



# **COS Advising Guide**

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## Charge to Advisers

Dartmouth College policy regarding advisers:

***“Students admitting to disciplinary allegations may request a hearing with a COS Chair individually, without an advisor or observer present. Students responding to disciplinary allegations heard by the COS are entitled to have a single advisor present at their hearing. Students who report sexual misconduct or physical violence have the same right to an advisor. Students must identify their advisor to the JAO in writing. Only currently enrolled Dartmouth students, members of the Dartmouth faculty, and members of the Dartmouth administration may serve as advisors.\* Advisors are not permitted to address the COS. The Chair may remove any advisor who distracts or disrupts the process. While students are free to confer with parents, friends and others, they should understand that they themselves are responsible for responding to allegations and questions at the hearing.***

***The advisor’s most important role is to assist the student in reviewing and understanding the procedures related to a hearing and to assist the student in obtaining answers to questions about the hearing. For this reason, many students request that an undergraduate dean or other staff familiar with the disciplinary system serve as their advisor. The unavailability or unwillingness of any specific individual to serve as an advisor is not normally grounds for postponing a hearing. Students who identify as an advisor someone unfamiliar with the process would be wise to schedule time to meet with an undergraduate dean or staff from the Judicial Affairs Office to discuss procedural issues. Because students are responsible for their conduct, for responding truthfully to allegations, and for participating truthfully at a hearing, students should not expect advisors to write statements and/or otherwise prepare a case for them. While an advisor might appropriately help a student anticipate questions and issues likely to arise at a hearing, and while an advisor might provide feedback about the effectiveness of a student’s written or oral presentation of the facts, the advisor does not function in the way an attorney would in a criminal or civil proceeding.***

***\* Eligibility to serve as an observer is expanded for proceedings to investigate sexual misconduct, sexual harassment, domestic or relationship violence, and/or stalking. See those specific policies for details.”***

### ***Dartmouth College Student Handbook 2018-2019***

This guide is a summary of best practices for advising. While knowledge of the Judicial Affairs process is helpful, you do not need to be an expert in the disciplinary process to help a student navigate their case. All students receive “A Guide to Committee on Standards and the Organizational Adjudication Committee Hearings at Dartmouth”<sup>1</sup> along with their allegation materials. If you are unfamiliar with the process, please read the guide as a companion to this document.

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<sup>1</sup> Available online at [http://www.dartmouth.edu/judicialaffairs/resources/guide\\_to\\_cos\\_oac\\_hearings.pdf](http://www.dartmouth.edu/judicialaffairs/resources/guide_to_cos_oac_hearings.pdf)

***“The most helpful thing my adviser did for me was to reassure me about the process and actively reached out to me and was there when I needed someone to talk to. I think that’s the most helpful because stress is a high factor when going through the COS process and sometimes a person could feel like they have no one to talk to if they do not feel comfortable disclosing such information to their peers.”***

***~ Student***

In COS cases, the Committee is charged with determining responsibility and, if appropriate, assigning a sanction. A member of the Judicial Affairs staff will be present during the hearing but does not take part in the decision making process. As such, Judicial Affairs staff serve as a resource for students, parents, and advisers during the process. Please encourage students to reach out to Judicial Affairs with any questions they may have throughout the process.

You are also welcome to consult Judicial Affairs staff with questions you may have. Please remember, any requests regarding scheduling, materials, hearing-day accommodations etc. must be made by the student directly. If you have concerns about a student that fall outside of the realm of the judicial process (ex. health, mental wellbeing, academics etc.) the student’s Undergraduate Dean is likely the best resource.

## Supporting Your Student

### *Connecting Students to Resources*

The first step in advising is listening to your students and seek to understand their perspective. For most students, this is the first time they have been involved in a disciplinary incident and many students are anxious and confused about the incident and/or the process. Students may be

- angry at themselves or others,
- fearful that they will not be believed or that they may be suspended or separated,
- eager to resolve the situation quickly, or
- sad about the possibility of leaving Dartmouth.

Any of these concerns may impact the student’s academics or social interactions. Given that an adviser may be the first person to notice these emotions, you should familiarize yourself with the resources available for students. Advisers are encouraged to be in touch with the student’s Undergraduate Dean early in the process, so the Dean may assist the student in managing family, academics, and personal circumstances.

Advisers can also encourage students to identify other individuals who may be a support to them including family, friends, coaches, spiritual advisers/leaders, and other College faculty or staff members.

### *Importance of Neutrality*

Advisers serve as a neutral, non-judgmental resource. The best advisers look at the incident from multiple perspectives, question, and (at times) help a student reconsider decisions. While the students may initially wish to designate an adviser who believes their version of events, advisers who are invested in a particular outcome may not be able to help the student consider all of their options.

***“Body language and tone [are important]. These two communication techniques become much more noticeable by students who have been accused of something (or victims/survivors of incidents as well). Be very conscious of your tone and your body language. Keep both open and inviting to all parties, not too relaxed, but also not too serious, otherwise students will share less and be more closed off to you as an adviser (despite your good intentions).”***

~ Student

## Challenging Questions

Advisers are often faced with difficult ethical and personal questions during the advising process. Advisers should be open with a student about advising responsibilities and limitations. Both the student and the adviser need to establish expectations (time commitment, responsibilities, how to provide support, etc.) and define roles (student as decision-maker, adviser may need to ask difficult questions, etc.) at the beginning of the advising relationship. Advisers should be prepared to answer some common questions.

### *Do you believe me?*

Being supportive of a student does not necessarily mean that an adviser accepts the student’s account of the event without question. Such acceptance is not essential to the role of the adviser, and may be better sought in the student’s other support networks. Advisers can express support by responding in some of the following ways...

- \* I believe I will serve you best if I keep my personal beliefs separate from our process.
- \* I believe that you are being as honest as you can right now.
- \* I would like to put aside what I may or may not believe to focus on advising you.
- \* I serve you best by being neutral and not imposing my beliefs on this situation.

Even the best person makes bad decisions, and an adviser who keeps personal beliefs out of the advising process will allow the student to be more open and willing to admit to mistakes.

***“The most helpful advice I received was to remain positive. The entire COS process can be taxing on the psyche. Positive reinforcement and a reminder to remain pragmatic about one’s situation is the best advice.”***

~ Student

### *Is this conversation confidential?*

Advisers should be respectful of student’s privacy and refrain from sharing information about the student or allegations with friends, family or colleagues. Advisers should treat all information about a student as private and only share it with others on a need-to-know basis (for example if there are potential health or safety concerns for either the student or other individuals). However, advisers can never be described as a **confidential**. Any notes, correspondence, and/or knowledge gained during the advising process may be subject to court subpoena if legal action is taken.

Students looking for confidential legal advice should consult with an attorney. Other confidential resources at the College include Dick's House, Counseling and Human Development, chaplains at the Tucker foundation, and the WISE Campus Advocate (for cases involving Title IX).

### *What if the student misrepresents information to an adviser or to the COS?*

If an adviser becomes aware that a student has misrepresented information, the adviser should talk directly with the student about the misrepresentation. The COS considers misrepresentation an aggravating factor in sanctioning, and students should be advised to be honest throughout the process. If an adviser hears new or conflicting information from a student during a hearing, the adviser can suggest a break. Again, the adviser should encourage the student to be honest.

### *Adviser or Witness?*

At times, students feel that the person they have selected as their adviser has valuable information to share with the Committee as a witness. You cannot serve as both a witness and an adviser. If the student decides you would be more helpful as a witness, please ask the student to find another adviser and notify Judicial Affairs.

Witnesses should not be in communication with a student about the substance of their case. If it comes to your attention that a student is contacting (or being contacted by) witnesses, please speak to them about the possible implications of this behavior. Committees who believe that a witness has been inappropriately influenced by a student may, at best, consider the witness incredible or, at worst, believe the student's interference indicates an intent to deceive.

### *What do you think the outcome will be?*

No matter how much experience an individual adviser may have, there is no sure way to predict an outcome. Speculating about specific outcomes (or sharing your personal belief about an appropriate outcome) could increase the student's anxiety or raise unrealistic hope. Advisers should discuss the range of possible outcomes and help the student consider all possibilities.

## Preparing for the Hearing

### *Anticipating Questions from the COS*

Advisers should help students anticipate questions that the COS will ask during the hearing. By reading the allegation materials objectively, advisers are often able to pose questions similar to those that will be asked by the COS.

Advisers should give feedback on how students respond as they prepare for the hearing, but advisers should never tell them what to say. Students need to speak for themselves at their hearing. If the Committee believe their responses have been scripted or heavily coached by the adviser or someone else it can impact their credibility.

***“My advice is to be prepared: for all predictable questions and equip one's self with a coalition of helpful, adjunct advisers. Conduct some research on previous cases related to the advisee. Predict questions that may be asked. If you (the adviser) are not sure of an answer to an inquiry, find a person who would know the answer (whether it be a Dean, faculty member, psychiatrist, or another adviser). You will***

***appear as a resourceful adviser with a bevy of knowledge which is comforting to advisees.”***

***~ Student***

### ***Reviewing Student’s Written Statement***

All students have the opportunity to submit a written statement prior to their hearing. Although not required if a student is denying the allegations, statements are an opportunity for students to describe the incident and convey their perspective to the Committee or COS/OAC Chair before meeting with them.

Many students will ask their adviser for help in preparing their statement. Advisers should encourage students to be honest and provide as much detail as they believe is relevant. The statement should be in the student’s own words and it should not be overly influenced by an adviser.

***“Advisers often encourage students to write to themselves in an effort to begin to draft a personal statement. This “mind dump” does not have to be shared with anyone, but it can help record the student’s most recent memories of the event.”***

***~ Adviser***

Good statements...

- Answer the questions who, what, when, where, how, and why
- Provide an account of what the student saw and did
- Are honest and accept responsibility (if student has acknowledged any)
- Explain what the alleged student has learned
- Detail any actions the student has taken since the incident

### ***Making Notes for the Hearing Day***

As they write their statement and prepare for the hearing, students will identify key points that are important for the COS to know. Advisers are encouraged to keep a list of these points and to bring the list to the hearing. As the student discusses these points, the adviser may check them off the list. Students might suggest remaining items on the list to the Chair as an avenue for further questioning or incorporate the items in a closing statement.

***“One of the most useful things your advisee can do is to write a personal log of everything they do remember in chronological order. Prompt them to be as specific as they can about dates, times, and people who may be able to corroborate the memory. It is most helpful if they write this before reading the [allegation] packet.”***

***~ Adviser***

### ***Hearing Logistics***

The day of the hearing will understandably be a stressful time for your student. Advisers can help mitigate some stress by discussing hearing logistics beforehand. Here are some topics you may find helpful to discuss together prior to the hearing.

- Attire** – What would be comfortable and appropriate? (Please note, the hearing room is air conditioned.)
- Decide on where to meet on the hearing day** – On the day of the hearing, one of the offices close to the hearing room will be reserved for you and the student to use as a private waiting room. Some students meet their adviser in this room; others prefer to meet their adviser elsewhere and walk over together.
- Discuss communication during the hearing** – There will be a pen and pad of paper for the student in the hearing room. Some advisers write notes to the student during the hearing. Is this how you and the student would like to communicate?
- Encourage student to become familiar with the case packet** – All hearing participants and Committee members receive copies of the case packet prior to the hearing. If there are particular portions of the packet, the student would like the Committee to refer to, suggest that the student write the page numbers down for reference during the hearing.
- Where will student's family be (if on campus)** – At times, family members may come to campus for a hearing. Please confirm the student has communicated that family members are not permitted to attend the hearing itself. Parents can be present in the waiting room, however, at times students prefer to simply meet their family after a hearing. If this is the case, please encourage your student to speak candidly with their family members about this prior to the hearing day.
- Hearing room itself** – Some people find it helpful to visualize where the hearing will take place. Students and advisers are welcome to come see the hearing room prior to the day of the hearing. The conference room is used for other meetings so it is helpful if a student calls ahead if they would like to stop by.

## Attending the Hearing

Students are typically arriving at a similar time as others involved in the hearing. At times, students may be uncomfortable running into the reporting party (for example the professor in an Honor Principle case). Judicial Affairs staff will do their best to minimize contact the student has with the Committee and anyone else involved in the case upon arrival and during breaks. If there are multiple students involved in the same case, please remind the student you are working with not to be communicating with them (or any witnesses) outside of the hearing room.

Before the hearing starts, the COS Chair will check in with you and the student to describe the logistics of the hearing and answer any last minute questions.

Many advisers encourage students to take a deep breath if they feel nervous. Students may become emotional during a hearing. If you feel that a break would be helpful, you can request one on behalf of the student. Advisers can also be instrumental in helping students regulate their tone. While a student may be angered by an allegation or question, a confrontational approach does not serve the student well.

At the conclusion of the hearing, advisers often offer to debrief with the student. The office that you and the student used during the hearing will remain available to you if you would like to debrief there. Although the Chair usually reminds the student of the time and location for the outcome meeting, please be sure the student knows where to go the following day (typically the Undergraduate Deans Office).

## Attending the Outcome Meeting

The Chair will deliver the outcome to a student the day following their hearing (usually in the morning assuming there are no scheduling conflicts). If a student has elected to have someone other than an Undergraduate Dean serve as their adviser, an Undergraduate Dean will be present at the meeting. Undergraduate Deans are well equipped to help students consider the various implications of sanctions particularly those that involve some amount of time away from campus (ex. a suspension). Students who are suspended or separated will need to work with their dean to be sure they have completed any necessary details prior to leaving campus.

Like students, advisers can be disappointed by the outcome. It is important to remember that the student is the priority in the moment. It will not help the student for the adviser to express personal feelings.

## A Final Word...

Your time, energy, and care are appreciated and valued by your student, the College, and the Judicial Affairs Office! If you have any questions or concerns, please do not hesitate to contact us.

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