

## NOTE TO TRUSTEES:

Most of the changes recommended in this document (highlighted in red) represent title changes necessitated by University organizational change since the last review of Mountie Manual Student Conduct guidelines. However, there are some changes recommended as a result of long term practice different from the stated terminology, and in an effort to make the guidelines more effective. More substantive changes are followed in green with explanatory comments. The most significant change is the transfer of academic disciplinary issues to a separate process administered by Academic Affairs/faculty.

## STUDENT CONDUCT

### Rationale for Discipline

The rights and privileges exercised by individuals are always a function of their relationship with others. Taken as a whole, your area of freedom is derived from the surrounding community, which holds you responsible, formally and informally, for the manner in which that freedom is exercised.

Freedom constructively used is expanded, while freedom used destructively is diminished. Restriction of privilege inevitably follows misconduct because of the interdependence between individual and community. Discipline is the process of determining restrictions appropriate to a particular form of abuse. Discipline is fundamental to education, a major purpose of which is to assist you in making the wisest possible use of freedom and thereby acquire more.

University discipline shall be limited to instances of misconduct which adversely affect the University community's pursuit of its educational purposes, namely (1) the opportunity of all members of the University community to attain their educational goals, (2) the generation and maintenance of an intellectual and educational atmosphere throughout the University community, (3) the protection of health, safety, welfare and property of the University community and property.

Persons engaged in misconduct will be judged by their actions and motives as interpreted by persons or committees with disciplinary authority, rather than by their own interpretation of intent. **The University shall make its sanctioning powers serve its educational goals, rather than promote general police functions well represented in general law.**

In situations in which a violation of civil or criminal law has occurred on campus, University authorities may choose to refer the case to an off-campus law enforcement agency and subsequently to the courts. The University may initiate appropriate proceedings within the campus judicial system prior to resolution off campus. **In cases where violations of University regulations occur off-campus, the University may choose to take disciplinary action.**

### Conduct Regulations

Any person who is found in violation of any of the following acts committed while a student on the University campus or on property controlled by the University or University affiliates or in connection with off-campus activities shall be subject to the maximum sanction authorized in this document.

1. ~~Academic misconduct including all forms of cheating and plagiarism. Academic misconduct includes, but is not limited to, providing or receiving assistance in a manner not authorized by the instructor in the creation of work to be submitted for academic evaluation including papers, projects and examinations; and presenting, as~~

~~one's own, the idea or works of another person or persons for academic evaluation without proper knowledge.~~  
Transferred to the new academic misconduct process.

2. Actual or threatened physical assaults or intentional or reckless injury to persons or property.
3. Offensive conduct which causes interference, annoyance or alarm, or recklessly creates a risk thereof. This includes conduct of an offensive nature on-line/via the internet.
4. Interfering with the freedom of any person to express his/her views, including invited speakers.
5. Interference with entry into or exit from buildings or areas with free movement of any person.
6. Behavior or activities which endanger the safety of oneself or others.
7. Disruption or obstruction of teaching, research, administration, disciplinary proceedings or other University activities.
8. Violation of any restrictions, conditions or terms of a sanction resulting from prior disciplinary action.
9. Failure to provide identification upon demand by or to comply with other directions of University staff members, student staff or of the staff or contractual affiliates of the University acting in the performance of their duties or knowingly providing false information to University personnel.
10. Misuse of University documents - forging, transferring, altering or otherwise misusing a student fee card, student payroll card, identification card, course registration material, schedule card, other University identification or any other document or record.
11. Possession, sale, transfer, purchase or delivery of drugs except as expressly permitted by law.
12. Making false statements in application for admission, petition, requests or other official University documents or records, forgery on drop/add forms and other University records or documents.
13. Forcible entry into a building or other premises.
14. Unauthorized presence in a building or other premises.
15. Possession or use of firearms, fireworks, dangerous weapons, or possession of chemicals when not authorized.
16. Starting fires, misuse of fire equipment and/or explosions and/or false reporting of a fire, bomb, incendiary device, or other explosive or any false reporting of an emergency.
17. Theft, damage, destruction, tampering or defacement of personal, University or University affiliates' property.
18. Disorderly conduct including behavior which causes public inconvenience, annoyance or alarm, or recklessly creates a risk thereof. This would include the use of obscene language or gestures and inappropriate use of computer privileges.
19. Illegal gambling in any form as defined by law.
20. Unauthorized use of University property or property of members of University community or University affiliates.
21. Violation of residence hall parietal rules and regulations.
22. Tampering with fire or safety equipment.
23. Violation of published University policies, rules, and regulations relating to: alcohol, smoking, sexual harassment, sexual assault, and other established regulations that are contained in University publications.
24. The use of computers for violation of personal privacy or committing of crimes; the unauthorized use of computers and/or peripheral systems, unauthorized access to computer programs or files, unauthorized alterations of computer programs, or files, unauthorized duplication or use of computer programs or files, making unauthorized changes to a computer account, or other deliberate action which disrupts the operation of computer systems serving other students of the University community generally.
25. Any violation of federal, state, or local law.
26. Repeated residence hall violations.
27. The commission of any Student Code of Conduct violation will be regarded as more serious if it is done with malicious intent toward the race, gender, color, religion, national origin, disability, or sexual orientation of another individual or group of individuals.
28. Animals may not be used in pranks or otherwise in any activity. Violation of this policy or any other abuse of animals is prohibited.

Any violation of the above proscriptions could be considered a major violation of University policy depending on the particulars of the specific violation.

### Definition of Sanctions

A preliminary observation should be made. Even where violation of a University regulation is established, sanctions need not in every case be imposed. Matters of extenuation should always be taken into account, along with circumstances, in determining sanctions. No sanctions should be imposed more serious than are clearly appropriate in the circumstances. Any student found in violation of a major University policy or repeated minor violations of University policies is subject to suspension or expulsion from Mansfield University.

**The burden of proof in any hearing or proceeding shall be by a preponderance of the evidence; that is, it is more likely than not, that the incident in the complaint, occurred. This burden rests with those instituting the complaint.**

### Hearing Board Sanctions

1. Verbal Warning. An oral statement to the offender, that University rules have been violated.
2. Written Warning. Reprimand for violation of specified regulation.
3. Compensation in the form of work or other duties as outlined in the description of sanction presented.
4. Restitution. Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
5. Fines may be imposed. Money collected as a result of a fine will be used for improvement in the residence halls.
6. **Residence Hall Probation.** A written notice placing the individual on probation. The conditions of that probation, such as its deviation, limitations, and specific penalties are stated in the probation. Residence Hall probation means that any further violation of University policy could result in removal from the residence halls with financial penalty (no refund). (NOTE: This sanction is recommended to give hearing boards a wider range of sanctions than presently exist. The language is in practice widely in the educational setting. Removal with penalty is necessary to prevent aberrant behavior being acted out to affect a move off-campus in violation of necessary residency requirements that enhance the richness of the campus culture and provide funding to maintain residence halls and dining programs.)
7. Disciplinary Probation. A written notice placing the individual on probation. The conditions of that probation, such as its duration, limitations, and specific penalties are stated in the probation. Disciplinary probation means that any further violation of University policy could result in suspension or dismissal. Parents will be notified when dependant students are placed on probation.
8. Suspension. Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a definite period of time. The individual may re-enroll in the University at the termination of the period of suspension without readmission.
9. Dismissal. Termination of student status for an indefinite period. The conditions of readmission, if any are permitted, shall be stated in the order of dismissal.
10. Other sanctions may be imposed which the board deems appropriate to the offense.
11. A sanction of Disciplinary "Suspension" or Disciplinary "Dismissal" will be noted on a student's transcript. Notations of "suspension" will be removed from the transcript once the period of suspension ends. Notations of "Dismissal" are considered a permanent part of a student's transcript.

### Student Conduct Judicial Proceedings

When you are brought before a hearing committee, the following requirements of procedural due process shall be observed:

1. No member of a hearing committee who is otherwise interested in the particular case shall sit in judgment during the proceeding.

2. You shall be informed in writing of the reasons for the proposed disciplinary action with particularity, and in sufficient time to insure opportunity to prepare for the hearing.
3. When you are appearing before a University hearing board you shall have the right to be assisted in your defense by an advisor of your choice.

#### Initiation of Judicial Proceedings

Any academic or administrative official of the University, any member of the faculty, or any student of the University may file charges against any member of the University for Violation of all-University proscriptions (see Specific Proscriptions). The charges shall be filed with the **Assistant Director of Residence Life** who may recommend that the charges be disposed of informally, referred to the appropriate union agency, referred to civil authorities, or disciplinary proceedings be initiated. If all parties involved are not satisfied with informal resolution, the **Assistant Director** shall send to the person(s) charged a copy of the charge together with notice of applicable procedures that the person should be aware of.

Pending action on the charges, your status or your right to be present on the campus and to attend classes shall not be altered. Exceptionally, for reasons relating only to the demonstrated danger to your safety and well-being as the charged person, or for reasons relating only to the demonstrated danger to the safety and well-being of the students, faculty, or University property, you may be advised by the **Assistant Director of Residence Life**, pending consideration of the case, that your removal from campus would be in your own best interest or the best interest of the University community. ~~Such advice~~ This discussion shall be made before witnesses when possible and may take effect immediately.

#### Judicial Hearing Officer(s)

In all cases, a student has the right to a hearing. **The Assistant Director of Residence Life** or designee may hold this hearing **administratively**, rather than have any charges referred to a hearing board. This option is only available in cases where suspension/dismissal is not a possible sanction. Any student wishing to appeal the outcome of an administrative hearing may do so by notifying the **Assistant Director of Residence Life** within five days of the decision. Any student failing to attend a scheduled hearing does so with the understanding that the hearing will be held in his/her absence and the right to appeal shall be forfeited. Appeals of the decision of the **Assistant Director of Residence Life/designee** may be filed using procedures outlined in the "Procedures for Appeals" section.

#### The University Hearing Board

The University Hearing Board shall be the board for **extreme or precedent setting** cases that involve violations of University policy, excluding traffic violations. The board shall consist of a maximum of **38** members: **12** students, **10** administrators and a total of **16** faculty. Six members, two from each group, shall be selected for the hearing of each case. Three members must be present to constitute a quorum. (NOTE: Numbers of hearings and time commitment involved led to increasing the number of student and administrator participants to spread the load to ensure an adequate supply of volunteers. A Board of this type has not been empanelled in long term memory. Instead, practice has become utilizing Formal Administrative Hearings [see below] comprised of three (3) members all of which must be present for quorum instead. It is quite difficult to engage volunteers and coordinate schedules for all parties involved, i.e., witnesses, etc., resulting in a more practical, less cumbersome approach).

#### Formal Administrative Hearing

(Same procedure as for Hearing Board). The membership shall consist of three members of the university community (students, faculty, and administrators). **This board shall be the board for the majority of all cases involving violations of university policy, excluding academic violations and traffic violations, excepting those involving extreme or precedent setting issues. It may also be utilized for hearings related to sensitive issues/cases. All three members must be present to constitute a quorum. (NOTE: This has become actual practice on campus for the majority of all judicial hearings and has worked quite effectively for years.)**

## The University Appeals Board

The University Appeals Board shall be established to consider Requests for Reconsideration of Hearing Board decisions. The Board shall consist of 3 members: 1 student, 1 teaching faculty, and 1 administrator. Three members must be present to constitute a quorum. The members will be selected from individuals eligible to serve on the University Hearing Board. (NOTE: This board has been reduced from 6 to 3 members due to complexity of coordinating schedules to give timely response to sensitive matters. Consider that a quorum has always only required three (3) members for participation.

## Judicial System Facilitator

The Associate Vice President of Residence Life shall designate an individual to serve as advisor to both the Hearing and Appeals Boards. It shall be the responsibility of the advisor to chair hearings and to preside at and expedite deliberations of both boards. The advisor shall not vote nor attempt to influence the decisions of the boards.

## University Organizations

If a University organization is charged with a violation of University policy, such charges shall be brought against the appropriate officer of that organization who shall be named as a representative of that organization. If the situation warrants, other members of that organization shall be charged as additional representatives of that organization.

Following the identification of the representatives of the organization in question, the procedures contained in the campus Judicial Code shall be employed.

## Sanctions vs. University Organizations

If an organization is found to be in violation of University policy, sanctions may be levied against the organization as a group, in addition to individual members of the organization.

Sanctions against an organization could include loss of University recognition, establishment of a probationary period, or loss of the privilege to use University facilities.

## Selection of Hearing Board Members

Student members of both hearing boards shall be appointed by Student Government.

Faculty members shall be appointed by the Faculty Senate.

Administrators shall be appointed by the Associate Vice President of Residence Life.

Appointments of board members shall occur annually; consecutive terms are permissible.

## APPOINTMENT OF HEARING BOARD MEMBERS

Appointments to hearing boards shall be made at the beginning of the academic year for the period of August to June. Faculty and staff appointments are for two years and may be renewed.

## RULES OF PROCEDURE FOR HEARING BOARDS:

### Notice Pertaining to the Complaint

In any action or proceeding before the hearing board, notice must be given to the party against whom such action or proceeding is brought. Notice must be given in the form of a written complaint signed or forwarded

electronically to the Assistant Director of Residence Life by the complaining party which shall specify in complete form:

- A. The approximate time, place, date, and identification of conduct or violation of the University rules specified in the complaint.
- B. All the facts necessary and relevant to enable the party complained of to be informed of the charge against him/her.

Upon receipt of the said complaint, the Assistant Director of Residence Life will forward to the party(s) against whom such action or proceeding is brought the following:

- A. Notice must be given of the rights of any party before the hearing board convenes.
- B. Written notice of the time, date, and location of the hearing to be held on any complaint shall be given concurrently with the ~~notice required by Paragraph 1 of this section~~ Notice Pertaining to the Complaint on either a separate form/email or ~~on the face~~ in the body of the complaint. Such notice shall also contain notice that the person being charged need not be present at the hearing. If not present, the board, following established procedures, may conduct the hearing in the charged person's absence.

### Service

In any action or proceeding before the Hearing Board or process to be held, service of notice will be effected by

1. electronic delivery to university email address
2. registered mail (with return receipt requested), or
3. upon the person(s) directly.

(NOTE: The University has formalized the institutional email address as a formal mode of communication of formal correspondence. This provides a more rapid response to the resolution desired by all parties.)

### Time

Commencing from the date of service, the party upon whom such notice is served shall be given three (3) days before the commencement of any action or proceeding before the hearing board or process. The time required by this section may be waived by mutual consent of and upon the submission of a written/electronic request for an earlier or later hearing. Notice of new time and place shall be sent to the party complained of as provided in paragraph headed Notice Pertaining to the Complaint.

### Commencement of Action

All action, excluding appeals, shall be heard by the appropriate Hearing Board process by way of signed or electronic complaint. An action shall be commenced by filing such complaint with the Residence Life Office or Staff, which shall be responsible for complying with the sections governing service and time.

### Right to Counsel

Any person(s) appearing before a University Hearing Board shall have the right to be assisted in their defense by an advisor of their choice. The advisor may not directly participate in the hearing, ask questions of the student or witnesses, but may advise the student only. However, if either party to the complaint elects to be represented by legal counsel, the other party must be notified of that decision three (3) days prior to the hearing date and rescheduling may be required.

The individual against whom charges are being brought has the responsibility to provide his/her advisor with all pertinent factual and procedural information.

### Procedural Standards of Hearings

In any hearing before University judicial boards where the charge is a violation of University rules, the party complained of shall have all the protection provided by due process **for educational hearings**. (NOTE: as opposed to due process of law. i.e., campus standards below have not changed, but the legal standard for institutions is different than that provided in the courtroom as per Right to Counsel above. This is a simple clarification that emphasizes the educational process interest of institutions of higher learning – a development process.)

The procedural due process **for educational hearings** includes all of those rights of the person previously mentioned as well as the following:

1. The burden of proof in any hearing or proceeding before the hearing boards lies with those instituting the complaint.
2. Both parties to any action or proceeding before the hearing boards shall have the right to cross examination of witnesses who testify, and shall have the right to submit evidence in rebuttal. The hearing board shall have the right to question witnesses.
3. Evidence. All matters upon which the decision may be based must be introduced into evidence at the proceedings before the hearing board. Evidence of a victim's past sexual conduct is not admissible except evidence of a victim's past sexual conduct with the accused party, where consent is an issue and the evidence would be admissible otherwise. The decision shall be based solely upon such matters. Improperly acquired evidence shall not be admitted. The Hearing Board involved shall decide whether evidence has been properly acquired.
4. The hearing board may admit evidence which is deemed by them to be relevant. It may exclude incomplete, irrelevant, immaterial or unduly repetitious evidence.
5. All claims of privileged communication recognized by law shall be observed (i.e., counselor-student, physician-student, and minister-student). Such communication shall not be used as evidence by the hearing board.

#### Conduct of Hearing

1. **The Associate Vice President of Residence Life** shall designate an administrator who shall present complaints brought in the name of the University (**generally the Assistant Director of Residence Life or Residence Director of the hall in which an incident has taken place**).
2. Complaints brought by members of the University community other than the **Assistant Director of Residence Life** shall be personally presented by the party or person of his/her choice. (~~See Right to Counsel~~).
3. Prior to any session of the hearing boards, the **Assistant Director of Residence Life** shall provide only such information as is necessary for the hearing boards to understand the nature of the complaint.
4. In all cases before the hearing boards, a vote of the majority of the members present shall be required to find for violation/non-violation of the complaint charged. The hearing boards must convene and act with a quorum of three (3) members present.
5. In the presence of all parties, the hearing boards shall read the complaint, and request the party complained of to state whether he/she violated or did not violate the proscription cited.
  - a. Upon an affirmative plea, proceed to Part 2 of Decision.
  - b. Upon a negative plea, the prosecution must present its evidence. The party complained of shall then have an opportunity to question the evidence presented and to present his/her own evidence.
6. After hearing all the evidence, the board shall make a proposed finding of whether a violation occurred, solely upon the evidence presented.
7. A member of the hearing board must, at any time, withdraw from any procedure if he/she deems themselves disqualified for personal bias. After showing just cause, either party to the dispute may request that a member of the hearing board be withdrawn. If the board member refuses to withdraw, the board will decide by a secret ballot majority vote whether or not the member may remain. The board member in question shall not vote.

8. The hearing board shall be allowed to request for testimony such persons or papers essential to the finding of a fair and just decision. The board may decide by majority vote to recess the hearing in order to locate such persons or papers.
9. The chairperson of the hearing board shall be responsible for maintaining order and room decorum.
10. Any person who commits an action in the presence of the hearing board, which interrupts the proceedings of the board, and any person who refuses to comply with a reasonable order of the board, can, at the request of the chairperson, be removed from the hearing room **and may themselves face discipline charges**.
11. Meetings of the hearing boards shall be closed.

#### Decision

1. After the presentation of the evidence, the members of the hearing boards shall request the withdrawal of all parties, at which time the hearing board shall make its decision.
2. After a decision is reached, it shall be read to the party complained of and the party bringing the complaint.
3. If the party is found in violation, arguments may be made relative to sentence. The board may ask for information about any prior offenses committed by the accused. The hearing board shall request again the withdrawal of all parties and then determine a sentence. The sentence shall be read to all parties. The person complained of shall be informed of the right of appeal to the University Appeals Board. A written/**electronic** copy which details the facts ~~for~~ **related to** the decision shall be sent to all parties.

Any member of the hearing board who wishes to submit a signed dissent in writing to any decision of the board may do so. Such dissent shall accompany the decision and shall likewise be sent to all parties.

#### Requests for Reconsideration

Any party who has been found in violation as the final judgment shall have the right to request reconsideration. Any person pleading guilty or not attending the hearing forfeits the right of appeal.

A person found to be in violation may file a Request for Reconsideration from the decision within forty-eight (48) hours, after receiving that decision (weekends and University holidays are not included) to the **Associate Director of Residence Life (ADRL)**.

#### Procedure for Filing a Request for Consideration

1. Making a request. Any party as defined in the section "Request for Reconsideration" may make a request for reconsideration by filing a written appeal with the office of the **Associate Director of Residence Life**, who shall acknowledge receipt of such request on a written form. If the **ADRL** feels the request for reconsideration has merit, he/she shall notify the University Appeals Board that a valid request for reconsideration has been filed. Reasons for appealing a decision shall be limited to procedural errors in the original hearing or new information. If the **ADRL** believes the request for reconsideration is without merit, he/she will deny the request in writing. The person(s) making the request for reconsideration can appeal the **ADRL's** decision to the **Associate Vice President of Residence Life** within 48 hours.
2. Time. No request for reconsideration shall be heard by the University Appeals Board unless the written request is filed within forty-eight (48) hours (weekends and University holidays not included), after a decision has been handed down by the University Hearing Board, or unless an excuse deemed sufficient by the **ADRL** for failure to file is presented.
3. Upon receipt of a request by the **ADRL** to review a request for reconsideration, the University Appeals Board shall send notice to the University Hearing Board/**officer** to produce the record of the matter (See Records). If the hearing board fails to produce said record, the appellate board shall either dismiss the original complaint or grant a rehearing in its entirety.

4. Discretion to Hear Appeal. The University Appeals Board shall meet within seven (7) days after the notice is received from the **ADRL**. After reviewing the request for reconsideration and the written records or audiotapes of the original hearing, the University Appeals Board may choose to:
  - a. Deny the request for reconsideration.
  - b. Grant a request for reconsideration hearing only on information relative to procedural errors or new evidence.
  - c. Conduct a new, complete hearing.

The person(s) being charged, as well as those bringing charges, may be present to hear any decision of the Board.

5. Should the University Appeals Board grant the request for reconsideration hearing or a complete, new hearing, the board shall meet as soon as practicable to hear the appeal. The secretary of the appellant board shall notify all concerned parties, in writing, of the day, hour and place the request for reconsideration shall be heard. The appellant shall also be notified at this time of his/her rights at the hearing of the request for reconsideration.

#### Individual Rights at Hearing of Appeal

1. In any case where a rehearing is given, the appellant(s) and the respondent(s) shall have all the rights as if this were a hearing in the first instance.
2. In all other cases, the appellant(s) and the respondent(s) shall have the right to be present at the hearing of the request for reconsideration and to present arguments personally or through the person of his/her choice.

#### Conduct of Hearing Requests for Reconsideration

1. Except where a rehearing is given, the request for reconsideration shall be limited to a consideration of those procedural errors or new information pointed out by the appellant in the request.
2. The conduct of the hearing of the request for reconsideration shall proceed as follows:
  - a. The appellant or personal representative shall present his/her arguments.
  - b. The respondent shall follow the appellant and present his/her arguments.
  - c. The appellant shall then present any rebuttal argument.
  - d. The respondent shall follow and present any rebuttal argument.
3. The length of the arguments shall be determined by the board.
4. The appellant justices may, at any time, question anyone on any relevant point.

#### Decision

1. After the hearing of a request for reconsideration, the appeals board may:
  - a. Uphold the original decision.
  - b. Reduce the original decision.
  - c. Suspend the original decision.
  - d. Dismiss the original decision and require a new hearing to be held.
2. In all cases, after the argument, the parties shall withdraw and the board members may deliberate or wait the period of time provided in this section.
3. A decision may be rendered in writing within five (5) days from the time of the argument.
4. Any appellant(s) whose decision is affirmed shall be notified at the time of decision, of his/her right of further appeal which must be done in writing, within 48 hours, to the **Associate Vice President of Residence Life**. **(The University President may choose to act in lieu of the Associate Vice President of Residence Life in cases of extreme importance to the University.)** **(NOTE: This modification frees the President from the encumbrance of due process detail in all but the most important of campus situations.)**

#### Records

1. Only hearing boards/**hearing officers** have the right to maintain written records or audio tape recordings.

2. In any hearing or proceeding before a hearing board, either an audiotape or a summary record noting all pertinent matters (names of witnesses, objections and rulings) will be made.
3. The records of the hearing board shall not be public records. They shall only be read by authorized persons designated by the **Associate Vice President of Residence Life**. All matters therein contained shall be regarded as confidential. It shall be grounds for removal of any board member who reveals any matter in any record.
4. All records shall be retained for a reasonable amount of time, not to exceed two years.
5. All records shall be kept in an area designated by the office of the **Associate Vice President of Residence Life**.
6. The costs of making copies of records shall be paid by the defendant if copies are requested.

(NOTE: NEW ACADEMIC PROCESS)

**Academic Standards: Review Board Policy –**

If your total quality point average at the end of any semester falls below the minimum standard required to remain in school, a dismissal letter will be sent, notifying you of that action. If this is your first dismissal from Mansfield, you have, through your own initiative, the opportunity to appeal.

**Appeal of Dismissal for Failure to Meet Academic Standards:**

All appeals of first dismissals shall be heard by the **Dismissal Hearing Board**. The **Dismissal Hearing Board** for first dismissals shall be constituted exclusively of faculty. Each **Dismissal Hearing Board** shall have an identified chairperson appointed by the chairperson of the **Academic Standards Review Board**. The role of the chairperson shall be to conduct the hearings in a professional manner and ensure that the outcomes of the process are conveyed to the student and the staff of the Academic Advising Center, as well as all other university offices that have a need to know the outcome of the appeal. The chairperson of the **Dismissal Hearing Board** may vote on the outcome of the deliberations. The Academic Advising Center staff shall: (a) notify dismissed students of their status and the appeal process; (b) schedule the meetings for the **Dismissal Hearing Board**; and (c) provide follow-up advising as recommended by the **Dismissal Hearing Board**. The process for an appeal is as follows:

- A. A student who has received a **first** dismissal letter may make an appeal before the **Dismissal Hearing Board**. All letters of dismissal are prepared by the Academic Advising Center and sent over the signature of the Dean (or Provost Designee). The letters shall provide sufficient instructions for students who wish to make an appeal. Decisions of the **Dismissal Hearing Board** are final.
- B. Students who have been dismissed for a second time do not have the right to appeal to the **Dismissal Hearing Board** but may appeal to the Dean (or Provost Designee), whose decision shall be final.
- C. The **Dismissal Hearing Board** shall be constituted of three faculty members who represent the full **Academic Standards Review Board**. Depending on the need for hearings there may be as many as three Boards that operate at once. Each Board will have its own chair.
- D. After an appointment time is scheduled for the hearing, the student is expected to address to the chairperson of the **Dismissal Hearing Board** a written appeal, stating his or her case. The written appeal may be mailed to the chairperson or brought by the student to the hearing.
- E. The student may request the department chairperson of his or her major, or another member of the faculty, to serve as advocate during the hearing.
- F. Before the student presents his or her case to the **Dismissal Hearing Board**, the student's letter will be read by the Board. The members of the Board will consider all necessary records of the student. The student will then be given the opportunity to address the Board.

- G. Following the presentation of the appeal, the board members will vote in private to determine reinstatement or denial. Students will receive immediate notification of the decision as well as stipulations imposed by the Board to assist the student in achieving academic success. Failure to appear in person before the Hearing Board will finalize the dismissal.
- H. At his or her sole discretion the Dean (or Provost Designee) may hear the appeal of any dismissed student who for legitimate reasons, such as a documented medical emergency, could not attend the normal meeting of the Hearing Board.

### **Academic Dishonesty, Misconduct, Hardships or Dismissals:**

Matters that may be properly considered by means of the following procedures include, but are not limited to, academic dishonesty, complaints about grades, changes in requirements for a course during the semester, or dismissal from a program based on a student's failure to meet stated requirements. Complaints about grades or dismissals may, among other things, be based upon racial, sexual, or religious discrimination or other forms of favoritism; arbitrary, capricious, or unreasonable methods of evaluation; lack of precautions taken by the instructor against cheating or plagiarism; or unfair penalties for university-recognized absences from classes or examinations. Since each of these matters differ, slight differences in some of the steps taken and by who will be apparent in the procedures. However, in each case, the overall due process will be comprised of:

Step 1 – Informal complaint – meeting between parties for resolution.

- Outcomes:

- If resolved – report to Dean
- If not resolved (either party not in favor of outcome) – report to Dean and Chair and request Hearing Board

**Initiation of Appeals:** Where academic programs or departments have in place a clear process for considering appeals, this process must be exhausted before an appeal is filed with the Dean or the *Academic Standards Review Board*. Appeals of grades or program dismissals must be filed within 20 semester days of reasonable notice of the grade or dismissal letter to the student. This includes the posting of grades on-line in a location that students would normally expect to find them. Appeals intended for the *Board* are directed first to the Dean for his or her consideration, unless already part of the program or departmental process and must be reduced to writing and include a clear statement of the problem and a proposed solution.

**Notice of Hearings:** Anyone who files an appeal to the Board shall be notified by email to official University addresses (with delivery and read receipts) of hearing times and dates at least one week in advance of the hearing.

Step 2 – Formal complaint – both parties present evidence before Hearing Board with recommendations

- Outcomes:

- Hearing board finds no reason for complaint – charges dismissed
- Hearing board finds fault – recommends sanctions to parties - report to Dean and Provost
- If parties agree – sanctions enacted
- If parties disagree – (either party not in favor of recommended sanctions) – appeal to Provost

Step 3 – Appeal to Provost – due to additional evidence, violation of procedure, or Unreasonable or inappropriately severe sanctions.

- Outcomes

- Deny appeal and enact sanctions
- Refer back to Hearing Board for consideration

### **Academic Standards: Review Board Policy**

If your total quality point average at the end of any semester falls below the minimum standard required to remain in school, a dismissal letter will be sent, notifying you of that action. If this is your first dismissal from Mansfield, you have, through your own initiative, the opportunity to appeal

### **Academic Integrity Policy**

You are expected to do your own academic work. Dishonesty in academic work in any of its forms, including cheating, academic misconduct, fabrication, plagiarism, is unacceptable. Faculty is expected to instruct students in ways of avoiding these forms of academic dishonesty. Faculty is also responsible for assessing and reporting all charges of academic dishonesty to the provost. Procedures faculty will use to initiate disciplinary action in cases of academic dishonesty are outlined in this publication. (See Procedures).

Faculty is responsible for apprising students of course evaluation criteria, for adherence to the stated criteria, and for determining grades in a fair and equitable manner. If a student charges that a faculty member has discharged professional duties in an improper, arbitrary, discriminatory, or otherwise unjustified manner, complaints may be properly considered by means of the procedures outlined in this publication. (See Procedures).

All charges will be reported to the Provost; some charges may be referred to the Formal Administrative Board as described in the Judicial System section of this publication.

### **~~Academic Standards: Dishonesty—REPLACED BELOW~~**

~~If a faculty member suspects that a student has engaged in some form of academic dishonesty, the faculty member completes an Academic Dishonesty Form, shares the form with the student, and has the student sign the form and indicate whether he/she is guilty or not guilty of the charge. The student has three options: to indicate academic dishonesty and accept the sanctions as determined by the faculty member; to indicate academic dishonesty for an especially serious violation and face possible suspension or academic dismissal through the Administrative Hearing Board; to indicate innocence of the charge or to indicate that the sanction by the faculty member is too severe. In this last situation, the Hearing Board will meet to review the case. Both the student and the faculty member will be invited to the meeting, and both will be able to present evidence. The Hearing Board, in these cases will be comprised of a minimum of two faculty members and one student from either eligible hearing board members or members of the University Hearing Board in the case of faculty.~~

~~Following their review of the case, the Hearing Board will make a recommendation to the faculty member and the Provost, regarding the disposition of the case. The Hearing Board may state that it finds the student guilty or not guilty of the charge of academic dishonesty, and/or it may state that the sanction is too severe or not severe enough for the transgression. In any of these cases, these are recommendations to the faculty member and the Provost. If a student remains dissatisfied with the status of his/her case following the recommendations of the Hearing Board, the student may appeal directly to the Provost.~~

### **Academic Standards: Due Process/Complaints**

Complaints which may be properly considered by means of the following procedures include, but are not limited to, complaints about grades or changes in requirements for a course during the semester. Complaints about grades may, among other things, be based upon racial, sexual or religious discrimination or other forms of favoritism; arbitrary,

capricious, or unreasonable methods of evaluation; lack of precautions taken by the instructor against cheating or plagiarism; or unfair penalties for legally recognized absences from class or examination.

A. The student should first present the complaint, orally and informally, to the faculty member involved.

B. If no agreement is reached at Step A, the student may prepare a written complaint which contains supporting evidence and indicates the desired solution. This complaint must be submitted to the departmental chairperson and the faculty member within 20 regular semester class days of the date on which the student became aware, or should have become aware, of the occurrence leading to the complaint. The faculty member, the student and the chairperson shall meet to discuss the complaint. The chairperson may conduct whatever informal investigation seems necessary and should attempt to achieve a negotiated settlement. If the complaint is directed against the departmental chairperson, the written complaint must be submitted to the Provost/Vice President for Academic Affairs who shall select a senior member of the department to fill the chairperson's role in this procedure.

C. If the student is still unsatisfied, he/she may have a hearing before a committee especially formed for the purpose. The request for such a hearing must be presented to the Provost/Vice President for Academic Affairs within five regular semester class days of the meeting required in Step B. This request must be accompanied by a copy of a written complaint, which may be redrafted before it is submitted.

D. The committee to hear the complaint shall be composed of two faculty members, one student, and the designee of the Director of Residence Life who shall be a non-voting member and shall serve as chairperson. The chairperson shall be responsible for scheduling and conducting committee meetings and for insuring that the procedures described herein are carried out. The two faculty members of the committee shall be chosen by the chairperson from a list of faculty who has agreed to serve on hearings. The student member shall be selected by the executive committee of the Student Government Association. The committee shall adopt its own rules of procedure, consistent with these guidelines.

E. The student and the Provost's representative shall each appear before the committee at the same time. Each may be accompanied by a member of the academic community to act as an advocate.

F. The student and the faculty member may each present to the committee such witnesses as they feel are desirable.

G. The committee may conduct an investigation and collect evidence. The student and the faculty member must be given this evidence and each afforded an opportunity to rebut it.

H. The faculty member shall make all pertinent materials and grading records available to the committee. The committee may, at its discretion, make available to the student those records, or portions thereof, which it judges to be relevant in light of the student's allegations.

I. The committee shall consider the evidence and make a recommendation to the faculty member as to how the complaint shall be settled. The faculty member should be guided by, but is not bound by, this recommendation. Any other recommendations of the Board shall be sent to the Provost.

J. If either party is still dissatisfied, he/she may appeal to the Provost/Vice President for Academic Affairs.

K. The Provost/Vice President for Academic Affairs shall hear the evidence by each side and may collect further evidence as desirable. Both sides must be given access to such evidence and given the opportunity to rebut it.

L. The Provost/Vice President for Academic Affairs shall take whatever action is felt necessary to restore equity in the situation, with the provision that a course grade may not be altered to A, B, C, or D, nor may a grade of F be

altered to P, without the consent of the faculty member who assigned the grade. Any grade may be altered to W and any passing grade may be altered to P without such consent.

### ~~Academic Standards: Review Board Procedures—REPLACED AT BEGINNING~~

~~A.—Once the student has received the first dismissal letter and decided to make an appeal before the Academic Standards Review Board, an appointment can be made for the hearing by contacting the chairperson of the A.S.R.B.~~

~~B.—Students who have been dismissed a second time do not have the right to appeal to the A.S.R.B.~~

~~C.—After a time is scheduled for the hearing, the student is expected to address to the chairperson of the board a written appeal, stating his/her case. The written appeal may be mailed to the chairperson or brought in by the student to the hearing.~~

~~D.—The student will request the department chairperson of his/her major, or a faculty person, to serve as advocate and voting member of A.S.R.B. during the hearing.~~

~~E.—Before the student presents his/her case to the board, the student's letter will be read by the board. The voting members of A.S.R.B. will consider all necessary records of the student. The student will then be given the opportunity to address the board.~~

~~F. Following the presentation of the appeal, the board members will vote to determine reinstatement or denial. Students will then receive immediate notification of the decision as well as stipulations imposed by the board to assist the student in achieving academic success. Should the student's chairperson or the faculty member of his/her choice fail to appear, the remaining voting members will determine the decision on any specific case.~~

~~G. Failure to appear in person before the board will finalize the dismissal.~~

**ACADEMIC DISHONESTY** – If a faculty member believes that a student has engaged in some form of academic dishonesty, the faculty member is expected to complete an Academic Dishonesty Form, identify the level of violation as described below, share the form with the student, and request that the student sign the form to indicate whether he or she is guilty or not guilty of the charge. The student has three options: (a) to indicate academic dishonesty and accept the sanctions as recommended by the faculty member; (b) to indicate academic dishonesty for an especially serious violation and face possible suspension or academic dismissal through the Academic Standards Review Board; (c) to indicate innocence of the charge or to indicate that the sanction by the faculty member is too severe. In the last two situations, the *Academic Standards Review Board Chairperson* will appoint a *Hearing Board* to review the case. Reports of all violations are must be forwarded with supporting evidence to the office of the Dean who shall maintain a record of all infractions and penalties.

- A. Step 1: Informal Complaint.** The faculty should first confront the student, *orally and informally*, with his/her suspicions. Any outcome at this stage must be accompanied by a signed academic violations form and sent to the Dean.
- B. Step 2: Formal Complaint to the Dean and Academic Standards Review Board.** If the faculty member believes that the severity of the violation warrants it or the student is dissatisfied with the outcome of the informal hearing process, he or she may ask the Dean for assistance in resolving the matter. If the Dean believes he or she is unable to resolve the matter, the complaint should be forwarded to the chairperson of the *Academic Standards Review Board* for the purpose of scheduling a review of the matter before a *Hearing Board* assembled for the purpose. The request for such a hearing must be presented by the Dean within 5 regular semester class days following the meeting required in **Step 2**. This request must be accompanied via a dated copy of the written complaint, which may be redrafted before it is submitted to the

**Hearing Board.** The complaint should describe the problem and suggest the resolution desired by the complainant or why the resolution is unacceptable.

- C. The complaint shall be heard by a **Hearing Board** that represents the full **Academic Standards Review Board**. The **Hearing Board** shall convene as soon as practical after notification of an appeal or request for review, although at least 7 days notice should be given to all parties.
- D. The **Academic Standards Review Board** chairperson shall preside over the hearing to ensure that the process is fair and focused on the complaint and that no party threatens, intimidates, or coerces any of the participants.
- E. The faculty member and student shall appear before the **Hearing Board** at the same time. The faculty member shall introduce such evidence as he or she deems appropriate and relevant to the case. The student may present their side of the case. Both parties may be accompanied by a member of the academic community to act as an advocate. The advocate may be a student, member of the faculty, or member of the University staff. Parents, attorneys, or other observers are *not* permitted at the hearing. Should the student or faculty member fail to appear before the **Hearing Board**, the Board shall have full authority to proceed in his or her absence.
- F. The student and the faculty member may each present to the **Hearing Board** such witnesses as they feel are appropriate. Witnesses may be present at the hearing only as they are called to testify. The faculty member, student and Hearing Board may each question witnesses in turn. A hearing will not be cancelled or postponed if a scheduled witness fails to attend, but the chairperson, at his or her discretion, may allow written statements if a witness is unable to attend.
- G. The **Hearing Board** may conduct an investigation and collect evidence. The student and the faculty member must be given any such evidence and each afforded an opportunity to respond to it.
- H. The student waives his or her rights to confidentiality of academic records as they relate to the resolution of the complaint within the University's process.
- I. The faculty member shall make all pertinent materials and grading records available to the **Hearing Board**, as necessary.
- J. The **Hearing Board** may, at its discretion, make available to the student those records, or portions thereof, which it judges to be relevant in light of the student's allegations.
- K. The **Hearing Board** shall consider the evidence and make a *recommendation* to the student, faculty member, program director, or department chair, as to how the complaint should be settled. A simple majority of the **Hearing Board** shall decide the issue. The chairperson shall not vote except to break a tie.
- L. The faculty member, program director, or department chair should be guided by, but are not bound by, this recommendation. Any recommendations of the **Hearing Board** shall also be sent to the Provost and the Dean.
- M. **Step 3:** If either party remains dissatisfied, he or she may appeal to the Provost. Appeals must be submitted in writing within 5 semester class days of written notification of a hearing outcome. Students shall have the right to request a review of a decision based on one or more of the following criteria:
  - 1) New information not reasonably available at the time of the hearing.
  - 2) Procedural error that could reasonably be judged to have materially affected the outcome of the hearing.
  - 3) Unreasonable or inappropriately severe sanctions.

The Provost shall review the available evidence and may collect further evidence as he or she deems necessary.

- N. The Provost shall take whatever action he or she believes necessary to restore equity in the situation, including the suspension or expulsion of a student from a program or the University, with the provision that a faculty administered course grade may not be altered to A, B, C, or D, nor may a grade of F be altered to P, without the consent of the faculty member who assigned the grade. Any grade may be altered to W and any passing grade may be altered to P without such consent. The decision of the Provost shall be final in academic matters.

## Violations of Academic Integrity and Sanctions

While violations of academic integrity are always serious matters, some are honest mistakes, while others are more serious and are a result of serious lack of judgment regarding academic integrity. These have been categorized into three levels and are outlined below.

**Level One Violations.** Level One violations may occur because of inexperience, carelessness, or lack of knowledge of principles of academic integrity on the part of students committing the violation. These violations are likely to involve a small fraction of the total course work, are not extensive, or occur on a minor assignment. The following are examples:

1. Working with another student on a laboratory or other homework assignment when such collaborative work is not permitted.
2. Failure to footnote or give proper acknowledgment in a limited section of an assignment.
3. Signing into class for another student who is absent.
4. Leaving a class or lab without permission after signing in.

Faculty have discretion in identifying an appropriate sanction for a violation. Recommended sanctions for Level One violations are listed below; one of these may be chosen by the instructor in each case:

1. Failure of the relevant assignment.
2. An additional assigned paper or research project on a relevant topic.
3. A make-up assignment at a more difficult level than the original assignment.
4. Reduction of points toward final grade.
5. Written or verbal warning to the student accompanied by a report to the Dean so that a permanent record is established in accord with university policy.

Records of students who commit Level One offenses will be maintained in the Dean's Office until the student's graduation.

**Level Two Violations.** Level Two violations are characterized by dishonesty of a more serious nature or that affects a more significant aspect or portion of the course work. The following are examples:

1. Quoting directly or paraphrasing, to a moderate extent, without acknowledging the source.
2. Submitting the same work or major portions thereof to satisfy the requirements of more than one course without permission from the instructor.
3. Two or more students submitting similar or identical work for the same assignment.
4. Using data or interpretative material for a laboratory report without acknowledging the sources or the collaborators.
5. Receiving assistance from others, such as research, statistical, computer programming, or field data collection help that *constitutes an essential element* in the undertaking without acknowledging such assistance in a paper, examination, or project.

The recommended sanction for Level Two violations is failure of the assignment or, if the assignment is a major portion of the course, failure of the course. Records of students who commit Level Two offenses will be maintained in the Dean's Office and Registrar until graduation. A second charge at Level Two may, at the discretion of the Dean, lead to academic suspension and a notation of "suspended for academic dishonesty" on the student's permanent transcript.

**Level Three Violations.** Level Three violations are serious, go well beyond Level One or Two and, in the opinion of the faculty member *and* the Dean, require adjudication at the University level. Level Three Violations include dishonesty that affects a major or essential portion of work done to meet course requirements, involves

premeditation, or is preceded by one or more violations at Levels One or Two. Cases involving Level Three violations are routinely referred to the *Academic Standards Review Board*. Examples include:

1. Copying significant portions of a midterm or final examination.
2. Plagiarizing major portions of a written assignment.
3. Facilitating illicit copying during an exam.
4. Using prohibited materials, e.g., books, notes, or electronic devices during an examination.
5. Collaborating before an exam to develop methods of exchanging information and implementing such acts.
6. Infractions of academic honesty similar to criminal activity (such as forging a grade form, stealing an examination from a professor or from a university office; purchasing an examination; or falsifying a transcript to secure entry into the University or changing the record of work done at the University) .
7. Altering examinations for the purposes of re-grading.
8. Acquiring or distributing an examination from unauthorized sources prior to the examination.
9. Intentionally presenting the work of another as one's own.
10. Having a substitute take an examination or taking an examination for someone else.
11. Using purchased term papers or other materials.
12. Removing posted or reserved material, or preventing other students from having access to such information.
13. Fabricating data by inventing or deliberately altering material.
14. Using unethical or improper means of acquiring data.
15. Willful violation of an ethical code of the profession for which a student is preparing.

The sanction typically sought for Level Three violations or repeated violations of Level One and Two offenses is a minimum of failing a course or, in more serious instances, a one-semester suspension from the University. For the most serious of these offenses, students may be dismissed following the recommendation of the *Hearing Board*. In instances where a student is suspended or dismissed, there shall be a notation of “suspended/dismissed for academic dishonesty” entered on the student’s permanent transcript.

**ACADEMIC MISCONDUCT OR HARDSHIP OR DISMISSALS** – If a student believes that a faculty member has assigned a grade incorrectly, that a change in the criteria for graduation may create a hardship, or that they have been dismissed from a program unfairly, the student shall complete an Academic Hardship Form, identify their complaint and submit to the Dean. Matters that may be properly considered by means of the following procedures include, but are not limited to, complaints about grades, changes in requirements for a course during the semester, or dismissal from a program based on a student’s failure to meet clearly stated requirements. Complaints about grades or dismissals may, among other things, be based upon racial, sexual, or religious discrimination or other forms of favoritism; arbitrary, capricious, or unreasonable methods of evaluation; lack of precautions taken by the instructor against cheating or plagiarism; or unfair penalties for university-recognized absences from classes or examinations.

- A. Step 1: Informal Complaint.** The student should first present the complaint, *orally and informally*, to the faculty member. Any outcome at this stage must be accompanied by a signed academic hardship form and sent to the Dean and Department Chair.
- B. Step 2: Formal Complaint to the Dean.** If the student is dissatisfied with the outcome of the informal hearing process, he or she may ask the Department Chair for assistance in resolving the matter. The student will prepare a written complaint which contains supporting evidence and the desired outcome. The complaint must be submitted within 20 regular semester class days of the date on which the student, or should have become aware, of the occurrence leading to the complaint. The Department Chair will notify the Dean of the formal hearing. The student, faculty member and Chair will meet and attempt a satisfactory

settlement. If the complaint is directed against the department chairperson, the written complaint must be submitted to the Dean who shall select a senior member of the department or, if none exists in the department, the Dean (or Provost Designee) to fill the chairperson's role in this procedure. Any outcome at this stage must be accompanied by a signed academic hardship form and sent to the Dean.

- C. Step 2a: Formal Complaint at the Department Level.** If no resolution is reached when Step 1 involves a program or department decision, the student may prepare a *written complaint* that contains supporting evidence and indicates a desired outcome. This complaint must be submitted to the Dean, program director and chair as well as any involved faculty member within 20 regular semester class days of the date on which the student became aware, or should have become aware, of the occurrence leading to the complaint. The faculty member, the student, the program director, and chairperson shall meet to discuss the complaint. The chairperson may conduct whatever informal investigation seems necessary and should attempt to achieve a negotiated settlement
- D.** If the student is not satisfied or the chairperson is unable to resolve the matter, the complaint should be forwarded to the chairperson of the ***Academic Standards Review Board*** for the purpose of scheduling a review of the matter before a ***Hearing Board*** assembled for the purpose. The request for such a hearing must be presented to the Dean within 5 regular semester class days following the meeting required in **Step 2**. This request must be accompanied via a dated copy of the written complaint, which may be redrafted before it is submitted to the ***Hearing Board***. The complaint should describe the problem and suggest the resolution desired by the complainant or why the resolution is unacceptable.
- E.** The complaint shall be heard by a ***Hearing Board*** that represents the full ***Academic Standards Review Board***. The ***Hearing Board*** shall convene as soon as practical after notification of an appeal or request for review, although at least 7 days notice should be given to all parties. The ***Hearing Board*** shall have at least one faculty member from Arts & Sciences and one from Professional Programs.
- F.** The ***Academic Standards Review Board*** chairperson shall preside over the hearing to ensure that the process is fair and focused on the complaint and that no party threatens, intimidates, or coerces any of the participants.
- G.** The faculty member and student shall appear before the ***Hearing Board*** at the same time. The faculty member shall introduce such evidence as he or she deems appropriate and relevant to the case. The student may present their side of the case. Both parties may be accompanied by a member of the academic community to act as an advocate. The advocate may be a student, member of the faculty, or member of the University staff. Parents, attorneys, or other observers are *not* permitted at the hearing. Should the student or faculty member fail to appear before the ***Hearing Board***, the Board shall have full authority to proceed in his or her absence.
- H.** The student and the faculty member may each present to the ***Hearing Board*** such witnesses as they feel are appropriate. Witnesses may be present at the hearing only as they are called to testify. The faculty member, student and Hearing Board may each question witnesses in turn. A hearing will not be cancelled or postponed if a scheduled witness fails to attend, but the chairperson, at his or her discretion, may allow written statements if a witness is unable to attend.
- I.** The ***Hearing Board*** may conduct an investigation and collect evidence. The student and the faculty member must be given any such evidence and each afforded an opportunity to respond to it.
- J.** The student waives his or her rights to confidentiality of academic records as they relate to the resolution of the complaint within the University's process.
- K.** The faculty member shall make all pertinent materials and grading records available to the ***Hearing Board***, as necessary.
- L.** The ***Hearing Board*** may, at its discretion, make available to the student those records, or portions thereof, which it judges to be relevant in light of the student's allegations.
- M.** The ***Hearing Board*** shall consider the evidence and make a *recommendation* to the student, faculty member, program director, or department chair, as to how the complaint should be settled. A simple majority of the ***Hearing Board*** shall decide the issue. The chairperson shall not vote.

- N.** The faculty member, program director, or department chair should be guided by, but are not bound by, this recommendation. Any recommendations of the *Hearing Board* shall also be sent to the Provost and the Dean.
- O. Step 3:** If either party remains dissatisfied, he or she may appeal to the Provost. Appeals must be submitted in writing within 5 semester class days of written notification of a hearing outcome. Students shall have the right to request a review of a decision based on one or more of the following criteria:
- 1) New information not reasonably available at the time of the hearing.
  - 2) Procedural error that could reasonably be judged to have materially affected the outcome of the hearing.
  - 3) Unreasonable or inappropriately severe sanctions.

The Provost shall review the available evidence and may collect further evidence as he or she deems necessary.

- P.** The Provost shall take whatever action he or she believes necessary to restore equity in the situation, including the suspension or expulsion of a student from a program or the University, with the provision that a faculty administered course grade may not be altered to A, B, C, or D, nor may a grade of F be altered to P, without the consent of the faculty member who assigned the grade. Any grade may be altered to W and any passing grade may be altered to P without such consent. The decision of the Provost shall be final in academic matters.

