

## CONDUCT PROCESS AND RESOLUTION PROCEDURES

STU 6.0

### Date of Last Update:

September 15, 2022

### Approved By:

- President

### Responsible Office:

Office of Student Conduct and Conflict Resolution

### POLICY STATEMENT

The University will use the following procedures to respond to behavior that violates the values of the University and the responsibilities enumerated in the Anchor. Resolution and appeal processes are administrative functions and are not subject to the same rules of civil or criminal proceedings. Because some violations of these standards are also violations of law, students may be accountable to both the legal system and the University's policies. All meetings, conferences, hearing and appeal processes, and other interactions under this policy, may be conducted in person or remotely as appropriate.

#### 6.1 Academic Misconduct Procedures

OSCCR works collaboratively with all GVSU faculty members to address academic misconduct concerns. Academic misconduct procedures apply to any allegation of academic misconduct that happens in a course, program of study, or research. Violations of the standards of academic integrity that fall outside this definition will follow the General Conduct Procedures defined in Section 6.2.

##### 6.1.1 Instructor Responsibility

If an instructor suspects any instance of academic misconduct, the instructor must notify and meet with the student to discuss the incident. Based on the outcome of that meeting, the instructor may find there was no act of academic misconduct and take no further action. If the instructor finds there was an act of academic misconduct and the instructor would like to impose an academic penalty, the instructor must report the matter to OSCCR with sufficient evidence/relevant information to substantiate their finding, and with a recommendation for the imposed academic penalty listed below:

- Impose additional course requirements.
- Require the student to redo the work in question.
- Reduce the student's grade on the work in question.
- Impose a failing grade for the assignment, quiz, or examination.
- Impose a failing grade for the entire course.

##### 6.1.2 Report of Academic Misconduct to the Office of Student Conduct and Conflict Resolution

Upon receipt of a student conduct report regarding academic misconduct, the Conflict Resolution Facilitator (CRF) will review the documentation, meet with the student, and with the instructor if necessary, to make one of the following determinations.

**6.1.2.1** If the CRF finds that the claim of academic misconduct cannot be substantiated, no action will be taken.

**6.1.2.2** If the CRF finds that the claim of academic misconduct is substantiated and the student accepts responsibility for a violation of the Anchor, the student may waive their right to a hearing and accept restorative measures appropriate to the circumstances. The CRF may decide to take one of the following actions:

- Accept the recommendation from the instructor.
- Adjust the recommendation from the instructor.
- Assess additional restorative measures appropriate to the current act of academic misconduct.
- After a review of the student's conduct record, assess additional restorative measures.

**6.1.2.3** If the CRF finds there is reasonable cause to believe that the student has engaged in an act of academic misconduct and the student does not accept responsibility for the violation, the CRF will work with the student and the instructor to refer the matter to a hearing.

##### 6.1.3 Hearing Procedures

The Hearing Officer will follow the procedures defined in Section 6.2.4.2 and will be assigned per the procedures in Section 7.1.

##### 6.1.4 Appeal Procedures

The Appeal Officer will follow the procedures defined in Section 6.3 and will be assigned per the procedures in Section 7.2.

##### 6.1.5 Final Resolution

No corrective action or restorative measure(s) will be imposed by the instructor or the University until the matter reaches final resolution, via the University conduct process.

#### 6.2 General Misconduct Procedures

These procedures apply to all actions and behaviors by individual students and/or UAOs that violate the values of the University and fall within the definitions of Student Responsibilities.

##### 6.2.1 Initiation of Process and Notice

When a student conduct report of a possible violation of the Anchor is made to OSCCR, a Conflict Resolution Facilitator (CRF) will review the report and make one of the following preliminary decisions:

- There is insufficient information to pursue the student conduct report further or the reported activity is not a violation of the Anchor and the matter is closed and/or referred to alternative dispute resolution.
- There is sufficient information to determine that the reported activity falls within the purview of the Anchor and there may be a violation of the Student Responsibilities. If this determination is made, the CRF will send notice of the student conduct report to the student or UAO representative through University email that will be deemed received immediately upon sending.

**6.2.1.1** This notification will include the date of the incident, a link to the Anchor, a list of the sections of the Anchor that are the subject of review and the date, time and location of the Administrative Conference.

**6.2.1.2** When involving a UAO registered with the Office of Student Life, all notices referred to in these procedures shall be sent to the President of the UAO on record in the Office of Student Life. If the UAO is not a Registered Student Organization, but instead affiliated with the University through an academic department or administrative unit, notice shall be provided to the head of that department or unit who must designate a student to serve as the UAO representative of the UAO through this process.

##### 6.2.2 Administrative Conference

The CRF will meet with the student/UAO representative to discuss the student conduct report and to explain the resolution process. The student/UAO representative will have the right to ask questions and make a statement. The student/UAO representative may be accompanied throughout the process by a support person. At the end of this conference a determination will be reached about the type of process that will be used to reach resolution.

Based on the information provided by the student/UAO representative, and after further investigation, if necessary, the CRF may find that the incident was not a violation of the Anchor and requires no further action. If the CRF decides there is sufficient information to believe the student or UAO has violated the Anchor, the matter will be resolved through either a formal or informal process.

##### 6.2.3 Informal Process

If the student/UAO representative accepts responsibility for the violation of the Anchor, they are waiving their right to a hearing and accept restorative measure(s) appropriate to the circumstances. The student/UAO representative will be provided with the details of the restorative measures in writing. In addition to the restorative measures listed under Section 8.0, the student/UAO representative may agree to participate in one of the following conflict resolution processes:

- **Circles (conferences)** – discussions guided by a CRF where participants are invited to sit in-circle to discuss a specific topic with guidelines and a talking piece.
- **Conflict coaching** – a one-on-one conversation between a CRF and a student in conflict with another student who is unwilling or unable to engage in a facilitated dialogue.
- **Facilitated dialogue** – a conversation between two (2) or more individuals guided by a CRF for the purpose of resolving a mutual concern.
- **Social justice mediation** – a process guided by a CRF where students clearly identify their interests, needs, and resolution options.
- **Shuttle negotiation** – the CRF serves as a liaison between parties in conflict.

Once the student enters into an informal agreement, the agreement may not be appealed. Failure to complete the terms of the informal agreement in its entirety may result in additional allegations being brought against the student.

##### 6.2.4 Formal Process

If the student does not accept responsibility for a violation of the Anchor, a hearing will be held to resolve the matter. A hearing is an administrative process by which a Hearing Officer evaluates the information presented during the hearing, determines whether the student or UAO violated the Anchor, and, if appropriate, recommends restorative measure(s) to the CRF.

As stated under Student Rights, the University is committed to providing students and UAOs with a fair process of dispute resolution that provides due process protections to which they are entitled; however, a hearing is an administrative process of the University rather than a criminal or civil court proceeding. The University manages every action under the Anchor.

The following procedures provide the details of the rights and responsibilities of all parties.

#### **6.2.4.1 Rights of Students and University-Affiliated Organizations in the Conduct Process Formal Process**

These rights apply to the student or UAO alleged to have violated the Anchor, the person or group who brought the allegation, and the staff or faculty member representing the University at the Hearing:

- To a fair and prompt hearing before an impartial decision-maker.
- To appear in person and speak at a hearing.
- To not attend the hearing. If a student or UAO representative chooses not to attend, the hearing will be held in their absence. The failure of a student to appear will not be taken as an admission of guilt.
- To refuse to answer questions.
- To be accompanied by a support person of the student's or UAO representative's choice.
- To call on witnesses whose testimony is directly related to the alleged incident, but not to general character. The names of any witnesses to be called on at the hearing must be submitted to the CRF at least one (1) business day prior to the hearing.
- To provide any evidence/relevant information that may support their testimony. Any evidence to be used at the hearing must be submitted in advance to the CRF at least one (1) business day prior to the hearing.
- Additionally, both parties have the right to request to review any submitted by the other party prior to the hearing.
- To ask questions of the other party and of any witnesses called on at the hearing. The Hearing Officer has the right to determine the method of questioning (direct questioning, submitting of written questions, or any other method that will elicit the necessary information).
- To have a copy of the hearing decision, rationale, and, if any, the assigned restorative measure(s).
- To request an appeal, if appropriate criteria are met, to challenge the decision of the Hearing Officer.

#### **6.2.4.2 Hearing Procedures**

**6.2.4.2.1** At least three (3) business days before the hearing, the student or UAO representative will be sent a notification that includes the name(s) of the Hearing Officer, in addition to the date, time, and location of the hearing. This notification will be sent through university email and will be deemed received immediately upon sending.

**6.2.4.2.2** In all conduct proceedings, the burden of proof rests with the University, represented by a CRF assigned by OSCCR, that must demonstrate by a preponderance of the evidence/relevant information that a violation has occurred.

**6.2.4.2.3** The decision of the Hearing Officer regarding responsibility will be made solely on the evidence/relevant information provided during the hearing. If the student/UAO is found to have violated the Anchor, the decision about the appropriate restorative measures may include the administrative contact history made in connection with the incident, and the cumulative conduct history of the student or UAO found responsible.

**6.2.4.2.4** A single digital audio recording will be made of the hearing. This record will remain the property of the University and will be kept by OSCCR. No other recording device is allowed. The recording is considered part of the student's or UAO's disciplinary record and will be maintained by OSCCR.

**6.2.4.2.5** The Hearing Officer and the University's representative may ask questions of any witnesses called on at the hearing.

**6.2.4.2.6** The Hearing Officer may remove any individual from the hearing who in their judgement is disruptive. The hearing will then proceed without the presence of the individual removed. If the disruption is caused by a student, the Hearing Officer, in consultation with the Director of OSCCR, may determine that a report of a possible violation of the Anchor be submitted.

#### **6.2.4.3 Decision**

The Hearing Officer will issue a written decision to OSCCR within three (3) business days, including a decision regarding the allegation, the rationale for the decision and, if applicable, the recommendation for restorative measures. Within three (3) business days from the date the decision is received by OSCCR, notification of the decision, rationale, and any assigned restorative measures will be sent to the student or UAO representative alleged to have committed a violation and the person or group who first brought the allegation.

#### **6.3 Appeal Procedures**

##### **6.3.1 Right to request an appeal**

The student or UAO with the alleged violation, the person or group who first brought the allegation or the University, has the right to request an appeal a decision of the Hearing Officer. In cases related to academic misconduct, both the student and the instructor have the right to appeal a decision of the Hearing Officer. Students/UAO representatives may request the appeal heard by an Appeal Officer.

##### **6.3.2 Grounds to appeal**

The party appealing the decision of a Hearing Officer must submit a written appeal, received in OSCCR within three (3) business days of the date the party was sent the written decision. An appeal received after that time limit has expired will not be heard unless there is a compelling reason, as determined by the Director of OSCCR (or designee). The appeal must include at least one of the following three (3) grounds for appeal, and the remedy requested from the appeal body.

**6.3.2.1 New Evidence/Relevant Information:** A claim that new evidence/relevant information, unavailable during the original investigation or hearing, could substantially affect the original finding or restorative measure(s). A summary of the new evidence/relevant information and its impact must be included in the appeal request.

**6.3.2.2 Procedural Error:** A claim that procedural error had a significant effect on the outcome of the hearing.

**6.3.2.3 Conflict of interest:** The CRF or decision-maker(s) had a conflict of interest or bias for or against accuser or accused that affected the outcome of the hearing.

##### **6.3.3 Review Process**

The Director of OSCCR (or designee) will review the appeal request to determine whether there are grounds for an appeal. If there are grounds for an appeal, an Appeal Officer will review the materials using in the hearing, including the recording made of the hearing. If a finding of responsibility is upheld, the administrative contact history related to the matter, and the cumulative conduct history of the student or UAO alleged to have committed a violation, will also be reviewed. The Appeal Officer does not meet with either party during the appeal process.

##### **6.4 Scope of Appeal**

The consideration of an appeal is limited to determining whether the findings of the Hearing Officer, were so incorrect, or that a procedural error was so significant, that it affected the outcome of the hearing or the imposition of restorative measures and requires that the decision should be changed. An appeal is a limited review of the findings and/or restorative measure of the Hearing Officer as requested by the person(s) making the appeal. An appeal is not used for the purpose of:

- Substituting the judgment of the Appeal Officer for that of the original Hearing Officer,
- Deciding whether or not they would have reached the same decision, or
- Reexamining the changes against the student or UAO.

#### **6.5 Appeal Officer Decision Options**

After review of the materials, the Appeal Officer may:

- Dismiss the appeal and uphold the original decision.
- Grant the appeal and remand the case back to the original Hearing Officer for reconsideration citing the findings of the Appeal Officer.
- Grant the appeal and require a new hearing with a different Hearing Officer.
- Grant the appeal and modify the restorative measures required.

#### **6.6 Appeal Decision**

The Appeal Officer will issue a written decision to OSCCR within three (3) business days, including a decision based on the grounds for the appeal, the rationale for the decision, and, if applicable, the new recommendation for restorative measures. Within three(3) business days from the date the Appeal Officer decision is received by OSCCR, notification of the decision, rationale, and any changes to the restorative measures will be sent to the student or UAO representative found responsible and the person or group who first brought the allegation. The notification will be sent through University email and will be deemed received immediately upon sending.

**The decision of the Appeal Officer is final and binding.**

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