



TO: SUNY Cortland Faculty

FROM: Dr. Eric Edlund
Chair, Educational Policy Committee

DATE: December 3, 2021

SUBJECT: Modifications to Section 340.03 and Section 350.02

Rationale

This work was prompted by the SGA who requested that the EPC explore modifications to sections 340.03 and 350.02 of the handbook, pertaining to the policies for academic misconduct and grievance procedures.

Summary of changes

The EPC's work on these sections of the handbook began by examining the specific points addressed by the SGA in their 2019-2020 document shared with Faculty Senate. In the process of reviewing and editing these sections of the handbook, the EPC has consulted with Tim Delaune (chair of the AGT), the SGA, Eunice Miller (Senior Staff Assistant to the Provost), the Associate Deans and Andrea Lachance (Dean of the School of Education). Foremost among the student's requests were:

- improving the clarity of these policies;
- establishing equity in the time given to students and faculty;
- clearly stating the consequences for a missed deadline;
- expediting these processes by reducing response times to 2 working days for everyone
- removing the ability of the AGT to increase a penalty for an academic integrity violation;
- having grievances concerning a faculty member start with the dean rather than at the departmental level;
- and removing the Provost as the final authority in grievance cases.

Of the points listed above, the EPC concluded that the first three points could be accommodated, but disagreed with the latter four points. Regarding the time for responses, the EPC concluded that this time should be 5 days rather than the 2 days suggested by the SGA and that it is not feasible to reduce the time to 2 days. The consequence of this is that the overall time to reach resolution may be increased with these changes.

Revisions to Sections 340.03 and 350.02 - Side by Side Justification

Note: In the side-by-side comparison that follows, the left-hand column presents the current language of the college handbook. The text in the right-hand column presents the new language that EPC would like to see implemented, with all deletions highlighted and bolded and new text in red.

<p>340.03 PROCEDURES FOR HANDLING THE VIOLATION OF ACADEMIC INTEGRITY</p> <p>Part One: Meeting, Discussion and Conclusion</p> <p>A. The instructor of record discovering the instance of academic dishonesty shall make every attempt to contact the student within five working days of discovery. If a teaching assistant who is not the instructor of record discovered the instance, he or she shall report it to his or her supervising instructor of record, who will be primarily responsible for following the procedures set forth below, with the involvement of the teaching assistant as necessary and appropriate.</p> <p>B. The student will identify a faculty member to serve as a third party impartial witness to the discussion of the charge of academic dishonesty. Should the student not identify a third party witness within two working days of the instructor of record's notifying the student of the charge, the instructor of record will make the choice. (amended Spring 2018; approved by President Bitterbaum</p>	<p>340.03 PROCEDURES FOR HANDLING THE VIOLATION OF ACADEMIC INTEGRITY</p> <p>Part One: Meeting, Discussion and Conclusion</p> <p>A. The instructor of record discovering the an instance of academic dishonesty an academic integrity violation shall make every attempt to contact the student within five working days of discovery. If a teaching assistant who is not the instructor of record discovered the instance, he or she shall report it to his or her supervising instructor of record, A teaching assistant who discovered an alleged instance of academic misconduct and is not the instructor of record shall report their observations to the supervising instructor of record. In all cases, it is the instructor of record, who will be primarily responsible for following the procedures set forth below, with the involvement of the teaching assistant as necessary and appropriate.</p> <p>B. The student will identify a faculty or staff member to serve as a third party third-party impartial witness to the discussion of the charge of academic dishonesty an academic integrity violation. Should the student not identify a third party third-party witness within two working days of the instructor of record's notifying the student of the charge, the instructor of</p>
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<p>July 2, 2018)</p> <p>C. Within five working days of contact with the student, a meeting shall be scheduled by the instructor of record to discuss the alleged incident of academic dishonesty. The third party witness is to serve as an independent observer and may not address the charges. In appropriate circumstances, the meeting may be conducted by phone or other electronic means.</p> <p>D. After the meeting, the instructor of record will make a determination that the student is guilty or not guilty. If guilt is decided, the instructor of record will assign a penalty.</p> <p>E. Should the student fail to appear at the meeting, the instructor of record will make a determination that the student is guilty or not guilty.</p> <p>F. Should the instructor of record bringing charges be unable to attend due to retirement, sabbatical, leave of absence or other separation from the College community, said instructor's department chair shall appoint a substitute faculty member to attend the hearing in his or her place.</p> <p>G. If guilt is decided, the instructor of record shall fill out the "meeting and response form" identifying the specifics of the charge and the penalty imposed. The report will be forwarded, within five working days of the meeting, to the Academic Grievance Tribunal (AGT) chair, in care of the senior staff assistant to the vice president for academic affairs, or such other assistant to the AGT chair as the provost may designate.</p> <p>H. The AGT chair will send a copy of the report to the student who will have</p>	<p>record will make the choice. (amended Spring 2018; approved by President Bitterbaum July 2, 2018)</p> <p>C. Within five working days of contact with the student, a meeting shall be scheduled by the instructor of record to discuss the alleged incident of academic dishonesty academic integrity violation. The third-party third-party witness is to serve as an independent observer and may not address the charges. In appropriate circumstances, the meeting may be conducted by phone or other electronic means.</p> <p>D. After the meeting, the instructor of record will make a determination that the student is guilty or not guilty. If guilt is decided, the instructor of record will assign a penalty.</p> <p>E. Should the student fail to appear at the meeting, the instructor of record will make a determination that the student is guilty or not guilty.</p> <p>F. Should the instructor of record bringing charges be unable to attend due to retirement, sabbatical, leave of absence or other separation from the College community, said instructor's department chair shall appoint a substitute faculty member to attend the hearing in his or her the former instructor's place.</p> <p>G. If guilt is decided, the instructor of record shall fill out the "meeting and response form" identifying the specifics of the charge and the penalty imposed. The report will be forwarded, within five working days of the meeting, to the Academic Grievance Tribunal (AGT) chair, in care of the senior staff assistant to the vice president for academic affairs, or such other assistant to the AGT chair as the provost may designate.</p> <p>H. The AGT chair will send a copy of the</p>
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two working days to respond. The student response options are 1) accept the guilty finding and the penalty; 2) accept the guilty finding but deny the penalty; 3) deny both the guilty finding and the penalty. A student who fails to respond to the report will automatically be found guilty and the penalty will be imposed. No appeals will be allowed for a failure to respond to the report.

- I. The Academic Grievance Tribunal will file the student's response to the report with the instructor of record.
- J. Penalties assigned by the instructor of record may be amended by the Academic Grievance Tribunal pursuant to the procedures outlined in Part Two of this subchapter below. Notification of any changes to penalties must be made to the student and the instructor of record within five working days.

Part Two: The Academic Grievance Tribunal

A. Composition

- a. The Academic Grievance Tribunal shall be constituted as follows below, for hearings under this chapter, as well as grievance hearings under Chapter 350. For any given hearing, a subset of the full tribunal shall serve as a panel to hear the matter in question.
- b. Faculty: The full tribunal shall include two faculty members from each school. The method of selecting these members shall be determined by the Faculty Senate. Faculty members will serve staggered three-year terms. The AGT

report to the student who will have ~~two~~ **five** working days to respond. The student response options are 1) accept the guilty finding and the penalty; 2) accept the guilty finding but deny the penalty; 3) deny both the guilty finding and the penalty. A student who fails to respond to the report will automatically be found guilty and the penalty will be imposed. No appeals will be allowed for a failure to respond to the report.

- I. The Academic Grievance Tribunal will ~~file~~ **forward** the student's response to the report ~~with~~ **to** the instructor of record.
- J. Penalties assigned by the instructor of record may be amended by the Academic Grievance Tribunal pursuant to the procedures outlined in Part Two of this subchapter below. Notification of any changes to penalties must be made to the student and the instructor of record ~~within five working days~~ **as defined in 340.03 Part Two (H)**.

Part Two: The Academic Grievance Tribunal

A. Composition

- a. The Academic Grievance Tribunal shall be constituted as follows below, for hearings under this chapter, as well as grievance hearings under Chapter 350. For any given hearing, a subset of the full tribunal shall serve as a panel to hear the matter in question, **as defined in section B below**.
- b. Faculty: The full tribunal shall include two faculty members from each school. The method of selecting these members shall be determined by the Faculty Senate. Faculty

chair will be elected by and from the faculty members of the AGT each academic year. The elected chair of the AGT serves as the Provost's administrative representative on the tribunal. The AGT chair shall cast a vote only to break a tie. When it is not possible or permitted for the AGT chair to serve on a panel (e.g. due to conflict of interest), the AGT chair will designate a faculty member of the tribunal to chair the panel in his or her place. In the event that a member of the tribunal is directly involved in a grievance s/he shall not participate on the relevant panel. If the tribunal member who is so disqualified is not the AGT chair, he or she will be replaced on the panel by a member of the AGT of the same rank or position.

- c. Students: The full tribunal shall include at least one undergraduate and one graduate student selected from students enrolled in each of the academic schools. The undergraduate students will be selected by the Student Senate, and the graduate students shall be nominated by the deans of their respective schools. In cases where the accused is a graduate student, at least one of the two students serving on

members will serve staggered three-year terms. The AGT chair will be elected by and from the faculty members of the AGT each academic year. The elected chair of the AGT serves as the Provost's administrative representative on the tribunal. The AGT chair shall cast a vote only to break a tie. When it is not possible or permitted for the AGT chair to serve on a panel (e.g. due to conflict of interest), the AGT chair will designate a faculty member of the tribunal to chair the panel in ~~his or her~~ **their** place. ~~In the event that a member of the tribunal is directly involved in a grievance s/he shall not participate on the relevant panel. If the tribunal member who is so disqualified is not the AGT chair, he or she will be replaced on the panel by a member of the AGT of the same rank or position.~~ **A faculty member is not allowed to serve on a panel considering a case in which the faculty member is directly involved.**

- c. Students: The full tribunal shall include at least one undergraduate and one graduate student selected from students enrolled in each of the academic schools. The undergraduate students will be selected by the Student Senate, and the graduate students shall be nominated by the deans of their respective schools. ~~In cases where the accused is a graduate student, at least one~~

the AGT panel hearing the matter must be a graduate student. If a student (graduate or undergraduate) is nominated to the tribunal who has previously been found guilty of an academic integrity violation, the AGT chair shall request that such student submit a statement explaining the violation and demonstrating that the student has learned from the experience and is committed to the tenets of the campus Academic Integrity Code. Upon review of such statement, and in the AGT chair's sole discretion, the AGT chair may admit said student to tribunal service if he or she deems it to be in the best interest of both the student and the College to do so.

- B. A denial of the guilty finding and/or the penalty automatically sets the appeal process in motion. Upon a receipt of the student appeal, the AGT chair shall convene a hearing of a panel of the tribunal.
- C. A hearing must be scheduled within 20 working days of the receipt of the appeal by the AGT chair, subject to

~~of the two students serving on the AGT panel hearing the matter must be a graduate student.~~ If a student (graduate or undergraduate) is nominated to the tribunal who has previously been found guilty of an academic integrity violation, the AGT chair shall request that such student submit a statement explaining the violation and demonstrating that the student has learned from the experience and is committed to the tenets of the campus Academic Integrity Code. Upon review of such statement, and in the AGT chair's sole discretion, the AGT chair may admit said student to tribunal service if ~~he or she deems~~ **the AGT chair deems** it to be in the best interest of both the student and the College to do so.

- B. Definition of a panel: For the purposes of any single hearing, a subset of the AGT shall be convened, referred to hereafter as "a panel" or "the panel". A panel shall be composed of the AGT chair, two faculty members, and two student members. If the academic misconduct case under consideration by the panel is brought against a graduate student, then at least one of the two student members on the panel must be a graduate student.**
- C. A denial of the guilty finding and/or the penalty **established by the instructor of record** automatically sets the appeal process in motion. Upon a receipt of the student appeal, the AGT chair shall convene a hearing of a panel of the tribunal.
- D. A hearing must be scheduled within

<p>availability of panel members and to the operating schedule of the College as defined below.</p> <p>D. The student shall receive written notice of the hearing at least five working days before the hearing. The notice will be sent by email to the student's SUNY Cortland email unless that right is waived in writing by the student. The notice will include</p> <ol style="list-style-type: none"> 1) time and place of the hearing, 2) notification of student rights and responsibilities during the grievance process. <p>E. In appropriate circumstances, the AGT chair may permit a student to be present by phone or other electronic means.</p> <p>F. If guilt is established through the hearing, the AGT chair may increase the penalty. The AGT chair shall consider student academic and disciplinary records and consult with the instructor of record to develop any additional penalty. Notwithstanding the foregoing, in the case of a student's second violation, the AGT chair will notify the student that the student has been placed on deferred academic suspension, meaning that a third violation at at point during the student's remaining time at SUNY Cortland will result in an automatic semester suspension.</p> <p>G. The AGT chair will send official notification to the student within five working days of the hearing, with copies to the instructor of record filing the charge, the associate dean for the student's respective department and</p>	<p>20 working days of the receipt of the appeal by the AGT chair, subject to availability of panel members and to the operating schedule of the College as defined below.</p> <p>E. The student shall receive written notice of the hearing at least five working days before the hearing. The notice will be sent by email to the student's SUNY Cortland email unless that right is waived in writing by the student. The notice will include</p> <ol style="list-style-type: none"> 1) time and place of the hearing, 2) notification of student rights and responsibilities during the grievance process. <p>F. In appropriate circumstances, the AGT chair may permit a student to be present by phone or other electronic means.</p> <p>G. If guilt is established through the hearing, the AGT chair may increase the penalty. The AGT chair shall consider student academic and disciplinary records and consult with the instructor of record to develop any additional penalty. If the finding of guilt is upheld by the AGT then it may increase or decrease the penalty, based on prior precedent for similar offenses, the gravity of the offense, and the accused student's academic record. Notwithstanding the foregoing, in the case of a student's second violation, the AGT chair will notify the student that the student has been placed on deferred academic suspension, meaning that a third any subsequent violation at at point during the student's remaining time at SUNY Cortland will result in an automatic one-semester suspension.</p> <p>H. The AGT chair will send official notification to the student within five working days of the hearing, with copies to the instructor of record filing</p>
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<p>school, and any other party mentioned in the notification letter. In addition, a copy of the official notification for those majoring in teacher education programs will be sent to the coordinators and TEC Committee on Teacher Education Application Review.</p> <p>H. The student may appeal the decision of the AGT to the provost within five working days after official notification. Grounds for appeal are limited to claims of bias, procedural infractions and/or new evidence.</p> <p>I. The provost will take final action on appeals within five working days of receipt of a student's appeal from an AGT decision.</p> <p>J. If a student is found not guilty of the charges at any level of review, all college-level records of the charges will be expunged, and the instructor of record shall assign an appropriate grade, or revise the student's grade to reflect the not guilty finding as needed.</p> <p>K. An instructor of record may withdraw the charges and penalty at any stage of this process he or she determines that they are not warranted.</p> <p>Working days are, exclusive of College holidays, intersessions and summer.</p> <p>(updated Spring 2018; approved by President Bitterbaum July 2, 2018)</p>	<p>the charge, the associate dean for the student's respective department and school, and any other party mentioned in the notification letter. In addition, a copy of the official notification for those majoring in teacher education programs will be sent to the coordinators and TEC Committee on Teacher Education Application Review chairperson of the Teacher Education Council Review Committee (TECRC).</p> <p>I. The student may appeal the decision of the AGT to the provost within five working days after official notification. Grounds for appeal are limited to claims of bias, procedural infractions and/or new evidence.</p> <p>J. The provost will take final action on appeals within five working days of receipt of a student's appeal from an AGT decision.</p> <p>K. If a student is found not guilty of the charges at any level of review, all college-level records of the charges will be expunged, and the instructor of record shall assign an appropriate grade, or revise the student's grade to reflect the not guilty finding as needed.</p> <p>L. An instructor of record may withdraw the charges and penalty at any stage of this process he or she determines if the instructor determines that they are not warranted.</p> <p>M. In the event that a deadline is not met by the instructor of record the case will be automatically dropped. If a student misses a deadline the finding of an academic integrity violation and the penalty is automatically upheld, as defined under 340.03 Part One, Section H.</p> <p>Working days are, exclusive of College</p>
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<p>350.02 ACADEMIC GRIEVANCE PROCEDURES</p> <p>A. The Department Level</p> <ol style="list-style-type: none"> 1. In the case of grievance a student has with an instructor, the student should attempt an informal settlement with the instructor. There may be instances when the student feels s/he needs to involve his or her advisor or department chair in a specific case. <p>If no mutually satisfactory informal settlement can be reached with the instructor, then the student may file a written statement of his or her grievance with the chair of the department in which the grievance occurred. The department chair shall hold an informal meeting with the student and the instructor, and make a decision within five working days after that meeting.</p> <ol style="list-style-type: none"> 3. If either party is dissatisfied with the decision made by the department chair, it is the responsibility of the department chair to inform both parties of the next possible recourse, namely to appeal the decision to the dean of the school in which the department is located. Intent to appeal is to be filed, in writing, in the office of the school dean within 10 working days after receipt of the department 	<p>holidays, intersessions and summer.</p> <p>(updated Spring 2018; approved by President Bitterbaum July 2, 2018)</p> <p>350.02 ACADEMIC GRIEVANCE PROCEDURES</p> <p>A. The Department Level</p> <ol style="list-style-type: none"> 1. In the case of grievance a student has with an instructor, the student should attempt an informal settlement with the instructor. There may be instances when the student feels s/he needs to involve his or advisor or another faculty member of the student's choice department chair in a specific case. The student will identify a faculty or a staff member to serve as an advisor during the grievance discussion. 2. If no mutually satisfactory informal settlement can be reached with the instructor, then the student may file a written statement of his or her grievance with the chair of the department in which the grievance occurred. The department chair shall hold an informal a meeting with the student and the instructor, the instructor of record, and the faculty/staff advisor, and make a decision within five working days after that meeting. 3. If either party is dissatisfied with the decision made by the department chair, it It is the responsibility of the department chair to inform both parties of the next possible recourse, namely to appeal the decision to the dean of the school in which the department is located. Intent to appeal is to must be filed, in
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<p>chair's decision. If either party is dissatisfied with the decision made at the department level, a written grievance may be brought to the office of the dean of the school in which the grievance occurred within 10 days after receipt of the department chair's decision.</p> <p>4. If the grievance is initially with a department chair, then the student is to attempt an informal settlement with the department chair. If no mutually satisfactory decision can be reached, then the grievance is to be filed with the school dean as outlined above.</p> <p>B. The School Level</p> <p>1. Upon receipt of an appeal from the department, the dean shall convene a special hearing for the case with all involved parties present, within 10 days of the written presentation of the grievance subject to the availability of the parties involved. There may be cases when it is mutually agreeable to both parties involved to have a less formalized settlement than a hearing such as this. If this is the case, the grievance will be handled in some other mutually acceptable manner. It shall be the responsibility of the dean to make these alternatives known to all parties involved in the case.</p> <p>2. Either party involved in a grievance case may have someone (such as a student's advisor or a faculty member's or other instructor's colleague) present</p>	<p>writing or email, in the office of the school dean within 10 working days after receipt of the department chair's decision. If either party is dissatisfied with the decision made at the department level, a written grievance may be brought to the office of the dean of the school in which the grievance occurred within 10 days after receipt of the department chair's decision.</p> <p>4. If the grievance is initially with a department chair, then the student is to attempt an informal a settlement with the department chair. If no mutually satisfactory decision can be reached, then the grievance is to be filed with the school dean as outlined above.</p> <p>5. If the grievance is with the department or regarding a department's policies, the student should file their grievance with the department chair.</p> <p>B. The School Level</p> <p>1. Upon receipt of an appeal from the department or grievance originating at the school-level, the dean shall convene a special hearing for the case with all involved parties present, within 10 days of the written presentation of the grievance, subject to the availability of the parties involved. There may be cases when it is mutually agreeable to both parties involved to have a less formalized settlement than a hearing such as this. If this is the case, the grievance will be handled in some other mutually acceptable manner. It shall be the responsibility of the dean to make these alternatives known to all parties involved in the case.</p> <p>2. Either party involved in a grievance case may have someone (such as a student's advisor faculty or staff) present</p>
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<p>to provide him or her with assistance. Choice of assistance of this type is left to the individual parties involved, but the person chosen must be a member of the SUNY Cortland community. The hearing is an administrative procedure that involves the College community, and only persons directly affiliated with the College may be present, and only in their capacity as College community members. For purposes of this rule, alumni/ae are not considered members of the College community.</p> <ol style="list-style-type: none"> 3. After hearing all facts and opinions relevant to the case, the school dean shall make a decision regarding the specific grievance. S/he shall notify, in writing, all parties involved within five working days. 4. A copy of the decision and all pertinent materials shall be kept on file in the respective dean's office for at least one year after the student has graduated or left school. 5. It is the responsibility of the dean to inform all parties involved of the next step (should either of them be unhappy with the decision). In this case, the next step is to appeal to the Academic Grievance Tribunal. <p>C. The Academic Grievance Tribunal (AGT)</p> <ol style="list-style-type: none"> 1. Should either party be dissatisfied with the decision at the school level, the grievance shall next come before the Academic Grievance Tribunal. 2. Notice of intent to appeal must be filed in the office of the AGT chair, within five working days after receipt of the decision of the school dean. 3. In cases where an academic grievance does not fall within the scope of 	<p>member of the student's choice, or a faculty member's or other instructor's colleague) present to provide him or her with assistance. Choice of assistance of this type is left to the individual parties involved, but the person chosen must be a member of the SUNY Cortland community. The hearing is an administrative procedure that involves the College community, and only persons directly affiliated with the College may be present, and only in their capacity as College community members. For purposes of this rule, alumni/ae are not considered members of the College community.</p> <ol style="list-style-type: none"> 3. After hearing all facts and opinions relevant to the case, the school dean shall make a decision regarding the specific grievance. S/he The dean shall notify, in writing, all parties involved within five working days. 4. A copy of the decision and all pertinent materials shall be kept on file in the respective dean's office for at least one year after the student has graduated or left school. 5. It is the responsibility of the dean to inform all parties involved of the next step (should either of them be unhappy with the decision). In this case, the next step is to appeal to the Academic Grievance Tribunal. <p>C. The Academic Grievance Tribunal (AGT)</p> <ol style="list-style-type: none"> 1. Should either party be dissatisfied with the decision at the school level, the grievance shall next come before the Academic Grievance Tribunal. 2. Notice of intent to appeal must be filed in the office of with the AGT chair, either in writing or by email, within five working days after receipt of the decision of the school dean.
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<p>traditional departmental and/or school lines, grievance shall be initiated with the AGT.</p> <p>4. Procedures</p> <ol style="list-style-type: none"> a. In all appeals, the grievant shall submit written arguments within 10 working days of the filing of his or her notice to appeal. b. A copy of said arguments shall be filed with the tribunal and a copy sent to the respondent. These materials are available in the office of the AGT chair to the tribunal members and to the designated assistants. c. The respondent then may file written arguments within 10 working days of receipt of the grievant's arguments, one copy of which is to be submitted to the tribunal and one copy to the grievant. d. Upon being notified by the AGT chair of a pending appeal, the school dean shall forward all records of his or her findings and recommendations, and the reasons for the decisions, to the tribunal. e. Within 10 working days after the receipt of any written arguments and of the records above, the senior staff assistant to the provost for academic affairs or such other person as the provost shall notify the parties of the time and place of the hearing, and shall designate a panel of tribunal members to serve at the hearing. f. At said hearing, both the 	<ol style="list-style-type: none"> 3. In cases where an academic grievance does not fall within the scope of traditional departmental and/or school lines, the grievance shall be initiated with the AGT. 4. Procedures <ol style="list-style-type: none"> a. In all appeals, the grievant appellant shall submit written arguments within 10 working days of the filing of his or her the notice to appeal. b. A copy of said arguments shall be filed with the tribunal and a copy sent to the respondent. These materials are available in the office of the AGT chair to the tribunal members and to the designated assistants. c. The respondent then may file written arguments within 10 working days of receipt of the grievant's appellant's arguments, one copy of which is to be submitted to the tribunal and one copy to the grievant. d. Upon being notified by the AGT chair of a pending appeal, the school dean shall forward all records of his or her their findings and recommendations, and the reasons for the decisions, to the tribunal. e. Within 10 working days after the receipt of any written arguments and of the records above, the senior staff assistant to the provost for academic affairs or such other person as the provost shall appoint shall notify the parties of the time and place of the hearing, and shall designate a panel of tribunal members to serve at the hearing.
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grievant and the respondent shall be given the opportunity to make oral arguments expanding on their written arguments. Either party may again have someone present to provide assistance, as described above in Section B (3). The grievant and the respondent may each communicate with his/her respective assistant throughout the hearing. The tribunal panel shall insofar as practicable, follow the procedures set forth for other regular hearing procedures and other provisions as found necessary by this Tribunal in its operations. A tape-recording shall be made of all AGT hearings in Chapter 340 when hearing grievance matters in this chapter. An audio recording shall be made of all AGT hearings (establishing facts, but not of the AGT's deliberations) and the recordings maintained for at least one year following the student's departure from the College if the charges are sustained. If the charges are dismissed, the recording may be destroyed at that time.

- g. The tribunal shall then issue its recommendation as to whether the grievance should be upheld or denied, and shall forward that recommendation to the provost and vice president for academic affairs, together with all other pertinent materials gathered by this tribunal,

- f. At said hearing, both the ~~grievant~~ **appellant** and the respondent shall be given the opportunity to make oral arguments expanding on their written arguments. Either party may again have someone present to provide assistance, as described above in Section B ~~(3)~~ **(2)**. The grievant and the respondent may each communicate with ~~his/her~~ **their** respective assistant throughout the hearing. The tribunal panel shall insofar as practicable, follow the procedures set forth for other regular hearing procedures and other provisions as found necessary by this Tribunal in its operations. ~~A tape-~~**An audio** recording shall be made of all AGT hearings ~~in Chapter 340~~ when hearing grievance matters ~~in~~ **covered** by this chapter. An audio recording shall be made of all AGT hearings (establishing facts, but not of the AGT's deliberations) and the recordings maintained for at least one year following the student's departure from the College if the charges are sustained. If the charges are dismissed, the recording may be destroyed at that time.

- g. The tribunal shall then issue its recommendation as to whether the grievance should be upheld or denied, and shall forward that recommendation to the provost and vice president for academic affairs, together with all other pertinent materials gathered by this tribunal,

within 10 working days of the hearing. All members of the AGT will sign the recommendation. Copies of the tribunal's recommendation and reasons shall also be sent to the grievant and respondent and the provost and vice president for academic affairs, who shall also receive all other pertinent materials gathered by the tribunal. Should the final decision of the provost and vice president for academic affairs be different from the tribunal's recommendation, copies of the provost and vice president's justification shall be sent to the grievant, the respondent and the tribunal within 10 working days of the receipt of the tribunal's recommendation. The Provost and Vice President for Academic Affairs Office is responsible for seeing that the final decision is carried out.

- h. A copy of the provost's decision plus all pertinent materials from the Tribunal shall be kept on file in the Provost and Vice President for Academic Affairs Office for at least one year after the student has graduated or left the College.
- i. A student may appeal the provost's decision and/or sanction through the President's Office once the provost has acted on the tribunal's recommendation within five working days after receiving official notification from the provost of his or her final

within 10 working days of the hearing. All members of the AGT will sign the recommendation. Copies of the tribunal's recommendation and reasons shall also be sent to the **grievant appellant** and respondent and the provost and vice president for academic affairs, who shall also receive all other pertinent materials gathered by the tribunal. Should the final decision of the provost and vice president for academic affairs be different from the tribunal's recommendation, copies of the provost and vice president's justification shall be sent to the **grievant appellant**, the respondent and the tribunal within 10 working days of the receipt of the tribunal's recommendation. The Provost and Vice President for Academic Affairs Office is responsible for seeing that the final decision is carried out.

- h. A copy of the provost's decision plus all pertinent materials from the Tribunal shall be kept on file in the Provost and Vice President for Academic Affairs Office for at least one year after the student has graduated or left the College.
- i. A student may appeal the provost's decision and/or sanction through the President's Office once the provost has acted on the tribunal's recommendation within **five 10** working days after receiving official notification

decision. Grounds for appeal are limited to claims of bias, procedural infractions and/or new evidence. Final action on appeals will be taken by the president within 10 working days.

(Policy approved Feb. 5, 1973; amended Nov. 16, 1977. Revised and approved by the Faculty Senate, Jan. 26, 1993 and approved by President Clark, Jan. 29, 1993; Chapter 350.02C amended May 7, 2004 and approved by President Bitterbaum on May 28, 2004; revised June 4, 2018 and approved by President Bitterbaum July 2, 2018)

~~from the provost of his or her~~ **of the provost's** final decision. Grounds for appeal are limited to claims of bias, procedural infractions and/or new evidence. Final action on appeals will be taken by the president within 10 working days.

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