

Proposed Revision

February 18, 2002

STUDENT APPEALS PROCEDURES

SCHOOL OF EDUCATION

INDIANA UNIVERSITY

**Office of Student Services
School of Education
Education 1000
856-8500**

Overview and Jurisdiction Regarding CAC Appeals

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

Appeal Jurisdiction. The CAC hears appeals in the following categories:

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

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

Pre-Appeal Procedures

In all but the most unusual circumstances, a case should not be brought to the hearing board until normal avenues of resolution have been exhausted. Applications will only be accepted for consideration with evidence of reasonable attempts, including at least one face-to-face meeting to settle this problem, with the faculty member involved in the grievance, or with their supervisor. This can be accomplished by:

1. Discussing the issue informally with the faculty member, staff member, or AI/GA involved. If the issue is resolved, no further action is necessary.
2. If the problem cannot be resolved satisfactorily, compose a formal complaint in writing (include supporting documentation) and present the document to the immediate supervisor of the person involved in the complaint. The formal complaint will be considered within ten working days by the appropriate supervisor or administrative officer. If the issue is not resolved at the department level, the complainant may file an appeal application that will be reviewed by the Constituent Advocacy Committee's hearing board. The CAC hearing board is composed of three members of the faculty or administration and at least two representatives from the student body. The hearing board members are chosen from CAC by its chairperson.

How to File An Appeal and Pre-Hearing Procedures

1. Obtain an Appeal Application packet at the reception desk in the Teacher Education Office, Room 1000 in the W. W. Wright School of Education building. Fill out the appeal application completely and accurately.
2. Attach copies of evidence you wish the hearing board to consider.
3. Provide a list of such enclosures on the back of the Appeal Application form.
4. Return the Appeal Application form and any accompanying materials in a sealed envelope to the receptionist in the office of the Associate Dean for Teacher Education, Room 1000.
5. Before accepting an appeal, the Dean's designate (normally, for School of Education undergraduate students, the Associate Dean for Teacher Education; for School of Education graduate students, the Associate Dean for Graduate Studies, and for non-School of Education students, the Executive Associate Dean), will verify that the student and the instructor/chair of the department were unable to resolve the issue. If the Dean's designate finds that the student and the instructor/chair of the department have not made previous efforts to resolve the issue, the appeal will be returned to the student, faculty member, and faculty member's immediate supervisor for an attempt at resolution. If previous efforts are found to have been made and to have been unsuccessful, the Dean's designate will accept the appeal and forward the collected information to the CAC chairperson. The Dean's designate will make every effort to expedite the verification process and complete it within seven calendar days of notification that a student wishes to file an appeal.
6. The accepted Appeal Application Form and supporting documentation will be sent to the chairperson of the CAC. Upon receipt of the application, it will be the duty of the chairperson to provide confidential access to the appeal application only for the hearing board members and to notify individuals affected by or involved in the appeal within seven calendar days. The Chairperson will also set the date for a hearing of the appeal to occur no later than 21 calendar days after the date of having received the appeal.
7. All involved individuals will therefore be granted ten calendar days upon receipt of notification to respond in written form and forward their responses to the CAC. Hearing board members will have four calendar days for review of the appeal application and the responses, before they hear verbal arguments in a hearing, and issue a final vote on a recommendation to the Dean. When the hearing board convenes, verbal testimony will be given by the complainant, and then from the

faculty member. The chair will use his/her discretion in the number of witnesses allowed to testify. The hearing board will also use procedures that will ensure fairness – see hearing procedures section below.

8. A statement of the resolution of the case and the recommendation of the hearing board shall be forwarded to the Executive Associate Dean of the School of Education within seven calendar days of the hearing. Upon review of the information, a copy of the Dean's decision regarding the appeal will be sent to all involved parties within seven calendar days of receiving the hearing board's recommendation.
9. A quorum consisting of three faculty or administration members and two representatives of the student body must always be present when a CAC hearing board is conducted.

Hearing Procedures

1. When the CAC hearing board convenes it will follow a number of steps:
 - the hearing board chair states the nature of the case and reviews hearing rules
 - verbal testimony will be given first by the complainant, with opportunities from the faculty member and hearing board members to clarify issues
 - the faculty member will then present verbal testimony, with opportunities from the complainant and hearing board members to clarify issues
 - each party makes a summary statement, starting with the complainant
 - advisors of the complainant may not speak during the hearing, but can consult privately with the complainant regarding presentation of the appeal
 - everyone except voting members of the hearing board will withdraw and the hearing board will vote on a recommendation to the Dean of the School of Education
 - a statement of the resolution of the case and the recommendation of the hearing board shall be forwarded to the Executive Associate Dean of the School of Education within seven calendar days of the hearing
 - upon review of the information (again within seven calendar days) a copy of the Dean's decision will be sent to all involved parties
2. The chair will use his/her discretion in the number of witnesses allowed to testify. The hearing board will also use procedures that will ensure fairness. Ordinarily hearings will take no longer than one hour.
3. A tape recording will be made of the hearing, so that it may be reviewed later.
4. The complainant may select an advisor to assist in presentation of the case (although they are not permitted to speak during the hearing). If the complainant does not choose an advisor, the hearing board chair may, at the request of the student, appoint one member of the hearing board to act as an advisor to the complainant. The advisor will familiarize him- or herself with the complaint, meet with the complainant before the hearing, prepare the complainant for hearing procedures, and accompany her or him to the hearing to make sure that the complaint is presented effectively. The advisor may not speak during the hearing, but should assist the complainant before the hearing to ensure an effective presentation. The advisor will not communicate with the hearing board members before the hearing, nor be present or take part in the deliberations or vote during the private meeting of the hearing board.
5. In the case of any appeal in which a hearing board member feels he/she is indirectly involved and

might, therefore be biased, the member must absent herself/himself from the case. Such cases include being a faculty member overseeing or collaborating with an instructor involved in the case, having had prior contact with the complainant, or any other involvement in the case that might give the appearance of conflict of interest. If necessary, the hearing board chairperson will ask the Associate Dean to replace absent members with temporary voting members of the hearing board. These temporary members will be obligated to attend meetings and review the information pertinent to the case.

Resubmission of Appeals or Appeals Beyond the School of Education

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

APPEAL APPLICATION FORM
School of Education
Bloomington

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

Name _____

Student ID# _____ Telephone # _____

E-Mail Address _____

Address _____

City _____ State _____ Zip _____

Class Standing _____

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

Name(s) _____ Position _____

Please provide a brief description of the nature of the appeal, including the semester and year of the occurrence.

Please explain your attempt to settle the problem with the person(s) involved with the appeal, and with their supervisor.

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

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

Please state a summary of the desired outcome you wish as the result of this appeal

You may have an advisor assist you in preparing to present your case to the hearing board, (although they are not permitted to speak during the hearing). If you have chosen an advisor, please name them:

The CAC chairperson will also appoint one CAC faculty member, not a member of the hearing board, to serve as your primary or additional advisor. Indicate here whether you wish such an advisor or not:

Yes ____ No ____

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

Signature _____

Date _____