

# STUDENT GRIEVANCES

|                                          |     |
|------------------------------------------|-----|
| General Grievance Policy .....           | 236 |
| Final Grade Grievance Procedure .....    | 236 |
| Sexual Offense Policy for Students ..... | 241 |
| Student Academic Conduct Policy .....    | 249 |

## General Grievance Policy

In general a grievance is a complaint against another individual or group in the University Community. In the event a student has such a grievance, the following procedure should be utilized by the student for resolution of the issues raised in the complaint. Academic-related matters are not covered by this procedure.

In order to start the review of the student's complaint, a written description of the grievance, including the date and time of the event, the person against whom the student has the complaint and the name of any witnesses to the event, must be provided to the Office of the Dean of Students within 30 days of the event giving rise to the grievance.

The grievant will then meet with the Dean of Students or a designee to review the grievance. The Dean of Students Office will determine if this grievance is appropriate for disposition in that office. Examples of grievances that will be referred to other University officials include sexual harassment complaints against faculty, which are heard in the Vice President for Academic Affairs Office or against staff, which will be referred to the Office of Personnel.

Once it is determined that the Office of the Dean of Students is the appropriate forum for the resolution of the grievance, the Dean of Students will contact the accused. At this point, every effort will be made to resolve the complaint through informal discussion with the parties.

Should informal discussion with the parties fail, and the grievant desires a hearing, the Dean of Students will appoint an ad hoc group with two administrators, two faculty, and one student to hear the case and render a decision and recommend a remedy to the complaint. Members of the University Disciplinary Council may be used on the committee. The ad hoc committee will meet within five (5) working days of the request for a hearing.

Should the grievance be determined by the committee to have merit, an appropriate remedy will be decided upon by the Dean of Students and the accused's supervisor.

The accused shall have the right to appeal the decision to the Vice President for Student Affairs within seven (7) working days of the decision. The Vice President for Student Affairs will render a decision on the appeal within seven (7) working days from receipt of the appeal. This decision is final.

## Final Course Grade Grievance Procedure

A final grade grievance is defined as a student complaint regarding an academic action taken by instructional personnel in assigning a final grade for a course or graduate student qualifying or comprehensive exam. Typically, these are complaints about final course grades such as allegations of unfairness in grading, alleged violations of a written or oral agreement with a student (e.g., statements in a syllabus concerning course requirements), and alleged inconsistent application of grading policies by an instructor. In addition to complaints against a particular instructor, students may also file complaints against a committee concerning academic evaluations that adversely affect them (i.e., the grade given on a comprehensive examination or a thesis or dissertation final oral exam).

Students may not file a grade grievance related to an individual test, paper, or other assignment within a course. This procedure also may not be used to complain about an instructor's grading policy, assignments, the difficulty of a course or other comparable matters. Finally, students may not file a grievance about a final course grade that was assigned as the result of an academic misconduct procedure.

For a complaint about a final course grade or other academic evaluation to be considered, the complaint must be based on one or more of the following grounds and upon allegation that the ground(s) cited influenced the grade assignment to the student's detriment:

1. arithmetical or clerical error
2. arbitrary evaluation on the part of the instructor
3. substantial failure on the part of an instructor to follow his or her syllabus or other announced grading policies.

# THE LOWDOWN

Judgments on academic matters are most appropriately made by individuals with expertise in the particular academic discipline involved. For this reason, complaints by students on academic matters are the responsibility of the department and college involved. Normally, such complaints can be resolved quickly through discussions with the faculty member involved. In some situations, the matter cannot be satisfactorily resolved at that level. For such cases, a student may file a formal final grade grievance using the procedures specified below. **(Note that while a grievance may be filed against a committee, the term “instructor” is used throughout the following description of procedure to refer to the person or entity against whom the grievance is brought.)**

## Meet With Instructor

As a prerequisite to filing a grievance and before the end of the fourth week of the succeeding semester (to include the summer term only if the student is enrolled), the student must attempt to resolve the matter with the instructor. In some cases, the student may make reasonable attempts to contact the instructor and be unsuccessful. This will not prevent the student from filing a grievance.

## Filing the Grievance Form

A Final Grade Grievance Form must be filed by the student no later than the end of the fourth class week of the succeeding semester (including summer if enrolled). A blank Final Grade Grievance Form may be obtained from any departmental office, any college dean’s office, or the Office of Student Affairs (SC 270). Page One of the Final Grade Grievance Form must be completely filled out and turned in to the chair of the department in which the course is taught or the academic evaluation took place. The form will be dated and signed by both the department chair and the student and a copy given to the student.

If the department chair is the party against whom the grievance is being brought, the student should submit the Final Grade Grievance Form to the dean of the college in which the course is taught or the academic evaluation took place.

In the event that the grievance is against the dean who is the instructor the student should submit the Final Grade Grievance Form to the Senior Vice President for Academic Affairs.

## Grievance Facilitator

The department chair or his/her designee will facilitate the grievance process unless replaced as follows:

- \* If the department chair is the party against whom the grievance is being brought, the dean will then appoint a chair from another department to facilitate the grievance process.
- \* If the dean is the party against whom the grievance is being brought, the Senior Vice President for Academic Affairs will appoint an individual to facilitate the grievance process.

## Initial Grievance Review

The facilitator will review the Final Grade Grievance Form and any supporting documentation. If the facilitator decides there may be a basis for the final grade grievance, the facilitator will arrange a conference with the student and other person(s) involved to attempt resolution of the grievance. If the facilitator determines that there is no basis for the final grade grievance (see Grounds 1-3 above), the complaint will be dismissed. Written notification of the decision will be sent to the student and the instructor (see section 8.1.7).

## Grievance Conference

The facilitator will act expeditiously throughout this process and should schedule a conference within ten (10) University class days of receipt of the Final Grade Grievance Form. **Note: The term “class day” as used in this document means any weekday (Monday-Friday) during which the official University of South Alabama calendar indicates that classes are in session.**

Prior to the conference, the facilitator will assure that both the student and instructor involved have copies of the grievance procedure. The instructor will be given a copy of

THE  
LOWDOWN

**FINAL GRADE GRIEVANCE FORM**

**1. Background Information:**

Name of Student \_\_\_\_\_ Student Number \_\_\_\_\_  
Course or Academic Evaluation: course \_\_\_\_\_ comprehensive oral \_\_\_\_\_ comprehensive  
written \_\_\_\_\_ thesis defense \_\_\_\_\_ other (explain): \_\_\_\_\_

Course Term: \_\_\_\_\_ F, \_\_\_\_\_ SP, \_\_\_\_\_ SU Year \_\_\_\_\_

Grade Received or Academic Action Taken: \_\_\_\_\_  
\_\_\_\_\_

Desired Outcome: \_\_\_\_\_

**2. Nature of Complaint:**

Check the grounds for the grievance that applies to this case:

- Arithmetical or clerical error.
- Arbitrary evaluation on the part of the instructor.
- Substantial failure on the part of the instructor to follow course \_\_\_\_\_ syllabus or other announced grading policy.

On a separate page or pages, explain your reason(s) for filing this complaint. In particular, describe how the grounds indicated above apply in this case. Attach any documentation that supports our complaint. **Clarity and thoroughness in documentation are important factors in determining whether this complaint will be dismissed or heard by a grievance facilitator.**  
Number of pages attached: \_\_\_\_\_

Have you attempted to resolve this matter with the Instructor:  Yes  No

Was your attempt to resolve this matter with the Instructor completed?  Yes  No

Within the required four-week time frame?  Yes  No

Date of informal Meeting with Instructor: \_\_\_\_\_

Outcome of Meeting with Instructor (If no meeting took place, explain why): \_\_\_\_\_  
\_\_\_\_\_

Grievance Form Received by: \_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

**A COPY OF THIS SIGNED AND DATED FINAL GRADE GRIEVANCE FORM HAS BEEN RETURNED TO ME:**

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**3. Review of Grievance:**

After review of the materials submitted, it was determined that a basis for the final grade grievance:

- may exist and a grievance conference with both parties will be scheduled.
- does not exist and the complaint is dismissed. (See "Appeals")

Signature of Facilitator: \_\_\_\_\_ Date: \_\_\_\_\_

THE  
LOWDOWN

**4. Result of Grievance Conference:**

Date of Conference: \_\_\_\_\_

Outcome of Conference:

The grievance was resolved.

Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The grievance was not resolved. See facilitator's decision below.

**5. Decision:** (if grievance was not resolved through a grievance conference):

The grievance is not supported by the evidence presented. The student's grade will not be changed.

The grievance is supported by the evidence presented.

The student's grade will be changed to: \_\_\_\_\_

Other outcome: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Facilitator: \_\_\_\_\_ Date: \_\_\_\_\_

**6. Request for Appeal:** (may be requested by student and or instructor):

***I WISH TO APPEAL THE FACILITATOR'S DECISION:***

Student or Instructor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Appeal Received by: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

***I HAVE RECEIVED A SIGNED AND DATED COPY OF MY REQUEST FOR APPEAL:***

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**7. Result of Appeal:**

The original decision is upheld.

The original decision is not upheld.

**Details of revised decision:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dean: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

# THE LOWDOWN

## STUDENT GRIEVANCES

the Final Grade Grievance Form filed by the student and will be allowed to examine any supporting documentation. Both parties will be informed that they have the right to present any evidence, supporting witnesses, or other relevant information during the conference. Legal representation at the conference is prohibited.

At the beginning of the conference, the facilitator will inform the student and instructor that the purpose of the meeting is to attempt to resolve the grievance informally. Both parties will be given the opportunity to present evidence, supporting witnesses, or other relevant information during the conference. The student may not, however, introduce new grounds for the grievance that were not specified on the original Final Grade Grievance Form.

### **Grievance Resolution**

If a mutually satisfactory resolution is achieved during the conference, then the process will end and no further action will be taken.

If a successful resolution is not achieved at the conference, then the facilitator will conclude the conference. The facilitator will then review all materials related to the grievance and may request further information or conferences with the student, instructor, and witnesses as needed. After careful deliberation, the facilitator will render a decision about the grievance. The facilitator may uphold the grade given or academic action taken, or may find the grievance to be valid and decide that the grade will be changed or another appropriate outcome will be implemented (e.g., opportunity to retake an exam). The student and instructor will be notified in writing of the decision within ten (10) University class days of the conclusion of the conference.

### **Appeal**

Either the student or the instructor may appeal the facilitator's decision to the dean (or designee) of the college in which the involved department is located. Such a request must be in writing and must be made within ten (10) University class days of notification of the decision. The dean will review the evidence presented by both parties, interview both parties, and make a decision concerning the decision of the facilitator. The student, the instructor, the facilitator, and the department chair will be notified, in writing, of the appeal decision within ten (10) class days following receipt of the appeal, or within ten (10) class days of completion of interviews, if conducted. The dean's decision is final and no further appeal is allowed.

In the event that the grievance is against the dean, the student should submit the appeal to the Senior Vice President for Academic Affairs. The Senior Vice President for Academic Affairs will review the evidence presented by both parties, interview both parties, and make a decision concerning the decision of the facilitator. The student, the instructor, the facilitator, the department chair, and the dean will be notified in writing, of the appeal decision within ten (10) class days following receive of the appeal, or within ten (10) class days of completion of interviews, if conducted. The decision of the Senior Vice President for Academic Affairs is final and no further appeal is allowed.

### **Implementation of Grievance Outcome**

The department chair will implement the outcome(s) of the grievance conference or appeal, as required, at the conclusion of the grievance procedure.

### **Confidentiality**

Throughout the entire procedure, from filing of a formal complaint to final resolution, all information related to the grievance must be kept confidential. Once a final decision has been made and implemented, the original copy of the completed Final Grade Grievance Form and related grievance documentation will be placed in the official, confidential Grievance File of the department or other academic unit in which the grievance was recorded, for a minimum of five (5) years.

### **Summary**

The following summarizes the timeline and procedures for a Final Grade Grievance.

1. The student meets with the instructor to attempt resolution before the end of the

# THE LOWDOWN

- fourth class week of the succeeding term. If there is no resolution, procedure to 2.
2. The Final Grade Grievance Form must be filed with the department chair by the last day of the fourth week of the succeeding term. The grievance facilitator (chair or designee) may find that there are no grounds for the grievance and the grievance process ends, or may agree to facilitate a grievance conference (go to 3). The instructor and student are given written notification of the facilitator's decision.
  3. A facilitated grievance conference with both the student and instructor present is conducted by the facilitator within 10 class days of receipt of the Final Grade Grievance Form.
  4. Notification of the facilitator's decision is made within 10 class days of the grievance conference. The grievance ends or may be appealed by either party (go to 5).
  5. Appeal by the student or instructor to the dean is made within 2 weeks of the facilitator's decision. The dean determines if there is a basis for an appeal. The dean's decision not to hear an appeal is final and will be transmitted in writing to the student, the instructor, and the grievance facilitator. If the dean agrees to hear the appeal, go to 6.
  6. The dean interviews both parties and evaluates documentation.
  7. The dean's written decision is made within 10 class days of the appeal interviews with all parties. The dean's decision is final.
  8. The department chair implements the outcome of the grievance.

## Sexual Offense Policy For Students

The University of South Alabama is committed to creating a community which is free from violence in all forms, including, but not limited to, physical assaults, and bias motivated actions based on gender, race, sexual orientation or disability. Sex offenses are prominent issues throughout the country. Such incidents cause enormous pain to individuals who are directly involved and to the community whose peace is shattered. A sex attack is an attack not only on a person's body, but on one's dignity; an attack not only on the individual, but on the community.

Sexual assault is a violation of the University Code of Student Conduct involving physical contact of a sexual nature which is against one's will or without one's consent, and which occurs on University premises, or at University related or sponsored activities, whether on or off University premises. Consent is defined as freely given agreement by a competent person; that is, a person that is not incapacitated physically or mentally (including being under the influence of a narcotic or intoxicating substance administered to them with or without their permission). Sex offenses can be divided into two major categories: (1) sexual offenses against individuals, and (2) offenses against public decency. Sex offenses include, but are not limited to, the following:

### SEX OFFENSES AGAINST AN INDIVIDUAL:

**SEX OFFENSES (FORCIBLE):** Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

**FORCIBLE RAPE:** The carnal knowledge (sexual intercourse) of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity, or because of youth.

**FORCIBLE SODOMY:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of youth or because of temporary or permanent mental or physical incapacity.

**SEXUAL ASSAULT WITH AN OBJECT:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of youth or because of temporary or permanent mental or physical incapacity.

# THE LOWDOWN

**FORCIBLE FONDLING:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of youth or because of temporary or permanent mental incapacity.

**SEX OFFENSES (NONFORCIBLE):** Unlawful, nonforcible sexual intercourse.

**INCEST:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**STATUTORY RAPE:** Nonforcible sexual intercourse with a person who is under the statutory age of consent.

**OFFENSES AGAINST PUBLIC DECENCY:**

**SEXUAL HARASSMENT:** Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with the intent to threaten or insinuate that lack of sexual submission will adversely affect the victim's employment, wages, advancement, assigned duties or shifts, academic standing, or other conditions that affect the victim's livelihood or academic advancement.

**INDECENT EXPOSURE:** Any exposing of genitals under circumstances which an individual knows their conduct will cause affront or alarm in any public place or on private property, so as to be seen from such premises with the intent to arouse or satisfy sexual desire of one's self or of any person (not a spouse).

**PUBLIC LEWDNESS:** Any exposing of genitals, or anus in a public place and recklessness about whether another may be present who will be offended or alarmed; or any lewd act done in a public place which one knows is likely to be observed by others who would be affronted or alarmed.

**PROSTITUTION:** Any persons engaging in or promoting sexual intercourse with the intent to profit financially or otherwise from a person engaging in sexual intercourse or deviate sexual intercourse.

## FACTS ABOUT SEXUAL ASSAULT

Although the legal definition of rape may vary slightly from state to state, it is generally defined as forced sexual intercourse that is perpetrated against the will of the victim. The same definition applies regardless of whether the assailant is a stranger or an acquaintance. The type of force employed may involve physical violence, coercion, or the implied threat of harm to the victim

The most prevalent form of rape on college campuses is acquaintance rape. The acquaintance may be a date or friend of the victim, or someone the victim knows only casually, from the residence halls, a class, through mutual friends or any other way. Regardless of the relationship between them, if one person threatens or uses force to coerce another into submitting to sexual intercourse, the act is defined as rape. The same criminal laws and penalties apply in cases of acquaintance rape as in cases of stranger rape. Many of the acquaintance rapes committed on college campuses follow similar patterns. College campuses throughout the United States have reported acquaintance rapes occurring at parties, in student residence halls and in offcampus apartments. Further, it is reported that often the students involved in these assaults have been drinking heavily or under the influence of drugs. Every student must remember that an attacker can be anyone!

A rape is reported about once every six minutes in the United States (FBI,1986). Nevertheless, *reported* rapes represent only a fraction of the number that actually occur. Victimization surveys estimate that 10 times as many rapes are committed as are reported (FBI,1979). More than half of all reported rapes are acquaintance rapes. And, underreporting is much more common among victims of acquaintance rape than victims of stranger rape. Therefore, the actual incidence of acquaintance rape probably far exceeds that of stranger rape.

College students are more vulnerable to rape than any other age group. Nationally, the majority of reported victims and offenders are of college age, with the rate of rape victimization highest among 16-19 year olds. The second highest victimization rate is experienced by women between 20 and 24 years of age.

# THE LOWDOWN

## ASSAULT RESPONSE

If a sexual assault occurs, the University recommends the following procedures be followed including who should be contacted, the importance of preserving evidence as may be necessary to the proof of criminal assault and to whom the alleged offense should be reported. The decision to report the sexual assault of a member of the University community by another member of the University community rests solely with the victim. However, the University strongly encourages the reporting of sexual assaults to the proper University officials. Reporting is the only way that action can be taken against the alleged attacker or that the University community can be protected from future attacks.

### IF AN ASSAULT OCCURS THE VICTIM SHOULD:

- a. go to a safe place as soon as possible.
- b. try to preserve all physical evidence—do not bathe, use the toilet, rinse one’s mouth or change clothing, if it can be avoided. If it is necessary, put all clothing that was worn at the time of the attack in a paper bag, not a plastic one.
- c. contact University police by calling 511 if the assault occurred on campus or the local police by calling 911 if the assault occurred off campus.
- d. get medical attention - all medical injuries are not immediately apparent. This is also necessary to collect evidence in case the victim decides to press charges. USA Medical Center Emergency Room and USA Knollwood Hospital Emergency Room have the evidence collection kits necessary for criminal prosecution if that option is selected.
- e. contact someone the victim trusts such as a friend, family member, or Resident Advisor for support.
- f. call the Assault Hotline at 460-7151, 24 hours a day, seven days a week. A certified Victim’s Advocate will contact the victim to offer any assistance to make recovery as smooth as possible.
- g. talk with a counselor who will maintain confidentiality, help explain options, give information, and provide emotional support.
- h. explore legal avenues for either criminal or civil action as well as utilize on-campus grievance procedures, including the University student disciplinary system.

**UNIVERSITY RESPONSE IN THE CASE OF SEXUAL ASSAULT:** In the event a sexual assault is perpetrated against a member of the student community on the University campus and is reported to a University department or official, the following procedures are to be followed for the well-being and safety of the victim, and also for a quick apprehension of the perpetrator. If the assault occurs off campus, the victim will be encouraged to contact the appropriate law enforcement agency. At every stage, the victim must be assured that participation is voluntary and any and all information is confidential.

### CAMPUS POLICE:

1. Police dispatcher responds by:
  - a. relaying information to responding police officer, and calls the Chief of Police and Sexual Assault Investigator.
  - b. contacting the on-duty Victim’s Advocate.
  - c. contacting friends or family of victim if requested to do so.
  - d. contacting the Area-Coordinator-On-Call if the victim lives on campus.
2. Responding officer and/or Sexual Assault Investigator respond by:
  - a. conducting an investigation.
  - b. recommending the victim obtain medical assistance.
  - c. recommending the victim seek counseling.
  - d. contacting the Dean of Student Services when appropriate.

**DEPARTMENT OF HOUSING RESIDENCE LIFE:** If the victim lives on campus and the assault is reported to a Resident Advisor (RA), that student is required to report the

# THE LOWDOWN

## STUDENT GRIEVANCES

assault to an Area Coordinator and to keep the assault in the strictest confidence. The RA will give the student the option of reporting the assault directly to the Area Coordinator. The RA or Area Coordinator will respond by:

1. assuring the victim that all contacts are voluntary and kept in confidence.
2. making sure the victim has a safe place to go.
3. encouraging the victim to seek medical attention at a USA Hospital Emergency Room or at the Student Health Center.
4. apprising the victim of procedures to preserve physical evidence.
5. encouraging the victim to contact a Victim's Advocate and assisting in that contact if so desired.
6. expediting housing relocation if requested and reasonably available.
7. encouraging the victim to notify University of South Alabama Police Department (USAPD) Sexual Assault Investigator if the assault occurred on campus or to notify the local police if the assault occurred off campus.
8. encouraging the victim to take advantage of University Counseling Services.
9. informing the victim that a University disciplinary process exists and suggesting the victim contact the Dean of Student Services for more information.
10. filing a confidential anonymous sexual assault report with the Sexual Assault Response Coordinator.

STUDENT HEALTH CENTER: The Student Health Center staff will respond by:

- a. assuring the victim that all contacts are voluntary and kept in confidence.
- b. making sure the victim has a safe place to go.
- c. encouraging the student to go to a USA Hospital for medical evaluation, treatment, and evidence collection.
- d. apprising the victim of procedures to preserve physical evidence.
- e. recommending the victim have a follow-up medical exam and tests for sexually transmitted diseases and pregnancy which are typically conducted 7-14 days after the assault. These are available through the Student Health Center, personal physician or local hospitals.
- f. encouraging the victim to contact a Victim's Advocate and assisting the victim make that contact if so desired.
- g. encouraging the victim to file a report with the USAPD Sexual Assault Investigator if the assault occurred on campus or to notify the local police if the assault occurred off campus.
- h. encouraging the victim to seek counseling through the University Counseling Service.
- i. informing the victim that there is a University disciplinary process and suggesting the victim contact the Dean of Student Services for more information.
- j. filing a confidential anonymous sexual assault report with the Sexual Assault Response Coordinator.

UNIVERSITY COUNSELING SERVICES: University Counseling Services provides a Rape Crisis trained therapist free of charge to students who are sexually assaulted. Counseling is available to provide assistance in addressing issues including, but not limited to, the following: shock, guilt, adjustment, depression, anger, trust, resolution, and withdrawal. A victim may prefer to initiate counseling weeks or months after the sexual assault occurs since immediate support and advice are provided by the Sexual Assault Investigator and the Victim's Advocate. The University Counseling Services staff will respond by:

- a. assuring the victim that all contacts are voluntary and kept in confidence.
- b. providing counseling including emotional support and exploration of options.
- c. apprising victim of procedures to preserve physical evidence and helping victim arrange for medical attention at a USA Hospital or Student Health Center if desired.
- d. encouraging the victim to contact a Victim's Advocate and assisting in that contact, if desired.

# THE LOWDOWN

- e. encouraging the victim to contact the USAPD Sexual Assault Investigator if the assault occurred on campus, or the local police if the assault occurred elsewhere.
- f. encouraging the victim to contact the Dean of Student Services office regarding the University disciplinary process.
- g. notifying the victim of options for, and available assistance in changing academic and living situations, if so requested by the victim and if such changes are reasonably available.
- h. filing a confidential anonymous sexual assault report with the Sexual Assault Response Coordinator.

DEAN OF STUDENTS: All discussions with the Dean of Students Office are confidential, except for the anonymous sexual assault report that will be filed immediately by the office. Any reports of sexual assault are not kept in the victim's permanent academic record. The Dean of Students Office will respond by:

- a. making sure the victim has a safe place to go and making any necessary arrangements.
- b. offering the victim a variety of services including helping to reschedule classes or tests, providing information on course withdrawals, and changing living arrangements, if requested by the victim, and if such changes are reasonably available.
- c. encouraging the victim to go to the Student Health Center or the Emergency room for medical services.
- d. encouraging the victim to take advantage of the Victim's Advocate program and contacting the advocate for the victim, if desired.
- e. encouraging the victim to report the assault to the USAPD Sexual Assault Investigator or to the local police.
- f. encouraging the victim to take advantage of the services of the University Counseling Service.
- g. offering information regarding the University disciplinary process and the victim's option to file charges.
- h. reminding the victim that criminal charges may also be filed in state court no matter what action is taken within the University.
- i. notifying the University community if it is determined that a threat to public safety exists, while respecting the victim's anonymity.
- j. filing a confidential anonymous sexual assault report with the Sexual Assault Response Coordinator.

VICTIM'S ADVOCATES: The Victim's Advocate's goal is to enhance the victim's recovery and help to return to the pre-crisis state, provide emotional support, and provide appropriate information and referrals on court proceedings, disciplinary processes, alternative housing assignments, academic assistance alternatives, and medical procedures. The Victim's Advocate will respond by:

- a. making every effort to meet with victim within 30 minutes of assault or time of notification of advocate.
- b. assuring the victim that any contact is voluntary and confidential.
- c. making sure the victim has a safe place to go and assist in making any necessary arrangements.
- d. encouraging victim to seek medical attention and accompanying victim to hospital, if necessary.
- e. contacting friend or family member of victim, if requested.
- f. offering support to victim in any and all ways possible including seeking alternative housing and academic alternatives, if such changes are reasonably available.
- g. giving victim an information packet.
- h. encouraging victim to report the assault to the USAPD Sexual Assault Investigator or the local police.
- i. encouraging the victim and significant others to seek counseling regarding the assault.
- j. following up with victim 24 hours after initial contact.

# THE LOWDOWN

- k. apprising victim of options regarding criminal or civil charges and or the University disciplinary process.
- l. accompanying victim to any court proceedings or disciplinary hearings, if victim so desires.
- m. filing a confidential anonymous sexual assault report with the Sexual Assault Response Coordinator.

UNIVERSITY COMMUNITY: In the event a victim contacts a member of the University Community (i.e., faculty, staff, or other students) not previously listed, the individual will respond by:

- a. encouraging the victim to contact the USAPD Sexual Assault Investigator if the assault occurred on campus or the local police if the assault occurred elsewhere.
- b. encouraging the victim to contact a Victim's Advocate through the University Rape Hotline and assisting in that contact if desired.
- c. assuring the victim that all subsequent contacts are voluntary and confidential.

SEXUAL ASSAULT RESPONSE COORDINATOR: The Coordinator acts as the clearinghouse for information regarding sexual assault incidents that occur on campus. Each department will file an anonymous sexual assault incident report with the Coordinator immediately, but no later than 24 hours after initial contact with the victim. The Coordinator will be responsible for contacting the departments to follow-up on the services they provided for each incident without them disclosing the victim's name. Such follow-up will help ensure consistent implementation of the policy and generate feedback necessary for future revisions of the policy. Such follow-up will also help departments stay informed about evolving services available in the University and general community. The Coordinator will respond by:

- a. overseeing the implementation of the Sexual Offense Policy.
- b. assigning a common identification number to the reports received from the departments the victim has contacted and open a file to track the incident.
- c. determining if the reported incident represents a potential danger to the campus community, and if so, contacting the Dean of Student Services and the Sexual Assault Investigator. A potential danger to the community might include a pattern of acquaintance sexual assaults, a stranger assault, a violent or sadistic assault, or a gang rape.
- d. notify the University Police Department on a monthly basis of the number of assaults that were reported to the Coordinator.

## THE CRIMINAL CODE OF THE STATE OF ALABAMA REGARDING SEXUAL OFFENSES (AS OF 2005)

A person commits the crime of rape in the first degree if:

1. He engages in sexual intercourse with a member of the opposite sex by forcible compulsion; OR
  2. He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being physically helpless or mentally incapacitated; OR
  3. He or she, being 16 years or older, engages in sexual intercourse with a member of the opposite sex who is less than 12 years old.
- Rape in the first degree is a Class A Felony (13A-6-61; Acts 1977) and carries a sentence of 10-99 years or life.

A person commits the crime of rape in the second degree if:

1. Being 16 years old or older, he or she engages in sexual intercourse with a member of the opposite sex less than 16 and more than 12 years old; provided, however, the actor is at least two (2) years older than the member of the opposite sex, OR
  2. He or she engages in sexual intercourse with a member of the opposite sex who is incapable of consent by reason of being mentally defective.
- Rape in the second degree is a Class B Felony (13A-6-62; Acts 1977,79,87) and carries a sentence of 2-20 years.

## THE LOWDOWN

A person commits the crime of sodomy in the first degree if:

1. He engages in deviate sexual intercourse with another person by forcible compulsion; OR
2. He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being physically helpless or mentally incapacitated; OR
3. He, being 16 years old or older, engages in deviate sexual intercourse with a person who is less than 12 years old.

Sodomy in the first degree is a Class A Felony (13A-6-63; Acts 1977) and carries a sentence of 10-99 years.

A person commits the crime of sodomy in the second degree if:

1. He, being 16 years old or older, engages in deviate sexual intercourse with another person less than 16 years and more than 12 years old, OR
2. He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being mentally defective.

Sodomy in the second degree is a Class B Felony (13A-6-64; Acts 1977, 79, 87) and carries a sentence of 2 to 20 years.

A person commits the crime of sexual misconduct if:

1. Being a male, he engages in sexual intercourse with a female without her consent, under circumstances other than those covered by sections 13A-6-61 and 13A-6-62; or if her consent was obtained by the use of any fraud or artifice; OR
2. Being a female, she engages in sexual intercourse with a male without his consent; OR
3. He or she engages in deviate sexual intercourse with another person under circumstances other than those covered by sections 13A-6-63 and 13A-6-64. Consent is no defense to a prosecution under this subdivision.

Sexual misconduct is a Class A Misdemeanor (13A-6-65; Act 1977) and carries a sentence of up to 1 year.

A person commits the crime of sexual abuse in the first degree if:

1. He subjects another person to sexual contact by forcible compulsion; OR
2. He subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated; OR
3. He being 16 years old or older, subjects another person to sexual contact who is less than 12 years old.

Sexual abuse in the first degree is a Class C Felony (13A-6-66; Acts 1977) and carries a sentence of 1 to 10 years.

A person commits the crime of sexual abuse in the second degree if:

1. He subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; OR
2. He, being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.

Sexual abuse in the second degree is a Class A Misdemeanor, except that when a person commits a second or subsequent offense of sexual abuse in the second degree within one year of another sexual offense, the offense is a Class C Felony (13-A-6-67; Acts 1977, 2000) and carries a sentence of up to 1 year.

A person commits the crime of indecent exposure if, with intent to arouse or gratify sexual desire of himself or of any person other than his spouse, he exposes his genitals under circumstances in which he knows his conduct is likely to cause affront or alarm in any public place or on the private premises of another or so near thereto as to be seen from such private premises. Indecent exposure is a Class A Misdemeanor (13A-6-68; Acts 1977) and carries a sentence of up to 1 year.

A person commits the crime of public lewdness if:

1. He exposes his anus or genitals in a public place and is reckless about whether another may be present who will be offended or alarmed by his act; OR

# THE LOWDOWN

2. He does any lewd act in a public place which he knows is likely to be observed by others who would be affronted or alarmed.  
Public lewdness is a Class C Misdemeanor (13A-12-130; Acts 1977).

A person commits the crime of promoting prostitution in the first degree if knowingly:

1. Advances prostitution by compelling a person by force or intimidation to engage in prostitution, or profits from such coercive conduct by another; OR
2. Advances or profits from prostitution of a person less than 16 years of age.  
Promoting prostitution in the first degree is a Class B Felony (13A-12-111, Acts 1977) and carries a sentence of 2 to 20 years.

A person commits the crime of promoting prostitution in the second degree if knowingly:

1. Advances or profits from prostitution by managing, supervising, controlling, or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes other than the defendant; OR
2. Advances or profits from prostitution of a person less than 18 years of age.  
Promoting prostitution in the second degree is a Class C Felony (13A- 12- 112; Acts 1977) and carries a sentence of up to 10 years.

A person commits the crime of promoting prostitution in the third degree if knowingly advances or profits from prostitution. Promoting prostitution in the third degree is a Class A Misdemeanor (13A-12-113; Acts 1977) and carries a sentence of up to 1 year.

## BILL OF VICTIMS RIGHTS

The University of South Alabama has given the following rights to each student victim of any assault committed against them while on University premises, or at University related or sponsored activities, whether on or off University premises. Proper reporting of the assault to the University Police Department will better enable University officials to assist in the exercise of these rights:

- a. The right to be present during the disciplinary process. However, if the victim fails to appear at the hearing, the hearing may be held in their absence.
- b. The right to present evidence by witness, or by affidavit or deposition if a witness is unable to attend the hearing.
- c. The right to bring an advisor to the hearing. The advisor, however, may not participate in examination of witnesses or presentation of materials or information to the hearing official, unless asked to do so by the hearing official.
- d. The right to question all witnesses.
- e. The right to appeal.

Victims of Sexual Assault will be offered the following considerations whenever possible and when reasonably available:

- a. Full legal process according to the law of the State of Alabama, if the victim seeks this. The disciplinary process is not established to provide all of the requirements and rights of the judicial process in State Court. The victim has the option of also proceeding in State Court.
- b. As established by state criminal codes, the victim's irrelevant past sexual history will not be discussed during the disciplinary hearing.
- c. The victim will be allowed to make a 'victim impact statement' regarding how the event has changed their life if the accused is found in violation of the Code of Student Conduct.
- d. The assistance of a Victim's Advocate.
- e. When requested, assistance will be rendered in changing on campus living arrangements given that the change is reasonably available.
- f. Free on-campus counseling.
- g. Immunity from disciplinary charges stemming from the use of a narcotic or intoxicating substance administered with or without consent at the time of the assault.

# THE LOWDOWN

## CAMPUS AND COMMUNITY RESOURCES

The following is a list of campus and community counseling, mental, legal and student services for victims of sexual assault.

- a. University Counseling Service - 460-7051
- b. Student Health Center - 460-7151
- c. Victim's Advocates - 460-7151 or 460-6312
- d. Sexual Assault Officer (Campus Police) - 460-6312
- e. Rape Crisis Center of Mobile - 473-7273
- f. Dean of Student Services - 460-6172
- g. Department of Housing Residence Life - 460-6185
- h. Alabama Crime Victims Compensation Commission - 800-541-9388
- i. Campus Ministers c/o Dean of Student Services office - 460-6172.
- j. Sexual Assault Recovery Group - 473-7273
- k. USA Children's & Women's Hospital Emergency Room - 415-1620

## EDUCATION PROGRAMS

The University commits itself to the provision of a variety of educational programs and services to all members of the University community. As an educational institution we must not neglect the importance of education as it pertains to sexual assault. The following departments provide awareness and prevention programs for the entire University community.

- a. Student Health Center
- b. University Police Crime Prevention Office
- c. Department of Housing/Residence Life
- d. Counseling Service
- e. Office of Programs and Special Events/Jaguar Productions
- f. Peer Sex Educators
- g. Office of Campus Involvement
- h. Panhellenic Council
- i. USA Children's & Women's Hospital

For more information concerning this Sexual Offense Policy, contact the Dean of Students Office at 460-6172, Student Center Room 270.

8/1/94

## **Student Academic Conduct Policy (Adopted 1988; Revised 2004)**

As a community of students and scholars, the University strives to maintain the highest standards of academic integrity. All members of the community are expected to exhibit honesty and competence in academic work. This responsibility can be met only through earnest and continuing effort on the part of all students and faculty.

Any dishonesty related to academic work or records constitutes academic misconduct including, but not limited to, activities such as giving or receiving unauthorized aid in tests and examinations, improperly obtaining a copy of an examination, plagiarism, misrepresentation of information, or altering transcripts or university records. Academic misconduct is incompatible with the standards of the academic community. Such acts are viewed as moral and intellectual offenses and are subject to investigation and disciplinary action through appropriate university procedures. Penalties may range from the loss of credit for a particular assignment to dismissal from the University. Note that dismissal from any University of South Alabama college or school for reasons of academic misconduct will also result in permanent dismissal from the University. Faculty, students, and staff are responsible for acquainting themselves with, adhering to, and promoting policies governing academic conduct.

The Office of the Senior Vice President for Academic Affairs (SVPAA) will maintain a permanent record of all Academic Misconduct penalties involving Level I, Level II, and Level III cases that is known as the Academic Misconduct Penalty Record. The record will include the student's name and student number; course title, section and

# THE LOWDOWN

## STUDENT GRIEVANCES

instructor (as appropriate); semester in which the misconduct occurred type of misconduct; penalty imposed; and student's major(s) at the time the penalty was imposed.

Upon receipt and recording of information regarding penalties imposed as above, the SVPAA will determine if the student has been found guilty of any previous incident(s) of academic misconduct. If a previous instance of academic misconduct has occurred in Level I or Level II cases, the SVPAA will notify the Dean of the college of the student's major. The Dean will then determine whether an additional and higher level charge of Academic Misconduct is warranted and should be brought against the student. In Level III cases, the SVPAA will notify the chair of the University Academic Standards Committee to convene the committee to determine if a more severe penalty is warranted.

The Academic Misconduct Record will be used for the purpose of determination and evaluation of repetition of academic misconduct and if appropriate, for charging the student with an additional charge of Academic Misconduct. The information contained in the Academic Misconduct Record will not be available to the course instructor. College level and University level Academic Standards Committees and/or their members will not have access to information contained in the Academic Misconduct Record prior to the conclusion of the case, including completion of appeals, if any. The only circumstance in which an Academic Standards Committee and/or its members will have access to information in the Academic Misconduct Record is if the Committee(s) is/are charged by the Dean or SVPAA to consider whether a more severe penalty is warranted in cases where it has been determined that repetition of Academic Misconduct has occurred.

All matters related to academic misconduct are the responsibility of the academic units involved and the Office of the Senior Vice President for Academic Affairs. These matters will be resolved through procedures defined herein for both graduate and undergraduate students.

## DEFINITIONS

The term "student" is used in this Policy to refer to one or more student(s) as appropriate to the case. The term "class day" refers to a weekday (Monday through Friday) excluding holidays, during which the offices of the University are open and the classes of the full term are in session, excluding final examinations periods. The term "college" refers to colleges, schools, and academic divisions of the University.

## COMMITTEES

### 1. Departmental Academic Standards Committees

Each department shall have a Departmental Undergraduate Academic Standards Committee.

Those departments offering graduate programs, or graduate course work, shall also have a Departmental Graduate Academic Standards Committee.

The Undergraduate/Graduate Committee(s) shall conduct all hearings requested by undergraduate/graduate students in academic misconduct cases within the department.

For the Undergraduate Academic Standards Committee, each department shall appoint four (4) full-time faculty members, plus one (1) full-time faculty member designated as an alternate, and two (2) non-voting, upper division student members. The Committee shall be constituted early in the Fall Semester of each year. In departments with fewer than five full-time faculty members, each eligible faculty member shall serve on the Committee, and the dean of the college shall appoint other members from a related department to complete the Committee.

For the Graduate Academic Standards Committee, each department shall appoint four (4) graduate faculty members, plus one (1) graduate faculty member designated as an alternate, and two (2) non-voting, graduate student members. The Committee shall be constituted early in the Fall Semester of each year. In departments with fewer than five (5) graduate faculty members, each eligible member shall serve on the Committee, and the dean of the college shall appoint other qualified graduate faculty members from a related department to complete the Committee.

# THE LOWDOWN

## 2. College Academic Standards Committees

Each college shall have a Collegiate Undergraduate Academic Standards Committee. Those colleges offering graduate programs, or graduate course work, shall also have a Collegiate Graduate Academic Standards Committee.

For the Undergraduate Committee, each college shall appoint four (4) full-time faculty members, plus one (1) full-time faculty member designated as an alternate, and two (2) non-voting, upper-division student members. The Committee shall be constituted early in the Fall Semester of each year.

For the Graduate Committee, each college shall appoint four (4) graduate faculty members, plus one (1) graduate faculty member designated as an alternate, and two (2) non-voting, graduate student members. The Committee shall be constituted early in the Fall Semester of each year. Should a college have fewer than five (5) graduate faculty members, each eligible faculty member will serve on the Committee, and the SVPAA shall appoint additional qualified members from other colleges to complete the Committee.

## 3. University Academic Standards Committee

The University Academic Standards Committee shall be composed of five (5) faculty members and one (1) alternate, at least four (4) of whom are graduate faculty, and two (2) non-voting students, one graduate and one upper-division undergraduate. The Committee shall be appointed each Fall Semester by the SVPAA.

## 4. Committee Authority

Committees may prescribe penalties, sustain penalties, reduce penalties including reduction to no penalty, or dismiss charges, as appropriate to the case. However, when acting on an appeal request, a committee may not increase the severity of the previously prescribed penalty.

## PROCEDURES

In cases of alleged academic misconduct, the committee will make every effort to maintain confidentiality of all parties during the process. Information regarding the case is generally not communicated to non-involved parties, and communications regarding the matter are on a need-to-know basis. If, however, informational material relative to the case is subpoenaed through a court process, or is required to be divulged in some other type of investigation, then it would not be deemed to be a breach of confidentiality and the requested material would be void of its confidentiality.

This policy recognizes three levels of academic misconduct (see the following identification of Levels I, II, III). The college in which a Level I case is heard shall normally be the college in which the misconduct occurred, not necessarily the college of the student's major program. A Level II case will normally be heard in the college of the student's major program. A Level III case will normally be heard by the University Academic Standards Committee.

The committee chair will be elected by the committee. The chair shall maintain complete, confidential records of all proceedings, including minutes of all meetings held regarding the case.

Student members of the committee serve in an advisory capacity to provide the committee with a student perspective.

Neither the student nor the faculty member involved shall have legal representation during the presentation of the case or during the appeal process. However, legal assistance in preparing a defense or statement for presentation to the committee is permissible.

The committee will confirm their decision by vote. The chair of the committee will not vote except in case of a tie. After a decision is rendered, an appeal may be requested (see section under [Appeal](#)). Grounds for appeal are the alleged lack of due process in the case or alleged discrimination against the student.

All penalties must be within the authority or purview of the involved unit. For example, an instructor may impose a penalty of failure in a course where cheating is involved, but the instructor may not dismiss the student from the program.

# THE LOWDOWN

## STUDENT GRIEVANCES

A student accused of alleged academic misconduct, or involved in the appeals process for alleged academic misconduct, will not be allowed to withdraw from a class(es) related to the charge of academic misconduct until the charges, penalties and/or appeals have been resolved through due process as described below. The student must be allowed to remain in or complete the class(es) until the case is resolved. The student may not withdraw from a class(es) in which a penalty is sustained. (either by the student accepting the penalty or by an academic standards committee decision) for academic misconduct.

The three levels of misconduct considered in this Policy are as follows:

### **Level I - Cases Limited to a Specific Class and/or Instructor**

- When an instructor discovers an act of academic misconduct, the student involved shall be informed verbally or in writing of the alleged violation.
- If the instructor decides to impose a penalty, the instructor shall prepare a dated, written statement describing the alleged violation and the recommended penalty, along with a copy of the Student Academic Conduct Policy. The instructor shall either mail the statement, with attachment, by U.S. Mail with Return Receipt Requested, or hand deliver the statement, with attachment, to the student and ask the student to sign for receipt of the statement. A copy of the written statement will be submitted to the department chair. The Instructor will also request that the Department Chair immediately notify the registrar to block the student from withdrawing from the course. At any point in the process in which it is determined that the student is innocent of the charge of Academic Misconduct, the block will be revoked.
- The student normally has five (5) class days from receipt of the written notification to submit a written response to the instructor. Failure of the student to respond in a timely manner (not to exceed ten (10) class days from receipt of the notification) will be considered as either subversion of the process, or agreement with the misconduct charge and acceptance of the imposed penalty. This information will be communicated as follows: The instructor will inform the student in writing of the penalty. If the student responds in writing with denial of the charge, the department chair will be notified and a hearing shall be arranged. If the student does not respond in writing with denial of the charge, the instructor will submit a report of the penalty using the Standard Form: Academic Misconduct Penalty Record (AMPR) to the department chair who will in turn forward it through the Dean of The College of the SVPAA.
- **Hearing** - Upon receipt of the written denial of charges, the following procedure applies (in the event the department chair is the accuser, the college dean shall perform the functions ascribed below to the chair):  
The department chair shall notify the Departmental Academic Standards Committee to begin a hearing within ten (10) class days of the notification.  
The hearing shall be conducted in the presence of the involved student and faculty member. The student and faculty member shall have opportunities to present all relevant information and witnesses before the Committee.  
At the conclusion of the hearing, the Committee shall convene to review the evidence and decide whether or not the charge of academic misconduct is sustained. If the charge is sustained, the Committee may affirm the instructor's recommended penalty or may replace it with a lesser penalty, including no penalty. If the charge is not sustained, the Committee shall dismiss the charge. If the Committee dismisses the charge, the Department Chair is responsible for taking necessary steps for removing any blocks on registration. The Committee's decision shall be submitted in writing to the department chair not more than five (5) class days after the conclusion of the hearing. The department chair shall provide the student with written notification within five (5) class days of receipt of the Committee's decision. The written notification will inform the student that if it is determined that previous incident(s) of Academic Misconduct have occurred that an additional or higher level charge may be brought. If the student does not file an

# THE LOWDOWN

appeal, the department chair will submit a report of the penalty (if any) using the Standard Form: Academic Misconduct Penalty Record (AMPR) through the Dean to the SVPAA.

- **Appeal** - Grounds for appeal are the alleged lack of due process in the case or alleged discrimination against the student. If the student wishes to appeal the decision of the Departmental Academic Standards Committee, a written request for appeal must be filed with the Dean of the College in which the class is taught within five (5) class days of receipt of the written notification from the department chair. The Dean shall notify the College Academic Standards Committee of the College of the student's academic program or major in writing to begin a review within ten (10) class days of receipt of notification. The committee will first determine if grounds exist for an appeal. If there is a decision to hear the appeal, the review shall be based upon the record developed in the hearing process, and the Committee may interview case principals as it deems appropriate. At the conclusion of the review, the Committee shall convene to review the evidence and determine whether or not the charge of academic misconduct is sustained or dismissed. In cases where the Committee sustains the charges, the Committee may affirm or reduce the previously imposed penalty. The Committee shall submit its decision to the Dean in writing within five (5) class days of receipt of the conclusion of the hearing. The Dean shall provide written notification of the Committee's decision to the student within five (5) class days of receipt of notification from the Committee. The decision of the College Academic Standards Committee shall be final. The Dean will submit a report of any penalty imposed using the Standard Form: Academic Misconduct Penalty Record (AMPR) to the SVPAA. The Dean is also responsible for removing or continuing registration holds as appropriate.

## **Level II Cases Involving Action By a College or School**

If the alleged academic misconduct is beyond either the scope of a specific class and/or instructor, or is of such a serious nature as to warrant review of continued participation in an academic program, the procedures shall be as described below. Note that dismissal from a college or school for reasons of academic misconduct will result in permanent dismissal from the University. Because of the possible severity of the penalty, all allegations of academic misconduct at this level are heard by the College Academic Standards Committee of the College of the student's academic program or major, and the penalty will be determined by that Committee if the allegations are sustained.

- The instructor, department chair, or other involved party shall forward a written notification of the alleged violation(s) with evidence to the academic dean or equivalent administrator of the academic program or major of the student involved. A copy of the written notification will be given to the student.
- The college dean shall notify the College Academic Standards Committee in writing of the allegations, transmit any evidence to the Committee, and instruct the Committee to begin the hearing process within ten (10) class days of the notification (in the event that the college dean is the accuser, the college assistant/associate dean or person appointed by the SVPAA shall perform the functions ascribed below to the dean).
- The hearing shall be conducted in the presence of the involved student, faculty member and or administrator, and witnesses. The student and faculty/administrator(s) shall have opportunities to present all relevant information and witnesses.
- At the conclusion of the hearing, the Committee shall convene to review the evidence and determine whether or not the charge of academic misconduct is sustained. The Committee, in its best judgement, may sustain or dismiss the charges. In cases in which the Committee sustains the charges, the Committee may impose a penalty, including suspension from the University or dismissal from the

# THE LOWDOWN

## STUDENT GRIEVANCES

University. The Committee shall submit its decision to the dean in writing within five (5) class days of the conclusion of the hearing. The dean shall provide written notification of the Committee's decision to the student within five (5) class days of the receipt of notification from the Committee and the following action(s) shall be taken.

1. If the Committee's decision is to dismiss the charges, the Dean is responsible for removing the registration blocks on the student, or
  2. If the Committee's decision is to sustain the charges, and if the case is not appealed,
    - a. The Chair of the College Committee on Academic Standards will submit a report to the SVPAA through the College Dean of the penalty imposed, if any, using the Standard Form: Academic Misconduct Penalty Record (AMPR), and
    - b. The Dean is responsible for notifying the Registrar to remove or continue registration blocks, and/or to take necessary actions such as suspension or dismissal as appropriate.
- **Appeal** - Grounds for appeal are the alleged lack of due process in the case or alleged discrimination against the student. If the student wishes to appeal the decision of the Committee, a written request for appeal must be filed with the Office of the SVPAA within five (5) class days of receipt of the written notification from the dean. The Senior Vice President for Academic Affairs shall notify the University Academic Standards Committee in writing to begin a review within ten (10) class days of receipt of the notification. The Committee will first determine if ground exist for an appeal based upon its review of the record developed in the hearing process. If there is a decision to hear the appeal, the appeal shall be based upon the principals as it deems appropriate. At the conclusion of the hearing, the Committee shall review the evidence and determine whether or not the charge of academic misconduct is sustained or dismissed. In cases where the Committee sustains the charges, the Committee may affirm or reduce the previously imposed penalty. The Committee shall submit its decision to the SVPAA in writing within five (5) class days of the conclusion of the hearing. The decision of the University Academic Standards Committee related to the appeal shall be final. Also, at the conclusion of the appeal process, the Chair of the University Standards Committee will submit a report of the penalty imposed, if any, to the SVPAA using the Standard Form: Academic Misconduct Penalty Record (AMPR). The Senior Vice President for Academic Affairs shall provide written notification of the Committee's decision to the student within five (5) class days of receipt of notification from the Committee, and as appropriate, the written notification to the student will include notification of additional charges if previous incident(s) of Academic Misconduct have occurred as indicated in the SVPAA' review of the Academic Misconduct Penalty Record. The SVPAA will be responsible for informing the Registrar to remove or continue registration blocks on the student, and for taking necessary action(s) such as suspension or dismissal, as appropriate.

### **Level III Cases Involving Action Beyond an Academic Unit**

If the alleged academic misconduct warrants inquiry beyond a college or school, the procedure shall be as follows:

- The department, academic unit, college or school, or other party shall submit a written notification and statement of allegations to the SVPAA. A copy of the notification/statement of allegations shall be sent to the student.
- The SVPAA shall notify the University Academic Standards Committee in writing of the allegations, transmit any evidence to the Committee, and instruct the Committee to hold a review within ten (10) class days of the notification.
- The hearing shall be conducted in the presence of the student, witnesses, and other involved parties. All parties shall have opportunities to present all relevant information and witnesses.

## THE LOWDOWN

- At the conclusion of the hearing, the Committee shall convene to review the evidence and determine whether or not the charge of academic misconduct is sustained or dismissed. For cases in which the Committee recommends a penalty, the penalty may range up to and including dismissal from the University. The Committee shall submit its decision in writing to the SVPAA within five (5) class days of the conclusion of the hearing. The SVPAA shall provide written notification of the Committee's decision to the student within five (5) class days after receipt of notification from the Committee.
- **Appeal** - Grounds for appeal are the alleged lack of due process in the case or alleged discrimination against the student. If the student wishes to appeal the decision of the Committee, a written request for appeal must be submitted to the SVPAA within five (5) class days of the decision notification. The SVPAA will first determine if grounds exist for an appeal. If there is a decision to consider the appeal, the SVPAA shall conduct the appeal review beginning within ten (10) class days of receipt of the request. The review shall be based upon the study of the record developed through the hearing process. The SVPAA may interview case principals and conduct other reviews as deemed appropriate. The SVPAA shall notify the student promptly in writing of his/her decision. The decision of the SVPAA shall be final.

At the conclusion of the Level III process, including appeal, if any, the SVPAA will report the penalty imposed, if any, using the Standard Form: Academic Misconduct Penalty Record (AMPR). If previous incidents of Academic Misconduct have occurred, the Chair of the University Academic Standards Committee will convene the Committee to determine if a more severe penalty is warranted. The SVPAA is responsible for notification of the Registrar to remove or continue registration blocks, and/or to take necessary actions such as suspension or dismissal, as appropriate.