

# YALE UNIVERSITY

## GRADUATE SCHOOL



### DISCIPLINARY PROCEDURE

DISCIPLINARY PROCEDURES OF THE  
GRADUATE SCHOOL COMMITTEE ON REGULATIONS AND DISCIPLINE

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## **DISCIPLINARY PROCEDURES OF THE GRADUATE SCHOOL COMMITTEE ON REGULATIONS AND DISCIPLINE**

All graduate students are governed by the “Regulations for Academic and Personal Conduct” (“The Regulations”) laid out in the Graduate School Programs and Policies. These procedures will be used whenever there appears to have been a breach of these regulations, with the one exception of cases where there is an allegation that the graduate student has committed academic fraud (including falsification or fabrication of data and plagiarism) in the course of proposing, conducting, or reporting research supported by the Federal Government. In such cases, the allegation will instead be addressed under the “Policies and Procedures for Dealing with Allegations of Academic Fraud at Yale University.”<sup>1</sup>

A student accused of a breach of the Regulations will be presumed innocent unless and until found, pursuant to these procedures, to have breached the Regulations.

### **1. REPORT**

The process begins when the Dean of the Graduate School is informed of any conduct by a graduate student that appears to be in breach of the Regulations. This information shall come in the form of a report, in writing, by a member of faculty, administration or staff, by another graduate or undergraduate student, or by a member of the public.

### **2. EVALUATION OF THE REPORT**

The Dean will determine whether the conduct reported, if true, would violate the Regulations and, in his or her judgment, warrants referral to the Committee on Regulations and Discipline. The Dean will ordinarily make his/her determination within two weeks of receiving the initial report. In making that determination, the Dean may consult with the Chair of the Committee on Regulations and Discipline, the Director of Graduate Studies of the student’s department, or other officials of the Graduate School or the University, provided that in the interest of confidentiality the Dean will not consult more widely than he or she deems it necessary. The Dean may also obtain other information and/or documentation that the Dean thinks may be useful.

### **3. NOTICE TO THE STUDENT**

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<sup>1</sup> Copies of this procedure are available in the Office of the Dean of the Graduate School and on the World Wide Web (<http://www.cis.yale.edu/grants/acadfraud.html>).

When the Dean receives a formal complaint he or she will promptly inform the student in writing that a complaint has been made, the nature of the charge, and ask for a response and/or explanation. This notification shall contain a statement of the conduct reported, the regulation(s) it appears to contravene, all documents obtained by the Dean that are relevant to the report, and a printed copy of these procedures and the possible penalties, as indicated in Programs & Policies. If the Dean decides not to refer charges to the Committee on Regulations and Discipline, he or she will promptly notify in writing all individuals with whom he discussed the case that the charges have been dropped.

A former member of the Committee on Regulations and Discipline shall be available for consultation with the student charged. A list of former members and other informed people will be made available to the student.

#### **4. THE STUDENT'S INITIAL RESPONSE**

The student will have two weeks after the notification to respond initially to the charge. The student may, for example, admit the violation; deny the violation entirely; admit part but not all of the violation; or assert extenuating circumstances. If the student admits the violation (with or without extenuating circumstances) and requests a disposition without a formal hearing, the Dean will proceed as in 5 below. Otherwise the Dean will consider the student's initial response, if any, and either withdraw the charge or forward it to the Committee on Regulations and Discipline for a formal hearing.

#### **5. DISPOSITION WITHOUT A FORMAL HEARING**

When a student admits a violation and requests a disposition without a formal hearing, the Dean, usually in consultation with the relevant Associate Dean and/or Director of Graduate Studies, will decide whether to grant the request, and if it is granted, will decide on the appropriate penalty for the violation and notify the student in writing. The Dean will normally talk to the student before making such decisions. In any event, if the student desires, he or she will have an opportunity to talk with the Dean before the Dean makes a decision about the appropriate penalty. If the student is dissatisfied with the penalty assigned by the Dean, he or she may, within seven days after receiving notice of the penalty, request a formal hearing before the Committee on Regulations and Discipline, solely on the issue of the penalty. At such a hearing, the Committee on Regulations and Discipline may uphold the Dean's decision or assign a lesser penalty, but not a more severe one. In

the absence of such a request for a formal hearing on the penalty, the Dean's decision will be final.

## **6. PROCEDURES FOR FORMAL HEARINGS**

### **A. Membership of the Committee**

The Committee on Regulations and Discipline, a standing committee on the University, will consist of THREE students (appointed by the Graduate Student Assembly), THREE faculty, normally one from each Division (appointed by the Dean of the Graduate School), and the Associate Dean of the Graduate School responsible for the department or program in which the student is enrolled. The Dean will appoint two alternates from the faculty. The Graduate Student Assembly will be asked to appoint two alternates for the student members. A quorum will consist of FIVE persons, including at least one student and one faculty member other than the Associate Dean. If a quorum is not available, the hearing will be delayed. If a quorum cannot reliably be achieved within two weeks, the Dean of the Graduate School will appoint temporary members in either the student or faculty category.

### **B. Notice to the Student**

Immediately after a case has been forwarded to the Committee, the student shall be informed of its membership, and of the expected date of the hearing. The Dean of the Graduate School will encourage the student to seek advice, especially from the Chair of the Committee. If the student believes that any member of the Committee might not be impartial in this case, he or she may so inform the Chair of the Committee, giving specific reasons, at least one week before the hearing. If the charge of lack of impartiality be made against the Chair, the decision (whether to excuse the Chair from this hearing and temporarily place another faculty member of the Committee in the Chair) will be made by the Dean of the Graduate School.

### **C. Timing of the Hearing**

Hearings will take place only during regular sessions of the University, not during intersessions, and must take place no later than the end of the semester after the one in which the student is notified of the charge. Any additional documents or information that will be presented to the Committee shall also be given to the student at least one week before the hearing. No new charges or categories of charge may be added during this week or at the hearing itself.

#### D. Conduct of the Hearing

All persons attending the hearing will address the group only after being recognized by the Chair. Questions regarding points of order and procedure will be decided by the Chair.

#### E. Counsel for the Student

##### *i. non-legal advice and assistance:*

Any student who elects a hearing may be accompanied by an advisor, who may be any member of the university community without legal training. The role of the non-legal advisor may include answering questions addressed to the advisor by the Committee. The non-legal advisor may also assist the student in making a presentation in those unusual circumstances where the student is unable to do so.

##### *ii. legal advice:*

In a case where the student feels that his/her alleged conduct may have legal ramifications (for example, when a criminal charge is pending against the student for the alleged conduct that is the subject of the case) the student may have a legal advisor present at the hearing. In such cases, the student must notify the Chair of the Committee in advance so that a representative of the Office of the General Counsel may be present. The legal advisor and representative of the General Counsel's Office may under no circumstances address the Committee. The role of the legal advisor to the student may not go beyond quietly advising the student about his/her legal situation.

#### F. Persons Present

The student has a right to be present at all times during the hearing. It is expected that the person who reported the facts (if disputed) and/or the person who brought the charge of irregular behavior will be present at the hearing, to answer questions put by the student and the Committee.

#### G. Witnesses

The student, having given the Chair of the Committee prior notice, may bring witnesses. The Committee can also call witnesses. The chair shall determine what

is a reasonable number of witnesses, but the student shall be allowed at least two witnesses.

#### H. Determination

At the conclusion of the hearing the Committee shall meet in executive session to decide whether the conduct reported in fact occurred and whether it contravened the regulation(s) cited in the charge. The Committee's decision shall be made by a vote of at least five of its seven members, or by a simple majority if fewer than seven members are present. This decision shall be made by a preponderance of the evidence, voted on by secret ballot, and shall be final. In the event that the Committee decides that the conduct reported occurred and that it contravened the regulations(s) cited in the charge, based on the seriousness of the contravention, the Committee shall also recommend the penalty, if any, to the Dean. The Dean may either impose the recommended penalty or a lesser one at his or her discretion. The Chair shall promptly inform the student, orally if possible, and also certainly in writing, of the Committee's decision and any penalty recommended.

#### I. Penalties

The range of penalties that may be imposed is as specified in the Regulations.

#### J. Record-Keeping

At the close of proceedings, the Chair of the Committee will prepare an abstract of the proceedings, including the decision and the penalty, if any. The abstract should include no names. The abstract and any correspondence with the student shall be kept in the student's file; except that if the student is exonerated, he or she may choose to have no record in the file. A copy of the abstract shall be kept in the Committee's files for use in determining precedents in future cases. One copy of all documents in the case should be kept in the Office of the General Counsel.

### 7. RECONSIDERATION OF DISCIPLINARY DECISIONS

Disciplinary decisions made by the Dean of the Graduate School are final. Although students may request review of the decisions as described in these procedures, the decisions will remain in effect unless and until changed by the Dean.

## A. The Committee of Review

There shall be a Committee of Review, which may review and, when appropriate, request reconsideration of disciplinary decisions made by the Dean after a formal hearing by the Committee on Regulations and Discipline. The Committee of Review will be composed of three persons, two of them members of the Graduate School Faculty, appointed by the President for a term of five years, one of whom shall be designated by the President as Chair of the Committee. When deemed prudent by the President, the same faculty members will serve on both the Graduate School's and Yale College's Committees of Review. Each year, the Graduate Student Assembly will select a student member to serve on the Committee of Review.

## B. Request for Review

A student who has been assigned a penalty by the Dean after a hearing by the Committee on Regulations and Discipline and who believes that the decision, in matters of fact or the assignment of penalties, is inconsistent with precedent or otherwise in error may submit a written request for review to the Chair of the Committee of Review. The request must be received by the Committee of Review no later than sixty days after the student receives the decision of the Dean. In order to review such requests, the Committee of Review will have access to all the written records of the Committee on Regulations and Discipline.

## C. Possible Actions by the Committee of Review

In response to such a request, the Committee of Review will have the right (1) to decline to take action; (2) to request in writing a reconsideration by the Committee on Regulations and Discipline; or (3) to publish commentary on the case which, while maintaining the confidentiality of the Committee on Regulations and Discipline hearings, seeks to clarify the principles involved in the case and to offer useful counsel for future decisions.

## D. Possible Reasons for Requesting Reconsideration of a Decision

It is anticipated that in the large majority of cases, the Committee of Review will decline to take action. It will request reconsideration by the Committee on Regulations and Discipline only in cases where it believes that (1) some pertinent evidence was not taken into account; (2) long-standing precedents, in decisions of culpability and the assignment of penalties, were ignored; (3) errors in procedure

may have substantially affected the decisions; (4) certain key principles of the University were not sufficiently considered in the original decision.

#### E. Response by the Committee on Regulations and Discipline

The Committee on Regulations and Discipline will have the authority to grant or deny a request for reconsideration. It is anticipated, however, that such requests will be rare and that in most instances the Committee on Regulations and Discipline will give them the most serious consideration. In the case where the Committee on Regulations and Discipline has granted the request to reconsider, the Chairs of the Committee on Regulations and Discipline and the Committee of Review will discuss appropriate procedures for the Committee on Regulations and Discipline's reconsideration. At a reconsideration of a case by the Committee on Regulations and Discipline, the Chair of the Committee of Review will appear before the Committee on Regulations and Discipline in order to make clear what motivated the call for reconsideration. The accused student and his or her adviser will have the right to be present during the appearance of the Chair of the Committee of Review and during any presentation of witnesses or other evidence. The Committee on Regulations and Discipline will be free either to alter or to confirm its original recommendations. In no case, however, may it make a finding of culpability where it had previously exonerated a student. In matters concerning culpability, the Committee on Regulations and Discipline's decisions will be final. The Committee shall recommend a penalty, if any, to the Dean, but may not recommend a greater penalty than that assigned originally. The Dean, at his or her discretion, may either impose the newly recommended penalty or a lesser one.

#### F. Reporting

The Committee of Review will be empowered to issue *ad hoc* reports on individual cases, and may publish an Annual Report in which it makes clear the principles and circumstances that led it to request reconsideration of certain cases, if in fact it has done so during the course of the year. In the Annual Report, it may also reflect on general principles and precedents guiding the administration of discipline in the Graduate School.