

STUDENT GRIEVANCE AND APPEALS PROCEDURES

Student Grievance Hearing Committee

School of Education

Approved 9/28/2022; Replacing 19.56

The Indiana University School of Education's Student Grievance Hearing Committee (SGHC) provides a hearing board for any student who

1. Alleges that an incorrect grade (e.g., instructor miscalculated a grade) or other action on the part of a member of the faculty or administration (e.g., admission to the Teacher Education Program, approval to student teach) is the result of a procedural error (**a procedural appeal**), or
2. Appeals the action of an instructor taken in response to alleged academic misconduct taking place in a course (an **academic misconduct appeal**) or
3. Believes that their rights, as defined in Part I, A-G, of Indiana [University's Code of Student Rights, Responsibilities, and Conduct](#) (the *Code*), have been violated by a member of the faculty or administration (**a grievance**) and has followed requisite steps outlined in the [Code](#). In such cases, the Office of Student Conduct will be consulted regarding next steps (i.e., whether the case should be addressed at the campus or school level).

Grievance and Appeal Jurisdiction

1. The SGHC hears *procedural appeals* in cases in which procedural errors by a member of the faculty or administration have led to miscalculation of grades or other actions. **Issues dealing with the substantive quality of the student's academic performance and involving intrinsic, professional, academic judgments by a faculty member lie outside the Committee's jurisdiction.**
2. The SGHC hears *academic misconduct appeals* of instructor decisions in the following categories: "Student Responsibilities: Academic Misconduct" as defined in Part II.G of the *Code*. This includes:
 1. cheating
 2. fabrication
 3. plagiarism
 4. interference
 5. violation of course rules
 6. facilitating academic dishonesty

The *Code* distinguishes between personal misconduct and academic misconduct. Appeals regarding personal misconduct are not within the jurisdiction of the SGHC and are handled by the Dean of Students according to the *Code* (Procedures; Student Disciplinary Procedures; A,2).

3. In collaboration with the Office of Student Conduct, the SGHC may consider *grievances* in the following categories: Violations of "Student Rights" as defined in Parts I and II of the *Code* (A-G):
 - A. Pursuit of education
 - B. Freedom from discrimination
 - C. Freedom from harassment
 - D. Access to records and facilities
 - E. Freedom of association, expression, advocacy and publication
 - F. Contribute to University governance
 - G. Accommodation for individuals with disabilities

Grievances concerning student rights H-I (Judicial Process and Students as University Employees) are handled by the Dean of Students and not the School of Education Grievance Hearing Committee. Requests for program exceptions (e.g., course substitutions, GPA waivers) are outside the purview of the Student Grievance Hearing Committee.

Procedures

The Student Grievance Hearing Committee (SGHC) follows the procedures in the *Code of Student Rights, Responsibilities, and Conduct: Procedures for the Bloomington Campus* (the *Code* (Procedures)) document with the following additions:

1. The School of Education Dean designates the Associate Dean for Undergraduate and Teacher Education as the presiding officer for hearings involving undergraduate students and post-baccalaureate teacher licensure students.
2. The School of Education Dean designates the Associate Dean for Graduate Studies as the presiding officer for graduate student hearings (with the exception of graduate student's concerns about licensure-related issues, as stated above.)
3. The committee will be appointed by the School of Education Policy Council. In cases of hearings involving field experiences, an additional member will be selected from among school partners who serve on the Committee on Teacher Education. Necessary exceptions will follow procedures in the *Code* (Procedures).
4. The presiding officer will submit the committee's conclusions and recommendations to the School of Education Dean following the directives in the *Code* (Procedures).
5. The School of Education Dean can accept, modify, or reject the committee's conclusions and recommendations following the directives in the *Code* (Procedures).
6. Either party may appeal the decision of the School of Education Dean following the directives in the *Code* (Procedures).
7. The grievance or appeal process shall be initiated through the School of Education website. Copies of in the *Code* (Procedures) are provided to students upon enrolling at Indiana University and can be found on the university's website.
8. Appeals of charges of academic misconduct must be received within 10 business days after date of written report from the Office of Student Conduct. Other appeals and grievances must be received by the last day of the semester following the semester in which the incident occurred.
9. The committee is convened to hear appeals during the regular academic year only. The committee does not consider appeals over the summer.
10. The committee shall provide a recourse of last resort for procedural and misconduct appeals. The presiding officer will therefore ensure that the following preliminary procedures have been followed before bringing a case before the committee:
 - a) Whenever a student believes that they have grounds for a grievance or appeal related to a course, they shall first arrange a meeting with the instructor; whenever a student believes they have grounds for a grievance or appeal for non-course issues, they shall first arrange a meeting with the relevant faculty or staff member to discuss the matter.
 - b) A student who believes that they have not received a satisfactory resolution of their grievance shall within 15 business days go to the appropriate departmental chairperson or

staff supervisor.

- c) If the student is still dissatisfied, they may consult with the Associate Dean for Undergraduate or Graduate Studies, as appropriate, within 15 business days after consulting with the departmental chairperson or supervisor. In very rare cases, a student who feels they have a justifiable reason for not going directly to the person involved and/or the departmental chairperson or staff supervisor, may skip steps a and/or b if the Associate Dean agrees that doing so is justifiable.
- d) If the student is still dissatisfied, within 15 business days they may initiate the grievance procedure by submitting the Grievance/Appeal Application, which may be found on the Web in the Undergraduate and Graduate portals.
- e) Within 10 business days of application submission, the Associate Dean for Undergraduate or Graduate Studies determines whether the grievance or appeal application falls under the SGHC purview, as defined on page 1. If so, then a formal hearing will be initiated within 30 business days. If not, then the decision regarding procedural or misconduct appeals offered by the most relevant unit head (departmental chairperson for course-related appeals, and Associate Dean for other appeals) are final.

Before Filing a Grievance or Appeal

In all but the most unusual circumstances, a case will not be brought to the SGHC until the avenues of resolution outlined above have been exhausted. Applications will only be accepted for consideration with evidence of reasonable attempts to resolve the problem.

Formal Hearings

1. If the Associate Dean determines that the appeal or grievance meets one of the three criteria (defined on page 1), the SGHC is required to conduct a formal hearing to consider the complaint.
 - a) The presiding officer (either the Associate Dean for Undergraduate or Graduate Studies), in consultation with the other members of the SGHC, must determine an appropriate time and place for the hearing.
 - b) The presiding officer is required to make arrangements for a public hearing if requested to do so by the person who is named in the complaint by no later than five business days before the date of the hearing. The presiding officer is required to conduct the hearing in a place that will accommodate a reasonable number of observers, but the officer is authorized to make a final decision concerning the place where the hearing is to be held and the number of observers to be accommodated.
 - c) The presiding officer has a duty, to the greatest extent practical under the circumstances, to summon witnesses, compel the production of documents, and structure the hearing to afford all participating parties procedural due process.
2. When a hearing is to take place, the presiding officer is required to notify the person who is named in the complaint concerning the following:
 - a) The date, time, and place of the hearing, which shall not be earlier than five business days after the date of the notice;
 - b) The date, time, and place of the alleged act of misconduct and a summary of the information upon which the allegation is based;
 - c) The names of the witnesses whom the complaining student may present at the hearing or whose statements may be offered as evidence;

- d) That the person named in the complaint is required to provide to the presiding officer, no later than three business days prior to the hearing, all documents in their possession, pertinent to the complaint;
 - e) That the person named in the complaint may submit to the presiding officer, no later than three business days prior to the hearing, a request for any documents related to the complaint which the subject wishes the complaining student to produce;
 - f) That the person named in the complaint must submit to the presiding officer, no later than three business days prior to the hearing, a list of witnesses whom the subject may present at the hearing or whose statements may be offered as evidence;
 - g) That the person named in the complaint is required to be present at the hearing and is entitled to present witnesses and to cross-examine witnesses who appear, unless the SGHC decides to proceed in the subject's absence because of extraordinary circumstances;
 - h) That the person named in the complaint is entitled to be accompanied at the hearing by counsel or an advisor of their choice at their own expense, but the person named is still required to be present;
 - i) That the complaining student is entitled to be present at the hearing and may be accompanied by an advisor of their own choosing, including an attorney at their own expense;
 - j) That the person named in the complaint may testify but will not be required to testify at the hearing, and that a decision not to testify will not be considered as an admission of guilt;
 - k) That the hearing will be closed to the public unless the person named in the complaint notifies the presiding officer in writing by not later than five business days before the hearing that they desire the hearing to be open to the public;
 - l) The disciplinary sanctions that may be imposed for the alleged act of misconduct are enumerated in the *Code* (Disciplinary Procedures);
 - m) That a failure by the person named in the complaint to appear at the hearing would be sufficient to justify the imposition of any disciplinary sanction without a right of further appeal if the SGHC determines that the failure to attend was without good cause.
3. When a hearing is to take place, the presiding officer is also required to notify the student who filed the complaint concerning the following:
- a) The date, time, and place of the hearing, which shall not be earlier than five business days after the date of the notice;
 - b) That the complaining student must submit to the presiding officer, no later than three business days prior to the hearing, a list of witnesses whom the complaining student may present at the hearing or whose statements may be offered as evidence;
 - c) That the complaining student's failure to attend the hearing would be sufficient to justify the dismissal of the complaint without any further action if the SGHC should thereafter find that the failure to attend was without good cause.
4. The formal hearing is to be conducted by the presiding officer of the SGHC.
- a) The hearing may be held only if a majority of the SGHC members, including at least one student, are present, and both the student filing the grievance and subject of the grievance agree to proceed. A hearing may not be held without the presiding officer being present. The Associate Dean for Undergraduate or Graduate Studies, whoever is *not* the presiding officer, will attend to observe and to be available to vote, *only* in the case of a tie among the SGHC members present.

- b) The presiding officer, in consultation with the other members of the SGHC, is responsible for conducting the hearing, maintaining the necessary order, and making all rulings that are necessary for the fair, orderly, and expeditious consideration of the complaint.
- c) The presiding officer shall call the complaining student as a witness to testify concerning the act of misconduct alleged in the student's complaint.
 - 1. The advisor for the student, if any, shall be given the opportunity to question the student.
 - 2. The presiding officer may question the student concerning the complaint. The other members of the SGHC may then be given the opportunity to question the student.
 - 3. The person named in the complaint shall be given the opportunity to question the student concerning the complaint.
- d) The presiding officer shall also call any other persons to testify as witnesses as requested by the student or otherwise considered appropriate by the officer. The student shall be given the opportunity to question these witnesses. The person who is the person named in the complaint shall also be given the opportunity to question these witnesses. The presiding officer and the other members of the SGHC may question any of these witnesses as they consider appropriate.
- e) The presiding officer shall permit the student to present any other information that is appropriate and relevant to the student's complaint.
- f) After all of the testimony and information concerning the complaint has been submitted, the presiding officer must offer the person named in the complaint the opportunity to testify concerning the matter.
 - 1. If the person named in the complaint chooses to testify, they may be questioned by the complaining student and/or the presiding officer and the other members of the SGHC.
 - 2. If the person named in the complaint chooses not to testify, the SGHC may not consider the decision not to testify as an admission of guilt.
- g) The presiding officer must also offer the person named in the complaint the opportunity to call other witnesses and to submit any information that is appropriate and relevant to the student's complaint.
 - 1. If any witnesses are called to testify, they may be questioned by the person named in the complaint
 - 2. The complaining student may also question the witnesses.
 - 3. The presiding officer and the other members of the SGHC may question the witnesses as they consider appropriate
- h) After hearing any concluding arguments, the SGHC is required to reach a conclusion concerning the validity of the allegations in the complaint.
 - 1. The SGHC is required to conduct its deliberations concerning the complaint in a private, executive session. Decisions shall be by majority vote. Dissenters may choose to issue a dissenting opinion. The presiding officer shall require all persons other than the members of the SGHC to leave the hearing room during the deliberations.
 - 2. The SGHC must reach its conclusion or conclusions solely upon the basis of the testimony and information introduced at the hearing.
 - 3. A conclusion that the person named in the complaint committed the alleged act must be based upon a preponderance of evidence.
- i) If a majority of the members of the SGHC conclude that the evidence is insufficient to sustain the allegations of the complaint, the SGHC is required to recommend that the complaint be dismissed.

1. The presiding officer shall reconvene the hearing and advise the complaining student and the person named in the complaint concerning the conclusion and recommendation of the SGHC or issue a written opinion signed by a majority of the participating members within five business days
 2. The presiding officer shall also advise the parties that the Dean of the School of Education will be notified of SGHC's conclusion and recommendation and that the Dean of the School of Education is required to dismiss the complaint.
- j) If a majority of the members of the SGHC concludes that the evidence is sufficient to sustain the allegations of the complaint, the SGHC is required to conduct a hearing concerning an appropriate sanction.
1. The presiding officer shall reconvene the hearing and advise the complaining student and the person named in the complaint concerning the conclusion of the SGHC.
 2. The presiding officer must then offer the person who is named in the complaint the opportunity to submit information and present an argument concerning an appropriate disciplinary sanction.
 3. The presiding officer shall also offer the complaining student a similar opportunity with reference to the appropriate sanction.
- k) After hearing from the parties concerning an appropriate sanction, the SGHC is required to make a recommendation concerning an appropriate sanction.
1. The SGHC is required to conduct its deliberations concerning the sanction in a private, executive session. The presiding officer must require persons other than the members of the SGHC to leave the hearing room during the deliberations.
 2. A recommendation of the SGHC must be based upon a vote by a majority of the members of the SGHC.
- l) After the SGHC has concluded its deliberations concerning an appropriate sanction, the presiding officer shall reconvene the hearing and advise the complaining student and the person named in the complaint concerning the recommended sanction or issue a written opinion signed by a majority of the participating members within five business days following the close of the hearing.
1. The parties must also be advised that the SGHC's conclusions concerning the validity of the complaint and the SGHC's recommendation concerning an appropriate sanction will be submitted to the Dean of the School of Education for final action.
 2. In addition, the parties must be advised as follows: If the Dean of the School of Education decides to reject the recommendations of the SGHC, the complaint is dismissed.
 3. The presiding officer of the SGHC is required to make record of the hearing before the SGHC which may be made by an electronic tape recorder or other appropriate means.
- m) Within five business days after the hearing, the presiding officer must prepare a written report concerning the SGHC's conclusions and recommendations with a brief explanation of the findings of fact upon which the SGHC's conclusions are based. The report must be submitted to the Dean of the School of Education, the person named in the complaint, and the complaining student.

Per IU policy, the final decision regarding **procedural** or **academic misconduct** appeals may not be appealed further. Should the student wish to further appeal a **grievance**, the *Code* provides an avenue through the Vice Provost for Faculty and Academic Affairs.