

January 16, 2004

To: Education Policy Council

From: Elizabeth Boling  
Chairperson, School of Education Student Grievance Hearing Committee

Subj: Guide to the Proposed Revisions of the Grievance/Appeals Policy and Procedures

- 1) In reviewing the jurisdiction of this committee, we spoke at length with Jerry Olson from the Office of Student Ethics and Anti-Harassment Programs. We determined that the School of Education Student Grievance Hearing Committee actually entertains three distinct types of requests for hearings:
  - a. Grievances ... these are first-time complaints of misconduct or violation of student rights brought by a student against a faculty member or administrator
  - b. Appeals ... these are complaints brought by a student appealing some action taken by an instructor resulting from alleged academic misconduct (we do not handle personal misconduct cases; these are handled by the Dean of Faculties representatives in the Office of Student Ethics)
  - c. Appeals of outcome ... these are appeals brought by students who feel they have new evidence to submit subsequent to a prior grievance hearing. A student without new evidence who is simply unhappy with the result of a hearing must submit an appeal to the Dean of Students.

Once we recognized these distinct types of requests for hearings, we adjusted the language throughout our policies and procedures statements to discuss Grievances and Appeals, rather than appeals only. We have used the word "case" as an umbrella term referring to either a grievance or an appeal, or to both.

- 2) The committee discussed our procedures and some previous hearings in which members had participated. We concluded that:
  - a. A member of the School of Education Student Grievance Hearing Committee should consult to a student requesting a hearing on procedural issues only
  - b. Students wishing more support in a hearing should be directed to the Student Advocates Office
  - c. Advocates accompanying a student to a hearing should be allowed to speak during the hearing (the previous procedure prohibited this)

Language throughout the procedures and application documents has been changed to reflect these decisions.

**STUDENT GRIEVANCE AND APPEALS PROCEDURES  
SCHOOL OF EDUCATION  
INDIANA UNIVERSITY**

**Proposed Revisions**

**January 15, 2004**

**Office of Teacher Education  
School of Education  
Education 1000  
856-8500**

## ***Overview and Jurisdiction Regarding Bloomington Student Grievance Hearing Committee Appeals***

**Overview.** The purpose of the School of Education’s Bloomington Student Grievance Hearing Committee (BSGHC) is to provide a five-member hearing board for any student who believes that his/her rights, as defined in Part I of Indiana University’s *Code of Student Rights, Responsibilities, and Conduct*, have been violated by a member of the faculty or administration (a grievance), or for a student wishing to appeal the action of an instructor taken in response to alleged academic misconduct taking place in a course. After considering the appeal during a formal hearing, the hearing board votes in private and forwards its recommendation for action to the Dean of the School of Education, who makes final disposition of the appeal in the School of Education. Should the student wish to appeal further, the *Code of Student Rights, Responsibilities, and Conduct* provides an avenue through the Dean of Faculties (see below for details).

### **Grievance and Appeal Jurisdiction.**

The BSGHC hears *grievances* in the following categories:

- Violations of “Individual Rights” and “Academic Affairs”, as defined in Parts I.A. and B. of the *Code of Student Rights, Responsibilities, and Conduct*. These include:
  - Individual Rights (I.A.1-5)
    - Citizenship Rights
    - Discrimination
    - Sexual Harassment
    - Harassment Based on Sexual Orientation
    - Racial Harassment
  - Academic Affairs (I.B.1-5)
    - Provision of advising for academic planning
    - Classes conducted in accordance with the Indiana University Code of Academic Ethics
    - Freedom to raise issues and express ideas or opinions relevant to classroom work
    - Sensitivity by faculty to student personal or political beliefs, and protection of privacy of student information
    - Ethical behavior of faculty in relationships with students
- Grades in a course
- Terms and conditions of Associate Instructor and Graduate Assistant appointments

The BSGHC hears *appeals* in the following categories:

- Academic misconduct, as defined in the *Code of Student Rights, Responsibilities, and Conduct* (Part III.A.). This includes:
  - cheating
  - fabrication
  - plagiarism
  - interference
  - violation of course rules

- facilitating academic dishonesty

The *Code of Student Rights, Responsibilities, and Conduct* distinguishes between personal misconduct and academic misconduct. Appeals regarding personal misconduct are not within the jurisdiction of the BSGHC and are handled by the Dean of Students according to the *Code* (VI.D).

### ***Before Filing a Grievance or Appeal***

In all but the most unusual circumstances, a case should not be brought to the hearing board until normal avenues of resolution have been exhausted. Applications will only be accepted for consideration with evidence of reasonable attempts to resolve the problem. Ideally these attempts will involve a face-to-face meeting between the student and faculty member, instructor, or administrator.

If the problem cannot be resolved satisfactorily, compose a formal complaint in writing using the Grievance/Appeal Application Form (include supporting documentation) and present the document to the immediate supervisor of the person involved in the complaint. The formal complaint will be considered within ten working days by the appropriate supervisor or administrative officer. If the issue is not resolved at the department level, the complainant may file an appeal application that will be reviewed by the BSGHC's hearing board. The BSGHC hearing board is composed of three members of the faculty or administration and at least two representatives from the student body. The hearing board members are chosen from BSGHC by its chairperson.

### ***How to File A Grievance or Appeal and Pre-Hearing Procedures***

1. Obtain Grievance/Appeal Application Form at the reception desk in the Teacher Education Office, Room 1000 in the W. W. Wright School of Education building or from the School of Education website. Fill out the application completely and accurately.
2. Attach copies of evidence you wish the hearing board to consider.
3. Provide a list of such enclosures on the back of the application form.
4. Return the application form and any accompanying materials in a sealed envelope to the receptionist in the office of the Associate Dean for Teacher Education, Room 1000.
5. Before accepting an application for a hearing, the Dean's designate (normally, for School of Education undergraduate students, the Associate Dean for Teacher Education; for School of Education graduate students, the Associate Dean for Graduate Studies, and for non-School of Education students, the Executive Associate Dean), will verify that the student and the instructor/chair of the department were unable to resolve the issue. If the Dean's designate finds that the student and the instructor/chair of the department have not made previous efforts to resolve the issue, the appeal will be returned to the student, faculty member, and faculty member's immediate supervisor for an attempt at resolution. If previous efforts are found to have been made and to have been unsuccessful, the Dean's designate will accept the appeal and forward the collected information to the BSGHC chairperson. The Dean's designate will make every effort to expedite the verification process and complete it within seven calendar days of notification that a student wishes to file an appeal.

6. The accepted application form and supporting documentation will be sent to the chairperson of the BSGHC. Upon receipt of the application, it will be the duty of the chairperson to provide confidential access to the application only for the hearing board members and to notify individuals affected by or involved in the case within seven calendar days. The Chairperson will also set the date for a hearing to occur no later than 21 calendar days after the date of having received the application.
7. All involved individuals will therefore be granted ten calendar days upon receipt of notification to respond in written form and forward their responses to the BSGHC. Hearing board members will have four calendar days for review of the application and the responses, before they hear verbal arguments in a hearing, and issue a final vote on a recommendation to the Dean. When the hearing board convenes, verbal testimony will be given by the complainant, and then from the faculty member. The chair will use his/her discretion in the number of witnesses allowed to testify. The hearing board will also use procedures that will ensure fairness – see hearing procedures section below.
8. A statement of the resolution of the case and the recommendation of the hearing board shall be forwarded to the Executive Associate Dean of the School of Education within seven calendar days of the hearing. Upon review of the information, a copy of the Dean's decision regarding the case will be sent to all involved parties within seven calendar days of receiving the hearing board's recommendation.
9. A quorum consisting of three faculty or administration members and two representatives of the student body must always be present when a BSGHC hearing board is conducted. Although student members of Policy Council subcommittees do not vote, the student members of a BSGHC hearing board do vote on the recommendations adopted by that board.

### ***Hearing Procedures***

1. When the BSGHC hearing board convenes it will follow a number of steps:
  - the hearing board chair states the nature of the case and reviews hearing rules
  - verbal testimony will be given first by the complainant, with opportunities from the faculty member and hearing board members to clarify issues
  - the faculty member will then present verbal testimony, with opportunities from the complainant and hearing board members to clarify issues
  - each party makes a summary statement, starting with the complainant
  - advisors of the complainant may not speak during the hearing, but can consult privately with the complainant regarding presentation of the appeal
  - everyone except voting members of the hearing board will withdraw and the hearing board will vote on a recommendation to the Dean of the School of Education
  - a statement of the resolution of the case and the recommendation of the hearing board shall be forwarded to the Executive Associate Dean of the School of Education within seven calendar days of the hearing
  - upon review of the information (again within seven calendar days) a copy of the Dean's decision will be sent to all involved parties

2. The chair will use his/her discretion in the number of witnesses allowed to testify. The hearing board will also use procedures that will ensure fairness. Ordinarily hearings will take no longer than one hour.
3. A tape recording will be made of the hearing, so that it may be reviewed later.
4. The complainant may select an advisor to assist in presentation of the case (although they are not permitted to speak during the hearing). If the complainant does not choose an advisor, the hearing board chair may, at the request of the student, appoint one member of the hearing board to act as an advisor to the complainant. The advisor will familiarize him- or herself with the complaint, meet with the complainant before the hearing, prepare the complainant for hearing procedures, and accompany her or him to the hearing to make sure that the complaint is presented effectively. The advisor may not speak during the hearing, but should assist the complainant before the hearing to ensure an effective presentation. The advisor will not communicate with the hearing board members before the hearing, nor be present or take part in the deliberations or vote during the private meeting of the hearing board.
5. In the case of any case in which a hearing board member feels he/she is indirectly involved and might, therefore be biased, the member must absent herself/himself from the case. Such cases include being a faculty member overseeing or collaborating with an instructor involved in the case, having had prior contact with the complainant, or any other involvement in the case that might give the appearance of conflict of interest. If necessary, the hearing board chairperson will ask the Executive Associate Dean to replace absent members with temporary voting members of the hearing board. These temporary members will be obligated to attend meetings and review the information pertinent to the case.

***Appealing the Outcome of a Hearing or Appeals Beyond the School of Education***

1. Appeals of the outcome from a hearing may be submitted to the Chairperson of BSGHC only on the basis of *NEW* evidence. The chairperson will decide whether a new hearing is warranted by the new evidence. If indicated, the chairperson will appoint another hearing board, and they shall follow the same procedures as for the original hearing.
2. BSGHC members making or involved in a an appeal shall: (1) not attend meetings of the hearing board during review or discussion of that appeal, (2) not have voting power on that appeal, and (3) not attempt to influence voting members.
3. The complainant may appeal final disposition decisions, made by the Dean of the School of Education, to the Dean of Faculties office as indicated in the *Code of Student Rights, Responsibilities, and Conduct*, IV.B.5.b. In the event of special circumstances, a faculty member or administrative staff member may submit an appeal on a student's behalf to the Dean of Faculties.
4. If a graduate student wishes to carry an appeal of terms and conditions of Associate Instructor or Graduate Assistant appointments beyond the decision of the Dean of the School of Education, she or he may carry the appeal to the Bloomington campus Associate Instructor Grievance Hearing board or the BFC Associate Instructor Board of Review.

**GRIEVANCE/APPEAL APPLICATION FORM**  
**School of Education**  
**Bloomington**

Please read carefully the Student Grievance And Appeals Procedures document before filing this application. Fill in all information requested completely, including any documentation needed to consider the appeal. Place the form in a sealed envelope, addressed to the Associate Dean for Teacher Education, and return the material to the receptionist in the Office of Teacher Education, School of Education, Room 1000.

Name \_\_\_\_\_

Student ID# \_\_\_\_\_ Telephone # \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Class Standing \_\_\_\_\_

Person(s) and/or office involved in this case:

Name(s) \_\_\_\_\_ Position \_\_\_\_\_

Provide a brief description of the nature of the case, including the semester and year of the occurrence.

Explain any attempts to settle the problem with the person(s) involved with the case, or with their supervisor.

In the space below, please itemize the main points of your situation and provide any detailed information that you feel is pertinent to the case. (If this is an appeal from a previous hearing be sure to indicate very clearly what new evidence you are submitting).

Please list any physical evidence you are submitting with this application such as: grade reports, letters, correspondence, etc.

State a summary of the desired outcome you wish as the result of this grievance or appeal.

You may have an advisor from the Student Advocate's Office assist you in preparing to present your case to the hearing board. If you have chosen an advisor, please name them:

\_\_\_\_\_

The BSGHC chairperson will also appoint one BSGHC faculty member to explain the hearing process to you. Indicate here whether you wish such an advisor or not:

Yes \_\_\_\_ No \_\_\_\_

Information contained in this application shall be made available ONLY to members of the hearing board and the individuals named by you in the application. Hearing board members are not allowed to discuss cases outside of the hearing board meetings.

Signature \_\_\_\_\_

Date \_\_\_\_\_