

Michigan State University College of Osteopathic Medicine (MSUCOM) Academic Hearing Procedures

The *Academic Freedom for Students at Michigan State University (AFR)* and the *Medical Student Rights and Responsibilities (MSRR)* documents establish the rights and responsibilities of Michigan State University College of Osteopathic Medicine (MSUCOM) graduate-professional students and prescribe procedures for resolving allegations of violations of those rights through formal hearings. In accordance with the AFR and the MSRR, MSUCOM has established the following hearing procedures for adjudicating academic grievances and complaints (see AFR Article 6 and 7; MSRR Article 5).

I. Jurisdiction of the MSUCOM Hearing Committee for Medical Student Rights and Responsibilities

- A. The MSUCOM Hearing Committee for Medical Student Rights and Responsibilities, herein known as the MSUCOM Hearing Committee, serves as
 - 1. the initial hearing committee for grievances filed by an osteopathic medical student against a faculty, academic staff, or support staff member of the university community (see MSRR 5.1).
 - 2. the initial hearing committee for complaints filed by a member of the university community against an osteopathic medical student (see MSRR 5.2).
 - 3. the initial hearing committee for cases in which the MSUCOM dean concurs with a request by the chairperson of a department to waive jurisdiction for hearings involving osteopathic medical students.
 - 4. the appellate hearing committee for hearings initiated at a department level involving osteopathic medical students.

II. Composition of the MSUCOM Hearing Committee

The MSUCOM Hearing Committee shall be composed of faculty members and students described in the Bylaws of the Michigan State University College of Osteopathic Medicine.

III. Referral to MSUCOM Hearing Committee

- A. After receiving a signed written statement (see MSRR 5.3) for a hearing per Section I (I.A.1 to I.A.4) above and in situations where an administrative resolution is not possible (see MSRR 5.4), the associate dean/student services shall forward the written hearing request to the chairperson of the MSUCOM Hearing Committee within five class days (see MSRR 5.4.4).
- B. The chairperson of the MSUCOM Hearing Committee may elect to accept the request, in full or in part, and proceed to schedule a hearing or may invite the parties to meet with members of the committee to attempt to resolve the matter informally. Otherwise, the committee shall meet in a timely manner according to procedures specified in the following section of this document and in MSRR 5.5 and 5.6. The committee will review the hearing request in accordance with MSRR 5.5.3.1. After considering all submitted information, the MSUCOM Hearing Committee, acting as either the initial hearing committee or as the appellate committee, may

1. accept the request, in full or in part, and proceed with the hearing; or
2. reject the request and provide a written explanation; or
3. invite all parties to meet with the MSUCOM Hearing Committee in an informal discussion to try to resolve the matter. Such discussion does not preclude a later hearing.

IV. Hearing Procedures

- A. Hearing Procedures shall be conducted in accordance with MSRR 5.5.
- B. General Procedures
 1. The chairperson of the MSUCOM Hearing Committee shall convene the hearing at the designated time, date and place. The chairperson will ensure that a collegial atmosphere prevails. During the hearing, each party shall have an opportunity to make an opening statement, present evidence, question witnesses, ask questions of the opposing party, and present a closing statement.
 2. To protect the confidentiality of the hearing's information, attendance at the hearing shall be limited to the parties involved, witnesses for either party, if any, and the advisor for each party, if any. As described in Section 5.5.14 of the MSRR, advisors and witnesses shall be limited to members of the MSU community (faculty, staff or students). Permission may be granted to the respondent to be accompanied by an attorney if criminal charges are pending against the respondent regarding the subject matter of the complaint/grievance. If the respondent is charged with a sex offense, the complainant may also have an attorney present. The associate dean for student services may attend the hearing as a resource for the committee on matters of protocol.
 3. Witnesses called by either party may be excluded from the proceedings except when testifying. Witnesses must confine their testimony to their own independent recollection and may not speak for others.
 4. The advisor may be present throughout the hearing but has no voice in the hearing unless permission to participate is granted by the chairperson of MSUCOM Hearing Committee (see MSRR 5.5.14).
 5. To assure an orderly hearing and questioning, the chairperson of the MSUCOM Hearing Committee will recognize individuals before they speak. All parties have the right to speak without interruption. Each party has the right to question the other party and to rebut any oral or written statements submitted to the MSUCOM Hearing Committee. If necessary, the chairperson of the MSUCOM Hearing Committee reserves the right to enforce time limits on each party to present its cases and to extend equal time to each party.
- C. The hearing will proceed as follows:
 1. ***Introductory remarks by the chairperson of the MSUCOM Hearing Committee:*** The chairperson shall introduce members of the MSUCOM Hearing Committee, the complainant, the respondent and advisors and witnesses, if any. The chairperson will review the hearing procedures, including time restraints, if any, for presentations by each party and

witnesses. The chairperson will explain that the burden of proof rests with the complainant, with the exception of hearings involving allegations of academic dishonesty, in which case the instructor bears the burden of proof, which must be met by a preponderance of the evidence.

2. **Presentation by the Complainant:** The chairperson recognizes the complainant to present without interruption any statements directly relevant to the complainant's case, including the redress sought. The chairperson then recognizes questions directed at the complainant by the MSUCOM Hearing Committee, the respondent and the respondent's advisor, if any.
3. **Presentation by the Complainant's Witnesses:** The chairperson recognizes the complainant's witnesses, if any, to present, without interruption, any statement directly relevant to the complainant's case. The chairperson then recognizes questions directed at the witnesses by the MSUCOM Hearing Committee, the respondent and the respondent's advisor, if any.
4. **Presentation by the Respondent:** The chairperson recognizes the respondent to present without interruption any statements relevant to the respondent's case. The chairperson then recognizes questions directed at the respondent by the MSUCOM Hearing Committee, the complainant and the complainant's advisor, if any.
5. **Presentation by the Respondent's Witnesses:** The chairperson recognizes the respondent's witnesses, if any, to present, without interruption, any statement relevant to the respondent's case. The chairperson then recognizes questions directed at the witnesses by the MSUCOM Hearing Committee, the complainant and the complainant's advisor, if any.
6. **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.
7. **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.
8. **Final Questions by the MSUCOM Hearing Committee:** The MSUCOM Hearing Committee asks questions of any of the participants in the hearing.

V. Post-Hearing Procedures

A. Deliberation

After all evidence has been presented, with full opportunity for clarification, questions, and rebuttal, the chairperson of the MSUCOM Hearing Committee shall excuse all parties to the hearing and convene the MSUCOM Hearing Committee to determine its findings in executive session. When possible, deliberations should take place directly following the hearing.

B. Decision

1. In academic grievance (non-disciplinary) hearings in which the MSUCOM Hearing Committee serves as either the initial hearing body

or the appellate hearing body and, based on a preponderance of the evidence, a majority of the Committee finds that a violation of the student's academic rights has occurred and that redress is possible, it shall determine the appropriate redress and direct its decision to the dean for implementation. If the MSUCOM Hearing Committee finds that no violation of academic rights has occurred, it shall so inform the dean (see MSRR 5.5.16).

2. In complaint (non-disciplinary) hearings in which the MSUCOM Hearing Committee serves as the initial hearing body to adjudicate an allegation of violation of the MSRR document, academic dishonesty, violation of professional standards or falsification of admission or academic records and, based on a preponderance of the evidence, the committee finds for the student, the committee shall determine what redress should be implemented and direct its decision to the dean. Such redress may include removal of the penalty grade or sanction and removal of any written record of the allegation from the student's records as well as a good faith judgment of the student's standing or performance in the college or course. If the committee finds against the student, the penalty grade or sanction shall stand and the complaint regarding the allegation will remain in the student's file. (See MSRR 5.1.16)
3. In complaint (non-disciplinary) hearings in which the MSUCOM Hearing Committee serves as the appellate hearing body, the committee may affirm, reverse, or modify the decision of the department hearing body. It may also direct the department hearing body to rehear the original complaint.
4. In disciplinary hearings involving academic or professional misconduct in which the MSUCOM Hearing Committee serves as the initial hearing body and, based on a preponderance of the evidence, finds that disciplinary action in addition to, or other than, a penalty grade and/or sanction is warranted, it may impose one of the following sanctions (see MSRR 5.7).
 - a. Warning
 - b. Probation
 - c. Suspension. Suspensions must be approved by the dean. If the dean does not approve the suspension, he/she may direct another sanction, normally in consultation with the committee.
 - d. Dismissal. Dismissals must be approved by both the dean and the provost. If the dismissal is not approved, the dean and provost may direct another sanction, normally in consultation with the committee.
 - e. Other disciplinary action deemed appropriate to a specific case

If the committee recommends that no sanctions in addition to, or other than a penalty grade and/or sanction are warranted, the chairperson of the committee shall so inform the dean. (See MSRR 5.5.1.6)

C. Written Report

1. The chairperson of the MSUCOM Hearing Committee shall prepare a written report of the committee's findings, including recommended redress or sanctions for the complainant, if applicable. The report must

include the rationale for the decision and the major elements of evidence, or lack thereof, which support the decision of the committee (see MSRR 5.5.16 and MSRR 5.7).

2. The report should inform the parties of the right to appeal within 14 class days following notice of the decision (see MSRR 5.8.5).
3. The chairperson of the MSUCOM Hearing Committee shall forward copies of the committee's report to the parties involved, the dean of the college, the university ombudsman and the associate dean/student services (see MSRR 5.5.16).
4. All recipients must respect the confidentiality of the report and of the MSUCOM Hearing Committee's deliberations resulting in a decision.

VI. Appeal of Department Hearing Committee Decision

- A. The decision of a department hearing body may be appealed by either party to the MSUCOM Hearing Committee (see MSRR 5.8).
 1. Appeals of grievances will be confined to allegations regarding procedural violations. Evidence presented to the committee or otherwise pertaining to the substance of the grievance will not be reheard.
 2. Medical students may appeal decisions arising from complaints on either substantive or procedural grounds. When reviewing substantive matters, the committee will normally restrict itself to considering whether there were sufficient grounds for the decision made by the lower hearing body and/or whether the sanction imposed was appropriate to the nature and seriousness of the violation (see MSRR 5.8.1.3).
- B. Upon receipt of a timely appeal, the chairperson of the MSUCOM Hearing Committee shall forward a copy of the appeal to the other party and invite a written response. After considering the appeal and response, the committee may
 1. decide that the appeal is without merit, and the decision of the department hearing committee shall stand;
 2. direct the department hearing committee to rehear the case or to reconsider or clarify its decision;
 3. decide that sufficient reasons exist for an appeal and schedule an appeal hearing in a timely manner

VII. Appeal of MSUCOM Hearing Committee Decision

- A. Either party may appeal the decision of the MSUCOM Hearing Committee to the University Graduate-Professional Judiciary (UGPJ) in cases involving (1) Grievances or (2) Complaints. (See MSRR 5.8.1)
- B. All appeals must be in writing, signed and submitted to the Dean of the Graduate School within 14 class days following notification of the MSUCOM Hearing Committee's decision. While under appeal, the original decision of the committee will be held in abeyance. (See MSRR 5.8.5).
- C. A request for an appeal of a MSUCOM Hearing Committee decision to the UGPJ must cite the specific applicable procedure(s) the initial MSUCOM

Hearing Committee allegedly failed to follow (grievances and complaints) or allege that findings of the MSUCOM Hearing Committee were not supported by the preponderance of the evidence (complaints). The request must state the alleged defects in sufficient detail to justify a hearing and also must include the redress sought. Presentation of new evidence normally will be inappropriate. (See MSRR 5.8.1.2 and 5.8.1.3)

VIII. Reconsideration

If new evidence should arise, either party to a hearing may request the MSUCOM Hearing Committee to reconsider the case within 30 days upon receipt of the hearing outcome. The written request for reconsideration is to be sent to the chairperson of the MSUCOM Hearing Committee, who shall promptly convene the committee to review the new material and render a decision as to whether a new hearing is warranted (see MSRR 5.5.17).

IX. File Copy

The dean of the college shall file a copy of these procedures with the Office of the Ombudsperson and The Graduate School.

Approved by the MSU Ombudsperson (Date)

Approved by College of Osteopathic Medicine Faculty 10/26/2012