

# WESTERN MICHIGAN UNIVERSITY

## ADJUDICATION OF SITUATIONS INVOLVING GRADUATE STUDENTS' RIGHTS AND RESPONSIBILITIES

### **1.0 Academic Rights and Responsibilities**

Whenever a graduate student has been accused of behavior that is in violation of academic regulations, the existing Graduate Catalog governs the adjudication of the accusation.

### **2.0 Basic Rights and Responsibilities**

Whenever a graduate student has been accused of behavior that is in violation of non-academic regulations, the University Student Code governs the adjudication. The Research Misconduct Policy governs the adjudication of alleged violations of ethical research behavior.

In addition to the rights and responsibilities of all graduate students, there are rights and responsibilities that pertain specifically to graduate students who are serving on appointments. These appointments include doctoral associateships, doctoral fellowships, graduate assistantships, and graduate fellowships. Because of the special nature of the relationship between a graduate appointee and the faculty members in the department being served, there are additional requirements.

### **3.0 Professional Rights and Responsibilities of Graduate Appointees**

This resolution process governs matters other than those governed by the Graduate Catalog, the Student Code and/or the Research Misconduct Policy.

Graduate appointees serve the university through appointments that are awarded by the departments/schools under the sponsorship of Academic Affairs and The Graduate College. Therefore, the path to resolving certain disputes resides first with the department/school and next with The Graduate College.

3.1 Departmental/School Level. Resolution of issues at the departmental/school level may be handled informally. If disputes arise between graduate appointees and their departments, both should attempt to resolve them in informal, direct discussions. If the problem remains unresolved, then the unit administrator and/or the Ombudsman should be consulted. If still aggrieved, a student may then submit a formal, written request for consideration by the Department/School Hearing Board. The Departmental/School Hearing Board shall be comprised of the unit administrator or designee, two faculty members, and two graduate students from the department. The faculty members are to be selected by the department. One graduate student is to be selected by the departmental graduate student organization and a second graduate student by the Graduate Student Advisory Committee. Where no

departmental graduate student organization exists, both students will be selected by the Graduate Student Advisory Committee. If the unit administrator is directly involved in the case, neither the unit administrator nor the designee may serve on the hearing board. In such cases, the office of the Dean of the Graduate College will appoint a replacement member.

3.2 Graduate College Level. The Graduate College shall establish a hearing board comprised of a representative of the Academic College as designated by the Dean of that College, the Dean of the Graduate College or designee, the Chair of the Graduate Student Advisory Committee or designee, one faculty member from the department in question, and one student chosen by the Graduate Student Advisory Committee.

3.3 A member who has faculty rank from a unit not involved with the dispute shall chair each hearing board.

3.4 Term of Office. Hearing board members at both levels shall be selected in the fall of the year and shall serve one year. The one-year term shall not preclude reappointment of any member the following year.

3.5 The formal request alleging violations of professional rights must include a proposed remedy that could be implemented by a responsible administrator. The department/school, within the limits of its resources and the limits imposed by due respect for the professional rights of the faculty, seeks an appropriate remedy for legitimate student complaints.

3.6 Written requests for a hearing must be initiated no later than mid-term of the semester or the end of the session following the term wherein the alleged violation occurred. The appropriate Hearing Board may grant an exception to this provision if the involved party or student is absent from the University during that session.

3.7 The student initiating the grievance may request the hearing at the Departmental/School level. Under special circumstances (with approval of The Graduate College) the resolution of an issue may begin at the Graduate College level.

3.8 Hearing Boards shall establish their own procedures in a manner consistent with this document. A copy of the procedures adopted by each unit shall be filed with the Office of the Ombudsman and with the office of the Dean of the Graduate College.

3.9 Upon receipt of a formal request, the chairperson of the Hearing Board shall transmit a copy of the grievance within ten (10) class days to the Hearing Board members and to the person or persons party to the matter.

3.10 In urgent cases in which it is alleged that a regulation, administrative decision or action threatens immediate and irreparable damage to any of the parties involved, the Hearing Board or judiciary shall expedite the hearing and final disposition of the case.

3.11 A Hearing Board or judiciary is empowered to act on a request to direct an individual or unit to discontinue or postpone an administrative decision or action that threatens immediate and irreparable damage to any of the parties involved, pending final disposition of the case. The hearing board shall expedite the hearing and final disposition of this urgent case.

3.12 A department/school or college hearing board shall review each hearing request for jurisdiction and judicial merit and may then forward a copy of the request to the appropriate individual (2) and invite a written response. After considering all submitted information, the board may:

- a. Accept the request, in full or in part, and proceed to schedule a hearing.
- b. Reject the request and provide an appropriate explanation.
- c. Invite all parties to meet with the board for an informal discussion of the issues. Such a discussion shall not preclude a later hearing.

3.13 Notice of hearing. At least three (3) days prior to a formal hearing, both the respondent and the complainant shall be entitled to a written notification of the hearing from the appropriate hearing body. This notice of hearing shall state:

- a. The nature of the issues, charges and/or conflicts to be heard with sufficient particularity to enable both the respondent and the complainant to prepare their respective cases.
- b. The time and place of the hearing.
- c. The body adjudicating the case.
- d. The names of the respondent and complainant.
- e. The name(s) of any potential witnesses.

3.14 Either the complainant or the respondent may request, with cause, a postponement prior to the scheduled time of a hearing. The Hearing Board may grant or deny such a request.

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

- a. Should the complainant fail to appear, the board may either postpone the hearing or dismiss the case.
- b. Should the respondent fail to appear, the board may either postpone the hearing if good cause has been given for the failure to appear or hear the case in his or her absence.
- c. The judiciary may accept written statements from a party to the hearing in lieu of a personal appearance, but only in unusual circumstances. Such written statements must be submitted to the board at least one (1) day prior to the scheduled hearing.

3.16 Hearing Boards shall ensure that a collegial atmosphere prevails in hearings. Involvement of counsel should normally not be required. When present, counsel shall be limited to a member of the student body, faculty, or staff of the University.

3.17 During the hearing, parties to a complaint shall have an opportunity to state their cases, present evidence, designate witnesses, ask questions, and present a rebuttal.

3.18 The hearing board shall prepare a written report of findings and rationale for the decision and shall forward copies to the parties involved, to the responsible administrator(s), to the Ombudsman, and to the Dean of The Graduate College. The report shall indicate the major elements of evidence, or lack thereof, which support the hearing board's decision. All recipients are expected to respect the confidentiality of this report. When a hearing board finds that a violation of professional rights has occurred and that redress is possible, it shall direct the responsible administrator to provide redress. The administrator, in consultation with the hearing board, shall implement an appropriate remedy.

3.19 Appeals. The decision of the original hearing board is final, except in cases which result in a recommendation of termination of appointment. In such cases the decision may be appealed by either party to a grievance only to the next level hearing board. If the original hearing was by a department/school hearing board, the appeal shall be made to The Graduate College Hearing Board. If the original hearing was by The Graduate College Hearing Board, the appeal should be made to the Graduate Studies Council. In such cases, a subcommittee of the Graduate Studies Council shall be appointed by the chair of the council and shall include the chair as well

as one council member and a graduate student serving on the council.

*their graduate adjudication process. 3/13/03 Faculty Senate*

3.20 Appeals must allege either that applicable procedures for adjudicating the case were not followed in the previous hearing or that the findings of the hearing board were not supported by the preponderance of the evidence. Presentation of new evidence will not be permitted at an appeal hearing. All appeals must be written and signed and must specify the alleged defects in the previous adjudication(s) in sufficient detail to justify further proceedings. The appeal must also specify the redress that is sought.

3.21 Appeals must be filed within ten (10) class days following a notice of a decision. Any action regarding the original decision shall be held in abeyance while under appeal.

3.22 The appellate board shall review each appeal request and may then forward a copy of the request to the appropriate individual and invite a written response. After considering all submitted information, the appellate board may

- a. Decide that sufficient reasons for an appeal do not exist and that the decision of the lower hearing body shall stand;
- b. Direct the lower hearing body to rehear the case or to reconsider or clarify its decision; or
- c. Decide that sufficient reasons exist for an appeal and accept the request, in full or in part, and proceed to schedule an appeal hearing.

3.23 Following an appeal hearing, an appellate board may affirm, reverse, or modify the decision of the lower hearing body.

3.24 Any intimidation or retaliation against a graduate student, including but not limited to actions which negatively impact the student's grades or appointment status, solely for raising an issue concerning his/her appointment, questioning assignments or duties, and/or initiating or participating in proceedings under this policy is strictly forbidden. Any person confirmed to have so intimidated or retaliated will be subject to disciplinary action, up to and including termination.

3.25 Nothing in this process shall be construed to be considered a contract between the graduate student and the University, and/or to supersede or negate other University policies, procedures, and/or contractual requirements.

*Western Michigan University wishes to thank Michigan State University for permission to adapt portions of*