Grievance Procedures for Undergraduate and Graduate Students

School of Criminal Justice
College of Social Science
Michigan State University

The “Academic Freedom for Students at Michigan State University” (AFR) and the “Graduate Student Rights and Responsibilities at Michigan State University” (GSRR) documents establish the rights and responsibilities of MSU students and prescribe procedures for resolving allegations of violations of those rights through formal grievances. In accordance with the AFR and the GSRR, the School of Criminal Justice, College of Social Science, has established the following procedures for adjudicating student academic grievances.

These procedures also can be used to resolve disputes regarding allegations of academic dishonesty and violations of professional standards in which no disciplinary action is recommended in addition to a penalty grade of 0.0 in the course. (See AFR 2.4.4.1, 2.4.6, 2.4.6.2, 2.4.8 and 2.4.9; GSRR 5.4.1, 5.5.1 and 5.5.2.) Note: Students may not grieve dissatisfaction with the competence of instruction. (See AFR 2.2.1; GSRR 2.2.1.) Members of the Graduate Employees Union who want to file a grievance that relates to a violation of the Agreement between MSU and the GEU should follow the procedures detailed in the Agreement.

I. THE COMPLAINT PROCESS:

A. A student who believes an instructor, including a graduate teaching assistant, has violated her or his academic rights shall first attempt to resolve the dispute in an informal discussion with the instructor. (See AFR 2.4.2; GSRR 5.1.1, 5.3.1, 5.3.2 and 5.3.5.)

B. If the dispute remains unresolved after discussion with the instructor, the student should consult the Associate Director for Undergraduate Studies of the School of Criminal Justice and/or the University Ombudsman for assistance. (See AFR 2.4.2; GSRR 5.3.1 and 5.3.2.)

C. If the dispute remains unresolved after discussion with the Associate Director or Ombudsman, the student may submit to the Associate Director a written, signed statement requesting a grievance hearing. The statement must (1) specify the alleged violations of academic rights to justify the hearing, (2) identify the individual(s) against whom the complainant is filed and (3) state the redress the student seeks that could be implemented by the Associate Director. (See AFR 2.4.2 and 2.4.6; GSRR 5.3.2, 5.3.5 and 5.3.6.)

D. A request for a grievance hearing must normally be initiated no later than mid-semester following the semester in which the alleged violation of academic rights occurred (exclusive of summer semester). If the student (the “complainant”) or the instructor (the “respondent”) is absent from the University during that semester, or if other appropriate reasons exist, the Hearing Board may grant an extension to this deadline. If the University no longer employs the respondent before the formal grievance procedures are completed, the grievance may still proceed. (See AFR 2.4.2.1; GSRR 5.3.6.1.)

II. COMPOSITION OF SCHOOL OF CRIMINAL JUSTICE HEARING BOARD:

A. The School of Criminal Justice shall constitute a Hearing Board no later than the beginning of the fall semester of each academic year. Members shall serve one calendar year (See GSRR 5.1.6.).
B. The School of Criminal Justice Hearing Board shall include three faculty and three students. The Associate Director for Undergraduate Studies will serve as Chair of the hearing board for undergraduate student grievances, but can appoint a designee in unusual circumstances. The Director of the School of Criminal Justice will serve as Chair of the hearing board for graduate student grievances, but can appoint a designee in unusual circumstances. Undergraduate students will hear cases in which the complainant is an undergraduate student. Graduate students will hear cases in which the complainant is a graduate student. (See AFR 2.4.3 and 2.4.4.1; GSRR 5.1.2 and 5.1.5.)

C. At the beginning of each academic year, two faculty representatives will be assigned to serve on the School of Criminal Justice Hearing Board for one calendar year by the Director of the School. The Director will select an alternate when the need arises. The hearing board will contain a total of three faculty members, with either the Director or Associate Director acting as chair.

Student members of hearing boards will be selected after a formal grievance is filed.

In the case of a grievance filed by a graduate student, the Graduate Student Representative to the School of Criminal Justice will be notified that graduate student members are needed for a hearing board. That individual will notify the graduate student body that volunteers are needed, and the representative will select four members for the hearing. One individual will be chosen randomly as an alternate.

In the case of a grievance filed by an undergraduate student, the undergraduate student organizations in the School of Criminal Justice (Alpha Phi Sigma and the American Criminal Justice Association) will be notified that undergraduate student members are needed for a hearing board. The student groups will select two members each from their groups. One individual will be chosen randomly as an alternate.

III. REFERRAL TO A SCHOOL OF CRIMINAL JUSTICE HEARING BOARD:

A. Upon receipt of a written request for a grievance hearing, the Associate Director of the School of Criminal Justice shall transmit a copy of the grievance within ten class days to the Director of the School of Criminal Justice, the Hearing Board members, and to the respondent(s). No one involved in the case may serve on the Hearing Board. In unusual circumstances, the Director of the School of Criminal Justice, in consultation with the Dean, may waive jurisdiction and refer the request for a hearing to the College of Social Science Hearing Board. (See AFR 2.4.2.2, 2.4.2.3 and 2.4.6; GSRR 5.1.2, 5.1.7, 5.3.6.1, 5.3.6.2 and 5.4.3.)

B. The School of Criminal Justice Hearing Board shall review a written request for a grievance hearing for jurisdiction and judicial merit and request a written response from the respondent(s). After considering all submitted information, the Hearing Board may:

1. Decide that sufficient reasons for a hearing do not exist and dismiss the grievance.
2. Decide that sufficient reasons for a hearing exist and accept the request, in full or in part, and proceed to schedule an appeal hearing.
3. Invite the parties to meet with the board for an informal discussion of the issues. Such a discussion shall not preclude a later hearing. (See AFR 4.4.2; GSRR 5.4.3 and 5.4.6.)
C. Following a decision by the School of Criminal Justice Hearing Board to schedule a grievance hearing, the Chair of the Hearing Board shall negotiate a hearing date with the parties in a timely manner and schedule an additional meeting only for the Hearing Board in the event that additional deliberations on the findings become necessary. At least three class days before the scheduled hearing, the Chair of the Hearing Board shall notify the respondent(s) and the complainant(s) in writing of the time, date and place of the hearing; the names of the parties to the grievance; the names of the Hearing Board members; and the names of the witnesses and advisers, if any. The Hearing Board may set reasonable time limits on each party to present its case and so inform the parties in the written notification. (See AFR 4.4.3; GSRR 5.4.7.)

D. If the complainant fails to appear at the hearing, the School of Criminal Justice Hearing Board may either postpone the hearing or dismiss the case. If the respondent fails to appear at the hearing, the Hearing Board may either postpone the hearing or hear the case in the respondent’s absence. (See AFR 4.4.5 and 4.4.7; GSRR 5.4.9).

E. Either party to the grievance hearing may request a postponement of the hearing. The Hearing Board may either grant or deny the request. (See AFR 4.4.6; GSRR 5.4.8.)

IV. SCHOOL OF CRIMINAL JUSTICE HEARING PROCEDURES:

A. The Chair of the School of Criminal Justice Hearing Board shall convene the hearing at the agreed-upon time, date and place. The Chair will ensure that a collegial atmosphere prevails and enforce time limits, as necessary, for each party’s presentation. During the hearing, parties to a grievance shall have an opportunity to state their cases, present evidence, designate witnesses, ask questions and present a rebuttal. (See AFR 2.4.4; GSRR 5.4.10.1.)

B. To protect the confidentiality of the information, attendance at the hearing may be limited to the Hearing Board, the complainant(s), the respondent(s), witnesses for either party, if any, and an adviser for each party, if any. Any witnesses called by the complainant and the respondent shall be excluded from the proceedings except when testifying. Witnesses must confine their testimony to their own, independent recollection and may not speak for others. The Hearing Board may limit the number of witnesses. Unless otherwise approved by the Hearing Board, advisers and witnesses shall be limited to members of the MSU community (faculty, staff or students). Involvement of an adviser normally should not be required. Each party must present her/his own case, and advisers may have a voice at the hearing. (See AFR 2.4.4.2, 4.2.3 and 4.4.8; GSRR 5.4.10.)

C. To ensure orderly questioning, the Chair of the Hearing Board must recognize individuals before they speak. All parties have the right to speak without interruption. The School of Criminal Justice Hearing Board may set reasonable time limits on each party to present its case and shall extend equal time to each party.

D. The hearing will proceed as follows:

1. The Chair of the Hearing Board introduces hearing panel members, the complainant(s), the respondent(s) and the advisers, if any. The Chair reviews the hearing procedures, including time restraints, if any, for presentations by each party and witnesses. The Chair explains that the burden of proof rests with the complainant, with the exception of appeals of allegations of academic dishonesty, in which case the instructor bears the burden of proof. (See AFR 2.4.9.)
2. Opening statements by the complainant(s).

3. Opening statements by respondent(s).

4. Presentation of complainant’s case, including statements by the adviser, witnesses and questioning of complainant, complainant’s adviser and complainant’s witnesses by the respondent and Hearing Board.

5. Presentation of respondent’s case, including statements by the adviser, witnesses and questioning of respondent, respondent’s adviser and respondent’s witnesses by the complainant and Hearing Board.

6. Closing statement by complainant(s).

7. Closing statement by respondent(s).

8. Final questions by Hearing Board.

E. The School of Criminal Justice Hearing Board shall excuse all parties to the grievance and determine its findings. When possible, deliberations should take place directly following the hearing and/or at the previously scheduled follow-up meeting.

F. After deliberations, the School of Criminal Justice Hearing Board shall promptly prepare a written report of its findings. The report shall indicate the rationale for the decision and the major elements of evidence, or lack thereof, that support the Hearing Board’s decision. The Chair shall forward copies to the parties involved, the Director of the School of Criminal Justice, the Dean of the College of Social Science, the Ombudsman and, in cases involving graduate students, the Dean of the Graduate School. All recipients must respect the confidentiality of the report. When a Hearing Board finds that a violation of academic rights has occurred and that redress is possible, it shall direct the Director to provide redress. The Director in consultation with the Hearing Board, shall implement an appropriate remedy. (See AFR 2.4.5; GSRR 5.4.11.)

V. APPEALS TO COLLEGE OF SOCIAL SCIENCE HEARING BOARD:

A. Either party to a grievance may appeal the decision of the School of Criminal Justice Hearing Board to the College of Social Science Hearing Board. The appeal must be in writing, signed and submitted to the Dean of the College of Social Science within ten class days following notification of the Hearing Board’s decision. While under appeal, decision of the Hearing Board will be held in abeyance. (See AFR 2.4.7 and 2.4.7.3; GSRR 5.4.12, 5.4.12.2 and 5.4.12.3)

B. A request for an appeal must allege, in sufficient particularity to justify a hearing, that the initial Hearing Board failed to follow applicable procedures for adjudicating the hearing or that findings of the initial Hearing Board were not supported by the preponderance of the evidence. The request also must include the redress sought. Presentation of new evidence normally will be inappropriate. (See AFR 2.4.7.2 and 8.16; GSRR 5.4.12.1, 5.4.12.2 and 8.1.15.)

C. Upon receiving a request for an appeal of a School of Criminal Justice Hearing Board decision, the College of Social Science Hearing Board may follow the procedures in sections III and IV above.
D. In hearings involving undergraduate students, a complainant or respondent may appeal a decision of the College of Social Science Hearing Board to the University Integrity Review Board only if (1) the initial hearing took place at the College level or (2) if the hearing involved areas such as allegations of academic dishonesty, violations of professional standards or falsification of admission or academic records. In hearings involving graduate students, a complainant or respondent may appeal a decision of the College Hearing Board to the Graduate Student Judiciary only if the initial hearing took place at the College level. (See AFR 2.4.7.1 and 2.4.7.1.2; GSRR 5.4.12.)

Note: The references above to the AFR and GSRR documents are not exhaustive. Parties to the grievance hearing should consult the appropriate document.

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