DEPARTMENT OF PSYCHOLOGY
UNDERGRADUATE STUDENT GRIEVANCE COMMITTEE HEARING PROCEDURES

PREAMBLE

Michigan State University’s Department of Psychology is dedicated to the highest standards of personal and professional conduct in teaching, research, and engagement by faculty, undergraduate students, and academic staff. The academic hearing procedures of the Department for undergraduates are designed to assure that those ideals are upheld for all members of our scholarly community. We ask that all parties to academic hearings conduct themselves in a manner that maintains the honor and integrity of the judicial process and advances the values of fairness, equity, and due process in the Department.

The MSU Code of Teaching Responsibility documents faculty rights and responsibilities. The Academic Freedom for Students at Michigan State University (AFR) document establishes the rights and responsibilities of MSU students. The AFR also prescribes procedures for resolving charges of violations of those rights either informally or through formal grievance hearings. The Department of Psychology has established the Undergraduate Student Grievance Committee (USGC) for adjudicating academic grievances and complaints.

The Undergraduate Student Grievance Committee shall be composed of the Psychology Department Undergraduate Program Director or designee, two tenure-stream or tenured Psychology faculty members, and two Psychology Department undergraduate students.

I. COMPOSITION OF THE DEPARTMENT UNDERGRADUATE STUDENT GRIEVANCE COMMITTEE:

A. The Undergraduate Student Grievance Committee is chaired by the Psychology Department Undergraduate Program Director or designee. In the event that the Undergraduate Program Director is involved in the grievance, the Department Chair will designate another tenured faculty member to serve in this role for that grievance.

B. The Undergraduate Student Grievance Committee is a standing committee of the Department, and faculty are elected in accordance with Department bylaws.
   1. In the event that a committee member is involved in the grievance, the member will recuse him or herself, and the Department Chair will designate another regular faculty member to serve on the committee handling that grievance.

C. In the event that an undergraduate student files a grievance within the Department, the Undergraduate Program Director will appoint two undergraduate students to serve on the Committee to hear the grievance. Neither of the student committee members will have had contact with the student bringing the grievance (through either classroom interactions or research lab participation). In addition, the students on the committee can not have worked with the faculty member(s) involved in the grievance proceedings as a research assistant or undergraduate assistant. These appointments will occur within 10 semester days of a grievance being filed.
1. The student filing the grievance has the right to petition the Undergraduate Program Director to replace one or more of the undergraduate students or faculty on the Grievance Committee if the student believes a member might be biased against them. The final decision is the Undergraduate Program Director’s. If the Undergraduate Program Director so determines, he/she will appoint a replacement committee member to the Grievance Committee.

D. All members of the USGC shall have a vote, except the Chair, who shall vote only in the event of a tie.

E. The Chair will provide USGC members with resources to familiarize them with these procedures and the applicable sections of the Academic Freedom statement for Students.

II. REFERRAL TO THE DEPARTMENT UNDERGRADUATE STUDENT GRIEVANCE COMMITTEE:

A. Grievance Hearing

1. After consulting with the instructor and Undergraduate Program Director, undergraduate students who remain dissatisfied with their attempt to resolve an issue such as a violation of student academic rights may request an academic grievance hearing. At any time in the grievance process, students may consult with the University Ombudsperson (See AFR 10)

B. The deadline for submitting the written request for a hearing is the middle of the semester following the alleged violation (excluding summer). If either the student (the complainant) or the respondent (usually, the instructor or an administrator) is absent from the university during that semester, or if other appropriate reasons emerge, the USGC may grant an extension of this deadline. If the university no longer employs the respondent before the grievance hearing commences, the hearing may still proceed. (See AFR 7.III.C.)

C. A written request for an academic grievance hearing must (1) specify the alleged violation(s) of academic rights in sufficient detail to justify a hearing, (2) identify the individual against whom the grievance is filed (the respondent) and (3) state the desired redress. Anonymous grievances will not be accepted. Grievances must be dated, sent either by federal mail or as pdf email attachments, or hand delivered with a date- and time-stamp from the recipient to the Undergraduate Program Director’s office.

III. HEARING PROCEDURES

A. After receiving a student's written request for a hearing, the Undergraduate Program Director will, within 10 semester class days:
1. forward the request for a hearing to the respondent;

2. appoint two undergraduate psychology students to serve on the Committee to hear the grievance and, to avoid conflicts of interest between the two parties, request written challenges, if any, within 3 semester class days of this notification;

3. rule within one semester class day on any challenges. If the challenge is accepted, a replacement member will be appointed within 5 semester days.

4. send the committee members a copy of the request for a hearing and send all parties a copy of these procedures.

B. Within 5 semester class days of establishing the hearing committee, the USGC shall review the request to determine jurisdiction and merit. After considering all submitted information, the USGC will:

1. Accept the request, in full or in part, and promptly schedule a hearing.

2. Reject the request issuing a written opinion indicating how the request failed to satisfy the criteria of II.C of these procedures or other relevant criteria under MSU procedures. (The student may appeal this decision.)

3. Invite the two parties to meet together with the USGC in an informal session to try to resolve the matter. (Such a meeting does not preclude a later hearing.)

C. If the USGC calls for a hearing, the Chair of the USGC shall promptly negotiate a hearing date, and request a reply to the grievance from the respondent. The respondent shall have no more than 5 semester class days to reply.

D. At least 5 semester class days before the scheduled hearing, the Chair of the USGC shall notify the respondent and the complainant in writing of the (1) time, date and place of the hearing; (2) the names of the parties to the grievance; (3) a copy of the hearing request and the respondent's reply; and (4) the names of the USGC committee members after any challenges.

E. At least 3 semester class days before the scheduled hearing, the parties must notify the Chair of the USGC of the names of their witnesses, if any, and, if desired, request permission to have a legal advisor attend the hearing. If a legal advisor is to be present, the requesting party must give permission for the advisor to have voice at the hearing. The Chair will promptly forward the names given by the complainant to the respondent and vice versa.

1. The Chair will notify all witnesses that they have been identified as potential witnesses in the grievance. Witnesses will be notified in writing that they are NOT compelled to serve as witnesses or to engage in the process.
2. The Chair will determine if the legal advisor may have a voice at the hearing. If the decision is affirmative, it can be revoked at any time if the advisor is disruptive to the proceedings.

F. The Chair of the USGC may accept written statements from either party's witnesses at least 3 semester class days before the hearing, in lieu of a personal appearance. Written statements are acceptable only in exceptional circumstances when the parties cannot attend the scheduled hearing and the USGC agrees to allow written statements.

G. Only in exceptional circumstances and in lieu of a personal appearance, either party may request permission of the USGC to submit a written statement to the USGC or request permission to participate in the hearing through an electronic communication channel. Written statements must be submitted to the USGC at least 3 semester class days before the scheduled hearing.

H. Either party to the grievance hearing may request a postponement of the hearing. The USGC may either grant or deny the request.

I. At its discretion, the USGC may set a reasonable time limit for each party to present its case, and the Chair of the USGC must inform the parties of such a time limit in the written notification of the hearing.

J. Hearings are closed. Students bringing the grievance can request an open hearing which if approved by the Chair of the USGC would be open to all members of the MSU community. The USGC may close a hearing in spite of a request from the student to protect the confidentiality of information or to maintain order.

K. Members of the USGC are expected to respect the confidentiality of the hearing process.

L. The Hearing will proceed as follows:

1. Introductory remarks by the Chair of the USGC: The Chair of the Hearing Board introduces hearing panel members, the complainant, the respondent and legal advisors, if any. The Chair reviews the hearing procedures, including announced time restraints for presentations by each party and the witnesses and informs the parties if their advisors may have a voice in the hearings and if the proceedings are being recorded. Witnesses shall be excluded from the proceedings except when testifying. The Chair also explains:

   - In academic grievance hearings in which a student charges a violation of academic rights, the student bears the burden of proof.
• All Hearing Board decisions must be reached by a majority of the Hearing Board, based on a preponderance of evidence.

2. If the complainant fails to appear in person or via an electronic channel at a scheduled hearing, the USGC may either postpone the hearing or dismiss the case for demonstrated cause.

3. If the respondent fails to appear in person or via an electronic channel at a scheduled hearing, the USGC may postpone the hearing, hear the case in the respondent's absence, or dismiss the case.

4. If the respondent is absent from the University during the semester of the grievance hearing or is no longer employed by the University before the grievance procedure concludes, the hearing process may or may not still proceed based on the decision of the USGC.

5. To assure orderly questioning, the Chair of the USGC will recognize individuals before they speak. All parties have a right to speak without interruption. Each party has a right to question the other party and to rebut any oral or written statements submitted to the Hearing Board.

6. **Presentation by the Complainant:** The Chair recognizes the complainant to present without interruption any statements relevant to the complainant's case, including the redress sought. The Chair then recognizes questions directed at the complainant by the members of the USGC, the respondent and the respondent's advisor, if any.

7. **Presentation by the Complainant's Witnesses:** The Chair recognizes the complainant's witnesses, if any, to present, without interruption, any statement relevant to the complainant's case. The Chair then recognizes questions directed at the witnesses by the members of the USGC, the respondent and the respondent's advisor, if any.

8. **Presentation by the Respondent:** The Chair recognizes the respondent to present without interruption any statements relevant to the respondent's case. The Chair then recognizes questions directed at the respondent by the USGC, the complainant and the complainant's advisor, if any.

9. **Presentation by the Respondent's Witnesses:** The Chair recognizes the respondent's witnesses, if any, to present, without interruption, any statement relevant to the respondent's case. The Chair then recognizes questions directed at the witnesses by the USGC, the complainant and the complaint's advisor, if any.

10. **Rebuttal and Closing Statement by Complainant:** The complainant refutes statements by the respondent, the respondent's witnesses and advisor, if any, and presents a final summary statement.
11. **Rebuttal and Closing Statement by Respondent:** The respondent refutes statements by the complainant, the complainant's witnesses and advisor, if any, and presents a final summary statement.

12. **Final questions by the USGC Hearing Board:** The USGC Hearing Board asks questions of any of the participants in the hearing.

**IV. POST-HEARING PROCEDURES**

A. **Deliberations:**

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

B. **Decision:**

In grievance (non-disciplinary) hearings involving undergraduate students in which the USGC Hearing Board serves as the initial hearing body, and based on a "preponderance of the evidence," a majority of the Board finds, that a violation of the student's academic rights has occurred and that redress is possible, it shall direct the Department Chair, or designee, to implement an appropriate remedy, in consultation with the USGC. If the USGC Hearing Board finds that no violation of academic rights has occurred, it shall so inform the Chairperson, or designee.

C. **Written Report:**

The Chair of the USGC Hearing Board shall prepare a written report of the Hearing Board's findings, including redress for the complainant, if applicable, or sanctions, if applicable, and forward a copy of the decision to the Department Chairperson within 5 semester class days of the hearing. The report shall indicate the rationale for the decision and the major elements of evidence, or lack thereof, that support the USGC Hearing Board's decision. The report should also inform the parties of the right to appeal within 5 semester class days following written notice of the decision. The Chair shall forward copies to the parties involved, the responsible administrators, the University Ombudsperson and the Associate Dean of the College of Social Science. All recipients must respect the confidentiality of the report and of the hearing board's deliberations resulting in a decision.

**V. APPEAL OF USGC HEARING BOARD DECISION:**

A. Either party may appeal a decision by the USGC Hearing Board to the University Academic Appeal Board (AF Article 6.IV.A.) for cases involving academic grievances charging violations of student rights heard initially by the USGC Hearing Board.
B. All appeals must be in writing, signed and submitted to the Academic Appeal Board within 5 class days following notification of the USGC Hearing Board's decision. While under appeal, the original decision of the USGC Hearing Board will be held in abeyance.

C. A request for an appeal of a USGC Hearing Board decision to the University Academic Appeal Board must allege, in sufficient detail to justify a hearing, that the USGC Hearing Board failed to follow applicable procedures for adjudicating the hearing or that findings of the USGC 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.

VI. RECONSIDERATION:

If new evidence should arise, either party to a hearing may request the USGC Hearing Board to reconsider the case within 30 days upon receipt of the written hearing outcome. “New evidence” is relevant evidence that was not available to the Grievant at the time of the hearing despite reasonable efforts by the Grievant to discover and obtain relevant evidence. The written request for reconsideration is to be sent to the Chair of the USGC, who shall promptly convene the USGC Hearing Board to review the new material and render a decision on whether to conduct a new hearing or to deny the request. A request for reconsideration can be made only once.

Approved by the Department of Psychology Undergraduate Program Policy Committee 02/10/2012