject the request for lack of jurisdiction<sup>35</sup> and refer the case to the appropriate hearing board (if any).
  5. At least five days prior to the hearing, the chair of the hearing board shall provide the parties with written notice of the hearing. This notice shall include:

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<sup>34</sup> The standard to be used in ruling on challenges is whether, in light of the challenged person's knowledge of the case or personal or professional relationships with a party or witness, the challenged person would be able to fairly and impartially hear the case.

<sup>35</sup> The hearing board must reject the complaint/grievance if the written complaint/grievance does not contain the information required in Section III.B above, if it has been filed with the wrong hearing board, or if the deadline for filing a grievance/complaint had already elapsed when it was filed.

- a. The names of the parties;
  - b. A copy of the request for a complaint/grievance hearing and the response to it;  
and
  - c. The date, time, and place of the hearing.
6. At least three class days prior to the hearing, the parties shall provide the chair of the hearing board with the names of their witnesses (if any) and advisor (if any). The chair of the hearing board shall forward this information to both parties prior to the hearing.
  7. Any amendment to a complaint/grievance must be filed at least five class days before the hearing.
  8. Either party may request, with good cause,<sup>36</sup> that the chair of the hearing board postpone the scheduled hearing. The chair may grant or deny the request.
  9. Each party is expected to appear at the hearing and present his/her case to the hearing board. If it is not feasible for a party to appear in person, the hearing board may permit that party to present his/her case to the hearing board through other available communication channels (phone, webcam, video conference, etc.).
  10. The chair of the hearing board may permit either party to submit a written statement from a witness to the hearing board and to the opposing party if the witness is unavailable to testify at the hearing in person or by another means of communication. The statement must be submitted at least three class days before the scheduled hearing.
  11. Should the respondent fail to appear at a scheduled hearing, in person or through another communication channel, the hearing board may (a) postpone the hearing if an acceptable excuse for the absence has been offered, (b) hear the case in the absence of the party, or (c) dismiss the case. Should the grievant/complainant fail to appear at a scheduled hearing, in person or through another communication channel, the hearing board may (a) postpone the hearing if an acceptable excuse for the absence has been offered, or (b) dismiss the case.
  12. The hearing board shall maintain a collegial atmosphere in hearings.
  13. Hearings are closed unless an open hearing is requested by the student. An open hearing is open to any member of the University community. The hearing board may close an open hearing to maintain order or protect the confidentiality of information.

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<sup>36</sup> "Good cause" includes, but is not limited to, circumstances outside of a party's control, such as illness, death in the family, or a class conflict.

14. Each party may choose to be accompanied to the hearing by a member of the faculty, staff, or student body of the University who is serving as that party's advisor. The respondent may be accompanied to the hearing by an attorney who is not a member of the faculty, staff, or student body if criminal charges related to the subject matter of the complaint/grievance are pending against the respondent at the time of the hearing. If the respondent is charged with a sex offense related to the subject matter of the grievance/complaint when the hearing occurs, the complainant may have an attorney present at the hearing as his/her advisor. The advisor/attorney may be present throughout the hearing but has no voice in the hearing unless the chair of the hearing board grants the attorney/advisor permission to participate.<sup>37</sup>
  15. Witnesses must be members of the University community, unless the hearing board determines that they have direct knowledge of the matter at issue. Witnesses may be present in the hearing only when testifying. Expert witnesses are generally not allowed. The hearing board may limit the number of witnesses.
  16. During the hearing, each party shall have an opportunity to make an opening statement, present evidence, question witnesses, ask questions of the opposing party, present a rebuttal, and present a closing statement. The chair of the hearing board may set time limits on each party's presentation.
- E. The hearing board shall render a decision and prepare a written report of its findings and supporting rationale. As part of its decision, the hearing board shall recommend what, if any, redress or sanction should be implemented by the appropriate unit administrator.<sup>38</sup> The chair of the hearing board shall forward copies of the report to the appropriate unit administrator within three class days of the hearing.
  - F. Upon receipt of the hearing board's report, the appropriate unit administrator, in consultation with the hearing board, shall determine an appropriate redress or sanction within three class days. The chair of the hearing board will immediately forward copies of the final decision to the parties, the unit administrator who will implement the redress or sanctions, and the University Ombudsman. All recipients of the report are expected to respect the confidentiality of the report. If an appeal is filed pursuant to Section VII below, any redress or sanctions imposed will be held in abeyance while the appeal is pending.
  - G. Either party to a hearing may request reconsideration of a hearing board's recommendation within 30 days of the hearing board's decision on the basis that new evidence has arisen.
  - H. At any time during the grievance/complaint hearing process, the parties may consult with

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<sup>37</sup> The chair shall normally grant permission for a student representative from the undergraduate student defender program to have voice in the hearing.

<sup>38</sup> The appropriate unit administrator is generally the head of the unit in which the hearing occurred.

the Office of the Ombudsman.

## V. Academic Disciplinary Hearings

- A. In cases in which a complaint is filed against an undergraduate student for academic misconduct and the student's dean has requested an academic disciplinary hearing, the complaint will be forwarded to the Associate Provost.<sup>39</sup>
- B. Upon receiving a complaint, the Associate Provost shall promptly notify the student in writing that he or she has been accused of academic misconduct and that the student's dean has requested an academic disciplinary hearing. The student shall be required to meet with the Associate Provost to discuss the alleged academic misconduct and review the academic disciplinary hearing process. The Associate Provost also will inform the student of his or her right to contest the allegation before the University Academic Integrity Hearing Board.
- C. The student shall have ten class days to request an academic grievance hearing to contest a penalty grade based on a charge of academic dishonesty. If the student files a request for a grievance hearing, the student will not meet with the Associate Provost until the University Academic Integrity Hearing Board has heard the student's academic grievance and all appeals, if any, are final. If the University Academic Integrity Hearing Board determines that the student did not commit academic dishonesty, the student will not face any additional sanctions based on that charge.
- D. In cases in which the student's dean (or designee) has requested an academic disciplinary hearing for a complaint involving the violation of professional standards, the Associate Provost will meet with the student to determine the appropriate college hearing board for the hearing and review the academic disciplinary process.
- E. In cases in which the student's dean (or designee) has requested an academic disciplinary hearing for a complaint involving academic misconduct other than violation of professional standards, the Associate Provost will meet with the student to discuss the allegations and ask the student to select either an administrative hearing conducted by the Associate Provost or a disciplinary hearing conducted by the appropriate college hearing board. If the student chooses to have a college hearing, the Associate Provost will forward the complaint to the chair of the appropriate college hearing board. If the student requests an administrative hearing, the Associate Provost will proceed with the hearing.
- F. A student who admits his/her academic misconduct to the Associate Provost waives the right to a hearing to contest the allegation. In such a situation, the Associate Provost shall impose an appropriate redress or sanction for the academic misconduct. The student may appeal the appropriateness of the sanction/redress imposed to the University Academic Appeal Board.

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<sup>39</sup> An academic dean may request additional sanctions only in accordance with the *Integrity of Scholarships and Grades Policy*.

- G. If a student fails to meet with the Associate Provost when so required by this Article, the academic misconduct complaint will be referred to the appropriate college hearing board. (See also *Integrity of Scholarship and Grades Policy* and *General Student Regulation 1.00: Protection of Scholarship and Grades.*)
- H. In cases of ambiguous jurisdiction, the Associate Provost will select the appropriate college hearing board.

## VI. Sanctions for Academic Misconduct

The academic disciplinary sanctions imposed on a student should be based on a consideration of all circumstances in a particular case, including the student's prior record of academic misconduct, if any. Such sanctions may include one more of the following:

- A. **Warning:** An official written statement expressing disapproval of the behavior and notifying the student that it must not recur.
- B. **Probation:** An official written statement establishing a period of time for observing and evaluating a student's conduct and indicating that further academic misconduct may result in more severe disciplinary action. This probation may be accompanied by stipulations, including, but not limited to, restitution, participation in an educational program, or the loss of specified privileges.
- C. **Restitution:** A requirement that a student pay for property damages or losses resulting from acts committed by the student, with the date by which the restitution must be completed.
- D. **Other:** The student may be required to participate in an educational program deemed appropriate to a specific case or set of behaviors or lose specified University privileges.
- E. **Suspension:** A suspension is temporary removal from the University or a department/school/college for a particular period of time, at the conclusion of which the student is eligible to apply for readmission. A suspension may also be a conditional suspension, in which case the student must demonstrate that he/she has fulfilled stated conditions prior to applying for readmission.
- F. **Dismissal:** A dismissal is a permanent removal from the University or a department/school/college.

Only the University Academic Appeal Board and the Associate Provost may impose the sanctions of suspension or dismissal from the University. Only the dean of the relevant college and the University Academic Appeal Board may impose the sanction of suspension or dismissal from a school/college.

VII. Appeals to the University Academic Appeal Board.

- A. Appeals must be filed within five class days following the date of the hearing board's decision and may challenge the substance of the decision and/or the procedures employed in the adjudication. Any redress or sanctions imposed will be held in abeyance while the appeal is pending.
- B. Appeals must be written and signed by the party filing the appeal and must specify the basis for appeal in sufficient detail to justify further proceedings. Presentation of new evidence will normally be inappropriate at an appeal hearing, unless the information was previously unavailable to the party submitting it and the party acted with due diligence to obtain such evidence.
- C. The chair of the University Academic Appeal Board shall take necessary precautions to avoid any conflict of interest on the part of the appeal board's members. The chair must promptly notify each party of the names of the appeal board members and provide either party with an opportunity to file a written challenge to any hearing board member for cause. If the chair is the subject of the challenge, the written challenge should be filed with the Associate Provost.
- D. The University Academic Appeal Board shall review the appeal and forward a copy of the appeal to the other party and invite a written response. After considering the appeal and response, the board may:
  - 1. Decide that it does not have jurisdiction<sup>40</sup> and let the decision of the initial hearing board stand;
  - 2. Direct the initial hearing board to rehear the case or to reconsider or clarify its decision; or
  - 3. Decide that sufficient reasons exist for an appeal and schedule an appellate hearing in a timely manner.
- E. When the University Academic Appeal Board finds that an academic grievance has merit and that redress is possible, it shall recommend that redress be provided. The relevant academic dean, after reviewing the decision of the appeal board, shall implement an appropriate remedy.
- F. The University Academic Appeal Board shall issue findings and recommendations in a written report that includes its supporting rationale within ten class days of the appeal hearing. The appeal board may affirm, reverse, or modify the decision of the hearing board. The appeal board also may direct the initial hearing board to rehear the original

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<sup>40</sup> The University Academic Appeal Board must reject the appeal for lack of jurisdiction if the written appeal does not articulate one of the permissible bases for appeal or if the appeal deadline had already elapsed when the appeal was filed.

complaint/grievance.

## **ARTICLE 8**

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### **Regulations, Policies, and Rulings**

The University community's expectations for student and group conduct which hold the potential for disciplinary action shall be promulgated as General Student Regulations, Student Group Regulations, Living Group Regulations, and All-University Policies as defined herein.

Administrative decisions which mediate the flow of services and privileges in the operation of the University are Administrative Rulings. All regulations, policies, and rulings promulgated by the University shall be consistent with this document.

#### **I. General Student Regulations**

- A. General Student Regulations shall be those regulations established within the University community to secure the safety of members of the University community and University facilities, maintain order, and ensure the successful operation of the institution. Such regulations shall apply to all students, regardless of class level, place of residence, or group affiliation, as well as to all governing bodies, governing groups, living groups, and registered student organizations.
- B. Any governing body, governing group, living group, or registered student organization or any individual student, faculty, or staff member may propose amendments to the General Student Regulations by submitting that proposal to the University Committee on Student Affairs. The University Committee on Student Affairs may also propose amendments to the General Student Regulations.
- C. Proposals submitted to the University Committee on Student Affairs may be approved or rejected. If rejected, the University Committee on Student Affairs shall forward a written explanation to the initiator of the proposal. The explanation may include suggestions for modification of the proposal. If approved, the University Committee on Student Affairs shall forward the proposal to the Academic Council.
- D. The Academic Council may approve or reject the proposal. If the Academic Council rejects the proposal, a written explanation of the rejection shall be forwarded to the University Committee on Student Affairs. The written explanation may include suggestions for modification of the proposal. If the proposal is approved, the Academic Council shall forward the proposal to the President.
- E. The President may approve or reject the proposal. If the President rejects the proposal, a written explanation of the rejection shall be forwarded to the University Committee on Student Affairs. The written explanation may include suggestions for modification of the proposal. If the proposal is approved, the amendment shall take effect upon its approval by the President.

## II. Student Group Regulations

- A. Student Group Regulations shall be those regulations established within the University community to govern the conduct of the constituent members of a governing body or a governing group and the activities of living groups and registered student organizations under a governing body or governing group's jurisdiction. Such Regulations shall apply only to the students, bodies, groups, and organizations specified by the Regulations.
- B. Any constituent member of a governing body or governing group or any living group or registered student organization under its jurisdiction may propose amendments to the Student Group Regulations by submitting that proposal to the governing body or group with the appropriate legislative authority. A governing body or governing group may also propose amendments to the General Student Regulations.
- C. Proposals submitted to the appropriate student governing body (ASMSU or COGS) may be approved or rejected. If rejected, the student governing body shall forward a written explanation to the initiator of the proposal. The explanation may include suggestions for modification of the proposal. If approved, the student governing body shall forward the proposal to the University Committee on Student Affairs.
- D. The University Committee on Student Affairs may approve or reject the proposal. If rejected, the University Committee on Student Affairs shall forward a written explanation to the appropriate student governing body (ASMSU or COGS). The explanation may include suggestions for modification of the proposal. If approved, the proposal shall be forwarded to the Vice President for Student Affairs and Services.
- E. The Vice President for Student Affairs and Services may approve or reject the proposal. If the Vice President rejects the proposal, a written explanation of the rejection shall be forwarded to the University Committee on Student Affairs. The explanation may include suggestions for modification of the proposal. If the proposal is approved, the amendment shall take effect upon its approval by the Vice President.

## III. Living Group Regulations

- A. Living Group Regulations shall be those regulations established within the University community to govern the conduct of residents and other students who are visitors and guests while within the building or buildings defining the living group. Such Regulations shall apply to all students regardless of class level, place of residence, or group affiliation.
- B. Any constituent member of a living group may propose amendments to that group's Living Group Regulations by submitting such proposals to the living group with appropriate legislative authority. Living groups may also propose amendments to their own Living Group Regulations.

- C. Proposals submitted to the living group may be approved or rejected. If rejected, the living group shall forward a written explanation to the initiator of the proposal. The explanation may include suggestions for modification of the proposal. If approved, the living group shall forward the proposal to the appropriate student governing body.
- D. The student governing body may approve or reject the proposal. If rejected, the student governing body shall forward a written explanation to the initiator of the proposal. If approved, the student governing body shall forward the proposal to the University Committee on Student Affairs.
- E. The University Committee on Student Affairs may approve or reject the proposal. If rejected, the University Committee on Student Affairs shall forward a written explanation to the appropriate student governing body. The explanation may include suggestions for modification of the proposal. If approved, the proposal shall be forwarded to the Vice President for Student Affairs and Services.
- F. The Vice President for Student Affairs and Services may approve or reject the proposal. If the Vice President rejects the proposal, a written explanation of the rejection shall be forwarded to the University Committee on Student Affairs. The explanation may include suggestions for modification of the proposal. If the proposal is approved, the amendment shall take effect upon its approval by the Vice President.

#### IV. All-University Policies

- A. All-University Policies shall be policies established within the University community to define and prescribe broad areas of institutional concern. Such policies shall apply to the individuals, groups, and organizations specified by the policies.
- B. All-University Policies are established by the Board of Trustees, usually following University-wide discussion and endorsement or as the result of a recommendation by an administrative unit or committee. It is the expectation that the appropriate academic governance bodies will be provided with an opportunity to review and provide input on such Policies as part of the approval process. All-University Policies may also be initiated and enacted by the Board itself.

#### V. Administrative Rulings

- A. Administrative Rulings shall be those policies, procedures, and practices established to implement the functions of the University's various administrative units. Such Rulings shall apply to the individuals, groups, and organizations specified by the Rulings. The various administrative units are delegated authority, by the Board of Trustees through the President, to establish Administrative Rulings.
- B. The process by which Administrative Rulings are developed shall be consistent with the legislative and advisory duties and prerogatives of the relevant academic governance

bodies. The process shall reflect concern for student input when the substance of a ruling affects students.

- C. When a student is alleged to be noncompliant with an Administrative Ruling that may result in disciplinary action under Article 5 of this document, the relevant unit administrator shall invite the student to a meeting to allow the student an opportunity to clarify the situation.
  - 1. The administrator shall determine whether the alleged noncompliance may violate a General Student Regulation, Student Group Regulation, or Living Group Regulation, or an All-University Policy. If so, the administrator may refer the student for disciplinary action under Article 5 of this document.
  - 2. The administrator shall assess the situation and decide whether any interim or temporary non-disciplinary actions must be taken during the pendency of his/her investigation (if applicable) or to prevent similar acts from occurring. The administrator may not impose disciplinary sanctions against a student without going through the judicial process described in Article 5 of this document.
  - 3. The administrator shall notify the student, in writing, of any non-disciplinary action taken here, the rationale for the action, and whether the Administrative Ruling provides any avenue of appeal of the decision. The student may challenge the Administrative Ruling itself pursuant to Article 5, Section II of this document.

## **ARTICLE 9**

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### **Independent and University-Supported Student Publications**

#### **I. Definitions**

- A. Independent student publications: Publications that are prepared and distributed, as least in part, by students and that are not funded by the administrative units of the University. Independent student publications are typically publications of student living units, governing groups, registered student organizations, or student groups.
- B. University-supported student publications: Publications that receive funding from administrative units of the University.

#### **II. General Guidelines**

- A. Students and student groups shall have maximum freedom to express opinions and communicate ideas by preparing and distributing independent student publications.

- B. The University shall neither authorize nor prohibit the solicitation of advertising by an independent student publication.
- C. Administrative units may provide advice and counsel, but all University-supported student publications shall be guaranteed freedom of content and editorial policy.
- D. The withdrawal of financial support as a means of censorship over those University-supported student publications which are in substance a forum for free speech is recognized to be inappropriate.
- E. Every publication shall identify the agency, group, or organization responsible for its preparation and distribution.
- F. Regulations governing distribution of publications shall apply equally to all publications.
- G. No door-to-door solicitations for sale shall be permitted in organized living units on the campus without permission from the proper governing authority for the living unit. Each on-campus living unit shall decide what policies shall be formulated for distribution of publications within that living unit.
- H. For buildings other than organized living units, the Secretary of the Board of Trustees and the all-University student governing bodies, after consultation with the administrative, faculty, and student occupants of the building, shall determine designated places for the of distribution of publications.
- I. Publications may be distributed in living units, classroom buildings, and office buildings, but only in the places established through the procedures described above. Hand-to-hand distribution is permitted in all public areas of campus buildings, subject only to building security and access rules and such limitations as are necessary to prevent interference with scheduled University activities.
- J. Publications may be distributed shall be permitted outside campus buildings, subject only to such limitations as are necessary to prevent interference with the use of streets, sidewalks, and building entrances for other purposes.
- K. The offices of the Secretary of the Board of Trustees and ASMSU shall keep available for inspection an up-to-date list of places of distribution within campus buildings.
- L. Any regulations necessary to implement these guidelines shall be developed in accordance with Article 8 of this document.

## **ARTICLE 10**

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### **Office of the Ombudsman**

- I. The President shall appoint a senior faculty member or executive manager with the title of University Ombudsman. The Ombudsman shall respect the sensitive and confidential nature of the position and the privacy of all persons soliciting assistance from the Office of the Ombudsman, thereby protecting them against retaliation. The Ombudsman's functions shall include the following charges:
  - A. The Ombudsman shall establish simple, orderly procedures for receiving requests, complaints, and grievances of students.
  - B. The Ombudsman shall assist students in accomplishing the expeditious settlement of their problems and may advise a student that the student's request, complaint, or grievance lacks merit, or that the student should seek a remedy elsewhere in the University. The Ombudsman may also assist the student in obtaining an informal settlement of the student's problem.
- II. The Ombudsman shall have broad investigatory powers and direct and ready access to all University officials, including the President.
- III. When necessary, the Ombudsman shall report directly to the President valid complaints for which no remedy has been found. The Ombudsman shall also report any recommendations regarding such complaints.
- IV. The Ombudsman shall make periodic reports to the President regarding the operation of the Office of the Ombudsman.

## ARTICLE 11

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### Definitions

**Academic Disciplinary Case:** A case brought against a student accused of academic misconduct involving sanctions other than or in addition to a penalty grade.

**Academic Misconduct:** Instances of academic dishonesty, violations of professional standards, and falsification of academic records or records for admission to a department/school/college. See also General Student Regulation 1.00, Scholarship and Grades; Integrity of Scholarships and Grades Policy.

**Administrators:** University employees who manage University budgets, direct work units, or formulate, evaluate, and/or administer University policy.

**Advisor:** A member of the student body, faculty, or staff of the University chosen by a party to assist in the preparation of a case.

**All-University Graduate Student Governing Body:** Council of Graduate Students (COGS).

**All-University Undergraduate Student Governing Body:** Associated Students of Michigan State University (ASMSU).

**Class Day:** A day on which classes are held, including the days of Final Exam Week but excluding weekends.

**Clear and Present Danger:** An immediate and significant danger to the health or safety of persons or property.

**Complainant:** A member of the University community who initiates a judicial proceeding under this document.

**Faculty:** All persons appointed by the University to the rank of professor, associate professor, assistant professor, or instructor, all persons appointed by the University as librarians, and all other University employees with approved titles in the academic personnel system whose duties involve instructional activities.

**Falsification of Admission or Academic Records:** Falsification of any record submitted for admission to the University or an academic unit of the University. Falsification of any record created, used, and/or maintained by the Office of the Registrar, the Office of Admissions, or academic units (e.g. colleges, departments, and schools).

**Good Cause:** Good cause includes, but is not limited to, circumstances outside of a party's control, such as illness, death in the family, or a class conflict.

**Graduate Student:** A student enrolled in a master's, doctoral, or educational specialist program or in a graduate non-degree program, including Lifelong Education.

**Hearing Body:** A duly constituted judiciary as described in this document.

**Living Group:** A campus residence hall or residential complex, or a floor in such a residence hall or complex.

**Major Governing Groups.** The Greek Governing Boards, Student Housing Cooperative, Owen Graduate Association, RHA, and UACOR.

**New Information:** Relevant information or documents previously unavailable to a party to a proceeding, although the party acted with due diligence to obtain such information.

**Non-Academic Disciplinary Case:** A case brought against a student accused of violating a General Student Regulation, University ordinance, or University policy.

**Ombudsman:** The University Ombudsman is a senior faculty member or executive manager who assists members of the MSU community in resolving complaints or concerns confidentially, informally, impartially, and independently.

**Penalty Grade:** A grade assigned to a student by a faculty member based on a charge of academic misconduct.

**Preponderance of the Evidence:** Evidence that is more convincing, more credible, and of greater weight.

**Professional Standards:** Codes of expected professional conduct, sometimes referred to as honor codes.

**Respondent:** An individual or group against whom or which a complaint or grievance is filed.

**Staff:** Employees of the University other than administrators or faculty.

**Student:** An individual is considered a student from the time he or she attends his/her first class until graduation, recess, dismissal, suspension, or withdrawal from the University, or he/she fails to register for more than one consecutive semester.

**Undergraduate:** A student enrolled in a program leading to a bachelor's degree or in an undergraduate non-degree program, including Lifelong Education.

**University Community:** All University students, Trustees, administrators, faculty, and staff.

## ARTICLE 12

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### Procedures for Amending and Revising This Document

This document may be amended and revised according to the following procedures.

- I. The University Committee on Student Affairs shall review this document at least once every five years.
- II. Any member of the University community and any constituent body of the University may propose amendments to this document by forwarding them to the University Committee on Student Affairs.
- III. The University Committee on Student Affairs shall review any such proposals. It may approve, reject, or amend the proposal.
- IV. If the University Committee on Student Affairs approves the proposal, it shall forward the proposal to ASMSU and COGS. ASMSU and COGS shall review the proposal. Each may approve or reject it.
- V. If either ASMSU or COGS rejects the proposal, it shall submit a written explanation of the rejection to the University Committee on Student Affairs. This explanation may include suggestions for alteration of the proposal.
- VI. If ASMSU and COGS both approve the proposal, it shall be returned to the Chairperson of the University Committee on Student Affairs for presentation to the Academic Council.
- VII. The Academic Council shall review the proposal and either approve or reject it in accordance with the *Bylaws for Academic Governance*. If it rejects the proposal, the Academic Council shall return the proposal to the University Committee on Student Affairs, ASMSU, and COGS, along with a written explanation for the rejection. This explanation may include suggestions for alteration of the proposal. If it approves the proposal, the Academic Council shall forward the proposal to the President who shall submit it to the Board of Trustees for action.
- VIII. The Board of Trustees shall review the proposal. If the Board rejects the proposal, the Board shall return the proposal to Academic Council with an explanation. If the Board approves the proposal, the amendment shall take immediate effect, unless the Board specifies another effective date.
- IX. The University community shall be promptly informed of all action taken on proposed amendments to this document.

## **HISTORY OF APPROVAL**

### **ORIGINAL DOCUMENT**

Academic Council	January 10, 1967
Academic Senate	February 28, 1967
Board of Trustees	March 16, 1967

### **AMENDMENTS**

Board of Trustees	June 18, 1971
Board of Trustees	June 24, 1977
Board of Trustees	July 1, 1971
Board of Trustees	June 24, 1983

### **COMPLETE REVISIONS**

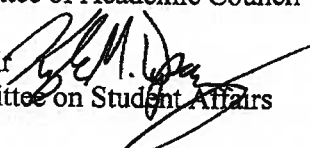
UCSA	February 28, 1983
ASMSU Student Board	March 8, 1983
UCSA	March 10, 1983
Elected Student Council	April 12, 1983
Academic Council	January 17, 1984
Board of Trustees	July 27, 1984

UCSA	December 4, 2009
ASMSU Academic Assembly	December 8, 2009
COGS	December 9, 2009
Academic Council	January 26, 2010
Board of Trustees	

December 11, 2009

MEMORANDUM

TO: Executive Committee of Academic Council

FROM: Kyle Dysarz, Chair   
University Committee on Student Affairs

RE: Proposed Revisions to the *Academic Freedom Report for Students*

I write to submit a proposed revision of the Academic Freedom Report for Students ("AFR") to Academic Council for approval. Consistent with the requirements of the current AFR, the attached draft was endorsed by the University Committee on Student Affairs on December 4, 2009, by ASMSU Academic Assembly on December 8, 2009, and by the Council of Graduate Students on December 9, 2009.

The existing AFR was passed by the Board of Trustees in March 1967. Since that time, it has only been amended in 1977 and 1984. The main goal of the revision is to update and reformat the AFR. The existing AFR is difficult to read, is internally inconsistent in several places, and contains provisions that have become out of date and inconsistent with current practice.

In addition to reformatting and reorganizing the document in order to make it more "user friendly," the main substantive changes to the document are as follows:

1. Procedures to challenge hearing board members for cause (i.e., a conflict of interest) were added throughout the document. Definitions of key terms were also added throughout the document.
2. Article 3: Student Records

The existing language was replaced with more updated language from the recently revised *Graduate Student Rights and Responsibilities* document, with minor additional clarifications made.

3. Article 4: Non-Academic Hearing Board Structures
  - a. All of the non-academic hearing board structures are now described in one section of the document. The section also contains the nomination and appointment process of hearing board members, as well as general guidelines for all non-academic hearing boards.

- b. The revision streamlines the student governing group appointment process for student hearing board members. Groups will be required to nominate student members by the sixth week of spring semester and appoint student members by the tenth week of spring semester. Terms of appointment will begin in the summer semester. Governing groups will be required to have procedures in place to make interim appointments and fill vacancies when necessary.
- c. The revision includes a new requirement that the codes of operations for judiciaries be reviewed by UCSA and approved by either UCSA or the appropriate student governing group. The revision also introduces several new items that must be included within the codes of operation, including language regarding quorum, addressing conflicts of interest, and consideration of special hearing procedures for sensitive cases such as sexual assault and relationship violence.

#### 4. Article 5: Adjudication of Non-Academic Cases

- a. The substance of the student disciplinary process was not changed. However, the language of the document was updated to clarify the steps of the process. The recently revised *Medical Students Rights & Responsibilities* document was used as a model.
- b. The revision clarifies that participation in hearings can be accomplished through other communication methods when necessary (i.e., webcam, phone, videoconferencing, etc.).
- c. The revision clarifies the role of the advisor in a hearing. The revision also provides for increased participation in hearings by the undergraduate student defender program.
- d. The sanction of dismissal was added to the document to reflect current best-practices in student disciplinary codes.
- e. The provision regarding urgent disciplinary cases was revised to clarify that a student who poses a clear and present danger to the health or safety of persons or property and is placed on an interim suspension may face disciplinary charges regardless of where conduct occurred. The revision also added the Provost (in addition to the Vice President for Student Affairs and Services) as an individual to whom the student can petition for reinstatement. Finally, the revision clarifies that the “clear and present danger” standard for interim suspension is met only if the student poses an immediate and significant danger to the health or safety of persons or property.

#### 5. Article 6: Academic Hearing Board Structures

This revised article provides a description of all of the academic hearing board structures in one place. This article also provides for the creation of a new hearing board titled the University Academic Integrity Hearing Board to hear academic grievances brought by a student to contest a penalty grade. (See below for additional information.)

6. Article 7: Adjudication of Academic Cases

- a. The revision cleans up and clarifies the process for academic misconduct hearings. Currently, academic grievances brought by a student to contest a penalty grade are heard by the department/school hearing board in the college in which the alleged violation occurred. This grievance hearing usually occurs when an academic disciplinary hearing board recommends no additional sanctions, as requested by the student's dean. (See AFR 2.4.8.) Pursuant to the revised document, academic grievances brought by a student to contest a penalty grade will now be heard by the University Academic Integrity Hearing Board. Such grievances will be heard and final before any further action may be taken by the college for additional sanctions.
- b. The revision provides that all appeals from academic grievances will now be heard by a University level appeal board (the University Academic Appeal Board) regardless of whether the grievance begins at the department or college level. The practical result of this revision is that college hearing boards will not serve as appellate hearing boards under Article 7 of the AFR. The University Academic Appeal Board is a more expansive replacement for the University Academic Integrity Review Board and will include representation of faculty and students from the relevant colleges.
- c. The revision aligns language in the AFR regarding the handling of academic misconduct cases with the new *Integrity of Scholarships and Grades* policy.
- d. The revision clarifies the role of the Associate Provost for Undergraduate Education in academic misconduct cases, especially when there are alleged violations of professional standards.
- e. The revision codifies the existing practice for reviewing allegations of falsification of admissions records to the University vs. allegations of falsification of records by current students to a department/school/college.
- f. The revision adds a requirement that department/schools/college provide training to hearing board members.

7. Article 8: Regulations, Policies, and Rulings

- a. The revision reinforces the role of academic governance in the development of All-University policies and codifies the expectation that the appropriate academic

governance bodies will be provided with an opportunity to review and provide input on policies as part of the approval process.

- b. The revision clarifies the process to be followed if a student is alleged to be noncompliant with an administrative ruling.

8. Article 12: Procedures for Amending and Revising the AFR

- a. The revision adds a requirement that the AFR be reviewed by UCSA at least once every 5 years.

The attached draft contains annotations related to the current AFR in order to facilitate comparisons between the two documents.

# “AFR”

## ACADEMIC FREEDOM FOR STUDENTS AT MICHIGAN STATE UNIVERSITY

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This document provides the framework for student rights and responsibilities within the university, specifically regarding student conduct, academic pursuits, keeping of records, and publications. It describes procedures for formulating regulations governing student conduct and for providing due process in the adjudication of student disciplinary cases. It also defines channels and procedures for student complaints and grievances.

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**ARTICLE 1: Student Rights and Responsibilities at Michigan State University**

**ARTICLE 2: Academic Rights and Responsibilities of Students**

**ARTICLE 3: Student Records at Michigan State University**

**ARTICLE 4: Judicial Process**

**ARTICLE 5: Regulations, Policies, and Rulings**

**ARTICLE 6: Independent and University-Supported Student Publications**

**ARTICLE 7: Office of the Ombudsman**

**ARTICLE 8: Definitions**

**ARTICLE 9: Procedures for Amending and Revising This Document**

**HISTORY OF APPROVAL**

# ACADEMIC FREEDOM FOR STUDENTS AT MICHIGAN STATE UNIVERSITY

## FOREWORD

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The foreword is not a part of the document that follows. It supplies, however, a necessary perspective for interpreting the document.

Student rights and responsibilities at Michigan State University must be understood against the social and historical background of the University itself.

When, more than a century ago, the people of Michigan established this institution on the land-grant principle, they framed a new conception of the role of the University in American life.

A land-grant university is a trusteeship of intellect in the service of society. It gathers society's creative and critical powers and uses them to advance the common good and to solve fundamental problems.

That is the special character that has caused the land-grant university to become one of the great transforming agencies of the American scene. When it honors its commission, it acts not for the sake of the academic community, but for the sake of society beyond the academy. All members of the academic community—trustees, administrators, faculty, staff and students—enact a trust of which society beyond the University is the proper beneficiary.

The real significance of this document, as we believe, is not that students have acquired rights, but that they have explicitly been made party to our social trust. The responsibility which lies upon the trustees, the administration, and the faculty continues. They remain guardians of the University, charged with preserving in it the genius of scholarship and the conditions of inquiry which society has entrusted to their care.

## PREFACE

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This report, the *Graduate Student Rights and Responsibilities* document, and the *Medical Students Rights and Responsibilities* document contain guidelines to the rights and duties of students in matters of conduct, academic pursuits, the keeping of records, and publications. This report describes structures and procedures for the formulation of regulations governing student conduct, for the interpretation and amendment of the guidelines, for the adjudication of student disciplinary cases, and for channeling student complaints, grievances, or concerns to faculty, staff, and administrators for appropriate action.

For the most part, these provisions simply make explicit what has been long understood and practiced at Michigan State University. This report identifies rights and duties of students and provides for students a carefully prescribed system of due process. The report does not contain a general or

abstract definition of academic freedom. Rather, the report is an operational definition with concrete application of the concept of academic freedom for students.

## ARTICLE I STUDENT RIGHTS AND RESPONSIBILITIES AT MICHIGAN STATE UNIVERSITY

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- 1.1 Michigan State University is a community of scholars whose members include its faculty, staff, students, and administrators. The basic purposes of the University are the advancement, dissemination, and application of knowledge. The most basic condition for the achievement of these purposes is freedom of expression and communication. Without this freedom, effective sifting and testing of ideas cease, and research, teaching, and learning are stifled. Knowledge is as broad and diverse as life itself, and the need for freedom is equally broad. Yet absolute freedom in all aspects of life means anarchy, just as absolute order means tyranny. Both anarchy and tyranny are antithetical to the purposes and character of the University. Therefore, the University always must strive to strike that balance between maximum freedom and necessary order which best promotes its basic purposes by providing the environment most conducive to the many faceted activities of instruction, research, and service.
- 1.2 Each right of an individual places a reciprocal duty upon others: the duty to permit the individual to exercise the right. The student, as a member of the academic community, has both rights and duties. Within that community, the student's most essential right is the right to learn. The University has a duty to provide for the student those privileges, opportunities, and protections which best promote the learning process in all its aspects. The student also has duties to other members of the academic community, the most important of which is to refrain from interference with those rights of others which are equally essential to the purposes and processes of the University.
- 1.3 The University cherishes many values, modes of thought, and standards of behavior that are better taught by example, persuasion, social pressure, and rewards than by the threat of penalties. Regulations governing the activities and conduct of student groups and individual students should not be comprehensive codes of desirable conduct; rather, they should be limited to the prescription of procedures for meeting the practical, routine necessities of a complex community and to the prohibition or limitation of acts which cannot be tolerated.

because they seriously interfere with the basic purposes, necessities, and processes of the academic community, or with rights essential to other members of the community.

- 1.4 The student is not only a member of the academic community, but a citizen of the larger society, who retains those rights, protections, and guarantees of fair treatment held by all citizens, and which the University may not deny. The enforcement of the student's duties to the larger society is, however, the responsibility of the legal and judicial authorities duly established for that purpose.

- d. The fairness of the procedures followed in the adjudication.

- 1.5.11 Every regulation shall specify to whom it applies and whether responsibility for compliance lies with individuals, with groups, or with both.

- 1.6 Handbook of Regulations and Structures: A handbook of the University's current regulations and structures relating to student rights and responsibilities shall be made available to every member of the academic community.

## **GUIDELINES**

- 1.5 To protect student rights and to facilitate the definition of student responsibilities at Michigan State University, the following guidelines shall apply to those stipulations and conditions by which student conduct is regulated, broadly referred to as "regulations" in the remainder of this Article.

- 1.5.1 All regulations shall seek the best possible reconciliation of the principles of maximum freedom and necessary order.

- 1.5.2 There shall be no regulation unless there is a demonstrable need which is reasonably related to the basic purposes and necessities of the University as stipulated herein.

- 1.5.3 To the maximum extent feasible, students shall participate in formulating and revising regulations governing student conduct.

- 1.5.4 All regulations governing student conduct shall be made public in an appropriate manner.

- 1.5.5 Every regulation shall be as brief, clear, and specific as possible.

- 1.5.6 Wherever rights conflict, regulations shall, to the maximum extent feasible, permit reasonable scope for each conflicting right by defining the circumstances of time, place, and means appropriate to its exercise.

- 1.5.7 Regulations shall respect the free expression of ideas and shall encourage the competition of ideas from diverse perspectives.

- 1.5.8 Procedures and penalties for the violation of regulations shall be designed for guidance or correction of behavior only.

- 1.5.9 Penalties shall be commensurate with the seriousness of the offense. Repeated violations may justify increasingly severe penalties.

- 1.5.10 There shall be clearly defined channels and procedures for the appeal and review of:

- a. The finding of guilt in an alleged violation of a regulation.
- b. The reasonableness, under the circumstances, of the penalty imposed for a specific violation.
- c. The substance of a regulation or administrative decision which is alleged to be inconsistent with the guidelines in this document.

## **ARTICLE 2**

### **ACADEMIC RIGHTS AND RESPONSIBILITIES**

#### **2.1 Preamble**

- 2.1.1 The freedom and effectiveness of the educational process depend upon the provision of appropriate conditions and opportunities for learning in an environment that is supportive of diversity among ideas, cultures, and student characteristics. The responsibility to secure, respect, and protect such opportunities and conditions is shared by all members of the academic community. The primacy of the faculty's role and its centrality in the educational process must be recognized and preserved. The primary intellectual purpose of the University—its intellectual content and integrity—is the responsibility of the faculty.

- 2.1.2 The establishment and maintenance of the proper relationship between instructor and student are fundamental to the University's function, and require both instructor and student to recognize the rights and responsibilities which derive from it. The relationship between instructor and student as individuals should be founded on mutual respect and understanding together with shared dedication to the educational process.

#### **2.2 Role of the Faculty in the Instructional Process**

- 2.2.1 No provision for the rights of students can be valid which suspends the rights of the faculty. The student's right to competent instruction must be reconciled with the rights of the faculty, consistent with the principle that the competency of a professional can be rightly judged only by professionals. It is therefore acknowledged and mandated that competence of instruction shall be judged by the faculty.

- 2.2.2 Teaching units shall provide appropriate and clearly defined channels for the receipt and consideration of student complaints concerning instruction. In no instance shall the competence of instruction form the basis of an adversarial proceeding before any of the judicial bodies established in this document.

- 2.2.3 Faculty shall have authority and responsibility for academic policy and practices in areas such as degree eligibility and requirements, course content and grading, classroom procedure, and standards of professional behavior in accordance with the *Bylaws for Academic Governance*, the *Code of Teaching Responsibility*, and other documents on faculty rights and responsibilities.
- 2.2.4 No hearing board established under this document shall interfere with the evaluation of a student which represents a course instructor's good faith judgment of the student's performance. In the event that an evaluation is determined to be based on inappropriate or irrelevant factors, as discussed in 2.3.2 below, the dean of the college shall cause the student's performance to be reassessed and good faith evaluation established.

### 2.3 Rights and Responsibilities of the Student

- 2.3.1 The student is responsible for learning the content of a course of study according to standards of performance established by the faculty and for adhering to standards of professional behavior established by the faculty.
- 2.3.2 The student has a right to academic evaluations which represent the course instructor's good faith judgments of performance. Course grades shall represent the instructor's professional and objective evaluation of the student's academic performance. The student shall have the right to know all course requirements, including grading criteria, and procedures at the beginning of the course. Course evaluation procedures are covered by the *Code of Teaching Responsibility*.
- 2.3.2.1 To overcome the presumption of good faith, it must be demonstrated that an evaluation was based entirely or in part upon factors that are inappropriate or irrelevant both to academic performance and applicable professional standards.
- 2.3.3 The student shares with the faculty the responsibility for maintaining the integrity of scholarship, grades, and professional standards.
- 2.3.4 The student shall be free to take reasoned exception to information and views offered in the classroom, and to reserve judgment about matters of opinion, without fear of penalty.
- 2.3.5 The student's behavior in the classroom shall be conducive to the teaching and learning process for all concerned.
- 2.3.6 The student has a right to be governed by educationally justifiable academic regulations and professional standards.
- 2.3.7 The student has a right to accurate, timely, and clearly stated information concerning general academic requirements for establishing and maintaining an acceptable academic standing, the student's academic relationship with the University and the details of any special conditions which may apply, and graduation requirements for the

student's academic program. Students are responsible for informing themselves of University, college, department, and school requirements as stated in unit publications and in the University catalog. In planning to meet such requirements, students are responsible for consulting with their academic advisors.

- 2.3.8 The student has a right to protection against improper disclosure of information concerning academic performance and personal characteristics such as values, beliefs, organizational affiliations, and health.
- 2.3.9 The student has a right to be protected from personal exploitation and to receive recognition for scholarly assistance to faculty.
- 2.3.10 The student has a right to scholarly relationships with faculty based on mutual trust and civility.

### 2.4 Adjudication of Undergraduate Student Grievances and Cases of Academic Dishonesty, Violations of Professional Standards, and Falsification of Admissions and Academic Records.

- 2.4.1 The University undertakes, within the limits of its resources and the limits imposed by due respect for the professional rights of the faculty, to supply an appropriate remedy for legitimate student grievances. (The limits of the University's resources proceed from factors that, while subject to its influence, are not always subject to its control.)
- 2.4.1.1 Procedures for the adjudication of grievances must proceed in a timely manner.
- 2.4.2 If problems arise in the relationship between instructor and student, both should attempt to resolve them in informal, direct discussions. If the problem remains unresolved, then the chief administrator of the unit and/or the Ombudsman should be consulted. If still aggrieved, a student may then submit a formal, written grievance for consideration by an appropriate hearing board. The formal grievance alleging violations of academic rights must include a proposed remedy, which could be implemented by a responsible administrator.
- 2.4.2.1 Grievances must normally be initiated no later than mid-term of the semester following the one wherein the alleged violation occurred. If the involved instructor or student is absent from the University during the semester, or if other appropriate reasons exist, an exception to this provision shall be granted by the unit. If the involved instructor is no longer employed by the University before the formal grievance procedure is completed, the grievance process may proceed.
- 2.4.2.2 Student grievances must be initiated at the lowest administrative level feasible: normally, the department/school. With the approval of the college dean, small departments/schools may waive jurisdiction and

refer grievances to the college hearing board.

2.4.2.3 Administrators shall transmit written grievances promptly to the unit hearing board and to the instructor or other persons party to the matter.

2.4.3 For the purpose of constituting a department/school or college hearing board, undergraduate students shall be represented on the hearing board.

2.4.4 Parties to a grievance shall have an opportunity to state their cases, present evidence, designate witnesses, ask questions, and present a rebuttal.

2.4.4.1 Units shall constitute their hearing boards and establish their own procedures in a manner consistent with this document. A copy of procedures adopted by each unit shall be filed with the Office of the Ombudsman and with other appropriate offices.

2.4.4.2 Unit hearing boards shall ensure that a collegial atmosphere prevails in grievance hearings. Involvement of counsel should normally not be required. When present, counsel shall be limited to a member of the student body, faculty, or staff of the University. No member of the University's legal department shall serve as counsel under these provisions.

2.4.5 The hearing board shall prepare a written report of findings, and forward copies to the parties involved and to the Ombudsman. All recipients are expected to respect the confidentiality of this report. When a hearing committee finds that a violation of academic rights has occurred and that redress is possible, it shall direct that redress be provided. The responsible administrator, with the advice of the hearing board, shall implement an appropriate remedy.

2.4.6 The appropriate initial judiciary for cases involving alleged violations of regulations prohibiting academic dishonesty, violations of professional standards, or falsification of admission or academic records by undergraduate students which are referred for disciplinary action shall be the hearing board of the college within which the violation is alleged to have occurred.

2.4.6.1 In cases of ambiguous jurisdiction, the appropriate judiciary will be randomly selected by the Assistant Provost for Undergraduate Education from the hearing boards for the Colleges of Arts and Letters, Natural Science, and Social Science.

2.4.6.2 In cases of academic dishonesty, violations of professional standards, or falsification of admission or academic records by undergraduate students which are referred for disciplinary action, the college level hearing boards shall have available to them the full range of decisions provided to a

judiciary for disciplinary cases through this document. The dean of the student's college may implement the finding, request the hearing board to reconsider its decision, or forward the finding and a conflicting recommendation to the Office of the Provost for final resolution.

2.4.7 Either party to a grievance may appeal the decision of the department/school hearing board to the college hearing board. All appeals must be in writing. When a college hearing board finds that a violation of academic rights has occurred and that redress is possible, it shall direct that redress be provided. The responsible administrator, with the advice of the board, shall implement an appropriate remedy.

2.4.7.1 Either party to a grievance may appeal the decision of the college hearing board to the University Academic Integrity Review Board only in cases of a penalty grade for academic dishonesty; cases involving alleged violations of regulations prohibiting academic dishonesty, violations of professional standards or falsifications of admission and academic records by undergraduate students which are referred for disciplinary action; or other grievances heard only at the college level. All grievances must be in writing. When the University Academic Integrity Review Board finds that such a violation of academic rights has occurred and that redress is possible, it shall direct that redress be provided. The responsible administrator, with the advice of the board, shall implement an appropriate remedy.

2.4.7.1.1 All appeals to the University Academic Integrity Review Board in cases of a penalty grade for academic dishonesty must specify the alleged defects in the substance and/or procedures of the previous adjudication(s) in sufficient particularity to justify further proceedings.

2.4.7.1.2 All appeals to the University Academic Integrity Review Board in cases of alleged violations of regulations prohibiting academic dishonesty, violations of professional standards, or falsification of admission and academic records which are referred for disciplinary action must specify the alleged defects in the substance and/or procedures of the previous adjudication in sufficient particularity to justify further proceedings.

2.4.7.2 Appeals may challenge the substance of a decision and/or the procedures employed in the adjudication. (Presentation of new evidence will normally be inappropriate at

an appeal hearing.)

- 2.4.7.3 Appeals must be filed within ten class days following notice of a decision. The original decision shall be held in abeyance while under appeal.
- 2.4.8 If a student is accused of academic dishonesty and is referred for judicial action, and if a disciplinary sanction is not held to be supported by the preponderance of evidence as required in Article 4, the student may appeal a penalty grade received in the case to the department/school hearing board as indicated in 2.4.9.
- 2.4.9 A student who receives a penalty grade based upon a charge of academic dishonesty, even if not referred for disciplinary action, may seek a hearing according to the procedures in this Article. In such a hearing, the burden of proof shall rest upon the instructor whose prior assignment of the penalty grade will constitute a charge of academic dishonesty. The hearing board shall proceed in compliance with applicable academic legislation on the integrity of scholarship, grades, and professional standards, and the procedural and appeal provisions of this document shall apply.

### ARTICLE 3 STUDENT RECORDS AT MICHIGAN STATE UNIVERSITY

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- 3.1 Achieving educational goals, providing direction to students, and extending service to society demand that the University keep records. All policies and practices concerning records shall be based on respect for the privacy of the individual student. Because of the professional and legal responsibilities involved, record keeping must be delegated only to responsible persons.
- 3.2 All policies and practices governing access, maintenance, and release of student records shall conform to the University's published guidelines.
- 3.2.1 No record shall be made, duplicated, or retained unless there is a demonstrable need for it which is reasonably related to the basic purposes and necessities of the University.
- 3.2.2 The University shall not make, duplicate, or retain records of a student's religious or political beliefs without the student's knowledge and consent.
- 3.2.3 A student shall have the right to inspect the official transcript of his or her own academic record and shall also have the right to inspect reports and evaluations of his or her conduct.
- 3.2.4 All policies and practices dealing with the acquisition of information for records shall be formulated with due regard for the student's right of privacy.
- 3.2.5 Every record containing information about a student's character shall state when the information was acquired and the name and position of the

person who gave it.

- 3.2.6 Evaluation of students shall be made only by persons who are qualified to make that evaluation.
- 3.2.7 All persons who handle confidential records shall be instructed concerning the confidential nature of such information and their responsibilities regarding it.
- 3.2.8 No one outside the faculty or administrative staff of Michigan State University, except as specified by law, may have access to the records of a student's offenses against University regulations without the express permission of the student in writing.
- 3.2.9 All policies governing the maintenance and the selective release of records and of portions of records shall be made public in an appropriate manner and shall be subject to judicial review as provided in Article 4.

### ARTICLE 4 JUDICIAL PROCESS

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#### 4.1 Introduction

- 4.1.1 The University as a community is dependent upon maintaining a balance among personal freedoms, individual responsibilities, institutional rights, and institutional responsibilities. When rights conflict or when responsibilities are not met, means for hearing and redress must be provided. The fundamentals of fair play are the necessary guarantees of judicial process. Each party to a hearing has rights and corresponding responsibilities which, together, define the elements of fair play essential to due process. The requirements of due process are outlined below in 4.3 and 4.4 and shall be adhered to by all duly constituted judicial bodies as provided herein.

#### 4.2 General Procedures for All Judiciaries

- 4.2.1 Code of Operations: Each judiciary shall establish a code of operations which is in all ways consistent with the provisions of due process as outlined in Sections 4.3, 4.4, and 4.5 of this Article, including establishing procedures for determining whether a complaint or allegation appropriately warrants a judicial hearing.
- 4.2.2 A Student Judiciary, with cause, may waive jurisdiction and request that a case be heard by the Student-Faculty Judiciary. The Student-Faculty Judiciary may elect to hear the case or direct a Student Judiciary to hear it.
- 4.2.3 Open and Closed Hearings: An open hearing is open to any member of the University community. A closed hearing is restricted to the parties concerned. The judiciary may close an open hearing at any time to maintain order.
- a. Disciplinary hearings shall be closed unless an open hearing is requested by the respondent.

(See Section 4.3)

- b. Non-disciplinary hearings shall be open unless the judiciary determines that the hearing should be closed to protect the confidentiality of information. (See Section 4.4)

**4.2.4 Decisions:**

- a. **Findings:** After hearing a case, a hearing body shall decide whether an allegation has been supported by the preponderance of evidence. If the allegation is not so supported, the case is dismissed. If the allegation is supported, the judiciary may select from the following sanctions:

- b. **Sanctions in disciplinary cases:**

1. **No action.**
2. **Warning.** An official written statement expressing disapproval of acts committed.
3. **Warning Probation.** A probation indicating that further violations of regulations will result in more severe disciplinary action. This probation will be imposed for a specific period of time, and the student shall be automatically removed from probation when the imposed period expires. This probation may be accompanied by a requirement that restitution be made for University property damages or losses resulting from acts committed, or other requirements or special conditions as deemed appropriate.
4. **Disciplinary Probation.** A period of time specified for observing and evaluating a student's conduct, with or without special conditions, including a written reprimand and indicating that (a) further violations while on probation may result in more severe disciplinary action including suspension or (b) further violation while on probation of regulations of similar or greater severity will result in suspension. This probation will be imposed for a specific period of time, and the student shall automatically be removed from probation when the imposed period expires.

**Special Conditions:** A special condition of disciplinary probation may include:

- (i) **Restitution:** By such date established by the appropriate judiciary or administrative officer, the student shall pay for University property damages or losses resulting from acts committed.
- (ii) **Change of Residence:** The student shall be required to move from his or her current on-campus residence, to either an off-campus location or to another location within the University Housing system that is acceptable to the Office of Student Affairs.
- (iii) **Other:** Other action deemed appropriate to a specific case.

5. **Suspension.** A suspension from the University may be by semester, in which case the student is eligible to apply for read-

mission at the end of the stated period of time; or it may be a conditional suspension, in which case the student must demonstrate that he/she has fulfilled stated conditions prior to applying for readmission.

Suspension is implemented, after approval, by the Vice President for Student Affairs and Services except in the case of academic dishonesty, violation of professional standards, or falsification of admission and academic records, in which suspension is implemented, after approval, by the Provost.

- c. **Sanctions appropriate to student group constitutional questions or issues may include:**

1. Censure.
2. Revocation of privileges.
3. Revocation of registration of a student organization.
4. Other action deemed appropriate to a specific case.

**4.2.5 Appeals:** The decision of a hearing body may be appealed in accordance with the principles established in Section 4.36 for disciplinary cases and 4.49 for nondisciplinary cases. Procedures for filing and acting on appeals shall be as follows:

- a. The appeal must be submitted in writing to the appropriate judiciary within three (3) class days following written notification of the original decision.
- b. If a group is involved, a representative designated by the group shall act in behalf of the group.
- c. The appellate body shall request relevant information, review the case and the procedures used, and then decide as follows:
  1. There are not sufficient reasons for another hearing and the decision of the lower judiciary shall stand, or
  2. The lower judiciary shall be directed to rehear the case or to reconsider or clarify its decision, or
  3. The appellate body may affirm, reverse, or modify the decision, or in extraordinary circumstances, elect to rehear the case in its entirety.

**4.2.6 Reconsideration:** Each hearing body shall make provision to allow a complainant or respondent to request reconsideration of a case within sixty (60) class days if it is determined that new evidence has arisen. An exception to the time provision may be granted by the appropriate hearing body.

**4.2.7** Members of a judiciary involved or possessing other conflicts of interest in a case at issue shall be disqualified from sitting on the judiciary for that specific case.

**4.3 Due Process—Disciplinary Proceedings**

- 4.3.1** Students accused of violating a regulation or all-University policy shall have the right to appear before a duly constituted judicial body as herein provided. No student shall be suspended from the

University except through the procedures of this article which includes provisions for interim suspension as prescribed in Section 4.37 or the applicable section of the *Graduate Student Rights and Responsibilities* document or the *Medical Students Rights and Responsibilities* document.

**4.3.1.1** The student shall be notified, in writing, by a representative of the Office of Student Affairs, or of the Office of the Provost in cases of academic dishonesty, violations of professional standards or falsification of admission and academic records which are referred for disciplinary action, that he or she has been accused of violating a regulation or all-University policy. The student shall be expected to meet with the representative, receive a written statement of the alleged violation, and choose whether the allegation is handled by an appropriate judiciary or an administrator. The provisions of this document concerning sanctions and appeals apply to either option. Students who fail to meet initially with the representative shall be referred to the appropriate judiciary for a hearing.

**4.3.1.1.1** In cases of academic dishonesty, violations of professional standards, and falsification of admission and academic records, all alleged violations will be handled by the appropriate judiciary.

**4.3.2 Notice of Hearing:** At least three (3) class days prior to a hearing, the respondent shall receive a written notification of hearing from the appropriate judicial body or administrator. This notice of hearing shall state:

- a. The regulation alleged to have been violated together with charges of sufficient particularity to enable the respondent to prepare a case.
- b. The time and place of the hearing.
- c. The body or administrator adjudicating the case.
- d. The name of the complainant and the name of counsel, if any.
- e. The names of witnesses for the complainant. (A request to add witnesses may be granted by the judiciary or administrator. If so, a postponement of three (3) class days will be granted upon request of the respondent.)

**4.3.3** Either the complainant or the respondent may request, with cause, a postponement prior to the scheduled time of the hearing. The hearing body may grant or deny such a request.

**4.3.4** Both the respondent and the complainant shall be expected to appear at the hearing and present their cases to the hearing body.

- a. Should the complainant fail to appear, the hearing body may either postpone the hearing

or dismiss the case.

- b. Should the respondent fail to appear, the hearing body may either postpone the hearing or hear the case in the student's absence. The failure of the student to appear shall not be taken as indicative of guilt and must be noted without prejudice.

**4.3.5** Both the respondent and the complainant shall be entitled to:

- a. Receive an expeditious hearing.
- b. Call witnesses on their behalf. The hearing body reserves the right to limit the number of witnesses. Witnesses are to be members of the University community except as the hearing body rules that others may serve in the interest of the case.
- c. Submit evidence or written statements in support of their positions.
- d. Be accompanied by counsel of their choice who may assist in the presentation of their cases. Counsel shall be limited to a member of the student body, faculty, or staff of the University.<sup>1</sup>
- e. Question any witnesses providing oral or written testimony.
- f. Receive a decision and the rationale for that decision. The respondent shall be provided with written notification of the decision.
- g. Written notification of the right to appeal. Should the right to appeal be exercised, any action by the hearing body shall be deferred until the appeal is acted upon by a higher body.

**4.3.6** Both the respondent and the complainant shall, subject to the following conditions, have the right to appeal the decision of a hearing body.

- a. The respondent may appeal an adverse decision as a result of a hearing. The reasons for appeal shall be: (1) insufficient grounds for the decision; (2) a sanction inappropriate to the seriousness of the offense.
- b. The complainant may appeal a decision not to grant a hearing by a hearing body of original jurisdiction.
- c. Both the respondent and complainant may appeal on the grounds that the applicable procedures for adjudicating the case were not followed, or there was a conflict of interest with a member or members of the judiciary.

**4.3.7** When the Vice President for Student Affairs and Services, at his/her discretion, believes there is reasonable cause that a student's continued presence at Michigan State University constitutes a clear and present danger to the health or safety of persons or property, the Vice President for Student Affairs and Services or his/her designee may temporarily suspend a student pending final resolution of the matter. The interim suspension shall

<sup>1</sup> Permission may be granted to the respondent to be accompanied by an attorney if there are criminal charges pending. If the respondent is charged with a sex offense, the complainant may also have an attorney present.

not preclude, predetermine, or render irrelevant subsequent disciplinary action or procedures; nor shall an interim suspension create a presumption of guilt.

**4.3.7.1** Students placed on interim suspension may petition for reinstatement pending the final resolution of their cases. Such petitions will be considered by either the Vice President for Student Affairs and Services or the Student-Faculty Judiciary as requested by the petitioner. The Vice President or the judiciary shall conduct a hearing for the sole purpose of deciding to continue the interim suspension or grant reinstatement. Regardless of outcome, the hearing shall not preclude, predetermine, or render irrelevant subsequent disciplinary procedures. The hearing shall be held within five (5) University class days after receipt of a student's petition.

#### 4.4 Due Process—Non-Disciplinary Proceedings

- 4.4.1** Any student may request a hearing before the appropriate judicial body when such a request concerns:
- Any challenge to a University regulation, or an action by faculty or staff alleged to be inconsistent with the guidelines established in this document.
  - A question, conflict, or interpretation of a student group's constitution or rules.
- In such a case, the person should utilize available remedies before seeking relief through judicial action.
- 4.4.2** The judiciary shall review each hearing request for jurisdiction and judicial merit and may then forward a copy of the request to the appropriate individual(s) and invite a written response. After considering all submitted information, the judiciary may:
- Accept the request, in full or in part, and proceed to schedule a hearing.
  - Reject the request and provide an appropriate explanation.
  - Invite all parties to meet with the judiciary for an informal discussion of the issues. Such a discussion shall not preclude a later hearing.
- 4.4.3 Notice of Hearing:** At least three (3) class days prior to a hearing both the respondent and the complainant shall be entitled to a written notification of hearing from the appropriate judicial body. This notice of hearing shall state:
- The nature of the issues, charges, and/or conflicts to be heard with sufficient particularity to enable both the respondent and the complainant to prepare their respective cases.
  - The time and place of the hearing.
  - The body adjudicating the case.
  - The names of the respondent and complainant.
  - The name of the complainant's counsel, if any.

f. The names of any individuals who will speak in support of the complainant's position.

- 4.4.4 Response to Notice of Hearing:** The respondent is to notify the judiciary of the following, in writing, at least one (1) class day prior to the scheduled hearing:
- The name of the respondent's counsel, if any.
  - The names of any individuals who will speak in support of the respondent's position.
  - An outline of the respondent's presentation for the hearing, if requested by the judiciary.
- 4.4.5** Should the respondent fail to acknowledge the notice of hearing, the judiciary may either postpone or proceed with the hearing.
- 4.4.6** Either the complainant or the respondent may request, with cause, a postponement prior to the scheduled time of a hearing. The judiciary may grant or deny such a request.
- 4.4.7** Both the respondent and the complainant shall be expected to appear at the hearing and present their cases to the judiciary.
- Should the complainant fail to appear, the judiciary may either postpone the hearing or dismiss the case.
  - Should the respondent fail to appear after having acknowledged the notice of the hearing, the judiciary may either postpone the hearing or hear the case in the respondent's absence.
  - The judiciary may accept written statements from a party to the hearing in lieu of a personal appearance but only in unusual circumstances. Such written statements must be submitted to the judiciary at least one (1) day prior to the scheduled hearing.
- 4.4.8** Both the complainant and the respondent shall be entitled to:
- Receive an expeditious hearing.
  - Present individuals to speak in support of their positions. The judiciary reserves the right to limit the number of such individuals. Those who speak shall be members of the University community except as the judiciary rules that others may serve in the interest of the case.
  - Submit evidence or written statements in support of their positions.
  - Be accompanied by counsel of their choice who may assist in the presentation of cases. Counsel shall be limited to a member of the student body, faculty, or staff of the University.
  - Ask questions of witnesses providing oral or written testimony.
  - Receive a written explanation of the reasons for the decision.
  - Notification of right to appeal, if any. Should the right to appeal be exercised, any action by the judiciary shall be deferred until the appeal has been acted upon.
- 4.4.9** All non-disciplinary decisions by the Student-Faculty Judiciary shall be final; however, such decisions by a student judiciary may be appealed

subject to the following conditions:

- a. Either the respondent or the complainant may appeal an adverse decision as a result of a hearing. The reasons for appeal shall be: (1) insufficient grounds for the decision; (2) inappropriateness of the decision.
- b. The complainant may appeal a decision by a judiciary of original jurisdiction not to grant a hearing.
- c. Both the respondent and complainant may appeal on the grounds that the applicable procedures for adjudicating the case were not followed.

**4.4.10** Decisions in non-disciplinary cases shall be made available to the University community unless the judiciary determines that confidentiality of the records should be protected.

## 4.5 Judicial Structure

**4.5.1 Student Judiciaries:** Each residence hall government shall establish a judiciary or join with other hall governments in the same residential complex in establishing a common judiciary. The All-University Undergraduate Student Governing Body and the All-University Graduate Student Governing Body shall also establish a student judiciary. In addition, any major governing group may elect to establish its own judiciary. All such judiciaries shall conduct formal hearings on matters herein defined and shall function within the guidelines of this Article.

**4.5.1.1 Composition:** The members of each student judiciary shall be selected in accordance with the procedures established by the constitutions of their respective groups and shall have an advisor designated by the Vice President for Student Affairs and Services.

**4.5.1.2 Jurisdiction:** The student judiciaries shall have jurisdiction on the following matters:  
Original Jurisdiction (Disciplinary):

- a. Alleged violations of general student, student group, or living group regulations or all-University policies with the exception of alleged academic dishonesty, violations of professional standards, or falsification of admission or academic records by individual members or constituent groups within the particular living unit(s) or the major governing group. Where no living unit or group judiciary exists, allegations will be handled by the student judiciary established by the All-University Graduate and Undergraduate Student Governing Bodies.
  - (1) A student may request a hearing before a student judiciary other than his/her constituent judiciary.

Original Jurisdiction (Non-disciplinary):

- b. A question, conflict, or interpretation of the constitution or rules of the judiciary's constituent group.
- c. Alleged violation of regulations governing registered student organizations by the judiciary's constituent group.

**4.5.1.3 Decisions:** After hearing a case, a student judiciary shall decide according to the provisions of Section 4.24, but may not suspend a student from the University.

**4.5.1.4 Appeals:** Decisions of a student judiciary may be appealed to the University Student Appeals Board according to the provisions of Section 4.36. In non-disciplinary cases, grounds for appeal shall be restricted to alleged violation of due process and/or the provisions of this document according to the provisions of Section 4.4.9.

**4.5.1.5 Summer Term:** During summer term, a student judiciary may, through a continuation of its existing membership or through a request for interim appointments, provide for its operation.

**4.5.1.6 Temporary Restraining Actions:** The procedural rules of a student judiciary shall include provisions for expedited consideration of urgent cases in which a restraining action is sought because an individual or group allegedly threatens immediate and irreparable harm through action contrary to the constitution of any undergraduate or graduate student governing group within the judiciary's jurisdiction.

- a. Upon receipt of such a request, the student judiciary shall conduct a preliminary examination to determine whether a temporary restraining action should be taken. This meeting should include opportunity for both the complainant and the respondent to present information. Consideration should be given to the nature and potential extent of irreparable harm, other alternatives to remedy the situation, and whether a temporary restraining action would preclude, predetermine, or render irrelevant the ultimate decision of a judiciary in reviewing the details of the case.
- b. If the judiciary decides to take a temporary restraining action, the appropriate individual or group shall be required to postpone or withdraw the action in question pending a hearing on the merits of the case by the judiciary having original jurisdiction over the governing group or living group constitution in question.
- c. The student judiciary shall make every reasonable effort to meet whatever exigencies of time may exist in such a case.

**4.5.2 Student-Faculty Judiciary:** There shall be established a Student-Faculty Judiciary.

**4.5.2.1 Composition:** Voting members shall be selected as provided in Section 4.6. The membership of the Student-Faculty Judiciary shall be as follows:

- a. Five undergraduate students.
- b. One graduate student.
- c. Five faculty members.
- d. One ex-officio non-voting advisor appointed by the Vice President for Student Affairs and Services.

**4.5.2.2 Jurisdiction:** The Student-Faculty Judiciary shall have jurisdiction in the following areas:

Original Jurisdiction (Disciplinary):

- a. Alleged violations of all-University policies or alleged violations of regulations other than those related to academic dishonesty, violations of professional standards, or falsification of admission or academic records as referred by the Office of Student Affairs.

Original Jurisdiction (Non-disciplinary):

- b. Conflicts arising between student governing groups, living units, and/or registered student organizations.
- c. Conflicts between the undergraduate and graduate student governing bodies.

**4.5.2.2.1** The procedure for hearings under Section 4.5.2.2b and c shall accord with the provisions of Section 4.4 above. The parties involved shall be notified in writing of the Student-Faculty Judiciary's decision and of any recommendation the Student-Faculty Judiciary deems appropriate. The chairperson shall subsequently make the decision public in an appropriate manner, unless the judiciary determines that confidentiality of the record should be protected.

**4.5.2.3 Temporary Restraining Action:** The procedural rules of the Student-Faculty Judiciary shall include provisions for expedited consideration of urgent cases in which a temporary restraining action is sought because a regulation or administrative decision allegedly threatens immediate and irreparable harm or infringement of rights as defined by this document.

- a. Upon receipt of such a request, the Student-Faculty Judiciary shall conduct a preliminary examination to determine whether temporary restraining action should be taken. This meeting should include opportunity for both the complainant and the respondent to

present information. Consideration should be given to the nature and potential extent of irreparable harm, other alternatives to remedy the situation, and whether a restraining action would preclude, predetermine, or render irrelevant the ultimate decision of the Student-Faculty Judiciary in reviewing the full details of the case.

- b. If the Student-Faculty Judiciary decides to take a temporary restraining action, the appropriate individual, group, or administrative unit shall be requested to postpone or withdraw the action in question pending a hearing on the merits of the case.

- c. The Student-Faculty Judiciary shall make every reasonable effort to meet whatever exigencies of time may exist in such cases. If necessary, the Student-Faculty Judiciary may announce its decision regarding a temporary action without a written statement of its reasons provided that such a statement of reasons shall be made available as soon as reasonably possible.

**4.5.2.4 Decisions:** After hearing a case, the Student-Faculty Judiciary shall decide in accordance with the provisions of Section 4.2.4.

**4.5.2.5 Appeals:** Disciplinary decisions of the Student-Faculty Judiciary may be appealed to the University Student Appeals Board in accordance with the provisions of Section 4.2.5 and 4.3.6.

**4.5.2.6 Summer Term:** The Student-Faculty Judiciary shall, through a continuation of its existing membership or through a request for interim appointments, provide for its operation through the summer term.

**4.5.3 University Student Appeals Board:** There shall be established a University Student Appeals Board.

**4.5.3.1 Composition:** Voting members shall be selected as provided in Section 4.6. The membership of the University Student Appeals Board shall be as follows:

- a. Two undergraduate students.
- b. One graduate student.
- c. Four faculty members.

**4.5.3.1.1** The Office of the Vice President for Student Affairs and Services shall provide necessary support services for the University Student Appeals Board.

**4.5.3.2 Jurisdiction:** The University Student Appeals Board shall have jurisdiction over:

- a. Decisions made by a student judiciary and disciplinary decisions made by the Student-Faculty Judiciary.

- b. Disciplinary actions taken by an administrator in the Office of Student Affairs as provided for in Section 4.3.1.1.
- c. Procedures followed by the Traffic Appeals Board.
- d. Challenges to a University regulation, or an action by an administrator or member of the faculty or staff alleged to be inconsistent with the guidelines established in this document.

**4.5.3.2.1** In substantive challenge cases arising under Section 4.5.3.2d above, the University Student Appeals Board may provide declaratory relief by finding a regulation, or action by an administrator or member of the faculty or staff, to be inconsistent with this document. If additional action is required and possible in a case, the University Student Appeals Board shall direct that redress be provided. The responsible administrator, with the advice of the University Student Appeals Board and/or academic governance bodies, shall implement an appropriate remedy.

**4.5.3.3 Summer Term:** The University Student Appeals Board shall, through continuation of its existing membership or through request for interim appointments, provide for its operation through the summer term.

**4.5.3.4 Decisions:** The University Student Appeals Board shall have available to it the full range of decisions, including temporary restraining actions, provided to judiciaries through this document. In addition, the University Student Appeals Board may make whatever recommendations it may consider appropriate to specific cases.

**4.5.3.5 Appeals:** All decisions of the University Student Appeals Board with respect to individual and group actions are final unless appealed to the Vice President for Student Affairs and Services who may affirm or reverse the decision, diminish the sanction imposed, or direct that the case be reconsidered. Decisions of the University Student Appeals Board under Section 4.5.3.2d are not appealable.

**4.5.4 University Academic Integrity Review Board:** There shall be established a University Academic Integrity Review Board for the purposes described in Article II.

**4.5.4.1 Composition:** Voting members shall be selected as provided in Section 4.6. The membership of the University Academic Integrity Review

Board shall be as follows:

- a. Four faculty members.
- b. Three undergraduate students.
- c. One ex-officio non-voting advisor appointed by the Provost.

**4.5.4.1.1** The Office of the Provost shall provide necessary support services for the University Academic Integrity Review Board.

**4.5.4.2 Appellate Jurisdiction:** The University Academic Integrity Review Board shall have appellate jurisdiction over decisions by a college hearing board:

- a. in cases of penalty grades for academic dishonesty as provided in Article 2,
- b. in cases of alleged violations of regulations prohibiting academic dishonesty, violations of professional standards, and falsification of admission and academic records.

**4.5.4.3 Summer Term:** The University Academic Integrity Review Board shall, through continuation of its existing membership or through requests for interim appointments, provide for its operation through summer term.

**4.5.4.4 Decisions:** The University Academic Integrity Review Board shall have available to it the full range of decisions provided to judiciaries through this document. In addition, the University Academic Integrity Review Board may make whatever recommendations it may consider appropriate to specific cases.

**4.5.4.5 Appeals:** All decisions of the University Academic Integrity Review Board with respect to individual or group actions are final unless appealed to the Provost who may affirm or reverse the decision, diminish the sanction imposed, or direct that the case be reconsidered.

## 4.6 Judiciary Membership

**4.6.1** Student members of the All-University Graduate and Undergraduate Student Governing Body Judiciary, the Student-Faculty Judiciary, the University Student Appeals Board, and the University Academic Integrity Review Board shall be selected as described below.

**4.6.1.1 Selection:** There shall be a Judiciary Selection Committee composed of undergraduate and graduate members from the All-University Graduate and Undergraduate Student Governing Body Judiciary, the Student-Faculty Judiciary, the University Student Appeals Board, and the University Academic Integrity Review Board. The Judicial Selection Committee may, at its discretion, include faculty members in the selection process. The Judicial Selection Committee shall be

- responsible for:
- a. Developing a process for the selection of student judiciary members.
  - b. Making decisions on the selection of students to serve on the Student-Faculty Judiciary, the University Student Appeals Board, and the University Academic Integrity Review Board. If otherwise eligible, students seeking reappointment to the All-University Graduate and Undergraduate Student Governing Body Judiciary, the Student-Faculty Judiciary, the University Student Appeals Board, and the University Academic Integrity Review Board and receiving a majority of support from the non-returning judiciary members with whom they have served, will automatically be recommended for confirmation. Alternates may be selected to serve as replacements in case of resignations or a member's inability to serve for a full academic term.
  - c. Submitting the names of those selected for confirmation by the appropriate governing body.

**4.6.1.2 Appointment:** The appointment of graduate students to the All-University Graduate and Undergraduate Student Governing Body Judiciary, the Student-Faculty Judiciary, and the University Student Appeals Board shall be confirmed by the All-University Graduate Student Governing Body. The appointment of undergraduates to the All-University Graduate and Undergraduate Student Governing Body Judiciary, the Student-Faculty Judiciary, and the University Student Appeals Board shall be confirmed by the All-University Undergraduate Student Governing Body. The appointment of student members to the University Academic Integrity Review Board shall be confirmed by the Student Council.

- 4.6.1.3 Terms of Office:**
- a. Student members of the student judiciaries shall serve for one calendar year with opportunity for reappointment.
  - b. Student members of the Student-Faculty Judiciary shall serve for two years with the opportunity for reappointment. (Initially, two undergraduates shall be appointed for one year, and two undergraduates and one graduate shall be appointed for two years.)
  - c. Student members of the University Student Appeals Board shall be appointed for two years with the opportunity for reappointment.
  - d. Student members of the University Academic Integrity Review Board shall

- e. All terms of office shall begin with the fall academic term, except that some members may be appointed to serve the preceding summer on an interim basis.
- f. Removal of a student member shall require:
  - 1. Initiation of removal proceedings by a two-thirds (2/3) vote of the membership of the body in which the member serves.
  - 2. A two-thirds (2/3) vote of the governing body which confirmed the appointment to withdraw the appointment.

**4.6.2 Faculty members:** The faculty members of the Student-Faculty Judiciary, the University Student Appeals Board, and the University Academic Integrity Review Board shall be appointed by the President of the University for terms of three years.

- a. Student-Faculty Judiciary: Initially, two faculty members shall be appointed for two years and two for three years.
- b. University Student Appeals Board: Initially, two faculty members shall be appointed for two years and two for three years.
- c. University Academic Integrity Review Board: Initially two faculty members shall be appointed for two years and two for three years.
- d. Selection, appointment, and reappointment shall be in accordance with the *Bylaws for Academic Governance*.

**4.6.3 Chairpersons:** At the beginning of the academic year, each judicial body (the University Student Appeals Board, the University Academic Integrity Review Board, the Student-Faculty Judiciary, and the Student Judiciaries) shall select from among its voting members a chairperson and vice chairperson who shall serve for one year and who shall have voting privileges.

**4.6.4 Members of Student Judiciaries:** The constitutions of the respective groups shall provide for the manner in which members will be selected, appointed, reappointed, and, if necessary, removed.

**4.7 Traffic Appeals Board**

- 4.7.1** There shall be a Traffic Appeals Board.
- 4.7.1.1 Composition:** The members of the Traffic Appeals Board shall be selected in accordance with the procedures established by the undergraduate and graduate student governing bodies.
  - 4.7.1.2 Jurisdiction:** The Traffic Appeals Board shall hear appeals arising from summonses issued for violation of the *Student Motor Vehicle Regulations* established by the MSU Board of Trustees and applicable to all registered students.

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- 4.7.1.3 **Procedures:** The Traffic Appeals Board shall establish a code of operations to govern its internal procedures which shall ensure fairness in the review of appeals received.
- 4.7.1.4 **Decisions:** Decisions of the Traffic Appeals Board shall be consistent with the provisions for violations and penalties in the *Student Motor Vehicle Regulations*. In addition, the Traffic Appeals Board may refer students to the Student-Faculty Judiciary for alleged violation of general student regulations.
- 4.7.1.5 **Appeals:** Decisions of the Traffic Appeals Board may be appealed to the University Student Appeals Board only on the basis of improper procedure.

## ARTICLE 5 REGULATIONS, POLICIES, AND RULINGS

5.1 The University community's expectations for student and group conduct which hold the potential for disciplinary action shall be promulgated as General Student Regulations, Student Group Regulations, Living Group Regulations, and All-University Policies as defined herein. Administrative decisions which mediate the flow of services and privileges in the operation of the University are administrative rulings.

### 5.2 General Student Regulations

- 5.2.1 General student regulations shall be those regulations established within the University community to secure the safety of members of the University community and University facilities, maintain order, and ensure the successful operation of the institution. Such regulations shall apply to all students regardless of class level, place of residence, or group affiliation as well as to all governing bodies, governing groups, living groups, and registered student organizations.
- 5.2.2 Any governing body, governing group, living group, or registered student organization or any individual student, faculty, or staff member may initiate and propose amendments to the General Student Regulations by submitting such proposals to the University Committee on Student Affairs. Proposals may also originate within the University Committee on Student Affairs.
- 5.2.3 Proposals submitted to the University Committee on Student Affairs may be approved or rejected. If rejected, the University Committee on Student Affairs shall forward a written explanation to the initiator. The written explanation may include suggestions for modification of the proposal. If approved, the University Committee on Student Affairs shall forward the proposal to the Academic Council.
- 5.2.4 The Academic Council may approve or reject the

proposal. If the Academic Council rejects the proposal, a written explanation of the rejection shall be forwarded to the University Committee on Student Affairs. The written explanation may include suggestions for modification of the proposal. If the proposal is approved, the Academic Council shall forward the proposal to the President and the regulation shall become operative upon his or her approval.

### 5.3 Student Group Regulations

- 5.3.1 Student group regulations shall be those regulations established within the University community to govern the conduct of the constituent members of a governing body on a governing group and the activities of living groups and registered student organizations under a governing body or governing group's jurisdiction. Such regulations shall apply only to the students, groups, and organizations specified by the regulations.
- 5.3.2 Any constituent member of a governing body or governing group or any living group or registered student organization under its jurisdiction may initiate and propose amendments to the Student Group Regulations by submitting such proposals to the governing body or group with the appropriate legislative authority. Proposals may also be initiated by the governing body or group.
- 5.3.3 Proposals submitted to the appropriate All-University Student Governing Body may be approved or rejected. If rejected, the All-University Student Governing Body shall forward a written explanation to the initiator. The written explanation may include suggestions for modification of the proposal. If approved, the All-University Student Governing Body shall forward the proposal to the University Committee on Student Affairs.
- 5.3.4 The University Committee on Student Affairs may approve or reject the proposal. If rejected, the University Committee on Student Affairs shall forward a written explanation to the appropriate All-University Student Governing Body. The written explanation may include suggestions for modification of the proposal. If approved, the proposal shall be forwarded to the Vice President for Student Affairs and Services, and the proposal shall become operative upon his or her approval.

### 5.4 Living Group Regulations

- 5.4.1 Living Group Regulations shall be those regulations established within the University community to govern the conduct of residents and other students who are visitors and guests while within the building or buildings defining the living group. Such regulations shall apply to all students regardless of class level, place of residence, or group affiliation.
- 5.4.2 Any constituent member of a living group may initiate and propose amendments to their own

living group regulations by submitting such proposals to the living group with appropriate legislative authority. Proposals may also initiate with the living group.

- 5.4.3 Proposals submitted to the living group may be approved or rejected. If rejected, the living group shall forward to the initiator a written explanation. The written explanation may include suggestions for modification of the proposal. If approved, the living group shall forward the proposal to the appropriate All-University Student Governing Body. The All-University Student Governing Body may approve or reject the proposal. If rejected, the All-University Student Governing Body shall forward to the initiator a written explanation. If approved, the All-University Student Governing Body shall forward the proposal to the University Committee on Student Affairs, which may approve or reject the proposal. Written explanation of a rejection, together with any suggested modifications, shall be provided to the living group. If approved, the University Committee on Student Affairs shall forward the proposal to the Vice President for Student Affairs and Services, and the regulation shall become operative upon his or her approval.

## 5.5 All-University Policies

- 5.5.1 All-University Policies shall be those policies established within the University community to define and prescribe broad areas of institutional concern. Such policies shall apply to those individuals, groups, and organizations specified by the policies.
- 5.5.2 All-University Policies are established by the Board of Trustees, often following University-wide discussion and endorsement or as the result of a recommendation by an administrative unit or committee. Such policies may also be initiated and enacted by the Board itself.

## 5.6 Administrative Rulings

- 5.6.1 Administrative Rulings shall be those policies, procedures, and practices established within the University community to implement the functions of the institution's various and several administrative units. Such rulings shall apply to those individuals, groups, and organizations specified by the rulings. The various administrative units are delegated authority, by the Board of Trustees through the President, to establish Administrative Rulings.
- 5.6.2 The process by which Administrative Rulings are developed shall be consistent with the legislative and advisory duties and prerogatives of those bodies involved in academic governance. The process shall reflect concern for student input when the substance of a ruling affects students.
- 5.6.3 When a student is alleged to be noncompliant with an Administrative Ruling, a unit administrator shall confront the student and allow the stu-

dent to clarify the situation.

- 5.6.3.1 The administrator shall determine whether the alleged acts may violate a General Student, Student Group, or Living Group Regulation, or an All-University Policy. If so, the student shall be referred for action under Article 4.
- 5.6.3.2 The administrator shall assess the situation and implement any non-punitive action appropriate to the circumstances: e.g. restrict service, require restitution. However, disciplinary sanctions may only be imposed through the judicial process described in Article 4.
- 5.6.3.3 The student shall be entitled to written notification of:
- Any non-disciplinary action of the administrator, and the rationale.
  - The right to appeal the administrator's decision to the University Student Appeals Board, under 4.5.3.2d of this document.
- 5.6.4 In common with regulations, Administrative Rulings applicable to students shall comply with Sections 1.5.1 through 1.5.7 and Section 1.5.11 of this document.

## ARTICLE 6 INDEPENDENT AND UNIVERSITY-SUPPORTED STUDENT PUBLICATIONS

- 6.1 "Independent student publications" are those that are prepared and distributed, as least in part, by students and that are not funded by the administrative units of the University. Independent student publications are typically:
- Publications of student living units and governing groups.
  - Publications of Michigan State University registered student organizations and Michigan State University student groups.
- 6.1.1 Students and student groups shall have maximum freedom to express opinions and communicate ideas by preparing and distributing independent student publications.
- 6.1.2 The University shall neither authorize nor prohibit the solicitation of advertising by an independent student publication.
- 6.2 "University-supported student publications" are those that receive funding from administrative units of the University.
- Administrative units may provide advice and counsel, but all University-supported student publications shall be guaranteed freedom of content and editorial policy.
  - The withdrawal of financial support as a means of censorship over those University-supported

student publications which are in substance a forum for free speech is recognized to be inappropriate.

6.3 The following guidelines governing independent and University-supported student publications are established.

6.3.1 Every publication shall identify the agency, group, or organization responsible for its preparation and distribution.

6.4 The following guidelines are established to govern the distribution of independent and University-supported student publications, whether free or for sale.

6.4.1 Regulations governing distribution of publications shall apply equally to all publications.

6.4.2 No door-to-door solicitations for sale shall be permitted in organized living units on the campus without permission from the proper governing authority of the living unit. Permission must be granted in accordance with provision 6.4.1 above.

6.4.3 In accordance with provision 6.4.1 above, each on-campus living unit shall decide what policies shall be formulated for distribution of publications within that living unit.

6.4.4 For buildings other than organized living units, the Secretary of the Board of Trustees and the all-University student governing bodies, after consultation with the administrative, faculty, and student occupants of the building, shall determine, in accordance with provision 6.4.1 above, the designated places of distribution of publications.

6.4.5 Distribution in living units, classroom and office buildings shall be limited to those places established in 6.4.2, 6.4.3, and 6.4.4 above. Hand-to-hand distribution shall be permitted in all campus buildings, subject only to such limitations as are necessary to prevent interference with scheduled University activities.

6.4.6 Distribution shall be permitted outside campus buildings, subject only to such limitations as are necessary to prevent interference with the use of streets, sidewalks, and building entrances.

6.4.7 The offices of the Secretary of the Board of Trustees and the All-University Undergraduate Governing Body shall keep available for inspection an up-to-date list of places of distribution within campus buildings.

6.5 Any regulations necessary to implement these guidelines shall be developed in accordance with Article 5.

## ARTICLE 7 OFFICE OF THE OMBUDSMAN

7.1 The Office of the Ombudsman: The President shall appoint a senior faculty member with the title of Ombudsman. The Ombudsman shall respect the sensi-

tive and confidential nature of the position and the privacy of all persons soliciting assistance from the Office of the Ombudsman, thereby protecting them against retribution. The Ombudsman's functions shall include the following charges:

7.1.1 The Ombudsman shall establish simple, orderly procedures for receiving requests, complaints, and grievances of students.

7.1.2 The Ombudsman shall assist students in accomplishing the expeditious settlement of their problems and may advise a student that the student's request, complaint, or grievance lacks merit, or that the student should seek a remedy before another duly-constituted body or officer of the University; or the Ombudsman may deem it appropriate to assist the student in obtaining an informal settlement of the student's problem.

7.1.3 The Ombudsman shall have broad investigatory powers and direct and ready access to all University officials from the President down.

7.1.4 When necessary, the Ombudsman shall report directly to the President valid complaints for which no remedy has been found. The Ombudsman shall also report any recommendations regarding such complaints.

7.1.5 The Ombudsman shall make periodic reports to the president regarding the operation of the Office of the Ombudsman.

## ARTICLE 8 DEFINITIONS

8.1 Various terms appearing in other articles of this document are defined below.

8.1.1 **Administrators:** Persons employed, either regular or temporary, full or part time, who manage budgets, direct work units, or formulate, evaluate, and/or administer University policy.

8.1.2 **Academic Dishonesty:** Refer to General Student Regulation 100, *Scholarship and Grades*.

8.1.3 **All-University Student Governing Bodies:** Associated Students of Michigan State University (ASMSU) and Council of Graduate Students (COGS).

8.1.3.1 **All-University Graduate Student Governing Body:** Council of Graduate Students (COGS).

8.1.3.2 **All-University Undergraduate Student Governing Body:** Associated Students of Michigan State University (ASMSU).

8.1.4 **Class Day:** A day on which classes are held, including days of Final Exam Week.

8.1.5 **Complainant:** A member of the University community who initiates judicial proceedings.

8.1.6 **Counsel:** A member of the student body, faculty, or staff of the University chosen by either the complainant or the respondent to assist in the

preparation or presentation of a case. No member of the University's legal department shall serve as a counsel under these provisions.

- 8.1.7 Disciplinary Case:** A case brought against a student respondent accused of violating a regulation, academic professional standard, or all-University policy. Such a case is heard under Section 4.3 or Section 24.7; if the allegations are upheld, the respondent is subject to disciplinary sanctions as defined in Section 4.24b herein.
- 8.1.8 Faculty:** All persons appointed by the University, either regular or temporary, either under the rules of tenure or not, holding the rank of professor, associate professor, assistant professor, or instructor, persons appointed as librarians, or other persons with approved titles in the academic personnel system whose duties involve instructional activities.
- 8.1.9 Falsification of Admission or Academic Records:** Refer to General Student Regulation 500, *Protection of University Functions and Services*, as it applies to records that are created and/or effectively maintained by the Office of the Registrar, the Office of Admissions and Scholarships, or academic units (e.g. colleges, departments, and schools).
- 8.1.10 Graduate Student:** A student enrolled with a Registrar's Classification of 6 or 7 (graduate degree). Those students who are enrolled in graduate non-degree programs shall be deemed graduate students.
- 8.1.11 Graduate-Professional Student:** A student enrolled with a Registrar's classification of 8 or 9 (medical degree). Those students who are enrolled in graduate-professional non-degree programs shall be deemed graduate-professional students.
- 8.1.12 Living Group:** Any unit of University-owned housing including on-campus residence hall, floor, apartment, or residence complex or off-campus housing including sorority or fraternity house; scholarship; cooperative; or religious living unit.
- 8.1.13 Hearing Body:** A duly constituted judiciary as outlined in 4.5 above or a representative from the Office of Student Affairs authorized to hear judicial complaints, as outlined in 4.31.1 above.
- 8.1.14 Non-disciplinary Case:** A case brought by a student under Section 24.2 or Section 44 herein. Disciplinary sanctions discussed in Section 4.24b are not imposed in non-disciplinary cases; rather, the student bringing such a case seeks relief.
- 8.1.15 Penalty Grade:** A grade assigned by an instructor who believes a student to have committed academic dishonesty. If no disciplinary case is instituted against the student, the penalty grade may be appealed under Section 24.9 above. If a disciplinary case is instituted and the charge is held not to be supported by a preponderance of the evidence, the penalty grade may be appealed under Section 24.8 above. In either such appeal of a penalty grade, the proceedings are non-disciplinary.

- 8.1.16 Preponderance of the Evidence:** That which is more convincing, more credible, and of a greater weight. In disciplinary cases, a preponderance of evidence must overcome an appropriate presumption of innocence.
- 8.1.17 Professional Standards:** Any codes of expected professional conduct must be approved by the academic units, the dean, and, in the case of college statements, the Office of the Provost. The procedure for the approval by the academic units should include student participation in accordance with 1.5.3. The dean and the Office of the Provost shall consult with appropriate governance groups before taking action. These codes are to be provided to students at the time of their admission to the program or to a course in the unit.
- 8.1.18 Respondent:** An individual, formal and informal groups, recognized and unrecognized groups, or unit from the University community alleged to be responsible for a situation or conflict or for violation of a regulation or policy.
- 8.1.19 Staff:** Employees of the University other than those specifically defined in this article.
- 8.1.20 Student:** An individual is considered a student from the time of admission to Michigan State University until graduation, recess, dismissal, suspension, or withdrawal from the University, or non-registration for more than one consecutive term.
- 8.1.21 Student Organization:** A group of students who have complied with formal requirements for becoming an organization and have registered with the appropriate all-University student governing body.
- 8.1.22 Undergraduate:** A student enrolled with a Registrar's classification of 1, 2, 3, 4, or 5. Those students enrolled in undergraduate non-degree programs shall be deemed undergraduates.
- 8.1.23 University Community:** All persons who are students, trustees, administrators, faculty, or staff.

## ARTICLE 9 PROCEDURES FOR AMENDING AND REVISING THIS DOCUMENT

- 9.1** This document may be amended and revised according to the following procedures.
  - 9.1.1** Any member of the University community, or any constituent body thereof, may propose amendments and revisions and forward them to the University Committee on Student Affairs.
  - 9.1.2** Any and all other amendments or revisions shall be reviewed by the University Committee on Student Affairs which shall approve, reject, or amend the proposal.
  - 9.1.3** If the University Committee on Student Affairs approves the amendment or revision, then it shall

forward the proposal to the appropriate All-University Student Governing Body(ies). The All-University Student Governing Body(ies) shall review the proposal and approve or reject it.

- 9.1.4 If any of the All-University Student Governing Body(ies) reject the proposal, a written explanation of the rejection shall be forwarded to the University Committee on Student Affairs. This explanation may include suggestions for alteration of the proposal.
- 9.1.5 If the All-University Student Governing Body(ies) approve the proposal, it shall be returned to the Chairperson of the University Committee on Student Affairs for presentation to the Academic Council.
- 9.1.5.1 Student Council must approve all revisions or amendments before presented to Academic Council.
- 9.1.6 The Academic Council shall review all amendments and revisions and either approve or reject them in accordance with the *Bylaws for Academic Governance*. If rejected, the Academic Council shall return the proposal to the University Committee on Student Affairs and the appropriate All-University Student Governing Body(ies) along with a written explanation for the rejection. This explanation may include suggestions for alteration of the proposal. If approved, the Academic Council shall forward the proposal to the President who shall present it to the Board of Trustees according to existing practices of Academic Council for such transmittal.
- 9.1.7 The Board of Trustees shall review all amendments and revisions and may approve the proposal, at which time it shall become operative, or reject the proposal and return it to the Academic Council with an explanation.
- 9.1.8 The University community shall be promptly informed of all action taken on proposed amendments and revisions.

## HISTORY OF APPROVAL ORIGINAL DOCUMENT

Academic Council	January 10, 1967
Academic Senate	February 28, 1967
Board of Trustees	March 16, 1967

## AMENDMENTS

### ARTICLE 2

#### Section 2.1.4

University Committee on Student Affairs (UCSA)	April 11, 1977
Student Board of ASMSU	April 19, 1977
Academic Council	May 31, 1977
Board of Trustees	June 24, 1977
Amendment effective	June 24, 1977

### Section 2.3

UCSA	March 31, 1970
Student Board of ASMSU	April 1, 1970
Academic Council	May 12, 1970
Board of Trustees	June 18, 1971
Amendment effective	June 18, 1971

### ARTICLE 4

#### Section 4.3.2

Student Board of ASMSU	February 1, 1977
UCSA	February 28, 1977
Academic Council	May 31, 1977
Board of Trustees	June 24, 1977
Amendment effective	June 24, 1977

### ARTICLE 5

#### Total revision

UCSA	March 31, 1970
Student Board of ASMSU	April 1, 1970
Academic Council	May 12, 1970
Board of Trustees	June 18, 1971
Amendment effective	June 18, 1971

### ARTICLE 6

#### Total revision

UCSA	April 8, 1970
Student Board of ASMSU	April 17, 1970
Academic Council	May 12, 1970
Board of Trustees	February 19, 1971
Amendment effective	July 1, 1971

### ARTICLE 7

#### Total revision

UCSA	February 8, 1971
Student Board of ASMSU	February 9, 1971
Academic Council	March 2, 1971
Board of Trustees	April 16, 1971
Amendment effective	April 16, 1971

#### Total revision

UCSA	March 10, 1983
Student Board of ASMSU	March 8, 1983
Academic Council	May 31, 1983
Board of Trustees	June 24, 1983
Amendment effective	June 24, 1983

## COMPLETE REVISION

UCSA	February 28, 1983
ASMSU Student Board	March 8, 1983
UCSA	March 10, 1983
Elected Student Council	April 12, 1983
Academic Council	January 17, 1984
Board of Trustees	July 27, 1984
Revision effective	July 27, 1984