Student Academic Grievance Committee Minutes for February 17, 2010

Members present: Drs. Harris (chair), Wang, and Allen; Mr. Appiah (arrived late).
Members absent: Mr. Maymon.
Others present: Dr. Walton (Dean’s office liaison, acting recording secretary).
Others absent: Ms. Kays (recording secretary).

Meeting called to order at 11:05 A.M., February 17, 2010, by Dr. Harris, chair.

Dr. Walton announced that Mr. Glenn Bossmeyer, Associate University Counsel, was available to attend the hearing on Friday, February 19, 2010. Dr. Harris agreed that Mr. Bossmeyer’s attendance was warranted.

Dr. Walton had distributed the following documents to committee members by email for discussion and action:
- SAGC Hearing Rules, Revision 1, DRAFT Proposed
- Markup of changes between Revision 0 and Revision 1.

Dr. Walton stated that Mr. Bossmeyer was the source of the suggested revisions, which were incorporated in all cases except two. Discussion followed with two word changes that did not materially alter the intent of the altered sentences.

The committee adopted the following action by unanimous voice vote:

Resolved, that the Committee adopt Student Academic Grievance Committee Hearing Rules, Revision 1, as revised in committee.

The adopted rules are attached.

The meeting was adjourned at 11:35 A.M.

Respectfully submitted,

Peter L. Walton, M.D.
Acting Recording Secretary
Student Academic Grievance Committee
Hearing Rules

A hearing proceeds as follows:

1. Parliamentary rules
   - While Robert’s Rules of Order, Newly Revised apply during meetings and deliberations of the Committee, such rules are suspended during pre-hearings and hearings.
   - Determination of pre-hearing and hearing rules and rulings on such rules is vested solely in the Committee and its chair or their designee.
   - These rules may be modified during proceedings with proper notice to both parties and their witnesses.
   - Any part of these rules may be suspended during proceedings with proper notice to both parties and their witnesses.

2. Notification
   - Staff of the Committee notifies grievant and respondent(s) (“the parties”) that a hearing of the case has been accepted by the Committee and Dean and includes a copy of these rules with the notice.
   - Staff forwards a copy of student’s grievance document with the notice to respondent(s), along with informing each respondent of the option to submit to Staff for submission to the Committee a statement in response to the grievance and notice that such statement, if submitted, shall be forwarded to grievant upon receipt by Staff.

3. Objections to rules
   - Either party may submit to Staff, for presentation to the Committee, in writing any objections to parts of these rules, including the basis for the objection, at any time prior to the distribution of documents.
   - The Committee will rule on the objection prior to the commencement of the hearing.

4. Scheduling
   - Staff schedules a hearing at the earliest date that is acceptable to Committee members, grievant, and respondent(s).
   - A hearing may not be held or continued unless each of the following three criteria is met:
     o At least two of the three faculty Committee members are present.
     o The grievant and all respondents are present, unless one or more respondents waive such respondent’s right to be present.
   - Staff notifies Committee members and both parties of hearing date, time, and location, along with a schedule for actions prior to the hearing.

5. Witness lists
   - Each party will submit in duplicate to Staff a witness list no later than five working days prior to the hearing, which may be waived by agreement of both parties.
SAGC Hearing Rules

- Each party has the right to offer testimony and, whether or not such party elects to do so, shall be available for questioning by each other party and by the Committee.
- A party is not required to call any witness on its list to testify during the hearing.
- The Committee may compile a list of witnesses it will call to testify if not listed and called by either party. The Committee’s witness list will be distributed by Staff.
- Staff forwards a copy of all witness lists to each party no later than four working days prior to the hearing, which may be waived by agreement of both parties.
- Staff notifies each witness of the following and forward a copy of these rules:
  - Hearing date, time, and location.
  - Hearing may be continued beyond the scheduled date and time.
  - A witness is present only during his or her testimony, the date and time for which may not be known ahead of time.
  - Requirement for confidentiality.
  - Grievance procedure and hearing are not legal proceedings.
  - Witnesses who are employees of the School of Public Health are expected to participate in the grievance process.
  - Witnesses are not sworn in or otherwise asked to provide assurance of veracity.
  - Witnesses are subject to questioning by both parties and the Committee.
- Each party is responsible for its witnesses’ availability for and attendance at the hearing.
- If the Committee determines a witness’s testimony not to be credible, it may disregard all or any part of the testimony and evidence presented by such witness.
- The Committee may, but is not required to, permit a party to call witnesses not on its previously submitted list for good cause shown. If the Committee permits such a witness, any affected party may request and be granted a continuance of the hearing if such additional witnesses require additional preparation.

6. Evidentiary documents
- Each party may submit in duplicate to the Staff any evidentiary documents related to the case no later than six working days prior to the hearing, which may be waived by agreement of both parties; such documents must be clearly numbered or otherwise identified for reference purposes.
- Staff forwards a copy of each party’s evidentiary documents to the other party and to the Committee no later than four working days prior to the hearing, which may be waived by agreement of both parties.
- The Committee may request, on its own motion, any documents related to the case from any source; copies of any such documents will be forwarded by Staff to each party promptly upon receipt.
- The Committee will generally not permit a party to provide new evidentiary documents not previously submitted; if, for good cause shown, it permits such a submission, each other party may request and be granted a continuance of the hearing if such new evidentiary documents require additional preparation.

7. Representation and support persons
- Each party represents himself or herself; no one else may do so.
Each party may have one support person with whom he or she may confer during proceedings; such person shall not address the Committee or participate in the questioning of any witness for either party.

8. Conduct of proceedings during pre-hearing and hearing
   • Committee chair presides. The chair may designate another person to preside in the chair’s sole discretion.
   • Committee may recess the hearing at the chair’s discretion and without requiring an adjournment in order to discuss and decide a ruling on an objection or other procedural occurrence during proceedings.
   • Proceedings shall be recorded in audio for use by the Committee or any subsequent reviewing authority. Both parties and all witnesses will be notified of this at the start of proceedings.
   • Such recorded audio documentation shall be destroyed once the grievance and any subsequent appeals are finished.
   • No official notes or transcription of the proceedings are made.
   • Persons present at proceedings is limited to the following:
     o Committee members
     o Staff for Committee
     o Designated presiding officer, if different from chair
     o Grievant
     o Respondent or respondents named in the grievance
     o The single witness testifying at the time

9. Pre-hearing
   • Takes place before the formal hearing begins.
   • Purpose of pre-hearing is for Committee to rule, at its sole discretion, on any objections by one party to any witnesses or evidentiary documents of the other party or to any part of these rules not previously ruled on.
   • The Committee in general will allow a witness or evidence that is relevant and not cumulative or scurrilous.
   • Neither party may object to witnesses or documents requested by the Committee.
   • No witnesses may be called during pre-hearing.

10. Hearing
    • Items and sequence (each is optional except as specified):
        a. Opening statement by grievant
        b. Opening statement(s) by respondent(s)
        c. Witnesses called by grievant
           (1) Questioning by grievant (or testimony by grievant)
           (2) Questioning by respondent(s)
           (3) Questioning by Committee (may be at any time if for clarification)
        d. Witnesses called by respondent(s)
           (1) Questioning by respondent(s) (or testimony by respondent(s))
           (2) Questioning by grievant
           (3) Questioning by each other respondent
(4) Questioning by Committee (may be at any time if for clarification)

e. Witnesses called by Committee
   (1) Questioning by Committee (may be at any time if for clarification)
   (2) Questioning by grievant
   (3) Questioning by respondent(s)

f. Closing statement by respondent(s)

g. Closing statement by grievant

- The Committee in general will allow a testimony or evidence that is relevant and not cumulative or scurrilous.

11. Recommendation: the Committee meets privately to determine its recommendation to the Dean.

Revision 1

Adopted by Committee 02/17/10.