

MICHIGAN STATE UNIVERSITY

June 11, 2014

MEMORANDUM

TO: Trustee Policy Committee

FROM: June Youatt, Provost



SUBJECT: Revision to the *Student Rights and Responsibilities* document
(formerly *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 *Student Rights and Responsibilities* ("SRR") document (formerly known as the *Academic Freedom Report for Students*), as presented in Attachment A.

BE IT FURTHER RESOLVED that the Trustee Policy Committee recommends to the Board of Trustees that the revisions to the SRR take effect August 1, 2014, with the exception of revisions to Articles 6 and 7 of the SRR, which will take effect at the beginning of the 2015-2016 academic year on August 16, 2015.

BE IT FURTHER RESOLVED that the Trustee Policy Committee recommends to the Board of Trustees that it authorize the Provost to make minor editorial and other technical revisions to Articles 6 and 7 of the SRR that may become necessary during the implementation phase of those articles, with notice to the appropriate academic governance committees.

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 February 7, 2014, the University Committee on Student Affairs endorsed revisions to the SRR. ASMSU added its endorsement on February 20, 2014, followed by COGS on March 12, 2014. University Council endorsed revisions to the document on April 22, 2014. Minor editorial and technical revisions were made to the attached draft by the Office of the Provost and University Ombudsperson on May 22, 2014.



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The original *Academic Freedom Report* was passed by the Board of Trustees in March 1967. Since that time, it has only been amended in 1977, 1984, and 2010. The memorandum prepared for University Council summarizing the main substantive changes to the SRR is presented in Attachment B. As more fully outlined in Attachment B, the main focus of the revision was to centralize the academic hearing board structure and streamline the adjudication process for academic hearings. Minor editing for completeness, clarity, and consistency was also done throughout the document.

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

Vice President Denise Maybank and Deputy General Counsel Kristine Zayko will be available during the Trustee Policy Committee meeting to answer any questions you may have regarding the SRR and the proposed revision.

c: President Simon
 Secretary Beekman
 Executive Vice President Udpa
 Vice President Noto
 Vice President Denise Maybank
 Ombudsperson Bob Caldwell
 Deputy General Counsel Zayko

Michigan State University Student Rights and Responsibilities

Foreword

The foreword is not a part of the document that follows. It supplies, however, a necessary perspective for interpreting this document, originally named *Academic Freedom for Students at Michigan State University*.

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.

Article 1: Guiding Values and Principles

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.

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.

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 body 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* (see *Spartan Life*): 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.

Article 2: 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. The University 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 and demonstrating mastery of the content and skills of a course of study, while participating actively in the course's intellectual community, according to standards of performance 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 to academic performance and applicable professional standards.¹
 - 2. The student shares with the faculty the responsibility for maintaining the integrity of scholarship, grades, and professional standards.
 - 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 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 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,

¹ Academic performance includes meeting applicable professional standards when such standards are a component of the curriculum. Professional standards must be approved by the relevant academic unit and 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.

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 records² 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: 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.
- 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 ac-

² See the *MSU Access to Student Information Guidelines* for information regarding confidentiality of student education records.

cess.

- VIII. All student educational records that are used or may be used to make determinations about a student's employment, financial aid, or academic progress 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 provided 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: 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 RHA, ASMSU, and COGS, 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.

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) 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 hearing board members. ASMSU shall be responsible for the appointment of undergraduates to remaining hearing boards described in this Article. All student appointments shall be made by the tenth week of spring semester.

Each governing body shall make provisions for filling mid-semester vacancies on an interim basis prior to completion of the appointment process. If such vacancies have not been filled within two weeks, the Provost may appoint student members to fill them. The Provost may also appoint students to fill vacancies if students are unable to serve during the summer or if interim members are necessary to meet quorum requirements.

- C. *Faculty and Staff 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. Faculty members may serve no more than two consecutive full-term appointments. Staff members on the hearing boards described in this Article shall be nominated by the Executive Vice President for Administrative Services and appointed by the President. Staff members may serve no more than two consecutive full-term appointments.

The Provost may appoint members from the faculty and staff ranks to fill vacancies in the event that mid-semester openings occur, members are unable to serve during the summer, or interim members are necessary to meet quorum requirements.

- D. *Advisors.* Each hearing board described in this Article shall have an advisor designated by the Vice President. 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.* All hearing boards shall follow a written code of operations that will be reviewed and approved by UCSA. The codes of operation of student-only hearing boards described in Section II of this Article must be approved by their related major governing groups. Each code of operations must be consistent with this document, including confidentiality provisions, procedures for determining whether a complaint warrants a 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 five board members or 50% of the currently appointed membership, whichever is less. The codes of operation shall also address procedures for expedited consideration of urgent cases in which a temporary restraining action is sought.

II. Student-Only Hearing Boards

- A. *University Housing Hearing Boards.* The RHA may establish its own hearing boards

with jurisdiction over cases involving:

1. Complaints of personal misconduct occurring in or around University housing, including alleged violations of General Student Regulations, Student Group Regulations, Living Group Regulations, or University policies, where the possible sanction would not be expected to result in suspension or dismissal from the University; and
2. Complaints regarding the constitution, bylaws, or policies of RHA.

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

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:

1. Complaints of personal misconduct occurring in or around University housing that involve a graduate student, or 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.

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.

C. *Terms of Appointment.* Members of 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.

III. Student-Faculty-Staff Hearing Board

- A. *Composition.* The Student-Faculty-Staff Hearing Board shall be comprised of five undergraduate students, three graduate students, two staff members, and three faculty members.
- B. *Jurisdiction.* The Student-Faculty-Staff Hearing Board shall have jurisdiction over cases involving:

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, 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.

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

- C. *Terms of Office.* Student members of the Student-Faculty-Staff Hearing Board shall serve for two years with the opportunity for reappointment for one additional two-year term. Faculty and staff 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, one staff member, and two faculty members.
- B. *Jurisdiction.* The University Student Appeals Board shall have appellate jurisdiction over disciplinary decisions arising from processes outlined in Section I of Article 5. The University Student Appeals Board shall also have original jurisdiction over non-academic student grievances filed pursuant to Section II of Article 5 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 and staff 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: 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 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 filed under Section I.B of this Article that a student has violated a University regulation, ordinance, or policy. Any member of the University community may file a complaint against a student. Where appropriate, the involved parties are encouraged to consider a variety of dispute resolution options, including but not limited to restorative justice, mediation, and/or conflict coaching, prior to the filing of a formal complaint.
- B. *Filing a Complaint.* To file a complaint, a member of the faculty, staff, or student body must submit a written statement to the Department of Student Life through its established protocol. 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 properly formatted 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. The respondent shall be required to meet with an individual designated by the Department of Student Life (“administrator”) for the purposes described in Section D below. 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 conflict resolution options and 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, review the complaint, and discuss possible resolution options. 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 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. If the decision of the administrator does not include a suspension or dismissal, the respondent may appeal pursuant to Section F below. If the decision of the administrator includes a suspension or dismissal, the respondent shall have five class days from the date of the decision to request a formal hearing before the Student-Faculty-Staff Hearing Board. Such a request must be consistent with the directions in the decision letter and will void the administrator's decision, which will not be shared with the hearing board that hears the complaint. In the absence of a properly submitted appeal or hearing request, the administrator's original decision will be final, pending any necessary approval and implementation by the Vice President.
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. Where appropriate, the respondent may also express a desire to participate in another dispute resolution process, either in lieu of or in addition to the adjudication process outlined in this Article. If the respondent asks to participate in another dispute resolution process, the Vice President must approve that request and the complainant must agree to participate before that process may be initiated.
4. If the respondent denies the violation, the respondent shall choose to have the matter heard by an administrator or a hearing body. 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 body. This notice of hearing shall include:
 - a. A sufficiently detailed description of the alleged misconduct;
 - b. The date, time, and location of the hearing;
 - c. The name(s) of the individual(s) who will conduct the hearing;
 - d. The names of the complainant's witnesses and advisor (if known).
2. The hearing body shall take necessary precautions to avoid any conflict of interest. The complainant and the respondent shall have two class days from receiving the hearing notice to challenge any hearing board member or hearing administrator for cause. 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 hear the case fairly and impartially. If the challenge is to the chair of the hearing body or hearing administrator, the challenge shall be decided by the Vice President.
3. The complainant and respondent shall have two class days from receiving the hearing notice to provide the hearing body 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 not less than one class day prior to the hearing.
4. Either the complainant or respondent may request, for good cause, that the hearing be postponed. The hearing body may grant or deny such a request.
5. Hearings under Section I (personal misconduct) of this Article shall be closed unless both the respondent and complainant agree to an open hearing. Hearings under Section II (non-academic student grievances) of this Article shall be closed, unless the complainant requests an open hearing. In either circumstance, the hearing body may close an open hearing at any time to maintain order or protect the confidentiality of information.³ An open hearing is open to any member of the University community.
6. The complainant and respondent are expected to appear at the hearing to present their cases. If appearance in person is not feasible, the hearing body may permit either party

³ The hearing bodies described in this document should refer to University policies and applicable laws regarding confidentiality of information.

to present his/her case through other communication channels (phone, webcam, video conference, etc.). If the complainant fails to appear, the hearing body may either postpone the hearing or dismiss the case. If the respondent fails to appear, the hearing body may either postpone the hearing or hear the case in the respondent's absence. The respondent's failure to appear shall not mean the respondent is 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 body determines that the witness has direct knowledge of the facts pertaining to the matter at issue. Witnesses may be present in the hearing only when testifying. Witnesses may submit written statements to the hearing body in lieu of testifying only with the express permission of the hearing body. Expert or character witnesses are not allowed, except as deemed necessary by the hearing body. The hearing body 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 University community. If criminal charges related to the alleged violation are pending, the respondent may have an attorney who is not a member of the University community at the hearing as his/her advisor. If the respondent is criminally charged with a sex offense related to the alleged violation when the hearing occurs, the complainant may also have an attorney present at the hearing as his/her advisor.

The advisor or attorney may be present throughout the hearing but has no voice in the hearing unless the chair of the hearing body grants the attorney or advisor permission to have a limited voice.⁴
 - e. Question any witness who appears at the hearing.
8. The hearing body shall determine whether each allegation has been supported by a preponderance of the evidence. 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 body may impose one or more of the sanctions listed in Section H of this Article.
9. The hearing body shall prepare and deliver a written decision within five class days of the hearing. The report shall include the rationale for the 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 to the

⁴ The chair or hearing administrator shall normally grant permission for a student representative from the undergraduate student defender program to have voice in the hearing.

extent permitted by law.

F. *Appeals.*

1. The University Student Appeals Board has jurisdiction over all appeals of decisions made by a hearing body under this Article.
2. A respondent may appeal an adverse decision on the basis that the information presented does not support the decision reached by the hearing body or that the sanction recommended is incommensurate with the seriousness of the offense.
3. Either the complainant or respondent may appeal on the basis that applicable procedures were not followed or there was a conflict of interest involving a member of the hearing body.
4. A written appeal must be filed as directed in the decision letter within five class days after the date on which the decision was sent to the complainant and respondent. Any sanctions imposed will be held in abeyance while the appeal is pending.
5. The University Student Appeals Board shall take necessary precautions to avoid any conflict of interest on the part of its members. Upon receipt of the appeal, the complainant and respondent shall be provided with 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.
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.
 - b. Affirm or reverse the original decision.
 - c. Direct the original hearing body 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 to the extent permitted by law. Except in cases where a suspension or dismissal is recommended, the decision of the University Student Appeals Board is final and shall be effective immediately.

8. Decisions of the University Student Appeals Board resulting in a suspension or dismissal may be appealed by either the complainant or respondent to the Vice President on the basis that a finding of responsibility is not supported by the information presented or that the penalty is incommensurate with the seriousness of the offense.
 9. Decisions resulting in a suspension or dismissal that are not appealed will be forwarded to the Vice President for approval and implementation.
- G. *Requests for Reconsideration.* Each hearing body shall allow a complainant or respondent to request reconsideration of a case within 30 calendar days of its decision, if either party can demonstrate that new information has arisen. An exception to the 30-day time limit may be granted by the appropriate hearing body 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:
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 complete an educational program or activity or comply with the reasonable conditions of a behavioral contract.
 6. **Disenrollment from a course:** If the complaint is based on disruptive behavior in a specific class, the hearing body may recommend to the Provost that the student be disenrolled from that course.
 7. **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. Only the Vice President may impose the sanction of suspension from the

University.

8. Dismissal: A dismissal is a permanent removal from the University. Only the Vice President or Provost may impose the sanction of dismissal from the University.

- I. *Urgent Disciplinary Cases.* If the Vice President is presented with credible information that a student's continued presence at the University poses a clear and present danger to the health or safety of persons or property, the Vice President 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.

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 that respondent violated University policy. 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 as requested by the petitioner.
2. Within five class days after receipt of a student's petition, the Vice President or the Provost 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 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. Such grievances should be filed in writing with the Vice President pursuant to the established procedure.

- A. *Informal Resolution.* Prior to filing a student grievance, the grievant should first attempt to resolve the grievance informally. Informal resolutions may include involvement of the student organization's advisor or another University employee, or alternative forms of dispute resolution (e.g., restorative justice, mediation).

B. *Jurisdictional Findings.* 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.
2. Reject the request for lack of jurisdiction 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. 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 hear the case fairly and impartially. If the challenge is to the chair of the hearing body, the challenge shall be decided by the Vice President.
3. The parties shall have two class days from receiving the hearing notice to provide the chair of the hearing body 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. The chair of the hearing body may grant or deny such a request.
5. The hearing shall be open unless the hearing body 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 body 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 body 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 body may either postpone the hearing or dismiss the case. If the respondent fails to appear, the hearing body 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 non-members 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 body in lieu of testifying only with the written permission of the chair of the hearing body. Expert witnesses are generally not allowed. The hearing body 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 University community. The advisor may be present throughout the hearing but has no voice in the hearing unless the chair of the hearing body grants the advisor permission to have a limited voice in the hearing.⁵
 - e. Question any witness who appears at the hearing.
8. The hearing body shall determine whether the allegation has been supported by a preponderance of the evidence. 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 body may impose one or more of the sanctions listed in Section D below.
9. The hearing body shall prepare a written report within five class days of the hearing. The report shall include the rationale for the hearing body's decision and notification of the right to appeal. The hearing body will send a copy of its report to both parties, who will be required to maintain the confidentiality of the document to the extent permissible by law.

D. Sanctions and Other Actions.

1. With respect to a registered student organization or student governing group:

⁵ The chair shall normally grant permission for a student representative from the undergraduate student defender program to have voice in the hearing.

- a. **Warning:** An official written statement expressing disapproval of the behavior and notifying the respondent it must not recur.
 - b. **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.
 - c. **Revocation of privileges** for a registered student organization or student governing group.
 - d. **Revocation of registration** of a student organization.
 - e. **Completion of an educational program or an activity.**
 - f. **A formal recommendation to the organization or group to correct the action, policy, or regulation in question.**
- 2. **With respect to an employee:** A formal recommendation to the appropriate administrator to address the employee's action.
 - 3. **With respect to a University policy or regulation:** A formal recommendation to the appropriate administrator to correct or revise the policy or regulation in question.
- E. ***Appeals.*** Either party may appeal the decision of the hearing board on the basis that (i) the information presented does not support the decision reached by the hearing board, (ii) the information presented does not support the sanction imposed or recommended by the hearing board, or (iii) 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 (i) 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 (ii) 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 infor-

mation, 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: 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. Academic hearing boards that hear cases involving medical students are described in the *Medical Student Rights & Responsibilities* document. Non-academic hearing boards are described in Article 4 of this document.

I. Composition of Hearing Boards

- A. *Pool of potential Hearing Board members.* The three hearing boards described in this Article (University Academic Grievance Hearing Board, University Academic Integrity Hearing Board, and the University Academic Appeal Board) will all draw their members from the same pool of potential hearing board members. This pool will consist of *three* faculty members from each college and *three* undergraduate students nominated from each college that offers undergraduate courses.
- B. *Composition.* The senior faculty member on the University Academic Grievance Hearing Board, the University Academic Integrity Hearing Board, and the University Academic Appeal Board shall act as the chair of that hearing board. The chair shall serve without vote, except in the event of a tie. In addition to the chair, each Board will consist of an equal number (no fewer than two) of voting undergraduate students and faculty members. All members of the board shall be drawn from the pool of potential hearing board members. Members of the pool not selected to serve on a hearing board shall serve as alternates. Board composition is specified in the relevant code of operations for each board.

- C. *Term of office.* Pool members (faculty and students) shall be nominated no later than the middle of Spring Semester for terms of one calendar year, beginning at the start of Summer Semester and ending at the end of the following Spring Semester. Colleges can opt to appoint faculty to two-year terms. In the event that colleges are late to nominate pool members, currently serving pool members will extend their service until a replacement is nominated. The specific hearing board procedures shall include provisions for filling vacancies, including provisions for appointments on an interim basis during Summer Semester. Members can serve up to three consecutive terms, not to exceed four consecutive years.

II. University Academic Grievance Hearing Board

- A. *Jurisdiction.* The University Academic Grievance Hearing Board shall have initial jurisdiction over student academic grievances alleging violations of student academic rights (see Article 2).
- B. *Decisions.* The University Academic Grievance Hearing Board may direct the appropriate administrator to implement whatever redress it considers appropriate to the specific case.
- C. *Appeals.* Decisions of the University Academic Grievance Hearing Board may be appealed to the University Academic Appeal Board.

III. University Academic Integrity Hearing Board

- A. *Jurisdiction.* The University Academic Integrity Hearing Board shall have jurisdiction over academic grievances brought by a student to contest a charge of academic misconduct or the severity of the penalty grade imposed by an instructor. The University Academic Integrity Hearing Board shall also have jurisdiction over academic disciplinary hearings involving academic misconduct.
- B. *Decisions.* The University Academic Integrity Hearing Board may accept or reject the recommended sanction of the college, or may impose a lesser sanction than recommended by the college, chosen from Article 7, Section VI.
- C. *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 (i) decisions by the University Academic Integrity Hearing Board, and (ii) decisions by the University Academic Grievance Hearing Board.
- B. *Decisions.* If the University Academic Appeal Board agrees to hear an appeal of an aca-

demographic disciplinary or academic grievance decision, the Board may accept or reject the decision or reduce the sanction imposed by the University Academic Integrity Hearing Board or the University Academic Grievance Hearing Board.

- C. *Appeals.* All decisions of the University Academic Appeal Board may be appealed in writing to the Provost within 10 class days of the Appeal Board decision. The Provost may affirm or reverse the decision, reduce the sanction imposed, or direct that the case be reheard.

Article 7: 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 (i) allege a violation of any of the academic rights of students under this document, (ii) challenge an academic evaluation on the grounds that the evaluation was based entirely or in part upon factors other than a good faith judgment of the student's academic performance, including compliance with applicable professional standards, or (iii) contest a penalty grade or other disciplinary sanctions (e.g., written assignments) based on a charge of academic misconduct.⁶
- 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 misconduct. In those cases, the instructor or committee 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

⁶ 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.)

below.

- B. A complaint may allege academic dishonesty, violation of professional standards, or falsification of academic or admissions records (“academic misconduct”).⁷ (See also *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. A grievance hearing will not be scheduled until a good-faith effort to resolve the issue informally has been made.
- B. To file a request for a grievance hearing, the student must submit a written, signed statement that contains the following information to the Dean of Undergraduate Studies. In cases of ambiguous jurisdiction, the appropriate hearing board will be selected by the Dean of Undergraduate Studies. Anonymous grievances will not be accepted.
 - 1. Student’s name and PID;
 - 2. Student’s local address, phone number, and e-mail address;
 - 3. A detailed explanation of the facts underlying the grievance;
 - 4. The name of the instructor against whom the grievance is being filed and (where appropriate) the title and number of the course;
 - 5. The date the problem arose;
 - 6. The redress sought to rectify the grievance.
- C. Grievances must be filed not later than the middle of the semester (including summer semester) following the one in which the problem that is the basis for the grievance first occurred. The middle of the semester is calculated by the Registrar’s Office and published on the Academic Calendar. Grievances that are not filed by the deadline will not be accepted. 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 by the Dean of Undergraduate Studies. Exceptions will be granted rarely. If either party to the

⁷ 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. The Dean of Undergraduate Studies or the Dean of Graduate Studies (as appropriate) may decide whether to rescind an applicant’s admission because of falsification of admissions materials. Such a decision may be appealed to the Provost within ten calendar days of the decision. Allegations of falsification of records submitted by a current student for admission to a school, college, or program are handled through the academic disciplinary process as allegations of academic misconduct.

grievance leaves the University prior to its resolution, the grievance may proceed at the discretion of the chair of the hearing board or the Dean of Undergraduate Studies.

IV. Judicial Procedures

- A. The Dean of Undergraduate Studies shall establish hearing board procedures consistent with this document. A copy of these procedures shall be filed with the Office of the Ombudsperson. These hearing procedures shall be reviewed at regular intervals not to exceed five years.
- B. Members of the hearing board pool must receive training as deemed appropriate by the Dean of Undergraduate Studies *before* they can serve on any of the hearing boards described in this section. Delivery of this training shall be the responsibility of the Dean of Undergraduate Studies.
- C. The adjudication of grievances and complaints should proceed in a timely manner, as described below.
 - 1. Within five class days of its receipt, the Dean of Undergraduate Studies shall forward a copy of the request for a complaint/grievance hearing to the hearing board members and to the respondent.
 - 2. The Dean of Undergraduate Studies shall take necessary precautions to avoid any conflict of interest on the part of the hearing board's members. The Dean of Undergraduate Studies 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 Dean of Undergraduate Studies seeking to remove any member of the hearing board for cause. The challenge must explain the cause for removing the hearing board member.⁸
 - 3. The Dean of Undergraduate Studies 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.

⁸ 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.

- b. Reject the request if the written complaint/grievance does not contain the information required in Section III.B above.
5. At least five class days prior to the hearing, the Dean of Undergraduate Studies shall provide the parties with written notice of the hearing. This notice shall include:
 - 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 before the hearing, the parties shall provide the Dean of Undergraduate Studies with the names of their witnesses (if any) and advisor (if any). The Dean of Undergraduate Studies shall forward this information to both parties before 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, that the chair of the hearing board postpone the 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 hearing.
11. Should the respondent fail to appear at a hearing, in person or through another communication channel, the hearing board may postpone the hearing if an acceptable excuse for the absence has been offered or hear the case in the absence of the respondent. Should the grievant/complainant fail to appear at a scheduled hearing, in person or through another communication channel, the hearing board may postpone the hearing if an acceptable excuse for the absence has been offered, or 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.

14. Each party may choose to be accompanied to the hearing by an advisor who must be a member of the University community. The respondent may be accompanied to the hearing by an attorney who is not a member of the University community 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 or advisor a limited voice.⁹
 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.
- D. The hearing board shall render a decision and prepare a written report of its findings and supporting rationale. The hearing body shall determine whether each allegation has been supported by a preponderance of the evidence. As part of its decision, the hearing board shall determine what, if any, redress or sanction should be implemented by the appropriate unit administrator (normally, the head of the unit in which the problem occurred). The chair of the hearing board shall forward copies of the report to the Dean of Undergraduate Studies who then forwards it to the parties and the appropriate unit administrator within three class days of the hearing.
 - E. Upon receipt of the hearing board's report, the appropriate unit administrator shall implement the redress or sanction (other than recess or dismissal from the University) within five class days. 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.
 - F. 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.
 - G. At any time during the grievance/complaint hearing process, the parties may consult with the Office of the Ombudsperson.

⁹ The chair shall normally grant permission for a student representative from the undergraduate student defender program to have voice in the hearing.

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 Dean of Undergraduate Studies.
- B. Upon receiving a complaint, the Dean of Undergraduate Studies 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 Dean of Undergraduate Studies to discuss the alleged academic misconduct and review the academic disciplinary hearing process. The Dean of Undergraduate Studies also will inform the student of his or her right to contest the allegation before the University Academic Integrity Hearing Board as part of the academic disciplinary hearing process
- C. The student shall have ten class days to request an academic grievance hearing to contest an allegation of academic misconduct, including a penalty grade. If the University Academic Integrity Hearing Board and any subsequent appeals determine that the student did not commit academic misconduct, the student will not face any additional sanctions based on that charge.
- D. In cases in which the student's dean has requested an academic disciplinary hearing for a complaint involving the violation of academic misconduct, the Dean of Undergraduate Studies will meet with the student to review the academic disciplinary process. At that meeting, the Dean of Undergraduate Studies will discuss the allegations and ask the student to select either a hearing conducted by the Dean of Undergraduate Studies or by the University Academic Integrity Hearing Board. If the student chooses to have a Board hearing, the Dean of Undergraduate Studies will forward the complaint to the chair of the University Academic Integrity Hearing Board. If the student requests a hearing with the Dean of Undergraduate Studies, the Dean of Undergraduate Studies will proceed with the hearing.
- E. A student who admits his/her academic misconduct to the Dean of Undergraduate Studies waives the right to a hearing to contest the allegation. In such a situation, the Dean of Undergraduate Studies 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.
- F. If a student fails to meet with the Dean of Undergraduate Studies when so required by this Article, the academic misconduct complaint will be referred to the University Academic Integrity Hearing Board. (See also *Integrity of Scholarship and Grades Policy* and *General Student Regulation 1.00: Protection of Scholarship and Grades*.)

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. In addition to any penalty grades assessed by the instructor, such sanctions may include one or 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. **Disenrollment from a course:** If a complaint is based on disruptive behavior in a specific class, the hearing body may recommend to the Provost that the student be disenrolled from that course.
- E. **Recess:** A recess is temporary removal from the University or a department, school, or college for a particular period of time, at the conclusion of which the student is eligible to apply for readmission. A recess may also be a conditional recess, in which case the student must demonstrate that he/she has fulfilled stated conditions prior to applying for readmission. Only the Dean of Undergraduate Studies may impose the sanction of recess from the University. Only the dean of the relevant college may impose the sanction of recess from a school/college.
- F. **Dismissal:** A dismissal is a removal from the University or a department/school and college. Only the Dean of Undergraduate Studies may impose the sanctions of dismissal from the University. Only the dean of the relevant college may impose the sanction of dismissal from a school/college. Dismissal does not preclude application for readmission.
- G. **Other:** The student may be required to complete an educational program or activity or comply with the reasonable conditions of a behavioral contract.¹⁰

VII. Appeals to the University Academic Appeal Board.

- A. Appeals must be filed with the Dean of Undergraduate Studies within five class days following the date of the hearing board's decision and may challenge the substance of the

¹⁰ An academic dean may request additional sanctions only in accordance with the *Integrity of Scholarships and Grades Policy*.

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 in writing 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 it constitutes new information.
- C. The Dean of Undergraduate Studies shall take necessary precautions to avoid any conflict of interest on the part of the University Academic Appeal Board's members. The Dean of Undergraduate Studies 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.
- D. The Chair of 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 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 decides the case in favor of the grievant and redress is possible, it shall recommend that redress be provided. The relevant academic dean, after reviewing the decision of the appeal board, shall implement the redress.
- 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 accept or reject the decision of the hearing board or reduce the sanction imposed by the hearing board. Copies of this report shall be provided to the Dean of Undergraduate Studies, who will forward the report to both parties and the relevant academic dean.

Article 8: 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 member of the University community may propose amendments to the General Student Regulations by submitting that proposal to the UCSA. The UCSA may also propose amendments to the General Student Regulations.
- C. Proposals submitted to the UCSA may be approved or rejected. If rejected, the UCSA shall forward a written explanation to the initiator of the proposal. The explanation may include suggestions for modification of the proposal. If approved, the UCSA shall forward the proposal to the University Council.
- D. The University Council may approve or reject the proposal. If the University Council rejects the proposal, a written explanation of the rejection shall be forwarded to the UCSA. The written explanation may include suggestions for modification of the proposal. If the proposal is approved, the University 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 UCSA. 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 Student Group 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 UCSA.

- D. The UCSA 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.
- E. The Vice President may approve or reject the proposal. If the Vice President rejects the proposal, a written explanation of the rejection shall be forwarded to the UCSA. 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 UCSA.
- E. The UCSA may approve or reject the proposal. If rejected, the UCSA 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.
- F. The Vice President may approve or reject the proposal. If the Vice President rejects the proposal, a written explanation of the rejection shall be forwarded to the UCSA. 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, 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, 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: Independent and University-Supported Student Publications

I. Definitions

- A. Independent student publications: Publications that are prepared and distributed, at 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. A University-funded publication should identify the campus unit responsible for its preparation and distribution.
- F. Regulations governing distribution of publications shall apply equally to all publications.
- G. 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 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 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: Office of the Ombudsperson

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

Article 11: Definitions and Acronyms

For the purposes of this document, the following definitions shall apply:

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, or 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.

ASMSU/Associated Students of Michigan State University: all-University undergraduate student governing body.

Associate Provost: Associate Provost for Undergraduate Education of Michigan State University or the Associate Provost's designee.

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 threat to the health or safety of persons or property.

COGS/Council of Graduate Students: all-University graduate student governing body.

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

Complaint: An allegation of a violation of a University regulation, ordinance, or policy filed by a member of the University community against a student.

Dean of Graduate Studies: Dean of Graduate Studies of Michigan State University or the Graduate Dean's designee.

Dean of Undergraduate Studies: Dean of Undergraduate Studies of Michigan State University or the Undergraduate Dean's designee.

Direct discussion: Conversation in person, by phone, e-mail, or other communication medium.

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: Reasons including, but 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.

Grievance: An allegation of rights violation, filed by a student, against a member of the University community.

Grievant: A student who initiates a proceeding against a member of the University community under this document.

Hearing Body: A hearing administrator or duly constituted judiciary as described in this document.

Jurisdiction: Official authority to make decisions and judgments under conditions specified herein (e.g., permissible bases for appeal, adherence to stated deadlines).

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 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.

Office of the Provost: The Provost of Michigan State University or the Provost's designee.

Ombudsperson: The University Ombudsperson, 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.

President: The President of Michigan State University or the President's designee.

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

Provost: The Provost of Michigan State University, the Office of the Provost, or a designee of the Provost.

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

RHA/Residence Hall Association: The residence hall governing body.

Semester Start Date: The first date in the semester on which the University opens its residence halls to student residents.

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

Student: An individual is considered a student from the Semester Start Date of the first term for which the individual has enrolled until graduation, recess, dismissal, or withdrawal from the University or he/she fails to register for more than one consecutive semester.

UACOR/University Apartments Council of Residents.

UCSA/University Committee on Student Affairs.

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.

Voice (limited voice): Authority to speak (authority to speak if and when granted by a hearing-body).

Vice President: Vice President for Student Affairs and Services of Michigan University or the Vice President's designee.

Written/in writing: In paper or electronic form.

Article 12: 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 University Council.
- VII. The University 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 University 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 University 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 University 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—February 12, 2010

UCSA—February 7, 2014

ASMSU—February 20, 2014

COGS—March 12, 2014

University Council – April 22, 2014

Board of Trustees—June 20, 2014

Summary of changes proposed for the AFR, Fall 2013- Spring 2014

Compiled by Robert Caldwell, University Ombudsperson

Background: The University Committee on Student Affairs (UCSA) initiated a review of the Academic Freedom for Students at Michigan State University (AFR) in the Spring of 2013. In the Fall of 2013, UCSA created a subcommittee to work through the proposed changes and to bring back a draft of the revised document. This subcommittee comprised two undergraduates, one graduate student, one faculty, one Student Affairs staff member, and the Ombudsperson. They also invited a representative from the General Counsel's Office and a member of the University Committee on Undergraduate Education (UCUE) to participate on the subcommittee. The subcommittee worked through the fall semester and presented a draft document to UCSA at their December 6, 2013 meeting. Minor editing for completeness, clarity, and consistency with other documents was done throughout the document. These editorial changes are noted in the markup version of the document, but are not listed below. This document summarizes the substantive changes that have been proposed for the new version of the AFR.

Title Change: We propose a title change for this document from *Academic Freedom for Students at Michigan State University* to ***Michigan State University Student Rights and Responsibilities (SRR)***. This change makes the title more accurately descriptive of the actual purpose and content of the document. It also makes it consistent with its sister-documents; *Graduate Student Rights and Responsibilities (GSRR)*, *Medical Student Rights and Responsibilities (MSRR)*, and the forthcoming *Law Student Rights and Responsibilities (LSRR)*.

Foreword: There were no changes proposed for the Foreword.

Article 1 (Student Rights and Responsibilities): The title of Article 1 was changed to ***Guiding Values and Principles*** to more accurately reflect the content of this article.

Article 2 (Academic Rights and Responsibilities): In section III.A. the first responsibility of a student was slightly expanded to read:

A. The student is responsible for learning and demonstrating mastery of the content and skills of a course of study, while participating actively in the course's intellectual community, according to standards of performance established by the faculty.

Article 3 (Student Records): Section VIII was amended to specify which sorts of documents require the identity of the creator of the record.

Article 4 (Non-academic Hearing Board Structures): In addition to several minor changes, the following substantive changes were made...

In Section I.A. language was added to include representatives from RHA on the nominating committee and language was removed requiring hearing board nominees from "other campuses." These changes reflect changes in the nominating practice that have evolved over the past years.

In Sections I.B. and I.C. language was added to allow the Provost to make appointments to the hearing boards if they are not filled in the normal way. This allows the work of these boards to go forward in a timely way (especially in the summer).

In Section I.C. staff members were added to the Student-Faculty Hearing Board and it was renamed the “Student-Faculty-Staff Hearing Board” in Section III. This change represents a needed expansion of the board so that staff members can participate in the process.

In Section I.E. additional requirements for the Code of Operations for each hearing board were added in an effort to facilitate their work.

In Section II.A. the Owen Graduate Association and the University Apartments Council of Residents have been removed from the list of groups that can have their own hearing boards. They are now covered by the Residence Hall Association and (in practice) have been for many years.

In Section IV.A. staff have been added to the University Student Appeals Board.

In several sections of this Article, language has been added to clarify that cases of academic misconduct are governed by a different Article.

Article 5 (Adjudication of Non-Academic Cases): In Section I.A. language has been added to encourage students to resolve their disputes in informal ways before going into the formal hearing process. Similar language has been inserted throughout this section, emphasizing the purpose of this section -- conflict resolution and education, not adjudication and punishment.

Also in this section, there are several minor adjustments to both the process and timing of hearings – all designed to make hearings simpler and faster.

In Section I.H.5. “Other Sanctions” has been changed to “The student may be required to complete an educational program or activity or comply with the reasonable conditions of a behavioral contract.” Section I.H.6 has been added to the list of sanctions to allow disenrollment from a particular course if appropriate. Both of these changes have the goal of allowing hearing bodies to tailor specific sanctions that most closely fit the infraction.

In Section II (Non-academic student grievances) language has been added to encourage informal resolution of disputes. Language has also been added to acknowledge that the method of submitting such grievances continues to evolve as technology improves and that students should submit their grievances in the currently appropriate way (“per established protocol”).

In section II.C.2. the criteria for deciding on conflict of interest challenges has been clarified. In section D the sanctions were modified to be consistent with the previous section.

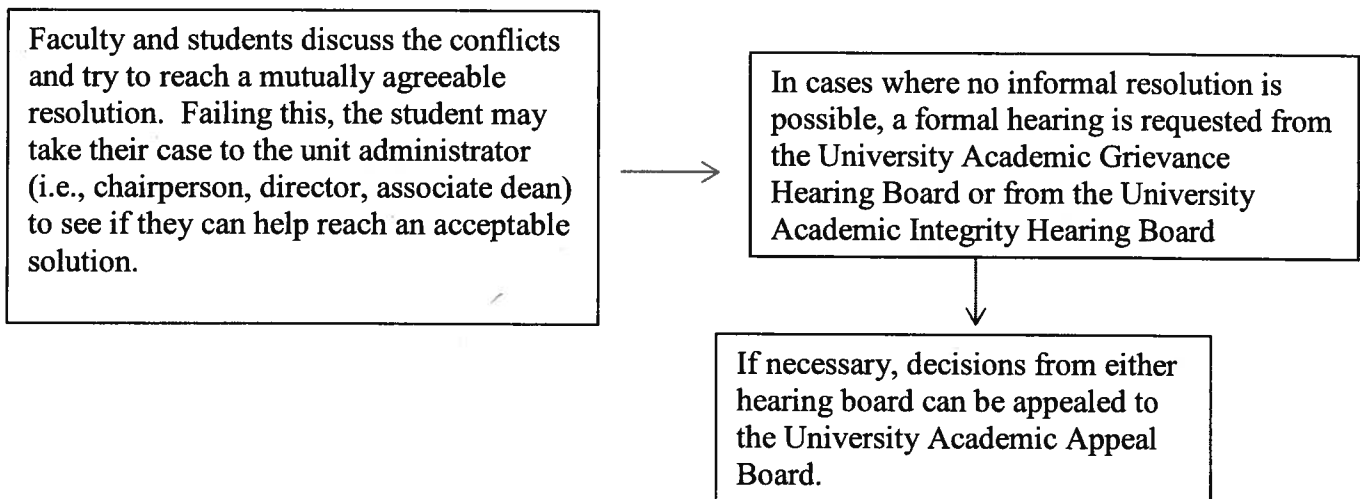
Especially in this Article, but throughout this entire document, much of the material that was previously given in footnotes was moved to Article 11 – Definitions and Acronyms. This was done to improve readability and ease of use.

Article 6: Academic Hearing Board Structures. Major changes are proposed for this section. These changes address the shortcomings and failures of the Academic Hearing system that have become painfully apparent since the last AFR revision. In brief, the hearing system in place for academic issues was slow to function (students waiting for weeks or months for the resolution of their cases), the hearing boards often did not have approved and current hearing procedures to govern their operation, and the hearing board members were inadequately trained and prepared to do their duty. A more complete analysis of the shortcomings of the system currently in place can be found in the document “Rationale for Revising the AFR – Student Perspective” available upon request from the Ombudsperson.

The major change proposed in this section is the creation of a new university-level hearing board called the *University Academic Grievance Hearing Board*. This board will hear all cases of undergraduate academic rights disputes EXCEPT for cases involving academic dishonesty. It will have an equal number of student and faculty members (not fewer than two of each) and one faculty chair who will only vote to break a tie.

Departments, Schools, and Colleges still have primary responsibility for resolving conflicts with undergraduate students within their respective units. These administrative units and their faculty and students are explicitly encouraged to use every reasonable means to resolve their conflicts and disputes BEFORE resorting to the hearing boards and processes described in this and the next Article. Hearings should be considered a last resort, to be engaged only after the prospects of an informal resolution of the issues have been exhausted. Under these conditions students, faculty, or administrators can then request that their case be heard before the appropriate university-level hearing board. Hearings are no longer conducted in the units or colleges for undergraduate students.

If these changes are approved, the conflict resolution process will look like this...



Article 7: Adjudication of Academic Cases. Language has been inserted to strongly encourage students, faculty, and administrators to work at the local level to resolve the inevitable conflicts that arise between students and faculty. Only after such efforts have been exhausted will formal hearings be scheduled.

Language has been added to govern the actions of the three hearing boards. Little has changed for the two existing boards (i.e., University Academic Integrity Hearing Board and University Academic Appeal Board). The operation of the new board (i.e., University Academic Grievance Hearing Board) is modeled after the UAIHB.

Language has been added to ensure that hearing board members receive appropriate training before being allowed to serve on a board.

The list of available sanctions has been modified to include “disenrollment from a course” as an alternative. “Other” in the sanction section has been defined as “The student may be required to complete an educational program or activity or comply with the reasonable conditions of a behavioral contract.” This makes this section more consistent with the parallel section in Article 5.

Minor changes have been made throughout the Article to improve readability and clarity. Some changes have been introduced to streamline the hearing process so that students will receive a more timely resolution to their grievance. As in other Articles, some material that used to be presented in footnotes has been moved into Article 11 “Definitions and Acronyms”.

Article 8: Regulations, Policies, and Rulings: Names of organizations and titles of offices have been updated.

Article 9: Independent and University-Supported Student Publications: Section II. E has been updated to allow for individuals to publish and distribute material anonymously. Only University-funded material must identify the “campus unit responsible for its preparation and distribution.” Section II. G. has been simplified, giving on-campus living units the power to “decide what policies shall be formulated for distribution of publications within that living unit.”

Article 10: Office of the Ombudsperson: No changes were made to this Article.

Article 11: Definitions and Acronyms: The title of this Article was changed to include acronyms. Many new definitions have been added to this list. Several of these replace material that was formerly (awkwardly) presented in footnotes.

Article 12: Procedures for Amending and Revising This Document: Names of university groups were updated.

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.

Article 1: Student Rights and Responsibilities

Michigan State University is a community of scholars whose members include its faculty, staff, students¹, 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.

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*).

¹ 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.

Article 2: 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. [2]
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 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 [3] 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 [4] 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.

([2] 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.)

([3] The terms “in writing” or “written” refer throughout the AFR to documents that exist in paper or electronic form.)

([4] See the MSU Access to Student Information Guidelines for information regarding confidentiality of student education records.)

Article 3: 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.

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: 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[5] and COGS[6], 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[7] shall be responsible for the appointment of residence hall students to the hearing boards described in this article. 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.

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[8] , University Apartments Council of Residents (UACOR)[9] , and RHA may establish their own hearing boards with jurisdiction over cases involving:[10]

1. Complaints of personal misconduct occurring in or around University housing, including alleged violations of General Student Regulations, Student Group Regulations, Living Group[11] 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:[12]

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.

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:[13]

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[14], 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

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.

([5] ASMSU (the Associated Students of Michigan State University) is the All-University Undergraduate Student Governing Body.)

[[6] COGS (the Council of Graduate Students) is the All-University Graduate Student Governing Body.)

[[7] RHA (the Residence Hall Association) is the Residence Hall Governing Body.)

[[8] The Owen Graduate Association represents the residents of Owen Hall.)

[[9] UACOR represents the residents of the University apartments.)

[[10] University Housing Hearing Boards do not have jurisdiction over cases involving academic misconduct, except as described in Article 5, Section I of this document.)

[[11] A living group is defined as any unit of University-owned housing, including a campus residence hall, floor, apartment, or residence complex.)

[[12] 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.)

[[13] 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.)

[[14] Major governing groups include the Greek Governing Boards, Student Housing Cooperative, Owen Graduate Association, RHA, and UACOR.)

Article 5: 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[15]. 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[16] 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 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.[17]

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.

4. Either party may request, for good cause, that the hearing be postponed.[18] 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.[19] 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 the hearing but has no voice in the hearing unless the chair of the hearing board grants the attorney/advisor permission to participate.[20]

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[21]. 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.
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[22].
 - 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.[23] 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:

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[24] 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.

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.[25] 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.
2. Reject the request for lack of jurisdiction[26] 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.[27]
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.[28] 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 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 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.[29]
 - 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[30]. 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.
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.

([15] Notices sent via electronic mail will be sent to the individual's official MSU e-mail account.)

([16] A "class day" is a day on which classes are held, including the days of Final Exam Week but excluding weekends.)

([17] 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.)

([18] "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.)

([19] The hearing board described in this document should refer to University policies and applicable laws regarding confidentiality of information.)

([20] The chair shall normally grant permission for a student representative from the undergraduate student defender program to have voice in the hearing.)

([21] A preponderance of the evidence is defined as that which is more convincing, more credible, and of a greater weight.)

([22] 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.)

([23] 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.)

([24] A "clear and present danger to the health or safety of persons or property" is defined as an immediate and significant danger.)

([25] A designee of the Vice President will identify the appropriate respondent in grievances that are filed to challenge a University policy or regulation.)

([26] 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.)

([27] 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.)

([28] "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.)

([29] The chair shall normally grant permission for a student representative from the undergraduate student defender program to have voice in the hearing.)

([30] A preponderance of the evidence is defined as that which is more convincing, more credible, and of a greater weight.)

Article 6: 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)³¹; (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

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 hearing 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 VI 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.

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

Article 7: 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.[32]

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 ("academic misconduct"). (See also 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

and college 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 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.[34]

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[35] 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:

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, 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.

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.[37]

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.[38] 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 Ombudsperson. 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 the Office of the Ombudsperson.

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.[39]

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.

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 and 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[40] 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 complaint/grievance.

([32] 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.)

([33] 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 by a current

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

[[34] 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.)

[[35] 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.)

[[36] "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.)

[[37] The chair shall normally grant permission for a student representative from the undergraduate student defender program to have voice in the hearing.)

[[38] The appropriate unit administrator is generally the head of the unit in which the hearing occurred.)

[[39] An academic dean may request additional sanctions only in accordance with the *Integrity of Scholarships and Grades Policy*.)

[[40] 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.)

Article 8: 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: Independent and University-Supported Student Publications

I. Definitions

A. Independent student publications: Publications that are prepared and distributed, at 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 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 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: Office of the Ombudsperson

I. The President shall appoint a senior faculty member or executive manager with the title of University Ombudsperson. The Ombudsperson shall respect the sensitive and confidential nature of the position and the privacy of all persons soliciting assistance from the Office of the Ombudsperson, thereby protecting them against retaliation. The Ombudsperson's functions shall include the following charges:

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

B. The Ombudsperson 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 Ombudsperson may also assist the student in obtaining an informal settlement of the student's problem.

II. The Ombudsperson shall have broad investigatory powers and direct and ready access to all University officials, including the President.

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

IV. The Ombudsperson shall make periodic reports to the President regarding the operation of the Office of the Ombudsperson.

Article 11: 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 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.

Ombudsperson: The University Ombudsperson 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: 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 - February 12, 2010