

Academic Misconduct Procedures

PURPOSE

To establish procedures for reporting, investigating, if necessary adjudicating, and where appropriate sanctioning suspected academic misconduct under the School of Law's [Academic Misconduct Policy](#).

APPLIES TO

These Procedures apply to every student at the School of Law. "Student" means a person who at the time of the alleged misconduct is enrolled in the School of Law or registered for any academic or scholarly activity at the school. A student is considered enrolled during vacations or holidays until the student has graduated, withdrawn, or been absent from the school for more than two consecutive semesters.

PROCEDURES

A. Informal Discussion Prior to Filing Complaint

1. When a faculty member has a concern about possible misconduct, the faculty member and the student or students involved may informally discuss the matter prior to the filing of a complaint under this Policy, if the student or students and the faculty member elect to do so. Either the student or students or the faculty member may refuse to conduct such discussions, or may choose to terminate ongoing discussions at any time, and no inference shall be drawn from such refusal or termination. Where such discussions are held, the faculty member may offer the student an informal resolution of the matter, including without limitation denial of credit for the academic work involving the suspected misconduct, providing an opportunity to do substitute academic work, or awarding a lower grade (including a failing grade) for the work or course. However, the faculty member may not offer any sanctions listed in Section E.1 below as part of such discussions; such sanctions may be imposed only pursuant to the formal complaint procedure set forth in this Policy.
2. Informal discussions may not include investigatory procedures that produce written statements or other documents that might become official records of student conduct. Such records should be produced only through the complaint procedure described below.
3. Before the student agrees to any informal resolution of a matter, the instructor shall inform the student that: certain resolutions may give rise to the student's obligation to disclose the matter on the student's bar application(s); and that, should the matter proceed to a complaint and institutional investigation as described in Section B, both the student and the law school may be obliged to disclose the matter in connection with the student's bar application(s). Students should be referred to the Office of Student Affairs for further information about bar disclosure requirements.

4. When a faculty member has a concern about possible misconduct or appropriate procedures for dealing with it, the faculty member should consult informally with the Associate Dean for Academic Affairs, with or without revealing the names of the student(s) involved. This consultation enables the Associate Dean to offer advice about how to proceed, and to monitor the overall frequency and types of suspected misconduct.

B. Complaint, Institutional Investigation, and Preliminary Hearing

1. Within 30 days of discovering a suspected incident of academic misconduct, any member of the School of Law community may file a written complaint with the Dean alleging a violation of this Policy. Every such complaint must be signed by the party filing it and must contain a statement of the facts and circumstances involved in the alleged violation. The Dean or designee may amend the complaint to exclude irrelevant material or to include additional substantiation concerning the alleged violation.
2. Upon receipt of the complaint, the Dean or designee shall promptly notify the accused student of the complaint and make such investigation of the charges as deemed necessary to establish whether probable cause exists for the complaint.
3. If the Dean or designee finds, either on the face of the complaint or upon investigation, that the complaint is not supported by probable cause or that it requires no further action for any other reason, the Dean or designee may dismiss the complaint without further proceedings. When a complaint is so dismissed, the Dean or designee shall inform the complaining party and the accused student in writing of the decision and state the reasons therefore. The party filing the complaint may petition the Dean or designee for reconsideration of dismissal of the complaint and may offer additional substantiation of the complaint.
4. If the Dean or designee is satisfied that there is probable cause for the complaint, the Dean or designee shall promptly notify the accused student in writing of the charges and allegations contained in the complaint and of the basis for the finding of probable cause. The Dean or designee shall require the student to appear for a preliminary hearing before the Dean or designee at a time and place set forth in the notice. The date and time for the preliminary hearing shall be not less than 5 nor more than 10 school days after the student is notified of the finding of probable cause and the basis for that finding.
5. If the student fails to appear as directed without reasonable excuse, the Dean may suspend the student from the School of Law until such time as the student appears for a hearing at a time and place established by the Dean or designee. If the student fails within a reasonable time after suspension to request and arrange for such a meeting, or again does not appear for a scheduled meeting, the student shall be subject to expulsion from the School of Law by the Dean.
6. The preliminary hearing will be attended by the accused student, the Dean or designee, and a person designated by the Dean to keep a record of the conversation but not to participate otherwise at this hearing. At the preliminary hearing, the student may make any statement and make an offer of proof, in summary form, of any relevant information the student wishes the Dean or designee to consider. Prior to the conclusion of the hearing, the Dean or designee shall inform the student of the sanctions, if any, which the Dean or designee intends to impose in the event the student admits the violation. If the student admits the violation after learning of the proposed sanctions, the Dean or designee has the authority to impose those sanctions. If the

student accepts such sanctions, no further disciplinary action shall be taken. Alternatively, the student may admit the violation, but request that the question of sanction be referred to the Hearing Committee (defined below). In such case, the Dean or designee's proposed sanctions will remain confidential and will not be available for consideration by the Hearing Committee. At the student's request, the Dean or designee may adjourn the preliminary hearing to allow the student time to consider the proposed resolution of the charges.

C. Formal Hearing

1. If at the preliminary hearing the accused student denies the violation, or admits the violation but does not agree to the sanctions proposed by the Dean or designee, the Dean or designee shall promptly empanel a Hearing Committee for decision, and forward to the Chairperson thereof a copy of the complaint and the names of all persons having relevant information. The formal hearing shall commence within 20 school days after the conclusion of the preliminary hearing.
2. The Hearing Committee shall be composed of three members:
 - a. One member shall be a student at the University of Connecticut School of Law, chosen by the Dean or designee from the officers or elected representatives of the Student Bar Association after consultation with the President of the Student Bar Association, provided that the appointment of the student member under this provision shall not be made by the same designee who conducted the investigation.
 - b. Two members shall be full-time faculty of the University of Connecticut School of Law selected by the Dean or designee from among the faculty who are not members of the Faculty Review Board (see Article II-G below). The Chairperson of the Hearing Committee shall be selected by the Dean or designee from the faculty members of the Committee, and shall be a voting member of the Committee. Members of the Hearing Committee may not serve as the Dean's designee for other purposes in the same case.
3. Hearings shall be conducted by the Hearing Committee according to the following guidelines:
 - a. Hearings shall be conducted in private, unless the accused student elects otherwise.
 - b. If the complaint involves more than one accused student, the Chairperson may permit the hearings concerning each student to be conducted separately.
 - c. The Hearing Committee shall have the power to issue discovery orders and to otherwise compel testimony from all members of the Law School community whenever appropriate to the proceedings. Neither the accused student nor the student's counsel or other advisor may be compelled to provide evidence or testimony.
 - d. The case against the accused student shall be presented by the Dean or designee, who shall represent the School of Law. The Dean may designate the same person who served as the designee during the preliminary hearing, or may designate someone else of appropriate experience from within or outside the law faculty. The Dean or designee who presents the case on behalf of the School of Law shall have the right to call and examine witnesses, to present other evidence, and to cross-examine any witnesses presented by the accused

student. The accused student shall be given at least 10 days notice of who will present the case on behalf of the School of Law.

- e. The accused student shall have the right to be represented by counsel or other advisor at the student's expense, upon notice given at least 10 days prior to the hearing. If the accused student so requests, the School of Law will make best efforts to obtain pro bono counsel for the student for all hearings under this policy. The accused student shall have the right to present a defense, to cross-examine witnesses, and to call and examine witnesses to testify on the student's behalf. Law School faculty are discouraged from serving as counsel to students accused of violating this Policy.
- f. There shall be a single verbatim record, such as a tape recording, of all hearings before the Hearing Committee. The record shall be the property of University of Connecticut School of Law. Upon request the student may receive a transcript of the hearing for a fee.

4. Evidence:

- a. Any oral or documentary evidence may be received, but the Hearing Committee shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence.
- b. The Hearing Committee shall give effect to the rules of privilege recognized by law.
- c. When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.
- d. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and upon request, parties conducting the proceeding shall be given an opportunity to compare the copy with the original.
- e. Parties may conduct cross-examinations required for a full and true disclosure of the facts.
- f. Notice may be taken of judicially cognizable facts. Parties shall be notified in a timely manner of any material noticed, and they shall be afforded an opportunity to contest the material so noticed.
- g. Other questions of procedure and evidence will be determined by the Chair of the Committee, consistent with the accused student's right to a fair hearing.

D. Decision

After the hearing, the Hearing Committee shall determine, by majority vote, made on the basis of clear and convincing evidence, whether the accused student has violated this Policy. This determination shall be made within 5 school days of the completion of the hearing. A final decision can be rendered only by those members who attended the entire hearing and heard all of the evidence. If such violation is found, the Hearing Committee shall have authority to impose sanctions pursuant to paragraph E. The Committee shall deliver its decision in writing to the Dean, who shall deliver a copy to the complainant, the accused student, and counsel, if any, and any faculty member

directly involved in the case. Decisions made by the Hearing Committee shall be final, except where an appeal pursuant to Paragraph G is upheld.

E. Sanctions

1. The Hearing Committee shall have authority to impose one or more of the following sanctions upon any accused student who has admitted misconduct but not accepted a sanction or who has been found by the Committee to have violated the Policy:
 - a. Warning. Written notice to the student that continuing or repeating the conduct found wrongful may be cause for a more severe disciplinary action.
 - b. Probation. Written reprimand for violating a specified provision or provisions of the Policy. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student violates the Policy during the probationary period.
 - c. Loss of privileges. Denial of specified privileges for a designated period of time.
 - d. Suspension. Separation of the student from the School of Law for a definite period of time, after which the student is eligible to apply to the Petitions Committee for readmission. Conditions for readmission may be specified.
 - e. Expulsion. Permanent separation of the student from the School of Law.
 - f. Any other sanction deemed appropriate by the Committee under the circumstances except sanctions involving the grade in the course or other academic activity involved.
2. Upon a student's admission of misconduct, or upon a determination of misconduct by the Hearing Committee, the faculty member teaching the course or conducting or supervising the academic activity involved will determine whether to impose any sanction involving a grade and determine what that sanction may be. Available sanctions include failure in the course or in the particular exercise in which there was misconduct. For serious matters of misconduct, failure in the course or other activity will normally be the sanction imposed. Any sanction involving a grade in the course or other activity may be imposed in addition to sanctions imposed by the Hearing Committee.

Upon dismissal of a complaint following investigation or a finding of no misconduct by the Hearing Committee, the faculty member teaching the course or conducting or supervising the academic activity involved may not impose any grade penalty in the course or activity for academic misconduct. Under these circumstances, either the student or the faculty member will have the option of having the course or activity graded by another faculty member selected by the Dean. In addition, the student may elect to have the course graded pass/fail.
3. For a finding or admission of "negligent violation of academic regulations" the available sanctions shall be the same, except that suspension or expulsion shall not be imposed.

F. Status of Accused; Interim Suspension and Ejection

The status of a student accused of violating this Policy shall not be altered, nor shall the right to attend classes at the School of Law be suspended, until the conclusion of the hearing and appeal, except that the Dean may temporarily exclude the accused student from classes and other School of Law functions at any time before the conclusion of this procedure for reasons related to the physical or emotional safety and well-being of the student or any other member of the School of Law community. Such temporary exclusions shall be for a limited period and shall be explained in writing.

G. Appeal

1. A decision reached by the Hearing Committee may be appealed by the accused student to the Faculty Review Board within 10 school days of the decision. Such appeal shall be in writing and shall be delivered to the Dean.
2. The Faculty Review Board shall consist of three members of the full-time faculty of the School of Law chosen by the Dean at the beginning of each academic year. Members of the Faculty Review Board may not serve as the Dean's designee for other purposes under this policy. A member of the Faculty Review Board who is involved in a proceeding under this policy as a complainant or witness will be replaced by the Dean or designee for that proceeding.
3. An appeal shall be limited to review of the verbatim record of the hearing and supporting evidence for one or more of the following purposes:
 - a. To determine whether the hearing was conducted fairly and in conformity with procedures prescribed in this Policy, and gave the accused student a reasonable opportunity to prepare and present evidence.
 - b. To determine whether the decision reached was based on substantial evidence.
 - c. To determine whether the sanctions imposed were appropriate for the violation of the Policy which the accused was found to have committed.
4. If the Review Board upholds the appeal under G.3.a. above, the matter shall be remanded to the Hearing Committee for reconsideration. If the Review Board upholds the appeal on any other grounds, the Board shall determine the matter. The Review Board shall deliver its decision in writing to the Dean, who shall deliver a copy to the complainant, the accused student, and counsel, if any, and any faculty member directly involved in the case.
5. The decision of the Review Board shall be the final appeal in the matter, except for matters remanded to the Hearing Committee for reconsideration.

H. General Provisions

1. For purposes of this Policy, a school day is defined as any day on which upperclass day or evening classes are conducted, including the June Term but excluding the first year intersession.

2. For purposes of this Policy the Dean's choice of a designee is not limited to members of the full time faculty. The Dean may choose one designee for one part of the procedure and another designee for another part.
3. The Petitions committee shall have no jurisdiction over any matters covered by this Policy except with respect to application for readmission on suspension.
4. All time limits stated in this Policy are subject to reasonable extension by the Dean or designee for good cause shown, and failure to observe a time limit is not a defect depriving the Hearing Committee or the Faculty Review Board of jurisdiction.

I. Records

1. Upon conclusion of a proceeding under this Policy, all records and files concerning the proceeding shall be delivered to the Dean by the Hearing Committee and the Faculty Review Board and the members thereof, and by any faculty member having such records or files.
2. A written summary of any proceeding against an accused student who has been found guilty of or admitted a violation of this Policy, including the resulting sanction, shall be prepared by the Dean or designee and be noted on the permanent academic record of the accused student. The University of Connecticut School of Law and members of its faculty admitted to the bar are required to comply with the applicable disclosure requirements of Bar Examining Committees on Character and Fitness.