Ron Barrett-Gonzalez – Handout November 3, 2015
The Case for an **Office of Student Advocacy**

As has been seen recently, a nontrivial number of academic misconduct cases are being brought before a variety of hearing bodies across the University. From the unit level through the University level, students are finding themselves being charged with academic misconduct, tried and often convicted.

While the process spelled out in the USRR’s with supporting procedures in the various units, departments, schools and college often proceed without much problem, several noteworthy cases have lead to high level challenges. One recent case highlights the tremendous need for an office which will not sit passively and attempt to resolve the situation in an informal manner (as is the case with the Ombuds office), but a real advocate. In September of this year a foreign student was charged with academic misconduct. Not being familiar with the American system of jurisprudence he appeared before the hearing not knowing his rights, not having been given proper versions of the rules and regulations he was being charged under and not having anyone to guide him through the process and properly prepare him.

The charging faculty member brought evidence and was well prepared. The hearing panel included two students, three faculty members and had an Associate Dean as witness. The student was visibly intimidated by the assembled group and found himself constantly on the defensive. As the hearing progressed all observers were absolutely convinced of the student’s guilt, save one. As fate would have it, the Chair of the hearing was a “knower of rules” and had determined that the Faculty Member had unequivocally violated at least one very important USRR during his interactions with the student. So as soon as the doors were closed for deliberations, the Chair alerted the assembled to the fact of the violation, the body deliberated for less than 10 minutes and the student was acquitted unanimously.

The lesson here was that if there was not a person on the panel who actually knew the rules, the student would have been quite inappropriately convicted. The vast majority of hearing panels are populated by individuals, though while good and earnest individuals, they are not “knowers of rules” and don’t bother to even read even the most basic rules and regulations for such a hearing before a hearing is held. Such was the case here. Even the Associate Dean was unaware that USRRs had been violated.

What is more is that student was eligible (because of the instructor’s apparent inappropriate actions), to appeal his grade. Because the student had no advocate, he was nearly convicted quite inappropriately, and lacking an advocate, he was unaware that he could appeal the grade which was assigned by an instructor who had violated an extremely important USRR and there was more than enough evidence for a strong grievance filing.

Just as the taxpayers fund both an office of the public prosecutor and a public defender’s office, there is a great need for an equivalent office within the University which can provide advocacy for a given student who has been charged with academic misconduct.
Article V. Organization for Conflict Resolution

Section 5. Office of Student Advocacy  (Proposed, Rev. 11/3/15)

5.5.1 Appointment.
The Principal Student Advocate of the Office of Student Advocacy shall be appointed by a majority vote of the Student Senate.

5.5.2 Advocate’s Office.
The Principal Student Advocate (PSA) and Deputy Student Advocate (DSA) shall be appointed at a level and pay rates to be determined by the Student Senate. Funding for the office shall be obtained by Student Fees.

5.5.3 Term of Office. The Principal Student Advocate shall serve a one-to-two year term as PSA, as determined by the Student Senate. It is expected that the DSA shall act as an understudy and be available to substitute for the PSA should the need arise. The DSA shall be appointed for a term of two years and shall be eligible for elevation to PSA upon vote of the Student Senate at which time s/he will serve another term of one-to two years as PSA.

5.5.4 Qualifications and Appointment. The PSA and DSA shall possess a comprehensive knowledge of the University organization and procedures for adjudicating cases of academic misconduct. She or he will have to undergo a competitive interview process. If at any time during his or her tenure the Student Senate deems him or her to be unfit for the task, s/he may be replaced by a majority vote of the Student Senate.

6.4.3 Disputes involving alleged academic misconduct by faculty or students and alleged violations of student rights by faculty or staff:

6.4.3.5 Role of the Office of Student Advocacy. The Principal Student Advocate and/or the Deputy Student Advocate will act for students who have been charged with academic misconduct as a student version of a Public Defender’s office. It is expected that the PSA and DSA will be familiar with all rules, regulations, codes, policies and practices of the unit, department, school, college and university. They will be informed of the charge against a given student and offer to meet with the student. All such interactions between the accused student and the OSA will be held as strictly confidential as dictated by FERPA. The PSA and/or the DSA will assume the case, advise the student of his/her rights, inspect the charging documents, assemble a defense and be at the side of the student throughout all hearings, trials, appeals and mediation.

The OSA shall keep confidential records of past student convictions and sanctions to advise all hearing bodies of similar sanctions in similar past situations. The OSA will also advise the student of their rights to appeal grades, file grievances, complaints or charges as the situation demands.