

Grievance and Complaint Procedures
for the
College of Human Medicine Hearing Board

The “Academic Freedom for Students at Michigan State University” (AFR), the “Graduate Student Rights and Responsibilities at Michigan State University” (GSRR), and the “Medical Student Rights and Responsibilities at Michigan State University” (MSRR) documents establish the rights and responsibilities of MSU students and prescribe procedures for resolving allegations of violations of those rights through formal hearings. In accordance with the MSRR, the College of Human Medicine has established the following College Hearing Board procedures for adjudicating medical student grievances filed by medical students and complaints filed against medical students.¹

- I. JURISDICTION OF THE COLLEGE OF HUMAN MEDICINE HEARING BOARD:
- A. For **grievances** brought by medical students, the College of Human Medicine Hearing Board serves as:
1. The initial hearing board for a student who has been dismissed for academic reasons by the student performance committee and who requests a grievance hearing alleging procedural violations. (MSRR 5.1.4)
 2. The initial hearing board for cases (B-1 and B-2) involving preclinical medical students; and the initial hearing board for cases (B-1 and B-2) in which the associate dean for academic affairs concurs with a request by the chair of a department to waive jurisdiction for hearings for clinical medical students that cannot be resolved informally. (MSRR 5.3.4; 5.4 (Administrative Resolution), 5.9.1.1)
 - a. A grievance may allege a violation of any of the academic rights of medical students under the MSRR or challenge an academic evaluation on the ground that the evaluation was based entirely or in part upon factors (e.g., race, sex, personal animus) other than a good faith judgment about the medical student’s academic performance, including compliance with applicable professional standards. (MSRR 5.1.3)
 - b. A medical student who receives a penalty grade based on a charge of academic dishonesty and who is not referred for disciplinary action

¹ These procedures are supplemental to the MSRR document. The MSRR document governs if questions or issues arise that are not addressed by these procedures. If any provision contained in these procedures is found to be inconsistent with the MSRR, the MSRR document shall apply.

may contest the penalty grade by filing a request for a grievance hearing under this section. Instructors seeking sanctions for academic dishonesty other than or in addition to penalty grades must file a complaint under Article 5.2.2 of the MSRR. (MSRR 5.1.3.1)

3. The appellate board for hearings initiated at the department/unit level by clinical medical students. (MSRR 5.3.4)

B. For **complaints** against medical students, the College of Human Medicine Hearing Board serves as:

1. The initial hearing board for complaints filed against medical students alleging a violation of the MSRR, academic dishonesty, a violation of professional standards, falsification of admission or academic records, or conduct that would violate a student group regulation, general student regulation, or University policy if the conduct occurred on campus and the alleged violation impairs, interferes with, or obstructs the mission, processes, or functions of the medical college. (MSRR 5.2)

II. COMPOSITION OF THE COLLEGE HEARING BOARD FOR GRIEVANCES AND COMPLAINTS:

A. The College Hearing Board shall be comprised of three (3) faculty and three (3) students. (MSRR 5.9.2.1)

B. The College Advisory Council shall designate a faculty member with rank who shall serve as the chair of the College Hearing Board and who shall vote only in the case of a tie. (CHM College Bylaws 6.3, MSRR 5.9.2.1)

C. The dean's office shall designate staff support for the College Hearing Board. (College Bylaws 6.3)

D. The College Hearing Board shall be constituted no later than the beginning of the fall of each academic year.

E. Faculty

1. The chair of the College Hearing Board shall direct the staff person to compile a list of faculty by random selection, exclusive of department chairs, associate deans, and assistant deans. The Office of Medical Education and Research shall generate the list of faculty by random selection.

2. 6 faculty who agree to serve for staggered terms of 3 years shall be selected to serve on the College Hearing Board. Faculty shall be selected to replace the retiring member(s) each year. (MSRR5.9.2.1).

3. Faculty and alternates shall serve as follows.
After the initial selection, each faculty member shall serve for 3 years and not be eligible to serve for 5 years.

4. In preparation for a hearing, the chair of the College Hearing Board shall constitute the required number of faculty, plus alternates in case any of the faculty have a conflict of interest.² Faculty from the randomly selected list shall be available to serve as alternates should the selected faculty alternates have a conflict of interest.
5. If a faculty member is involved in the complaint/grievance or has a conflict of interest, the faculty member shall not serve on the College Hearing Board. A faculty member who has served as an instructor for a course or clinical rotation in which the student was enrolled, or had some other college-related relationship with the student, but which is not the subject of the grievance, may serve on the Hearing Board. Such relationships must be disclosed to the chair of the College Hearing Board and be disclosed at the beginning of the hearing. (MSRR 5.9.2.1)

F. Students

1. The chair of the College Hearing Board shall direct the staff person to compile a list of students by random selection. The Office of Student Affairs shall generate the list of students. (MSRR 5.9.2.1)
2. 6 students who agree to serve for staggered terms of 2 years or until the student graduates whichever comes first shall be selected to serve on the College Hearing Board. Students shall be selected to replace the retiring member(s) and alternate(s) each year. Students shall serve a term and rotate off. (MSRR5.9.2.1).
3. Students and alternates shall serve as follows.
Initially the students shall be selected by:
6 students:
After the initial selection, each student shall serve for 2 years or until graduation and not be eligible to serve again.
4. If a student is involved in the complaint/grievance or has a conflict of interest, the student shall not serve on the Hearing Board. (MSRR 5.9.2.1)

III. REFERRAL TO THE COLLEGE OF HUMAN MEDICINE HEARING BOARD:

A. A request for a grievance or complaint hearing shall be submitted to the associate dean for academic affairs who will forward the request to the chair of the College Hearing Board.

² For the purposes of this document, a "conflict of interest" is defined as any academic, financial, scholarly, or social relationship that would, in the judgment of the hearing body chair, impair the ability of the member to make a fair and impartial judgment. (MSRR 5.9.4.2)

B. When a medical student is dismissed by the student performance committee for academic reasons, the student may file a request for a grievance hearing with the associate dean for academic affairs, but only for alleged procedural violations. (MSRR 5.1.4)

C. When resolution or redress with the instructor, unit administrator or department chair cannot be reached, grievances and complaints shall be referred to the associate dean for academic affairs. (MSRR 5.3.4)

D. Grievances/complaints brought within a department that is not solely administered by the medical colleges will be referred to the associate dean for academic affairs in the student's medical college. (MSRR 5.3.4)

E. To file a grievance/complaint, the grievant/complainant must submit a written, signed statement to the associate dean for academic affairs of the medical college no later than mid-term of the semester as established by the university calendar following the one in which the alleged violation occurred (exclusive of college vacation periods when students are not enrolled). (MSRR 5.3.3)

1. Statements must contain: the specific provision of the MSRR or other policy/regulation that has been allegedly violated; the time, place, and nature of the alleged violation; the person(s) against whom the grievance/complaint is filed; a concise and plain statement of the sanction or remedy sought; and whether a hearing is requested. (MSRR 5.3.1)

2. Students and faculty may seek assistance from the Office of the Ombudsman to understand the grievance/complaint process. (MSRR 5.3.2)

F. Within five (5) class days after receipt of a grievance/complaint, the associate dean for academic affairs shall meet in person or by telephone separately with the grievant/complainant and respondent to discuss the nature of the grievance/complaint. (MSRR 5.4.3)

1. If the respondent admits his/her violation of the MSRR or other policy/regulation, then the grievance/complaint may be resolved through administrative action. A respondent who admits his/her violation in writing waives his/her right to a hearing on the facts of the violation. In such a situation, the administrator shall propose in writing an appropriate redress or sanction for the violation. At that time, the respondent may request a hearing on the sole issue of the appropriateness of the sanction/redress. (MSRR 5.4.3; 5.4.3.1)

2. If the respondent denies that the alleged violation has occurred, the associate dean for academic affairs or designee shall forward the grievance/complaint to the chair of the College Hearing Board within five (5) class days for a hearing. (MSRR 5.4.4)

IV. JUDICIAL PROCEDURES PRIOR TO A HEARING

- A. The adjudication of grievances should proceed in a timely manner, as described below. (MSRR 5.5.2)
- B. Upon receipt of the grievance/complaint, the Associate Dean for Academic Programs will attempt informal resolution. If that is not possible the Chair of the College Hearing Board shall determine if the time limit for filing a grievance/complaint under the MSRR has been met.
- C. Either party may submit a request to the chair of the College Hearing Board that a member of the hearing body be disqualified because of a conflict of interest. The chair shall decide on disqualification promptly, and if a member is disqualified, an alternate shall be selected and the name of the alternate forwarded to the parties immediately. (MSRR 5.5.6)
1. If the chair of the hearing body is the subject of the request, then the associate dean for academic affairs shall rule on disqualification. If the chair is disqualified, the College Advisory Council shall designate a new chair and promptly notify the parties. (MSRR 5.5.6)
- D. The College Hearing Board shall meet to review the grievance/complaint to determine whether it has jurisdiction and whether the complaint/grievance has alleged a violation of the MSRR, or other policy/regulation and may then forward a copy of the complaint/grievance to the appropriate individual(s) and invite a written response regarding these issues. After considering all submitted information, the hearing body may (MSRR 5.5.3.1):
1. Accept the complaint/grievance, in full or in part, and proceed to schedule a hearing. (MSRR 5.5.3.1.1)
 2. Reject the complaint/grievance and provide an explanation. (MSRR.5.5.3.1.2)
 3. Invite all parties to meet with the hearing board for an informal discussion of the issues, which shall not preclude a later hearing. (MSRR 5.5.3.1.3)
- E. If the hearing body accepts the complaint/grievance, the chair of the hearing board shall schedule a hearing date with the parties. Additional meeting times may also be scheduled for hearing board deliberations if necessary.
- F. At least ten (10) class days prior to the hearing, each party shall provide the chair of the College Hearing Board with the names of his/her witnesses (if any) and advisor(s) (if any). Each party is responsible for the appearance of their respective witnesses (if any) at the hearing. Witnesses will normally be a member of the University community, but if they are not, then wherever possible, written statements will be sought in lieu of personal appearance and testimony. (MSRR 5.5.4)
- G. At least five (10) class days prior to the hearing, each party shall receive a written notice of hearing from the hearing body which shall state:

1. The name(s) of the parties (MSRR 5.5.5.1);
2. The nature of the issues to be heard with sufficient detail to enable each party to prepare its respective case (MSRR 5.5.5.2);
3. The date, time, and place of the hearing (MSRR 5.5.5.3);
4. The names of witnesses (if any) and advisor(s) (if any) (MSRR 5.5.5.4).

H. Any amendments to the grievance/complaint must be filed at least five (5) class days prior to the hearing. (MSRR 5.5.7)

I. Prior to the scheduled time of the hearing, either party may request that the chair of the hearing body postpone the hearing for cause. (MSRR5.5.8)

J. Each party is expected to appear at the hearing and present his/her case to the hearing body. (MSRR 5.5.9)

1. If the complainant/grievant fails to appear, the hearing body may either postpone the hearing or dismiss the complaint/grievance. (MSRR 5.5.10)
2. If the respondent fails to appear, the hearing body may either postpone the hearing or, if the hearing body decides that an acceptable excuse has not been offered, hear the case in the absence of the respondent(s). (MSRR5.5.11)
3. In unusual circumstances, the hearing body may accept written statements from a party to the hearing in lieu of personal appearance. Written statements must be submitted to the hearing board at least one (1) day prior to the scheduled hearing and a copy must be sent to the opposing party. (MSRR 5.5.12)

K. Either party may choose to be accompanied by an advisor, who must be a member of the faculty, staff, or student body of the University. The advisor may be present throughout the hearing but has no voice in the hearing except in unusual circumstances as determined by the chair of the College Hearing Board. (MSRR 5.5.14)

L. The chair may grant permission 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. Such attorneys may be present throughout the hearing but have no voice in the hearing unless permission has been granted by the chair of the College Hearing Board. (MSRR 5.5.14)

M. Members of the College Hearing Board must not talk about the hearing with either party or with anyone else before the scheduled hearing. Confidentiality is required to maintain the integrity of the process. (MSRR 5.5.16)

V. JUDICIAL PROCEDURES DURING HEARING

- A. The chair of the College Hearing Board shall convene the hearing at the designated time, date, and place. The chair will ensure that a collegial atmosphere prevails and enforce time limits, as necessary, for the presentation of arguments.
- B. 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. (MSRR 5.5.15)
- C. To protect the confidentiality of the information, the chair of the Hearing Board may limit attendance at the hearing to the grievant/complainant, the respondent, witnesses for either party, if any, and advisor for each party, if any. (MSRR 5.5.16)
- D. Witnesses called by either party shall be excluded from the proceedings except when testifying. Witnesses must confine their testimony to their own independent recollection and may not speak for others. The hearing board may limit the number of witnesses.
- E. To assure orderly questioning, the chair of the College Hearing Board must 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 College Hearing Board. The chair of the College Hearing Board shall enforce announced time limits on each party to present its case, and, if necessary, extend equal time to each party.
- F. The hearing shall not be taped.
- G. The hearing will proceed as follows:
1. Introductory remarks by the chair of the College Hearing Board:
The chair introduces hearing panel members including any of their prior or present relationships or contact with the grievant/complainant, the respondent and advisors, if any. The chair reviews the hearing procedures, including time restraints, if any, for presentations by each party and witnesses. Advisors / attorneys do not have a voice in the proceedings except in unusual circumstances and only with the permission of the chair.
 2. The chair explains that the burden of proof rests with the grievant for a grievance hearing (MSRR 5.1; 5.1.5) and with the complainant for hearings of complaints brought against medical students alleging academic dishonesty, violation of the MSRR, violation of professional standards, falsification of admission or academic records, or violation of a student group regulation, general student regulation, or University policy, in which case the instructor bears the burden of proof, which must be met by a "preponderance of the evidence." (MSRR 5.1.5; MSRR 5.2)

3. Presentation by the Grievant/Complainant: The chair recognizes the grievant/complainant to present without interruption any statements relevant to the grievant/complainant's case, including the redress sought. The Chair then recognizes questions directed at the grievant/complainant by the Hearing Board and the respondent.

4. Presentation by the Grievant/Complainant's Witnesses: The chair recognizes the grievant/complainant's witnesses, if any, to present, without interruption, any questions directed at the witnesses by the Hearing Board and the respondent.

5. 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 Hearing Board and the grievant/complainant.

6. 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 Hearing Board and the grievant/complainant.

7. Rebuttal and closing statement by Grievant/Complainant: The grievant/complainant may refute statements by the respondent and the respondent's witnesses and present a summary statement.

8. Rebuttal and Closing Statement by Respondent: The respondent may refute statements by the grievant/complainant and the grievant/complainant's witnesses and present a summary statement.

9. Final questions by the Hearing Board: The Hearing Board may ask questions of any of the participants in the hearing.

H. Deliberations by the Hearing Board: 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/complaint 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. Deliberations by the Hearing Board will not be taped.

I. Outcome:

1. In grievance or non-disciplinary hearings in which the College Hearing Board serves as either the initial hearing body or as the appellate hearing body, if a majority of the College Hearing Board finds, based on a "preponderance of the evidence," that a violation of the student's academic rights has occurred and that redress is possible, it shall direct the dean for academic affairs to implement an appropriate remedy, in consultation with the College Hearing Board. If the hearing body finds

that no violation of academic rights has occurred, it shall so inform the dean for academic affairs. (MSRR 5.5.16)

In grievance or non-disciplinary hearings in which the College Hearing Board is asked to resolve an allegation of academic dishonesty and finds for the student, the Hearing Board shall recommend to the dean for academic affairs that the penalty grade be removed, the written record of the allegation, if any, be removed from the student's records and a good faith evaluation of the student's academic performance in the course take place. (MSRR 5.5.16)

2. In disciplinary hearings for complaints against students, in which the College Hearing Board serves as the initial hearing body, if a majority of the College Hearing Board finds, based on a "preponderance of the evidence," that disciplinary action, in addition to or other than a penalty grade, is warranted, it shall recommend to the dean for academic affairs the appropriate sanction (MSRR 5.7.1) of warning (MSRR 5.7.1.1), probation (MSRR 5.7.1.2), suspension (MSRR 5.7.1.3), or dismissal (MSRR 5.7.1.4) or any other action deemed appropriate to a specific case.

J. Written Report: Within five (5) class days the chair of the Hearing Board shall prepare a written report of the College Hearing Board's findings and supporting rationale, including redress or sanctions, if applicable. The report is sent to the grievant/complainant, the respondent(s), and CHM Dean by electronic and U.S. mail. (MSRR 5.5.16)

1. The chair shall forward copies of the report, in addition to the parties and college dean, to the dean for academic affairs, the Ombudsman, and the MSU Dean for Graduate Studies.
2. All recipients must respect the confidentiality of the report. The dean of the college and for academic affairs shall take appropriate action to implement any redress or sanction directed by the College Hearing Board. (MSRR 5.5.16)
3. The report should inform the parties of the right to appeal within fourteen (14) class days following the date of the College Hearing Board's decision. (MSRR 5.8.5)

K. Reconsideration: Either party to a hearing may request reconsideration of a decision within thirty (30) days if the chair of the College Hearing Board determines that new evidence has arisen. "New evidence" is defined as relevant information or documents previously unavailable to the party, although the party acted with due diligence to obtain such evidence. The chair may grant an exception to the (thirty) 30 day time limit only upon showing of good cause. (MSRR 5.5.17)

VI. APPEALS OF COLLEGE HEARING BOARD

A. Either party may appeal the decision of the College Hearing Board to the University Graduate Professional Judiciary (UGPJ) within fourteen (14) class days of the decision. (MSRR 5.8.1)

1. Grievances: The UGPJ shall hear appeals of decisions arising from academic grievances alleging procedural violations, normally on issues which challenge the adequacy of the notice of the hearing provided the respondent by the hearing body and/or the adequacy of the hearing provided the parties of the hearing body. Evidence presented to the College Hearing Board or otherwise pertaining to the substance of the grievance will not be reheard. (MSRR 5.8.1.2)

2. Complaints: The UGPJ shall hear appeals of decisions arising from complaints. Medical students may appeal decisions arising from complaints on either substantive or procedural grounds. When reviewing substantive matters, the UGPJ 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. Appeals from decisions arising from a complaint may allege that the decision of the College Hearing Board was substantively unfair even if no procedural violations are alleged to have occurred, but the UGPJ will not rehear the complaint or the evidence presented to the College Hearing Board. (MSRR 5.8.1.3)

B. For details on the appeal process and how to file an appeal, see MSRR 5.8.

VII. IF THE SAFETY OF INDIVIDUALS IS A CONCERN, SEE URGENT CASES (See MSRR 5.6)

**APPROVED BY THE CHM COLLEGE ADVISORY COUNCIL – June 18, 2007,
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