

University of Connecticut Age Act Committee: Policy and Procedures

I. Purpose and Scope: The University of Connecticut has established an “Age Act Committee” to evaluate a student’s request for access to or participation in any University program when that student’s age may impair the University program’s ability to meet its objectives as carried out under its normal operation. This document sets forth the operational framework for that Committee. These Policy and Procedures apply to all programs, services and activities that fall under the purview of the University of Connecticut at the Storrs and Regional campuses.

II. Definitions:

A. “The Age Act” means The Age Discrimination Act of 1975, codified at 42 U.S.C. §6101, et seq. along with its implementing regulations, found at 34 C.F.R. §110, et seq.

B. “The Age Act Coordinator” means the University Official responsible for overseeing compliance with the Age Act and for investigating allegations of age discrimination. The University’s Age Act Coordinator is:

Sarah Chipman
Director of Civil Rights Compliance
ADA, Title VI and Title IX Coordinator
Age Act Coordinator
Storrs: Wood Hall, First Floor
sarah.chipman@uconn.edu
(860) 486-2943

C. “The Age Act Committee Submission Form” is the form to be used by University Officials to submit a concern about a student’s access to or participation in any University program or activity based on that student’s age.

D. “The Committee” means the Age Act Committee, as designated by the Office of the Provost.

E. “Age Act Committee Chair” means a member of the Committee designated by the Provost as Chair.

F. “Normal Operation” means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

G. “Student(s)” means a student admitted by or enrolled at the University of Connecticut, as defined in UConn’s *Responsibilities of Community Life: The Student Code*.

H. “University” means the University of Connecticut.

I. “University Official” means any person employed by the University of Connecticut in an administrative, supervisory, academic, research or outreach, or support staff position (including law enforcement unit personnel and health staff).

III. Policy Statement: The University By-Laws provide, in pertinent part, that “No organization or group shall discriminate against or exclude a person because of race, religion, national origin or other protected class recognized by state or federal antidiscrimination laws, on that land owned or operated by the University of Connecticut...”. By-Laws of the University of Connecticut, Article XV, § A. Similarly, in accordance with the provisions of the Age Discrimination Act and other Federal and State laws and executive orders pertaining to civil rights, the University prohibits discrimination on the basis of age (see *Policy Against Discrimination, Harassment and Related Interpersonal Violence*).

This policy is intended to provide the same protection against discrimination afforded under the parallel anti-discrimination laws. Therefore, analysis of a student’s age discrimination claim under them thus mirrors the analysis of a claim under the Age Discrimination Act of 1975, 42 U.S.C. §§

6101-6107, and its corresponding regulations, 34 C.F.R., Part 110. Subject to certain limited exceptions, the Age Discrimination Act mandates that “no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving [f]ederal financial assistance.” 42 U.S.C. § 6102. Exceptions to the Age Act’s general prohibition against age discrimination include: a) age distinctions contained in federal, state or local statute or ordinances (34 C.F.R. § 110.2); b) reasonable actions “based on a factor other than age” (34 C.F.R. § 110.13); and c) actions that reasonably take into account age as a factor necessary to the normal operation or the achievement of any statutory objective of such program or activity (34 C.F.R. 110.12).

Charged by the Office of the Provost, the Age Act Committee is responsible for addressing concerns about students’ access to or participation in any University program, service or activity based on age.

IV. Age Act Committee Procedures

A. Establishment of Committee:

- i. Members of the Age Act Committee, including its chairs, shall be designated by the Office of the Provost and serve three (3) year terms. Members may be reappointed upon the end of their term.
- ii. The Committee shall include one representative from each of the following units: Division of Enrollment Management, Honors Program, Division of Student Affairs, and Office of Institutional Equity as well as a member of the faculty with expertise in human development or a related field. Members from additional offices may be appointed at the discretion of the Office of the Provost.
- iii. This Policy and Procedures and the Age Act Committee Submission Form shall be available on the Office of Institutional Equity’s website.

B. Deliberative Process for Assessing Role of Age in University Activity, Program or Service:

- i. **Quorum Required:** All Committee members share responsibility for the Committee’s decisions and are expected to fully participate in its decision-making processes. In order for the decision of the Committee to be valid, a majority of Committee members must take part in the deliberative process. The Committee shall attempt to reach its decision by consensus. In the event the participating Committee members cannot reach consensus, the outcome will be decided by a simple majority. Committee members should recuse themselves from a particular inquiry in the event they feel they may be unreasonably biased for any reason. The Provost may designate an alternate member in the event that a member elects to be recused from a case.
- ii. **Timeline:** The Committee should complete its investigation and issue a decision no later than forty-five (45) calendar days from the original date of submission. Should the need arise, the Committee shall expedite its process as necessary to allow the student’s full participation in the program, service or activity, if approved, provided the Committee determines meeting the expedited timeframe does not unreasonably impair its deliberative process.

iii. Submission of Inquiry:

1. Any University Official may raise a concern about a student’s access to or participation in any University program, service, or activity based on that student’s age. In order to do so, the University Official may submit an Age Act Committee Submission Form, available on the Office of Institutional Equity’s website, to the Office of Institutional Equity.
2. Upon receipt, an Age Act Committee Chair will schedule a preliminary phone conference with the individual submitting the form to gain a better understanding of the circumstances giving rise to the inquiry. The objective of the conference is to collect enough information to address concerns about a student’s access to or participation in the subject University program, service, or activity based on

age. Therefore, during the phone conference, the Age Act Committee Chair will seek to obtain as much information about the situation, including but not limited to the following:

- a. A list of all other individuals (including University Officials) involved and the scope of their involvement;
- b. The location and relevant dates and time;
- c. The purpose and nature of the program, service, or activity;
- d. A general understanding of the day-to-day workings of the program, service, or activity;
- e. The deadline by which an answer from the Committee is required and the circumstances necessitating that deadline;
- f. A list of third-party contractors that might be involved, their role and contact information; and
- g. Any other information the Committee may need to carry out its inquiry.

3. The Age Act Committee Chair shall forward a copy of the *Age Act Committee Submission Form* to the Department Head/Program Director listed to provide them notice of the ongoing review and to solicit any additional relevant information this individual may have.

4. The Age Act Committee Chair shall work with the Committee to designate the Committee member who will serve as the "Recorder" for this particular inquiry. The Recorder is the individual responsible for taking and maintaining all documentation related to the particular request. All information maintained by the Recorder shall be considered in draft form until reviewed and approved by the other Committee members, at which point it becomes a final, official record of the Committee ("Final Record").

iv. **Fact-Gathering:**

1. After the preliminary phone conference, the Committee shall identify the list of individuals with whom to speak ("Knowledgeable Parties") and the appropriate order in which to meet with them to gain the best understanding of the relevant circumstances and, using the list, schedule a meeting with each Knowledgeable Party accordingly ("Consultation").

2. In addition, the Committee shall also identify and obtain any additional documentation that might further its understanding of the situation, which may include but not necessarily be limited to third-party contracts, program regulations, mission statements, information from previous years, etc. The Committee may also identify and carry out any additional interviews that might further its understanding of the situation, including but not limited to interviews with the student and University faculty and staff.

3. Each Consultation shall include, but not be limited to, the following questions to the extent relevant to that Knowledgeable Party's role:

- a. What is the nature of the "normal operation" of the program, service, or activity?
- b. What are the stated objectives of the program, service, or activity?
- c. Can the student be admitted to the program, service, or activity without significant changes? Changes are significant if they impair the objectives identified in (iv)3b, above.
- d. What characteristics must participants possess in order to ensure the normal operations of the program, service, or activity and why?
- e. Can the presence of these characteristics be reasonably approximated by the use of age? Is it impractical to measure these characteristics on an individual basis?

v. **Individualized Deliberation:** Taking into account the information collected from all available sources, and considering the goals/objectives of the program, service, or activity at issue, the characteristics participants must possess in order to ensure preservation of the Normal Operation of the program, service, or activity, whether the presence of these characteristics can be reasonably approximated by the use of age and/or whether it is impractical to measure these characteristics on an individual basis, the Committee shall make a final, reasoned and deliberative determination with respect to the use of age as a proxy for other characteristics necessary to the normal operation of the program or activity at issue.

Limiting access or participation will only be appropriate in those circumstances where the student's age would require changes to the normal operation of the program, service, or activity and such changes would impair the program, service or activity's ability to meet its stated objectives (as defined by the Knowledgeable Parties, or where other age-based distinctions and/or factors to be considered, other than age, are permitted by the Age Act. If the student's age necessitates reasonable modifications that would not significantly impair the program, service or activity's ability to meet its objectives, age will not be a reasonable basis upon which to exclude the student.

The Committee shall use the following analysis:

- a. The Committee will gain an understanding of the Normal Operation of the program, service, or activity. In doing so, it will identify the goals/objectives of the program, service, or activity.
- b. The Committee will gain an understanding of and identify the characteristics participants must possess in order to ensure preservation of the Normal Operation of the program, service, or activity and why these characteristics are needed.
- c. The Committee will identify whether the presence of these characteristics can be reasonably approximated by the use of age and/or whether it is impractical to measure these characteristics on an individual basis.

vi. **Decision:** Following its investigation and deliberations, the Committee shall make one of the following determinations:

1. The student's age would impair the University program, service, or activity's ability to carry out its Normal Operation, in which case the student may be denied participation;
2. Age-based concerns could be alleviated with changes that would not impair the ability of the program, service, or activity to meet its objectives, in which case the student will not be denied participation; or
3. The student's age will not impair the ability of the program, service or activity to meet its objectives, in which case the student will not be denied participation.

vii. **Response:** The Committee must provide a response no later than forty-five (45) days after the original request. If the Committee determines that the student's age would not impact the University program, service, or activity's ability to carry out its Normal Operation, it will inform the University official who submitted the request via email, copying in the supervisor and Age Act Coordinator (or designee).

If the Committee determines that the student's age would impact the University program, service, or activity's ability to carry out its Normal Operation and no reasonable modifications can be made without altering its objectives, it shall inform the student via email of the decision, copying in the original requestor, supervisor, and Age Act Coordinator (or designee). This notification shall also provide the student with notice of the University's grievance procedures for prompt and equitable resolution of complaints alleging violations of the Age Act, as well as external reporting options.

V. Additional Standards

A. Documents created during or as a result of these meetings that directly identify a student are “education records” as defined by FERPA and thus, are subject to review by the student to whom they pertain, and protected from unauthorized disclosure.

B. Documents created during or as a result of these meetings that do not directly identify any students may be “public records” under the Connecticut Freedom of Information Act, and thus may be subject to public disclosure.

C. Upon conclusion of an inquiry, the Committee shall retain Final Records for 5 years after the original inquiry, in compliance with Connecticut State Record Retention Schedule S1-330 (Planning Studies).

D. The Committee shall review these policies and procedures every five years to ensure compliance with federal and state laws and institutional needs.

VI. Grievance Procedures:

A. Complaints of Age Discrimination may be filed internally, at the Office of Institutional Equity (OIE), by calling (860) 486-2943, by writing to OIE at the University of Connecticut; Wood Hall, 1st Floor, Unit 4175; 241 Glenbrook Road; Storrs, CT 06269-4175 or by emailing OIE at equity@uconn.edu.

B. Students also have the right to file a complaint with the Office of Civil Rights, within 180 days from the time the incident occurred at Office for Civil Rights, U.S. Department of Education; 8th Floor, 5 Post Office Square; Boston, MA 02109-3921.

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