

Faculty Senate Meeting Minutes
Monday, October 31, 2016, 3:30-5:00
STC Board Room
Faculty Senators

- Call to order: Megan Kelly, Karl Ulrich, Linda Lyon, Tyler Seacrest, Fred Chilson, Michael Hengler, Laura Straus, Erin Zavitz, Ashley Carlson, Delaney Hansen.
- Fred moves to approve the minutes, Megan seconds. Motion passes.
- Academic Misconduct Procedure
 - This item relates to updates to the academic misconduct procedure document that has been discussed during the previous few meetings.
 - Some departments raised concerns of the Dean of Students handling academic misconduct instead of the provost
 - The provost is still kept in the loop and is still a level in the appeal process. The Dean of Students being an intermediate level is a good thing.
 - From a technical perspective, having the Dean of Students handle Maxient simplifies matters.
 - Megan Kelly moved to approve this procedure document, and Karl seconded. Motion passed unanimously.
- Final Grade Appeal Procedure
 - Concerns a procedure document for appealing final class grades that has been discussed during the previous few meetings.
 - Fred moved to approve, Megan seconds. Motion passed unanimously.
- Tobacco use policy
 - Who is in charge of enforcing it? Are faculty members expected to confront violators?
 - No, faculty are not required to report on tobacco violations, although faculty can inform the school of violations via Maxient if they choose.
 - There is a specific language faculty can put into our syllabus informing or reminding students of the policy.
- Good of the order
 - Someone raised the question of if faculty could receive earlier regarding when textbook adoption forms are due. This could be especially helpful for to new faculty. Fred volunteered to raise this issue with Kathey Hupp.
 - Program Prioritization
 - We had a discussion on administration's handling of resource decisions, which could take the form of program prioritization.
 - Moral is still low because of uncertainty of people's positions at UMW.
 - We wondered if there many places left to gain efficiencies.

- We agreed to go to the faculty forum and talk about whether we need to respond to these issues directly after we know more.
- Fred moves to adjourn, Laura seconds. We were going to talk longer, but it turns out the dead girl who haunts Main Hall, the spirit that sometimes opens the Block Hall elevator, and all the other ghosts around campus had scheduled the meeting room to plan Halloween. We didn't think it was totally fair they kicked us out, but who were we going to call?

Final Grade Appeal Procedure

The Montana Western grade appeal process is designed to determine if an error in the calculation or recording of a grade has occurred and does not address student allegations of prejudicial or discriminatory actions by a professor. For such claims, see Section F below for a description of the policy and procedure.

Only final grades may be appealed and the burden of proof of a grading error rests with the student. Grades may not be appealed due to their impact on financial aid, athletic eligibility, or other extraneous factors.

The steps for the Montana Western grade appeal procedure are described below.

1. As the first step, students must attempt to resolve any error by meeting informally with the professor. In most cases, this will result in resolution of the situation. Before meeting, with the professor, students should refer to the course syllabus provided the first day of class to review the criteria and methods for determining grades. Students should then speak with the professor to review the final grade and determine if there was an error. Should this process not succeed in rectifying the situation, the student may proceed to Step 2.
2. A student wishing to continue the grade appeal process will next meet with the Dean of Students. The Dean of Students will review the student's concern to help the student determine if grounds for an appeal exist and, if warranted, to help frame the student's appeal in a professional and meaningful way. The student must bring to this meeting: A) the course syllabus, B) copies of the graded material, C) attendance verification if available. After this meeting, the student may elect to end the appeal or proceed to Step 3.
3. In the third step, the student attempts to resolve the matter by sending a signed, dated appeal letter outlining his/her concerns to the instructor of the course, who shall have ten (10) working days to respond in writing with a decision. The written appeal letter from the student must be submitted within one calendar year of the date the grade was issued.
4. If the appeal is not resolved after Step 3, and the student deems further action is necessary, the student will direct the appeal to the Dean of Students within five (5) working days of receiving the instructor's written response. The Dean will communicate to the student who the members of the University Court are and how the court is selected. The student can request a member of University Court not be a part of the appeal. The Dean will have the appeal reviewed by the University Court and a final decision will be rendered by the University Court within twenty (20)

working days of receipt of the appeal. At their discretion, the University Court has the right to review the written materials and conduct interviews with all involved parties. The University Court's decision is final unless the student or the professor believes that procedural irregularities have occurred during the appeal.

5. If the student believes that procedural irregularities have occurred during the appeal and would like to appeal those, he/she must do so in writing to the Provost within ten (10) working days. The Provost shall have twenty (20) working days to render a written decision.

The final step on campus is a written appeal to the Chancellor (which may be filed by either party) to review any allegations of procedural irregularities during steps 1-4. The Chancellor may interview each person involved in the process and request additional written material if needed. The Chancellor shall have twenty (20) working days to render a written decision concerning allegations of procedural irregularities.

If an allegation of procedural irregularities is not resolved on campus, the student has the right to take an appeal to The University of Montana President, the Commissioner of Higher Education, and finally the Montana University System Board of Regents.

Academic Discipline Procedures

The focus of inquiry in disciplinary proceedings is to determine if a violation of the Standards of Student Conduct Code has occurred and, if so, to decide an appropriate academic penalty and/or University sanction. Student Conduct Code proceedings are administrative proceedings and do not follow formal rules of evidence applicable in judicial proceedings. However, the accused student must receive due process, and for a University sanction to be imposed, the University has the burden of proof to establish a violation by clear and convincing evidence. It is assumed, unless shown otherwise, that the faculty member and the Dean of Students make impartial judgments concerning academic misconduct and fairly impose an appropriate academic penalty and/or University sanction. Minor deviations from prescribed procedures will not invalidate a decision or proceeding, provided they do not significantly prejudice the student or the University.

The adjudication of any alleged academic misconduct must be initiated within two years of discovery.

The following procedures apply in adjudicating charges of academic misconduct.

1. Investigation by Course Instructor.
 - a. Consultation with the Dean of Students: The course instructor should, in all cases where academic dishonesty is discovered, consult with the Dean of Students to report the incident and to determine whether any record of prior academic misconduct is in the student's disciplinary file, which is maintained in Maxient.
 - b. Academic misconduct alleged during the term of the course: When an incident of alleged academic misconduct is discovered by or brought to the attention of the course instructor during the course, the instructor personally contacts the accused student within five (5) working days to arrange a meeting. The course instructor and the student may each have a person of choice present at this meeting. (Student Rights Section). The role of legal counsel, if any, at this stage should be restricted to consultation with the student. At this meeting the course instructor will:
 - i. Inform the student of the alleged academic misconduct and present the evidence supporting the allegation.
 - ii. Inform the student of the Student Conduct Code rules of procedure.
 - iii. Allow the student an opportunity to respond to the charge(s) and evidence. The student is not required to respond.
 - iv. Discuss the academic penalty and possible University sanctions, and allow the student to respond.

v. If the student is willing to admit to this infraction and does accept the academic penalty, the instructor may opt to not file a formal charge of academic dishonesty with the institution. However, the student should be informed that the instructor is required to report the infraction, in writing, to the Dean of Students, thus becoming a part of the student's permanent record in Maxient, which may be considered in the event of a subsequent infraction.

c. Misconduct alleged at or after the conclusion of the course, or after a student has withdrawn from the course: When an incident of alleged academic misconduct is discovered by or brought to the attention of the course instructor at or after the conclusion of the course, or after a student has withdrawn from a course, the course instructor notifies the student in writing within five (5) working days. The instructor documents 1.a above in writing. Additionally, the instructor informs the student that an "N" grade will be given for the course or the assigned grade will be revoked and replaced by an "N" grade until there is a final resolution of the charge(s).

d. Resolution of charge by Course Instructor:

- i. If the instructor concludes the student engaged in academic misconduct, the instructor will inform the student of the instructor's academic penalty to be imposed within the course. If the student is willing to accept the instructor's academic penalty then the instructor may consider the matter to be informally resolved. Formal charges at the institutional level may still be pursued by the Dean of Students. The academic penalty does not take effect until the final resolution of the charge(s), or until the deadline for an appeal has passed. An "N" grade may be assigned in the interim.
- ii. If a University sanction is recommended by the Dean of Students in consultation with the instructor, then the course instructor will notify the student that the case will be transferred to the Dean of Students through Maxient.
- iii. If a University sanction is recommended, or if the student appeals, the course instructor will prepare a written summary, including a concise statement of the act of academic misconduct and the evidence and will submit this document through Maxient to the Dean of Students, who will provide a copy to the student, and to the student's advisor. A copy of this written summary will be placed in the student's disciplinary file maintained in his/her Maxient file. The student also may provide a written statement to be placed in the file. The written summary may also be prepared by the instructor and included in the student's file in cases where the student accepts the instructor's academic penalty but where institutional charges are not filed.

- e. Resolution of the charge by the instructor when the student does not appear for the meeting: If the student does not appear for the meeting with the course instructor, the course instructor informs the student in writing of:
 - i. The academic penalty recommended. The academic penalty is not formally imposed until final resolution of the charge(s) or until the deadline for an appeal has passed. If a grade is required before final resolution of the charge(s) or before the deadline for an appeal has passed, an "N" grade is assigned.
 - ii. The transfer of the case to the Dean of Students through Maxient if a University sanction is recommended.
 - iii. The Student Conduct Code rules of procedure and appeal. (A copy of this code will suffice).
 - iv. The fact that a written summary of the case has been sent to the student, the student's advisor, and the Dean of Students with a copy placed in the student's disciplinary file maintained in Maxient. The student also may provide a written statement to be placed in the file.

2. Sanction Imposed by the University.

a. Investigation by the Dean of Students: After reviewing the course instructor's recommendation and written summary of the case and the instructor's recommended academic penalty and after consulting with the instructor, the Dean of Students reviews the student's academic disciplinary record, reviews the evidence, and interviews individually or together the instructor, the accused student, and possible witnesses. Before the interview, the accused student is informed by email through Maxient, that he/she may bring a person of choice and that he/she also has the right to have legal counsel present during the interview. The student must notify the Dean of Students at least three (3) working days before the time of the interview of any intent to be accompanied by legal counsel. The role of legal counsel, if any, at this stage should be restricted to consultation with the student. The student is not required to make any response during the interview.

b. Resolution of the charge(s) by the Dean of Students:

- i. If the Dean of Students decides not to impose a University sanction, the Dean of Students notifies and provides written justification of the decision to the student, course instructor, and the student's advisor. The decision of the Dean of Students not to impose a University sanction may not be used by the student to justify or support an appeal of an academic penalty by the course instructor. Thus, an instructor's chosen academic penalty may be implemented regardless of the outcome of the Dean of Student's decision about imposing a University sanction.

ii. If the Dean of Students decides to impose a University sanction, the Dean of Students informs the course instructor and the student's advisor, and the student is notified through email. Before imposing a University sanction, the Dean of Students will consult with the course instructor. When a University sanction of Denial of a Degree, Revocation of a Degree, Expulsion, or Suspension is proposed, the Dean of Students will present the recommendation to the Provost for review and approval prior to notifying the student. The notice to the student includes:

- a statement of the specific academic misconduct committed;
- a concise summary of the facts upon which the charge is based;
- a statement of the University sanction; and
- a statement of the appeal procedure.

3. Student Appeal of the Academic Penalty and/or University Sanction:

a. If, within ten (10) working days, the student does not appeal the decision to impose the academic penalty and/or University sanction, the allegation in the notice of University sanction will be considered accepted by the parties. The Dean of Students will instruct the appropriate University officials to implement the sanction. A written summary of the case will be placed in the student's disciplinary file in Maxient.

b. No academic penalty of the instructor and/or University sanction is imposed until final resolution of the charge(s) or until the deadline for an appeal has passed. If the accused student chooses to waive his/her option to appeal and instead accepts the instructor's academic penalty and/or the institutional sanction then the issue is considered resolved.

c. If the student denies the charge(s) and/or does not accept the academic penalty imposed by the course instructor and/or the University sanction, the student may appeal to the Provost. A student's request for appeal with supporting evidence must be presented in writing to the Provost within ten (10) working days after the student is informed by the instructor of the imposed academic penalty or within ten (10) working days after the student received the notice of a University sanction, whichever occurs later. The Provost shall have twenty (20) working days to render a written decision.

d. After receipt of the Provost's decision, if the student denies the charge(s) and/or does not accept the academic penalty imposed by the course instructor and/or the University sanction, supported by the Provost, the student may appeal to the University Court. A request for appeal with supporting evidence must be presented in writing to the Provost within ten (10) working days. When a student appeals the Provost's decision, the Chair of the University Court, schedules a hearing date. The Chair gives notice of the time, date, and place of the hearing sending copies of this notice to the student, course instructor, the

Dean of Students and the Provost. In the absence of extenuating circumstances, the hearing is held within fifteen (15) working days of the appeal. A student appealing to the University Court may be accompanied by a representative. If the representative is an attorney, the student must notify the Chair of the University Court in writing at least three (3) working days before the scheduled hearing. A student's failure to give notice of the involvement of legal representation may delay the hearing. If the student is to be represented at the hearing by an attorney, then the University may also be represented by legal counsel. Hearings are closed to the public. However, at the discretion of the University Court Chair, an open hearing may be held if requested by the student and if the individual privacy rights of others are protected. The Chair of the University Court is responsible for conducting the hearing in an orderly manner. The student presents witnesses and/or evidence in support of the appeal. The course instructor, the Dean of Students and the Provost also present witnesses and evidence. Each party may question the other party's witnesses. The burden of proof is on the University to establish that a violation did occur, by providing the Court clear and convincing evidence which supports the allegation. Formal rules of evidence (such as in a legal proceeding) do not apply. The Chair decides the admissibility of all evidence presented and rules on all procedural issues. Minutes of the hearing are taken at University expense. The Chair may prescribe additional procedural rules for the hearing that are consistent with this Code. The University Court reaches a decision by majority vote. The Chair has the right to vote. The vote upholds, alters, or overturns the academic penalty and/or the University sanction. The decision of the University Court is submitted to the Chancellor of the University for review and final approval. Within ten (10) working days, a copy of the University Court's decision is provided by the Chair to the student, the course instructor, Dean of Students, and the Provost.

e. The final step on campus is a written appeal to the Chancellor (which may be filed by either party) to review any allegations of procedural irregularities during steps 1 through 3. The student has ten (10) working day to appeal to the Chancellor. The Chancellor may interview each person involved in the process and request additional written material if needed. The Chancellor shall have twenty (20) working days to render a written decision concerning allegations of procedural irregularities.

f. If an allegation of procedural irregularities is not resolved on campus, the student has the right to submit an appeal sequentially, to The University of Montana President, to the Commissioner of Higher Education, and finally to the Montana University System Board of Regents.