

Michigan State University
Interim Anti-Discrimination Policy Student Disciplinary Hearing Procedures

MSRR ADDENDUM

The ADP Hearing Board will normally adjudicate all student judicial cases involving allegations of harassment prohibited under the Anti-Discrimination Policy (“ADP”), including complaints filed against medical students. Article 5.2.3 of the MSRR also permits a complaint to be filed and adjudicated under the MSRR if the alleged violation impairs, interferes with, or obstructs the mission, processes, or functions of the student’s medical college.

Interim MSRR Procedures

The relevant hearing and appeal boards will follow the same administrative, hearing, and appeal procedures outlined in Article 5 of the MSRR for the adjudication of complaints, with the following clarifications:

- A. The appropriate hearing board shall convene to review the findings of I3 and determine the appropriate sanction to be imposed. The hearing board shall not disregard the findings of I3 unless the board determines that the decision was arbitrary and capricious or resulted from procedural error. A finding is arbitrary and capricious when the application of the policy has no reasonable basis in fact. The party alleging that the finding was arbitrary and capricious or resulted from procedural error bears the burden of proof.
- B. The complainant will be provided the same opportunity as the respondent to meet with an administrator after filing the complaint. The administrator will advise the complainant of his/her rights and responsibilities under the MSRR. (See MSRR 5.4.3) If the complainant is I3, the victim(s) may also attend this administrative meeting.
- C. The parties (and their advisors) will not be permitted to personally question or cross-examine each other during the hearing. The hearing board will continue to be permitted to ask clarifying questions of either party during the hearing.

Training

Members of the relevant college hearing boards will be required to attend training regarding prohibited harassment (including sexual assault under Title IX) and the University’s Anti-Discrimination Policy prior to serving on a hearing panel that convenes to adjudicate a case under these procedures.

Timeframes

The normal timeframes contained within Article 5 of the MSRR apply, with the following clarifications:

- A. The hearing board will normally convene to hear a case within three weeks after the complaint has been referred for a hearing. This timeframe may be extended during periods when classes are not held (i.e., Spring Break, final examination week, etc.).
- B. The hearing board will normally render a decision in writing within two weeks after the hearing.
- C. Interim measures imposed pending the outcome of the investigation process shall remain in place until a final determination is made under these procedures.

These procedures will apply to all complaints filed after January 27, 2012.