

APPEAL AND HEARING PROCEDURES

The University of Connecticut reserves the right to revise, amend, or change these procedures as deemed appropriate by The Graduate School. The procedures published in the Graduate Catalog in effect at the time of an alleged violation will be the applicable procedures for that case.

The University of Connecticut is a community of scholars committed to integrity, freedom of inquiry and intellectual pursuit, respect for individuals and the rights of others, and tolerance for both individual differences and differing points of view. Accordingly, a fundamental responsibility of The Graduate School is to foster durable, harmonious, and productive working relationships among graduate students, postdoctoral scholars, faculty members, staff, and administrators.

Attempts by all parties to resolve disputes are strongly encouraged before pursuing resolution through The Graduate School. Assistance with problem-solving and mediation toward resolution should be pursued within the program, department, and/or school/college. Assistance is also available through the University Ombuds at ombuds.uconn.edu (<http://ombuds.uconn.edu>). In the event that a resolution is not reached following such good faith efforts, and as an action of last resort, either party may engage in the hearing procedure through The Graduate School. In rare cases, the actions or behaviors alleged in the dispute may be sufficiently extreme that it would be unreasonable to expect the graduate student(s) filing the appeal to attempt a prior resolution. Categories of actions or academic consequences that an appeal might address include, but are not limited to, academic dismissal and termination of status.

Pursuing Dispute Resolution through The Graduate School

To begin the formal dispute resolution process through The Graduate School, the graduate student should submit an appeal form (See "Filing an Appeal" later in this document). A staff member from The Graduate School will contact the person who submitted the form within two business days to discuss the hearing procedures, answer any questions, and collect any additional information.

Information will then be forwarded to the Associate Dean of The Graduate School who will serve as the hearing officer.

The hearing officer will review the information submitted, may request additional clarification from either party, and will consider all relevant information in determining whether the case should be referred to a hearing. An appeal may be referred to a hearing if it is clear that a good faith effort to reach an acceptable resolution has been attempted but failed. The appeal process does not cover appeals regarding individual course grades. Such appeals should follow the process for appealing a final course grade as described in the University Senate By-Laws, which is endorsed by The Graduate School. Note that the hearing officer may at their sole discretion determine that an appeal falls under the jurisdiction of the Student Code, the Policy on Scholarly Integrity in Graduate Education and Research, the Policy Statement on Harassment, the Policy on Conflict of Interest in Research, or any other existing University policy that provides for resolution of disputes. Should the hearing officer determine that the appeal should be addressed through other procedures, they will notify the parties involved and refer the appeal to the appropriate University officials. The hearing officer's decisions

about whether the case should be referred to a hearing through The Graduate School will be communicated within 25 days of the date on which the student submitted the written complaint/appeal.

If the case is forwarded to a hearing committee, both parties will be notified of the reason for the hearing and scheduled hearing date. The hearing will be scheduled by the hearing officer no later than 30 business days after notification to proceed with a hearing.

If the hearing officer decides not to convene a hearing committee a rationale will be provided and the decision cannot be appealed. If a "good faith effort" was not shown, the complainant will be encouraged to seek resolution through direct communication with the person(s) against whom the complaint is directed and/or through procedures available through the relevant graduate program, department, school or college, and university, as applicable. If these attempts at resolution fail, the complainant may file a new complaint or appeal no sooner than 30 business days after the notice declining to convene a hearing committee was sent.

Filing an Appeal

A graduate student may file an appeal with The Graduate School when they disagree with actions taken or academic consequences imposed by an individual faculty member, graduate program, department, school, or college and when all good faith efforts to resolve their concern either through direct communication with the individual(s) involved or through applicable procedures in the graduate program, department, school, or college have failed.

An appeal must be filed in writing to The Graduate School using The Graduate School Appeal Form. All materials submitted during the appeal process should be clearly organized and labeled. Appeals will not be reviewed if the information is incomplete.

Categories of actions or academic consequences that an appeal might address include, but are not limited to, those listed below:

- Academic dismissal
- Termination of status
- Allegation of scholarly misconduct
- Academic consequences imposed by allegation of scholarly misconduct

Individual grade appeals are not governed by this appeal process. The Graduate School endorses the process for appealing a final course grade as described in the University Senate By-Laws. However, requests to extend the deadline for filing a grade appeal in any course may be submitted to the Dean of The Graduate School. Information regarding this process can be found in the "Appeals of Assigned Course Grades" section of the University Senate By-laws, available at senate.uconn.edu (<http://senate.uconn.edu>).

The appeal form must include:

- A detailed description of the actions or academic consequences giving rise to the appeal, including documentary evidence (e.g., correspondence, notes, descriptions of interactions, and dates of occurrence) supporting the allegation.
- A description of actions already attempted to resolve the concern (e.g., correspondence with the person(s) records of meetings with graduate program directors, department heads, or deans).
- The names of those requesting the appeal.

- For academic dismissal and termination of status appeal, a description of a plan for removing barriers to successful program completion.

Timeline for filing an appeal:

1. Submit the appeal form to The Graduate School within 10 business days of receipt of the notification of the action or academic consequence.
2. The Graduate School will notify the major advisor and graduate program/department of the student's intent to appeal the action or academic consequence within five business days.

The appeal process will follow the guidelines set forth in The Graduate School Hearing Procedure described below.

Consistent with the University's Non-Retaliation Policy at policy.uconn.edu (<http://policy.uconn.edu>), retaliation against any person who makes or participates in an appeal under this policy is strictly forbidden.

Graduate Hearing Procedure

For cases forwarded for the consideration of a hearing committee, both parties will be notified of the reason for the hearing and scheduled hearing date. The hearing will be scheduled by The Graduate School no later than 30 business days after notification that a complaint or appeal has been submitted to the hearing committee. For good cause shown, the hearing officer may reschedule the hearing at the request of either party. (Hearings are not rescheduled based on availability of the support persons or the witnesses).

The hearing committee will be composed of three voting members (two members of the graduate faculty and one graduate student). The hearing officer shall conduct the hearing as a non-voting member. No member of the hearing committee may be a member of the program/department of either party to the hearing, nor may any member of the hearing committee have personal or professional associations with the parties. Both parties will be notified in writing of the composition of the hearing committee at least 10 business days prior to the scheduled hearing, and any objections to the appointment of any committee member on the grounds that the member's participation would jeopardize a fair hearing must be provided to The Graduate School no later than five business days prior to the hearing date. The hearing officer will determine whether any objections have merit and make adjustments to the committee membership as appropriate.

Both the complainant and respondent may each invite one person to attend the hearing as a support person and may consult their support person throughout the hearing. However, a support person is not permitted to directly participate in the hearing. Either party may invite witnesses to provide directly related information and must submit the names of support persons and witnesses or signed witness statements from witnesses unable to attend the hearing to The Graduate School at least 10 business days in advance of the hearing. Witnesses generally cannot serve as support persons. However, if a witness is also a support person, this person can submit a signed written witness statement prior to the hearing and will not be able to participate in the capacity of a witness during the hearing. The Graduate School will provide a list of all persons expected to be present to the hearing committee and both parties at least five business days before the scheduled hearing date.

All documentary evidence to be submitted should be clearly identified and provided to The Graduate School at least 10 business days before

the hearing. New evidence will be allowed at the hearing at the sole discretion of the hearing officer. The party seeking to introduce new evidence must provide at least five additional copies of evidence for review. In all cases, the evidence must be clearly organized and labeled. The Graduate School will maintain one complete copy of all evidence submitted.

During the hearing either party:

- May decline to make statements. A refusal to answer questions shall not be interpreted unfavorably with respect to that party's position; and
- May decline to appear at the hearing. The refusal of the respondent(s) shall not be interpreted as evidence that the issue is valid.

If the complainant fails to appear at the hearing, the issue will be dismissed. If the respondent, the person(s) against whom the complaint or appeal is requested, fails to appear at the hearing, the hearing committee will hear evidence from the complainant and render its finding. A finding that arises from the complainant's or respondent's failure to appear at the hearing may be appealed in writing to The Graduate School, but only on the grounds that extreme circumstances prevented the person's attendance at the hearing. If the request to appeal is accepted, the hearing officer will determine a new period within which a hearing must be held, and no further extensions will be granted.

The hearing is not a court proceeding and will not be bound by the procedures and rules of evidence of a court of law. The hearing committee will determine whether the issue has merit and will determine the appropriate response if merit is found. The hearing committee's decision shall be made by majority vote. The hearing will occur in private and will be audio recorded. The Graduate School will maintain the audio recording as required by Connecticut state law and it is the property of the University. Hearing participants are prohibited from making their own recording. Upon written request, a respondent or complainant may review the audio recording and make appropriate arrangements for it to be transcribed on University premises. Arrangements for a transcriber and all associated cost involved in the transcription will be the responsibility of the requesting individual.

The hearing officer will conduct the hearing in accordance with the following procedures:

1. The hearing officer will identify the complainant(s), respondent(s), all other persons involved in the hearing and the members of the hearing committee.
2. The hearing officer will state the issue, as set forth in the notification sent to both parties.
3. Each party will be offered the opportunity to make brief opening statements. Each opening statement should consist of a brief summary and should not involve lengthy discussion or presentation of evidence. The complainant will present their information first.
4. Each party will be offered opportunity to present evidence to support their position, which may include written statements, personal oral statements, witness oral statements, and physical exhibits. The complainant will present their information first. Witnesses will be present in the hearing room only during the period in which their statement is provided.
5. The hearing committee will be offered the opportunity to question both parties and all witnesses. The hearing officer will determine the order in which witnesses will provide their statements.

6. Both parties will have the opportunity to present a closing statement. The complainant will present their closing statement first. At the conclusion of closing statements, the hearing will conclude and immediately following the hearing the hearing committee will privately deliberate and render a decision. The hearing committee's decision will specify clearly whether the issue has merit and an appropriate course of action(s) to be implemented by The Graduate School.

The decision of the Dean of The Graduate School concerning a final appeal is final.

A version of this policy was first approved and adopted by the Board of Trustees on November 10, 1998. It was amended on April 24, 2013. This version was approved and adopted by the Board of Trustees on March 26, 2014.

The decision of the hearing committee will be sent to both parties, the major advisor, the graduate program coordinator and/or department head, the Dean of the school or college in which the issue occurred, and to the Dean of The Graduate School within 10 business days from the date of the hearing. The notice will be sent to all parties via their official University email address, and if appropriate, by first class mail, postage prepaid, to the mailing address on file with the University.

Accommodations for Students with Disabilities

1. By federal law, a person with a disability is any person who: 1) has a physical or mental impairment; 2) has a record of such impairment; or 3) is regarded as having such an impairment, which substantially limits one or more major life activities such as self-care, walking, seeing, hearing, speaking, breathing, or learning.
2. A student requesting an accommodation in regard to a hearing must follow the appropriate process for requesting an accommodation through the Center for Students with Disabilities. The Center for Students with Disabilities will make a determination regarding the request and notify the appropriate parties.
3. Reasonable accommodations depend upon the nature and degree of severity of the documented disability. While the Americans with Disabilities Act of 1990 requires that priority consideration be given to the specific methods requested by the student, it does not imply that a particular accommodation must be granted if it is deemed not reasonable and other suitable techniques are available.

Final Appeal Process

A written appeal can be filed with the Dean of The Graduate School within 10 business days after email notification of the hearing committee's decision is sent. An appeal is not a new hearing. It is a review of the record of the original hearing. In order to prepare an appeal, the person filing the final appeal request shall have the right to review the records of the hearing, including the audio recording. This review of records, including the audio recording, is limited to the purpose for preparation of the appeal only.

An appeal may be sought on the following three grounds:

- On a claim of error in the hearing procedure.
- On a claim of new evidence or information material to the case that was not available at the time of the hearing.
- On a claim of substantive error arising from misinterpretation of evidence presented at the hearing.

The Dean of The Graduate School has 30 business days to consider and provide an outcome of the final appeal request. The Dean of The Graduate School approves or denies a final appeal. If a final appeal is approved, the Dean of The Graduate School may determine an appropriate course of action or return the case to the hearing committee with instructions to guide additional deliberations.