

Student Performance Evaluation Board

Functional Lead: Provost

Division: Academic Support Division

Responsible Office: Registrar

1. Purpose. This chapter outlines policy and procedures to be followed at Marine Corps University (MCU) for the conduct of a Student Performance Evaluation Board (SPEB).

2. Background

a. As military officers, enlisted Marines, and civilian federal employees, students have a duty to perform their academic studies to the best of their abilities. Student performance assessments are based on both aptitude (i.e., the ability to master the subject matter) and attitude (i.e., an honest and dedicated effort to complete all requirements to the best of one's ability, a demonstrated intellectual curiosity, and engagement in continual learning). Students who exhibit a lack of aptitude and/or attitude may be subject to an SPEB.

b. SPEBs are administrative in nature, not disciplinary. As such, the purpose of the SPEB is to provide a forum for resolution of a wide variety of student-related issues. These may include, but are not limited to, allegations of violations of academic integrity, extended absences, substandard academic performance, attitudinal problems, or violations of professional ethical standards. As an administrative proceeding, the SPEB serves both an institutional and an individual purpose. At the institutional level, the SPEB provides a review process for substandard performance and recommends appropriate action. At the individual level, the SPEB may assist the student by encouraging improved performance through schoolhouse monitoring of student progress. The ultimate goal of the SPEB is to identify what is best for the school, the student, and the Marine Corps, and recommend appropriate action.

3. Policy

a. Any MCU faculty or staff member may recommend to the educational program director that a SPEB be convened. The decision to convene the board, however, rests solely with the director.

b. Appropriate school directives (e.g., School SOP, Student Handbook) will specify the academic standards and grade requirements to pass each course, and these standards will be published to the students. Students who fail to meet the academic requirements will be subject to a SPEB and may be recommended to receive a certificate of attendance rather than a diploma or to be dropped from the course and dismissed from the University.

c. The Standards of Academic Integrity are specified in a separate section of the regulations (linked at the end of this document). Students who fail to meet the standard of integrity will be subject to appearing before a SPEB and may be recommended to receive a certificate of attendance rather than a diploma or to be dropped from the course and dismissed from the University.

4. Procedures. The following procedures will be followed when conducting SPEBs at Marine Corps University for resident and non-resident programs.

a. Officer PME Programs

(1) The SPEB will convene within five working days of the educational program director's decision that a board is required, or as soon as practicable. The Dean of the Academic Program will notify the Provost when a SPEB is convened.

(2) Educational program directors will determine the exact composition of the board, and appoint all members in writing. A sample appointment letter is found in the links at the end of this document. The senior member of the board will serve as the board president. The Registrar will be designated as recorder for all officer resident PME SPEBs. Personnel with expertise in the area to be investigated may also be invited to attend as advisors to the SPEB, but will not be allowed to vote. All five board members will have an equal vote. In forming the board, the director will consider the need to represent the student body and the rank of the student under review. For resident programs, membership should consist of five members, and at least two members will be selected from an outside schoolhouse or the MCU staff. CDET SPEBs will consist of at least three members appointed by the Director, CDET.

(3) The educational program director, or representative, will notify the student, in writing, that a SPEB will convene, and direct them to appear before the board. Non-resident students will be afforded the opportunity to appear before the board, in person or virtually, at no cost to the government or provide a written statement. A sample notification letter is found in the links at the end of this document. At the same time, the director will provide the student a copy of this academic regulation. In addition, copies of the applicable school directives (e.g., School SOP, Student Handbook, Grading Policy, Policy Letter), as previously provided to the students at the beginning of the academic year, will be provided to the student for reference.

(4) A student may seek legal advice and/or retain counsel at their own expense, but will not be represented by legal counsel during the conduct of the board.

(5) The related forms and templates at the end of this document contain a preamble used to open the board, describe the general conduct of the proceedings, and advise the student of the range of board options available for recommendation to the director for resolution. The board will stress that the outcome of the board is a recommendation, as the educational program director is the approving official for any action.

(6) Prior to deliberations, the SPEB may request statements, written or in person, from individuals with knowledge of the facts. The student will be afforded the opportunity to make a statement and respond to questions of the board, but will not be present during board deliberations. The board president will determine whether the student may be present during all, or portions of, the fact-gathering phase of the board proceedings. The board president should be sensitive to the fact that, in the case of military students, statements could be used in disciplinary proceedings. All proceedings will be strictly confidential; however, this confidentiality does not create a legal privilege to be exercised by the student. Non-resident students' commanders will be notified of adverse SPEB action and may request a copy of the proceeding. Resident student SPEB records are subject to be made available to subsequent administrative or disciplinary actions.

(7) The standard of proof to justify an adverse recommendation by the board is a “preponderance of the evidence” standard. In other words, this is evidence that a reasonable person would be willing to accept as sufficient to support the conclusion, and is a greater weight of evidence than supports any different conclusion. A simple majority vote is required to adopt a recommendation.

(8) The board will submit a written report of its deliberations to the educational program director for approval and disposition. This report should be submitted within 24 hours (one duty day) of the board adjourning and should follow the format as outlined in the form below. A dissenting board member may, at his or her option, prepare a written minority recommendation to accompany the board report.

(9) Recommendations of the board may include, but are not limited to the following:

- a) Student continues in the program without prejudice.
- b) Student is asked to resubmit an academic requirement.
- c) Student is placed on academic probation. Academic probation is a status in which prescribed actions and/or conditions are placed on the student, and automatic consequences for failing to perform the actions and/or meet the conditions are identified and may be imposed without the need for additional review.
- d) Student receives formal counseling orally and/or in writing.
- e) Student receives non-punitive letter of caution (U.S. military members only).
- f) Student receives a certificate of attendance in lieu of a diploma.
- g) Student is dismissed from the program.
- h) Further action as deemed necessary by the director.

(10) The student may submit written matters for consideration by the educational program director, in conjunction with the board recommendations. These matters must be submitted to the director no later than 24 hours (one duty day) after the adjournment of the board.

(11) The educational program director is not bound by the recommendation(s) of the board. For resident programs, the educational program director will notify the student verbally, and in writing, of his or her decision normally within 72 hours (three duty days) of the board’s adjournment. A sample letter is provided in the links at the end of this document. The director’s decision letter and all SPEB records and supporting documents will be maintained by the program registrar in the student’s record. For non-resident students, notification will be completed within 5 duty days.

(12) Notification to President, MCU. Prior to informing the student of his/her decision, the program director will notify the President, MCU of the SPEB results and intended action.

(13) When the educational program director or President, MCU, decides to place a student on academic probation and the student fails to meet the conditions of that probation, the director

may implement the consequences of failing to meet the conditions of the probation, without convening an additional SPEB. However, the student will be provided an opportunity to present matters for the director's consideration prior to making the decision. The director's decision will be in writing, per the template provided for SPEB probation failure, and the record will be provided to the program registrar. As above, the program director will notify the President, MCU of the intended action prior to informing the student.

(14) In cases where the educational program director decides that either a certificate of attendance in lieu of a diploma or dismissing the student from the program is the appropriate action, the following additional considerations apply:

a) U.S. Students. The educational program director has the authority to dismiss a student from the program or to award a certificate of attendance in lieu of a diploma. The student will be notified in writing of the director's decision, and this notification will specify that the decision may be appealed to the President, MCU. Students who receive a certificate of attendance will not receive the program's degree, if applicable.

b) International Students. Various DoD, DoN, and USMC regulations and policies govern the requirements, policies, and procedures for the administration of international students. International students are expected to meet the same course standards as U.S. students. Directors may issue certificates of attendance in lieu of graduation diplomas when the student does not meet the minimum established standards but has attended the complete course and has been diligent and sincere in his or her efforts. The reasons for issuance of a certificate of attendance should be fully documented in the student's academic record and explained in the final academic report. Authority to disenroll an international student from a program prior to its completion resides with the Deputy Commandant of the Marine Corps for Plans, Policies, and Operations (PP&O). Disenrollment must be viewed as a last resort. Normally, directors may recommend to the President, MCU, via the Provost, disenrollment from the program only after an international student has been placed on probation in accordance with SECNAVINST 4950.4 series, has been given adequate time to address the issue(s), and failed to make the necessary corrective progress. The President, MCU may disapprove the recommendation for disenrollment, or forward it to PP&O via CG, TECOM for determination. International students will normally remain in the program and participate in all requirements pending the disenrollment determination, unless otherwise directed by the President, MCU. When a director concludes that an international student's behavior involves such a serious breach of good order and discipline, or creates a severe safety risk such that disenrollment is necessary without prior probation, the matter may be referred to the President, MCU via the Provost for review. The referral must include a detailed description of the behavior, its impact on the program or others, and the reasons why probation would be ineffective in correcting the behavior. In these circumstances, and if necessary to the proper maintenance of good order and discipline or safety, the director may temporarily suspend an international student from class or program events until a disenrollment decision has been made.

c) Non-Resident Students. The Director, CDET maintains the authority to administratively drop students from non-resident programs to accommodate unforeseen circumstances. This decision is made without prejudice, and the student is allowed to re-enroll in the program at a more suitable time. This exception does not apply to non-resident students who are dismissed for substantiated violations of academic integrity or professional ethical standards. In these cases, the procedures used for resident students will apply.

(15) Students may submit a letter of appeal to the President, MCU, within five working days of confirmed notification of the decision of the director. The director will forward the appeal package, under cover letter, to the President, via the Registrar and the Provost, for decision. The President, MCU will provide written notification of a decision to the student, usually within five business days of receiving the appeal. Due to physical separation from students in the distance education programs and the lack of administrative control, these timelines are extended and procedures modified, see appropriate CDET SPEB Policy Letter.

(16) For Marine resident students, the decision to award a student a certificate of attendance in lieu of a diploma and to dismiss a student from the course constitutes substandard performance on the part of the student and will normally result in an adverse fitness report and may result in a recommendation to show cause for retention in the Marine Corps. For cases resulting in a student receiving a certificate of attendance in lieu of a diploma or being dismissed from the course, a copy of the President's final decision will be forwarded to HQMC (MMRB) for inclusion in the student's OMPF. For other U.S. service or civilian students, copies of relevant documents will be forwarded to the applicable service or agency office.

(17) All written documentation pertaining to a SPEB, to include a memorandum of the board's proceedings, will be forwarded to the MCU Registrar and remain on file indefinitely.

(18) In coordination with the Director, CDET, the MCU Registrar will notify the President, MCU, via the Provost and VPDL, if a student who was previously dismissed from a non-resident program for substantiated violations of academic integrity or professional ethical standards is selected for enrollment in a resident program.

b. Enlisted PME Programs. Due to the compressed academic schedules of the enlisted schools, specific procedures have been established regarding SPEBs within the SNCO academies and should be noted in the following paragraphs.

(1) The SPEB will convene within two working days of the SNCO Academy director's decision that a board is required, or as soon as practicable. The Provost will be notified via the Dean of CEME when a SPEB is convened.

(2) The Deputy Director of the SNCO Academy will serve as the board president on any SNCO Academy SPEB. All five board members may be selected from the academy. Academies responsible for teaching multiple schools will have at least two members selected from a school in which the student is not enrolled. One member will be designated as recorder.

(3) SPEBs for academic performance will not be conducted within the last 10 academic days of a school. However, students will be counseled for any failed academic events and allowed to complete the school unless their maximum attainable grade point average falls below 80 percent. Students whose maximum attainable grade point averages fall below 80 percent will be academically disenrolled. SPEBs for any other reasons identified in Paragraph 2.b. shall be convened regardless of the number of remaining days in the academic schedule.

(4) The Academy director will notify the student, in writing, that a SPEB will convene, and direct him or her to appear before the board. The Academy director will simultaneously notify the CEME director and dean of academics that a SPEB will convene.

(5) The board will stress that the outcome of the board is a recommendation, as the Academy director is the approving official for any action.

(6) The board will submit a written report of its deliberations to the Academy director for approval and disposition. All proceedings will be strictly confidential, except that students' commanders will be notified of adverse SPEB action and may request a copy of the proceeding. All requests for Enlisted College SPEBs will be sent directly to the director of CEME, who will determine whether or not to forward the proceeding to the commander. However, as with officer SPEB records, this confidentiality does not create a legal privilege to be exercised by the student.

(7) SNCO Academy directors will notify the student verbally, and in writing, of his/her decision within 24 hours (one duty day) of the board's adjournment. A sample letter is provided in the links within the Academic Regulations.

(8) After receiving the Academy director's decision, a student may appeal to the CEME director within 24 hours (one duty day). In cases in which students do not appeal an Academy director's decision to drop them from a school, or students appeal the Academy director's decision but the CEME director elects to drop them from the school, the director will notify the MCU President, through the Provost, within 24 hours of the final decision. The decision of the CEME director will be final for all appeals regarding SNCO academy students.

(9) Non-Resident Enlisted College Distance Education SPEBs are handled in the same way as OPME non-resident SPEBs.

Related Policies and Forms:

Academic Integrity

SPEB Appointment letter

SPEB Notification letter

SPEB Preamble

Sample Letter of SPEB Finding

SPEB Decision letter

SPEB Probation Failure Template

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