



A Guide to Committee on Standards and the Organizational Adjudication Committee Hearings at Dartmouth

Table of Contents

Introduction.....	3
Hearing Checklist.....	4
<input type="checkbox"/> Read Allegation Materials Carefully	4
<input type="checkbox"/> Meet with an Advisor (<i>recommended, but not required</i>).....	4
<input type="checkbox"/> Discuss Your Situation, Candidly and Honestly, with Your Family.	4
<input type="checkbox"/> Complete Statement of Understanding.....	4
<input type="checkbox"/> Review Scheduling Letter	4
<input type="checkbox"/> Prepare for and Attend Hearing.....	5
<input type="checkbox"/> Attend Outcome Meeting	5
Glossary of People Involved.....	6
Advisor.....	6
Chair/ Hearing Officer.....	6
Committee on Standards (COS).....	6
Judicial Affairs Representative	6
Observer.....	6
Organizational Adjudication Committee (OAC).....	7
Reporting Person or Office	7
Responding Student.....	7
Undergraduate Dean.....	7
Witnesses.....	7
Responding to Allegations and Preparing for a Hearing.....	9
Completing the Statement of Understanding Form	9
Deciding Whether to Admit or Deny.....	9
Providing a Written Statement.....	10
Choosing the Type of Hearing.....	11
Choosing between an Open or Closed Hearing.....	11
The Role of an Observer	12
Witnesses & Additional Information	13
Working with an Advisor	14
The Hearing.....	15

Proceedings 16

After the Hearing..... 18

Outcome Meeting 18

Possible Outcomes 19

Other Options 21

 Medical Leave/Delay 21

 Deadlines/Requests to Delay 21

 Court/Legal Proceedings 21

 Resigning from Dartmouth..... 21

Request for Review 22

Frequently Asked Questions 23

 Will I/we get “credit” for being honest? 23

 What do you mean by “the preponderance of the evidence”?..... 23

 May I/we request an extension on a deadline? 23

 Can I schedule my/our hearing more quickly? 23

 Do I/we have to attend the hearing?..... 23

 Do I have to respond to questions?..... 24

 May I have a character witness? 24

 Do I/we need a lawyer? 24

 May my attorney attend the outcome meeting? 24

 Will the hearing be accessible to me (my advisor, my observer, or a parent)?..... 25

 What should I wear? 25

Feedback Welcome 25

Introduction

As an undergraduate student of Dartmouth College, you accepted personal responsibility for upholding and abiding by our shared [Community Standards of Conduct](#) when you chose to matriculate here. As you were applying to and then as you packed and planned for your arrival at Dartmouth, you may not have devoted much time to exploring Dartmouth's standards and values – assuming that your common sense and good character would be a sufficient compass for your conduct. Few students envision themselves responding to a report of misconduct that may result in something as serious as a suspension or separation (expulsion) from the College. If you sought a leadership position in a student organization, team, or group once you arrived at Dartmouth, you may not have considered the need to represent a group whose conduct is being questioned. This guide was written for students who are in such a position or for someone who has been asked to participate in a hearing as a reporting or primary witness. It can also serve as a resource for any member of our community who is interested in understanding more about the work of the Committee on Standards (COS) or Organizational Adjudication Committee (OAC).

This guide is not a substitute for, nor does it amend, the *Community Standards of Conduct* or other policies and procedures outlined in the [Student Handbook](#). We encourage you to read those carefully as your primary resource. This guide also cannot replace the benefit of individualized advising that your advisor, your Undergraduate Dean, or Judicial Affairs can provide. What we hope it does provide are straightforward answers to the most commonly asked questions and practical information that will assist you in preparing for your hearing. We thank the current and past Committee members, advisors, Chairs, and others who have offered their advice through this guide.

We invite you to contact our staff at any time with questions or concerns that you have about your upcoming hearing.

Sincerely,

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This manual is subject to change and the most current version can be found at: <http://www.dartmouth.edu/judicialaffairs>

Hearing Checklist

Read Allegation Materials Carefully

All correspondence regarding your hearing will be sent to your Dartmouth e-mail address.

Meet with an Advisor (*recommended, but not required*)

Schedule an appointment with staff in Judicial Affairs, your Undergraduate Dean, staff in OPAL, or another advisor to learn more about the process. Advisors can assist you in anticipating questions and what to expect from a hearing.

Discuss Your Situation, Candidly and Honestly, with Your Family.

Your parent(s) or guardian will be sent a summary of the allegations shortly after you receive them. A copy of that letter is in your allegation packet. Although we will respond to any questions that they may have, we expect you will be their primary source of information about what happened and the hearing process.

Complete Statement of Understanding

The *Statement of Understanding* details the allegation(s) and describes your rights throughout the process. You have the option to suggest witnesses whom you believe have factual information that would inform the Committee's decision. If there are additional documents or information that you believe are important to the case, these should be included when you return your *Statement of Understanding*.

If you are admitting responsibility for the violation in question and are requesting an individual hearing, you must submit a written statement explaining what happened and your response to the allegation with this form.

Review Scheduling Letter

Shortly after you submit your *Statement of Understanding*, you will receive a scheduling letter from Judicial Affairs. You will be scheduled for the first available hearing date that does not conflict with your published class schedule. If the date or time conflicts with an academic obligation, notify Judicial Affairs at (603) 646-3482 as soon as possible. Athletic and other co-curricular obligations are not usually grounds to reschedule a hearing.

If you are waiting for a court hearing, have medical needs that are a priority, or if there is some other significant extenuating circumstances that you believe should delay your hearing date, contact the staff in Judicial Affairs to discuss your circumstances. We will also ask you to make your request in writing.

The names of any students, faculty, staff and the Chair scheduled to serve on the COS or OAC will be provided to you in your scheduling letter. Neither you nor the Committee members

should be in contact with each other. Committee members are asked to recuse themselves if they believe they cannot be objective. If you have reason to believe that any COS/OAC member or the Chair will not be objective, you should provide the Judicial Affairs Office a written request to replace the member and the reason for the request. The request must be submitted at least 48 hours prior to the hearing. Names of Committee members may be familiar to you; as we are a small community, simply knowing a person is not enough of a reason to replace a COS/OAC member.

Prepare for and Attend Hearing

The deadline for any additional material to be considered by the Chair or Committee is noted in your scheduling letter. You will be invited to give opening and closing remarks during the hearing. You are welcome to stop by Judicial Affairs to see the hearing room ahead of time.

Attend Outcome Meeting

You and your Undergraduate Dean (in Committee on Standards cases) or a designee from your sponsoring department (in Organizational Adjudication Committee cases) will meet with your hearing officer to discuss the outcome. If your family or others would like to accompany you, they are welcome to wait for you outside of the meeting room. The Chair or your Dean can arrange to answer any questions they might have after the meeting.

Glossary of People Involved

Advisor

An advisor is a current Dartmouth community member¹ (faculty, staff, or student) who assists you in understanding the conduct process and preparing for the hearing. Advisors do not speak for you in a hearing, but they usually accompany you to a Committee hearing with the COS/OAC. They are not in attendance for individual hearings with a Chair. Many students ask their Undergraduate Dean to serve as their advisor.

Chair/ Hearing Officer

A Chair (also referred to as a Hearing Officer) is a member of the Dartmouth community who has been appointed as a non-voting member of the COS or OAC. S/he is responsible for facilitating your hearing. They will ask questions of you throughout the hearing, invite you to raise your own questions, and otherwise lead the hearing, but they do not have a vote in the determination of responsibility or for the sanction. If you request an individual hearing, you will meet privately with one of the Chairs who will have the responsibility for determining the appropriate sanction (individual hearings are only scheduled if you have admitted responsibility).

Committee on Standards (COS)

A College committee of faculty, students, and staff responsible for hearing cases involving undergraduate students which may result in suspension or separation (i.e. expulsion) from Dartmouth. The COS hears cases that concern reported violations of the Academic Honor Principle and the *Dartmouth Community Standards of Conduct*. A hearing panel consists of two students, two faculty, and one administrator drawn from the larger committee.

Judicial Affairs Representative

A member of the Judicial Affairs staff is present throughout a COS or OAC hearing to ensure a smooth, fair and consistent process. If you have any questions about the hearing, do not hesitate to ask your Judicial Affairs representative.

Observer

You may request that an observer be present during the hearing to provide additional support. The observer may be any current student, faculty or staff member who is not involved in the hearing as a

witness or as your advisor²¹. This is an optional role that you can invite someone to play. Many students choose to participate in a hearing without an observer by seeking support from people close to them in different ways.

Organizational Adjudication Committee (OAC)

A College committee of faculty, students, and staff responsible for hearing cases involving undergraduate student organizations and their members which may result in suspension or loss of recognition. The OAC hears cases concerning reported violations of the *Dartmouth Community Standards of Conduct*. An OAC hearing panel consists of three students, two faculty, and two administrators led by a non-voting chair.

Reporting Person or Office

The person or office that initially reported the conduct that is of concern. The Office of Judicial Affairs evaluates any report shared with our office and authors the allegations, if any. Although the reporting person or office may be invited to participate in the hearing, s/he is not the “complainant.” It is the Office of Judicial Affairs that brings forward the allegations on behalf of the College.

Responding Student

In a COS case, the responding student or students are the people alleged to have violated the Dartmouth Community Standards of Conduct. In an OAC case, the responding student is most often the president, captain, or leader serving as the representative of the charged organization.

Undergraduate Dean

If you choose to have someone other than your Undergraduate Dean serve as your advisor, your Undergraduate Dean will still remain apprised of your case and will be present with you when the Committee’s findings and decisions are delivered at your outcome meeting. Your Undergraduate Dean is also the person to consult with if you have questions about your enrollment status, check-in status, graduation eligibility, and your student record.

Witnesses

You are asked to suggest any witnesses whom you believe have information germane to the allegation(s) in your *Statement of Understanding*. The Judicial Affairs Office will contact witnesses deemed to have relevant information once you have suggested them to request a statement. The Judicial Affairs staff may also identify and contact other potential witnesses on behalf of the Committee.

¹ If the allegations involve sexual misconduct, sexual assault, sexual harassment, dating or relationship violence, or stalking (i.e. a Title IX case), you can request an advisor or observer from outside of the Dartmouth community.

Responding to Allegations and Preparing for a Hearing

Completing the Statement of Understanding Form

Your allegation materials include the *Statement of Understanding of Students' Rights in Disciplinary Matters*. This form is important as it presents key decisions you have to make prior to a hearing and outlines your rights in the process.

This section of the guide walks you through the decisions you have to make in completing this form. We encourage you to identify an advisor and/or to work with your Undergraduate Dean or someone in Judicial Affairs to review your rights in this process and the choices that you have to make.

Deciding Whether to Admit or Deny

After receiving your allegation letter, you will generally have five days to respond to the allegation via your *Statement of Understanding* form. For many students, the question of responsibility is simple – either you (or your organization's members in an OAC hearing) are responsible for the behavior and choices described in the allegation or you are not. If the allegation is true, you should accept responsibility. Contrary to what you might have heard from friends, admitting responsibility to an allegation does not result in an automatic suspension.³ If you know that the behavior described is not true or you disagree that it is a violation of College policies, you should deny the allegation. You or your organization are presumed to be not responsible for the behavior in question, so if the form is left blank, the COS or OAC will consider that you are denying the allegation(s).

Students are sometimes unsure about the interpretation of the policy and thus uncomfortable responding to the allegation. In that instance, we encourage you to contact Judicial Affairs and ask to speak to the staff member who authored your letter before responding to the allegation.

In some instances, students may not recall the event in question. Organizational representatives in an OAC case may not have been present during the event in question. In those circumstances, you may choose to admit or deny responsibility based on information that others have shared with you or based on your own belief about what is most likely to have happened. Some students will choose to amend the allegation statement to best reflect their memory. (i.e. "I don't remember hitting a staff member at Dick's House, but I believe that the nurse was honest in his description of what happened, so I do not refute the report that I did so.")

³ The Hard Alcohol Policy does suggest likely outcomes. The Sexual Assault Policy stipulates a sanction of separation if certain conditions are established, but an allegation of that nature is not heard normally by the COS or OAC.

Providing a Written Statement

Statements can be an important opportunity for you to convey your perspective to the Committee or COS/OAC Chair before you meet with them. In addition to conveying your point of view and information that you believe is important to the allegations, statements assist you in organizing your thoughts and memories about the event(s) under investigation. During the hearing you will be asked a number of detailed questions aimed at helping the Committee fully understand your response to the allegations you face. By constructing as detailed an outline as you confidently remember – even if some parts are ultimately not included in your statement – you can help yourself prepare to answer these questions.

Statements are optional if you are meeting with a COS or OAC panel. They are required if you have requested an individual hearing with a Chair.

What follows is advice from advisors and Committee members about what effective statements have included in the past. If you are still deciding whether to provide a statement, consider the following reasons why other students have chosen to provide a written statement.

Effective statements:

- are in your own words and reflect what you believe to be true.
- answer the questions who, what, when, where, how, and why.
- provide an account of what you (or members of your organization if you are responding for your group) observed and did.
- are honest and accept responsibility (if you have any responsibility) for your role.
- reflect on what you have learned.
- describe any actions you may have taken since the incident to try to repair any harm that you may have caused.
- vary in length; longer statements are not better statements.

Reasons Students Give for Providing Statements:

- They had information that cleared another student (i.e. a lab partner) of responsibility.
- They wanted to signal to the Committee that they were cooperating and respected the difficult decision the Committee had to make.
- There was important information missing from the initial report that they thought Judicial Affairs or the Department of Safety & Security (DOSS) could investigate before a hearing.
- They knew of other people who had information about the allegation that wasn't included in the original documents.
- They believed that they had made a mistake or been in the wrong and wanted to fully accept responsibility before a hearing.
- They were nervous about speaking during a hearing and wanted to detail what they remembered in writing.

If your alleged behavior or that of your organization's members violates a state or federal law, you should know that any statements, hearing recordings, S&S reports, etc. may be subject to subpoena

in a criminal or civil case. The College very rarely receives such a subpoena, but if there is a pending criminal case or you are concerned that someone may bring a civil suit against you, you may wish to consult with your family and/or an attorney. Your advisor and the Office of Judicial Affairs cannot offer you legal advice.

Choosing the Type of Hearing

If you admit responsibility for a serious misconduct violation, you have two options: you can request an individual and private meeting with a Hearing Officer (also referred to as Committee Chair or Chair throughout this guide) or request that your case be heard before a panel of COS or OAC members.

If you request an individual hearing, you must provide a statement detailing your actions with your *Statement of Understanding*. A request for an individual hearing with a Committee Chair may be denied if your statement calls facts into question. Resolving questions of fact and determining responsibility are the purview of the COS or OAC if you have denied responsibility for the allegation(s).

If a student or organization denies any of the allegations, the case is referred to a COS or OAC panel. The case will also be referred to a panel if there is more than one charged student or organization and they dispute facts that could inform your individual finding.

Both types of hearings are recorded. You may request access to that recording after the hearing.

Choosing between an Open or Closed Hearing

If you choose to meet with a panel of the COS or OAC, you are asked to indicate your preference for an open or a closed hearing on the *Statement of Understanding*. Hearings are presumed to be open unless you, another responding person, or the Chair requests otherwise. Although open hearings can provide a valuable learning

COS or OAC Panel

- Case is heard by panel of 2 students, 2 faculty members, and 1 administrator (COS)
- Case is heard by panel of three students, two faculty members, and 2 administrators (OAC)
- Majority vote of panel establishes finding and sanction, if applicable
- Preponderance of the Evidence standard is used to determine responsibility
- Led by non-voting Chair
- Committee meets twice per week during the academic term; does not meet over exam periods or interim breaks.
- Organization is represented by student designee in an OAC hearing
- Follows formal procedure outlined in *Student Handbook*
- Likely to take several hours
- Facts may be in dispute
- Witnesses may be asked to appear
- Advisor and/or observer may accompany you to the hearing
- The hearing is typically open to the community (you may request otherwise)

Individual Hearing with Chair

- Responsibility has already been determined by your acceptance of responsibility prior to the hearing
- Scheduled Mondays through Thursdays. Can be scheduled over interim breaks or exam periods. Scheduling flexibility usually results in a quicker resolution than a panel hearing.
- In an OAC case, the organization is represented by student designee
- Proceedings are less formal
- Normally takes one hour
- Facts are not disputed
- Hearing is conducted as a private meeting between you and the Hearing Officer

opportunity for the community, your privacy interests are given priority.

If a hearing is open, any member of the Dartmouth community may attend the hearing as space allows. Reporters in attendance are asked to identify themselves and to not publish any names without the express permission of that individual.

In a hearing with two or more responding students, any one student's request for a closed hearing shall normally take precedence over the request of another for an open hearing. The COS or OAC Chair also has the authority to close a hearing if s/he feels that it is appropriate to protect privacy interests of those involved or the process. Anyone in attendance during a hearing who becomes disruptive may be asked to leave.

In a closed hearing, only you, the Committee, your advisor and/or observer, the Chair, a representative from Judicial Affairs, and other such persons as are specifically authorized to attend by the Chair, may be present. If the case involves another student or student organization, they will also be present as a respondent. In cases in which an honor principle violation is alleged, the faculty member for that course or his/her designee is in attendance. In cases in which another person may have been harmed in some way (i.e. assaulted, stolen from, harassed, etc.), they are invited to participate in the hearing.

In both open and closed hearings, witnesses are normally invited to join the hearing only for the duration of their questioning.

The Role of an Observer

If you have requested a closed hearing with a panel of COS or OAC members, you are invited to bring a current Dartmouth student, faculty, or staff member⁴ with you to the hearing. An observer's only role is to serve as a source of personal support. If you designate an observer, s/he is seated close to you at the hearing and participates only as a silent observer of the proceedings.

If you or your organization is subject to a pending criminal or civil case regarding the conduct in question, you may request (via an e-mail to Judicial Affairs) that an attorney accompany you to the hearing as an observer. S/he has no active role in the proceedings, but can consult with you during breaks. A list of local attorneys is available at Dartmouth's Office of the General Counsel or on their website. When an attorney has been approved as an observer, Judicial Affairs will normally ask that a representative from the College's Office of the General Counsel attend the hearing.

Finally, COS or OAC members may observe a hearing as part of their orientation and training to the Committees. You will be consulted before they join the hearing.

⁴ Federal legislation and guidance open the role of advisor and observer to any person of the student's choosing in cases alleging sexual misconduct, sexual harassment, dating or domestic violence, or stalking.

Witnesses & Additional Information

You are asked on your *Statement of Understanding* to suggest any witnesses who may have information relevant to the allegation. Judicial Affairs staff will contact witnesses who may have relevant information for a statement. To reduce the time needed to contact witnesses, consider notifying Judicial Affairs of witnesses in advance of your deadline to submit your *Statement of Understanding*.

The decision as to what information is presented to the Committee is made by the Chair in consultation with Judicial Affairs. It is important to know that only material that is considered relevant to the allegation or the determination of an outcome is forwarded to the Committee. Commentary on the character of others involved, information about unrelated incidents, “expert testimony,” or opinion pieces about college policies are examples of witness statements that have not been forwarded to the Committee.

We encourage you to consider carefully any contact you may have with potential witnesses. Your contact may be perceived by the prospective witness and/or by the Committee members as unwelcome or inappropriate. Any intimidation or harassment of a prospective witness will likely result in additional conduct allegations. Less egregious, but still of concern, would be communication perceived as an attempt to persuade or coach a witness.

If you have medical concerns related to the allegation, you may submit written information from a medical professional. Judicial Affairs does not have access to your medical records at Dartmouth or elsewhere. In cases involving intoxication, it is not likely that we have information related to your B.A.C. (if we do, it will be included in your allegation packet). If you believe it is important to provide medical information to the Committee or to the Chair, you need to request that your treatment provider send it directly to our attention. Again, the Chair will decide what information is relevant to the hearing.

Working with an Advisor

An advisor can be a valuable partner in preparing for a hearing and during the hearing itself (if you are meeting with a Committee panel). Although an advisor should never write a statement for you, s/he may provide feedback on your written statement and/or your planned opening and closing statements. S/he can review the allegation and hearing packets with you and help you anticipate questions that may be asked. During the hearing, s/he can listen to the questions and responses and

offer feedback during breaks, keep track of points that you had planned to raise, and be a sounding board for any emotions that may arise.

- is a person of your choice
- meets with you prior to the hearing
- answers questions or assists you in seeking answers about the process
- can help you prepare for a hearing
- sits with you at the hearing
- allows you to make your own decisions
- discusses possible outcomes

An Advisor

- provide legal counsel
- make decisions or respond for you
- expect to speak to the COS or OAC on your behalf
- promise an outcome
- be a witness
- promise confidentiality unless they are legally able to do so
- encourage you to lie or avoid responsibility

An advisor should not

Although we see value in the role, it is an optional one. It is entirely your choice to invite someone to assist you in this way or to proceed without an advisor.

If you choose to be advised, your advisor can be any current faculty, staff, or student member of the Dartmouth community.⁵ Students often select an Undergraduate Dean or a former member of the COS as an advisor, as they have the most first-hand experience of a COS or OAC hearing. If you choose an advisor who has not served in this role before, Judicial Affairs staff can introduce them to the role and consult with you both throughout the process.

Ultimately, the COS or OAC wants to hear **your** account of the incident. It can raise unwelcome questions about your credibility if COS/OAC members believe your statement or responses to questions have been scripted or heavily coached by your advisor or someone else.

⁵ Federal legislation and guidance open the role of advisor to any person of the student's choosing in cases alleging sexual misconduct, sexual harassment, dating or domestic violence, or stalking.

The Hearing

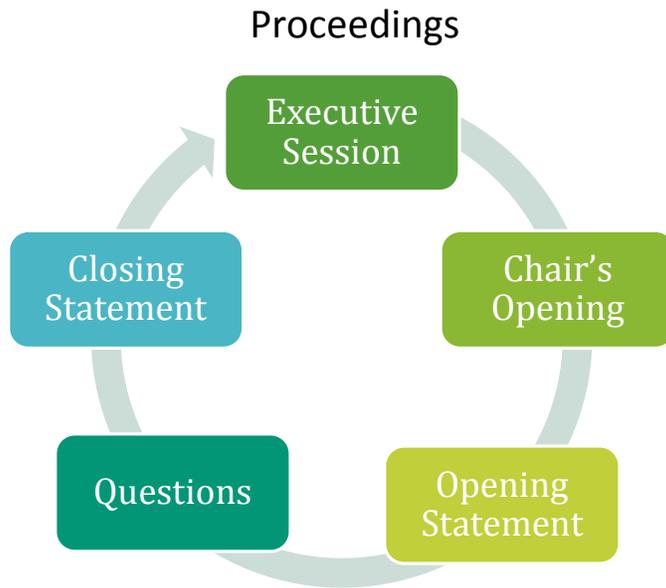
- Hearings usually take place at 5 Rope Ferry Road in Conference Room 205. The room is set up as a traditional conference room with a rectangular table. For most hearings, you will be seated facing the Committee whose members will be identified by nametags. Your advisor



will be seated next to you. Observers and guests (in open hearings) would be seated behind you. Students and advisors who would like to see the room in advance of the hearing may do so by contacting Judicial Affairs.

- You will have access to a private office for the duration of the hearing where you can meet with your advisor. We suggest that you decide, in advance of the hearing, if you would like your observer, family members, or someone else to join you during breaks or to wait elsewhere.
- You will not be able to consult or meet with witnesses or other students involved in the hearing during breaks. The Committee will also not meet privately with witnesses or other students involved; you have the right to hear any information presented during your hearing.
- Please bring a copy of your hearing packet with you. Judicial Affairs can print one for you at your request. Everyone in the hearing room is asked to turn off electronic devices for the duration of the hearing.
- You are expected to participate in the hearing and to be honest with the COS or OAC. Students may request alternate ways to participate in a hearing such as by phone or videoconference. With advance notice, the Judicial Affairs staff can also arrange for sign-language interpretation, alternate media presentation of the written materials, etc.
- While preparing for the hearing, it is important to continue attending classes and focusing on your assignments and exams. Meet with your Undergraduate Dean for academic support -- s/he may assist you in communicating with faculty members, assistance with an academic plan, and referral to other resources. Undergraduate Deans are a helpful resource for academic and personal support.

- For those students who are off-campus, Judicial Affairs will make arrangements for you to participate by phone or by video call. This is not unusual given Dartmouth's D-plan and does not disadvantage you.



All hearings begin with the COS/OAC members meeting in executive session. During that portion of the hearing, the Chair will verify that all members have read the full packet, that no one has a reason to recuse her/himself, and will discuss any procedural issues. During this same time, you will have an opportunity to meet with your advisor. The Chair and/or a member of the Judicial Affairs staff who is assisting the Committee will briefly introduce her/himself and respond to any last minute questions you may have (you will have addressed key questions with your advisor or the Judicial Affairs staff as you prepare for the hearing).

When the Committee has completed the executive session, you will be invited to join them. In the Chair's opening, Committee members will introduce themselves to you, the Chair will review the allegations with you, and everyone will be reminded of the expectation of honesty during the proceeding.

The hearing process begins with an assumption that you or your organization are not responsible for the allegations. The Committee's task is to determine whether that presumption is correct or not based on a preponderance of the evidence.

Sample Hearing Opening

I would like to remind everyone present that the hearing that we are about to have is an administrative one, and because the inquiries and deliberations of the COS are administrative in nature, they are not characterized by those procedures that one would find in a court of law. This administrative hearing, therefore, will be conducted in a manner consistent with normal practice for the Committee on Standards and according to procedures established in the current Dartmouth College Student Handbook.

I would now ask that all of the participants in this hearing identify themselves by name.

(addressing you), have you read the letter dated (date), and do you understand its contents?

You have before you a copy of your Statement of Understanding, which you have completed. Is the information on this form correct?

Before we begin, I would like to remind everyone present that students and witnesses are obligated to be completely honest during the course of this hearing. In particular, a student who makes a false statement to the Committee may be subject to disciplinary action, up to and including separation from the College.

Are there any questions?

Would you like to give an opening statement?

Following the Chair's opening, you have the option to provide an opening statement. Opening statements are not required, and some students choose not to provide one. If you choose to provide a statement, it should not be a recitation of any statement already included in your hearing packet. The COS or OAC members will have read the packet prior to the hearing. Opening statements vary in length depending on the student and the complexity of the case. You may use your opening statement as an opportunity to preview the hearing and provide detail that was not included in the packet. If you are nervous, it is fine to read from a prepared statement. Other students may be more comfortable speaking from an outline. In some hearings (ex. academic honor principle cases, when another person has reported being assaulted by you, etc.), a witness may also be asked if he/she would like to provide an opening statement.

After any opening statements, the COS or OAC members begin asking questions and speaking to you and other witnesses. The Chair decides the order of the questions and timing of the witnesses. The hearing is relatively informal and participants often describe experiencing the hearing as a dialogue with Committee members.

Many students are anxious and/or emotional during the hearing. The Committee understands this and will not be taken aback should this happen (you will also find tissues and water on the table in front of you if that would be helpful).

You may request a break to confer with your advisor, gather your thoughts, or use the restroom (the Chair will call for breaks as needed or roughly every hour). In the hearing room, you may communicate with your advisor by writing notes or speaking quietly. If you or your advisor has concerns about the hearing process, request a break and discuss your concern with the Judicial Affairs representative.

Hearings vary in length depending on the number of witnesses and the complexity of the case. All participants should arrive at the hearing prepared to stay for several hours. Snacks and beverages are provided throughout the meeting. If necessary, meals will be provided to all participants. If you have dietary restrictions, please let staff in Judicial Affairs know.

Once all of the questions have been asked, you will be invited to provide a closing statement. In some hearings, the reporting party or others designated by the Chair may also have the option to provide a closing statement. Your closing remarks are your final opportunity to speak to the Committee before deliberations.

Following the closing statement(s), the responding student(s), the advisor(s), witnesses and the observers are excused. The COS or OAC again meets in a closed executive session. Their deliberations are not recorded. The Committee first considers the question of responsibility. Committee members will discuss the information provided in the packet and at the hearing. They will determine (by majority vote) if there is a preponderance of the evidence to find you or your organization responsible for the allegation(s), one at a time.

If they conclude you are responsible for an allegation(s), the Committee members will be provided information about your conduct history since your matriculation. If this an OAC hearing, the

Committee will be provided information about your organization's conduct history covering recent years (typically 3-4). The Committee will also take into consideration any sanctioning guidelines or requirements (ex. the hard alcohol policy) and any pattern of past findings that would be relevant. Matters are referred to the OAC/COS because the allegation, if true, has been determined serious enough to warrant suspension or, more rarely, expulsion from Dartmouth.

After the Hearing

Some students will choose to debrief with their advisor after the hearing, but that is entirely your choice. Hearings can be stressful and the emotions you feel after a hearing can run the gamut. Students describe feeling calm, a sense of relief, anger, and/or feeling anxious as they await the outcome.

While the COS or OAC is in deliberations, additional support is available to you at your request. There is a Dean-on-call and medical staff and counselors available after work hours. You can reach them by contacting Safety & Security at 603-646-4000.

Outcome Meeting

For individual conduct cases, you and your advisor will typically meet with the Chair (or someone from Judicial Affairs) and your Undergraduate Dean the following day to discuss the outcome. In OAC cases, the outcome meeting is typically scheduled within several days of the hearing.

If suspended, you will need to discuss plans for leaving campus with your Undergraduate Dean. Suspended or separated students are required to leave campus within 48 hours. If you are representing a student organization which is suspended, you will need to meet with staff from your sponsoring department to work through the details of your sanction.

Possible Outcomes

Although no finding as to responsibility has been made at the time you are reading this guide, we advise that any student or student organization appearing before the COS or OAC consider the implications (personal, academic, organizational) of a suspension or separation from the College. In some cases, students may be separated (expelled) and organizations may be permanently derecognized. The Committees are the bodies on campus authorized to impose a suspension or separation; although there are other sanctions available to them, you will want to recognize the possibility of these more serious outcomes.

Judicial Affairs provided a list of resources and offices to you with your allegation materials (and included as an appendix to this booklet). You are encouraged to meet with your Undergraduate Dean and others on the resource list to discuss the implications of a suspension or separation as they relate to:

- financial aid
- housing and tuition payments
- athletic eligibility
- campus jobs or leadership roles
- international student visa status
- academics and study abroad plans
- other personal and family concerns

You will find a full description of the sanctions available to the COS or OAC in the Student Handbook. To summarize:

- The Committees can impose restrictions on student or organizational activities during a period of probation. Examples include loss of driving privileges, loss of athletic or performance privileges, ineligibility for service as an officer in a student organization, restriction of the types of events that may be hosted.
- Any sanction may include a requirement to make restitution for damage caused.
- Any sanction may include counseling or educational requirements.
- If you are suspended, you are expected to leave campus within 48 hours. You are expected to leave Hanover for the duration of your suspension. Any request to return to campus during a period of suspension must be approved by an Undergraduate Dean.
- Organizations who are suspended may lose rights to operate a college-affiliated facility (i.e. if you have a physical house, members may be required to vacate during the period of suspension).
- Suspensions are recorded on an individual student transcript during the period of the suspension only.
- If you are applying to graduate or to professional schools, you will want to read the question about self-reporting your conduct record carefully. Some schools only ask you to report

suspensions or expulsions, but we have seen others asking broader questions that ask you report any conduct action. If you request that Dartmouth certify your academic and conduct record, we will respond to the question as it is asked. If the question does not call for more specific information, our general practice is to only report suspensions or separations from the College.

- Readmission of a student or resumption of organizational activities is not automatic following a period of suspension. You would need to fulfill the readmission/recognition requirements particular to your sanction and meet any applicable deadlines.
- Separation or loss of recognition is a permanent change in your status with the College. Students and student organizations are not eligible for readmission or for future recognition.

In some cases in which a student has been away from campus engaging in intensive medical or psychological treatment, sanctions have been imposed retroactively. For example, if a student has already taken several terms away from the College to pursue medical treatment, it is not uncommon for the COS or hearing officer to impose a sanction that includes that time away.

Students who are found responsible for a violation of the Academic Honor Principle should expect to be suspended. In addition, the faculty member (not the COS) will determine the grade for the assignment and/or the course in question.

Other Options

Medical Leave/Delay

If you have a serious medical condition or need to engage in an intensive recovery program off-campus, you may speak to your Undergraduate Dean to request a medical withdrawal prior to the hearing. If the medical withdrawal is approved by the Dean and a Dick's house physician or counselor, you may also request that your COS hearing be delayed until you are well enough to participate. In most instances, your delayed hearing will be held before you return to campus.

This does not apply to organizational cases. If a student leader is unable to represent the organization, another officer or member should arrange to take her/his place.

Deadlines/Requests to Delay

To request an extension on a deadline or to request that your hearing be delayed, call Judicial Affairs to discuss your request. You will be asked to submit the request in writing, but the phone consultation is helpful. You will need to provide a reason for your request and will be encouraged to propose a date when you will be available. The COS/OAC is not obligated to grant such requests. In some instances such a delay is only approved if you will not be enrolled.

Court/Legal Proceedings

If you have a pending court case, you can request that the hearing be delayed until the related court case has been resolved. Requests are considered on a case-by-case basis, and students and organizations should be prepared for the request to be denied. Hearings will likely proceed if the student plans to be enrolled, if the alleged behavior poses a risk to the community, or if the College has an interest in resolving the case quickly.

Resigning from Dartmouth

In rare circumstances, a responding student may decide to resign from Dartmouth prior to his/her hearing. Resignation is permanent; you will not be readmitted to the College. "Resignation with Case Pending" will be noted in the student's information file.

To resign, a student must contact his/her Undergraduate Dean to complete the appropriate forms and get information about transcript notations. This is a choice that should only be exercised after careful consideration. We encourage you to speak with your advisor, your Undergraduate Dean, and your family before acting.

The equivalent action for a student organization would be a vote, according to the organization's bylaws, to relinquish recognition.

Request for Review

If you or your student organization is found responsible, you have the right to request review of the finding. In cases that involved harm to another student (physical violence, sexual harassment, stalking), the other party also has the right to request review. The Vice Provost for Student Affairs, or her/his designee, reviews the outcome.

Requests for review may be made only on the basis of either or both of the following grounds:

1. procedural error which has materially prejudiced the student's case;
2. newly discovered information which, had it been available at the time of the hearing, would likely have affected the outcome either with regard to a finding of responsibility or with regard to the sanction imposed (if the information was not reasonably available to the student at the time of the proceeding).

If you are planning to request review:

- Notify your Dean and request to remain on campus pending the outcome of the review. If the request is granted, you should attend classes.
- Prepare a letter that addresses one or both of the grounds for review described above; this letter should be submitted to the Office of Judicial Affairs by the deadline noted in your outcome letter.
- If you would like to listen to the recording of your hearing, contact Judicial Affairs to schedule an appointment.

The review officer has sole discretion to determine whether either of these standards for review has been met. The review officer may uphold the original decision, adjust the sanction as they deem appropriate, or refer the matter back to the COS Chair or the COS panel that heard the case for further consideration. Although it would be rare, they can adjust the sanction upwards (i.e. from probation to suspension, a lengthier period of suspension, etc.)

A request for review must be in writing and describe, in reasonable detail, your grounds for review. In the review, you may include any additional materials you wish to be considered (being mindful that if information was reasonably available to you at the time of the hearing, it will not be considered now as "new" information). Your written request, with all accompanying materials you wish to be considered, must be submitted within seven days of the date of your outcome letter (see your letter for the exact date) to the Office of Judicial Affairs. We will forward it with a copy of your case packet and the audio recording of your hearing to the review officer.

In cases of physical violence, stalking, or harassment, the request for review will also be shared with the reporting party who can submit his/her own statement.

Frequently Asked Questions

Will I/we get “credit” for being honest?

Dartmouth’s *Principle of Community* opens by affirming that your life as a Dartmouth student is “based in integrity, responsibility, and consideration.” There is an assumption and expectation that your own character and the respect that you have for your fellow students, your faculty, and other members of this community are strong enough that you will participate honestly and fully in an OAC or COS hearing. In turn, you can expect that Committee members you meet with will accord you respect and an honest exchange.

Any student who knowingly makes a false statement to the Committee may be subject to disciplinary action, up to and including separation from the College. If the hearing officer or Committee determines that you are lying during the hearing, they may consider that as an aggravating factor in their sanction.

What do you mean by “the preponderance of the evidence”?

This refers to the standard of evidence used by Dartmouth in all of our conduct cases. The Committee, through the evidence in the hearing packet and learned through their questioning of you and any witnesses, determines if it is more likely than not that the allegations are true. If you imagine a scale, the Committee weighs the totality of the information available to them and the weightier side directs their finding. If there is insufficient evidence to tip that scale, you will not be found responsible.

May I/we request an extension on a deadline?

If at any time in the hearing process, you believe that you will be unable to meet a deadline or need additional time to prepare, call the Judicial Affairs Office to discuss an extension. You may also e-mail the office detailing the reason for your request, and identifying how long you believe that you need. Extensions are evaluated on a case by case basis and take into consideration the nature of the extenuating circumstance, the effect (if any) on other parties involved in a hearing, and the fairness of the process. Extensions, when granted, are typically only a few days in length.

Can I schedule my/our hearing more quickly?

Some students or organizations would like to resolve a case more quickly. Judicial Affairs staff will work with you to expedite a hearing if there is availability in the schedule. Please call Judicial Affairs if you are requesting an expedited hearing.

Do I/we have to attend the hearing?

You are expected to respond to the allegations by returning your *Statement of Understanding* form and by attending your hearing. Failure to respond to the allegations or to attend the hearing will not prevent a hearing from going forward or a decision from being made, but failure to attend may subject the student or organization to additional disciplinary action.

Do I have to respond to questions?

Although we expect you to attend, the Committee cannot compel you to speak. If you plan to remain silent throughout the hearing, please consult with your advisor. The Committee will proceed with the hearing and reach a finding based on the available evidence without benefit of your contribution. Outcomes in COS and OAC hearings can result in suspension or separation (expulsion) from the College.

May I have a character witness?

The COS/OAC does not meet with character witnesses. If you feel that general information about your character is important for the Committee or Chair to consider, you may request no more than three statements from character witnesses be included in the packet of materials distributed to the COS or OAC. Character witness statements should focus solely on the student who has requested the statement and not include any negative characterizations of other students involved in the case.

Before you devote time to seeking such references, consider that Committee members presume the good character of all Dartmouth students. They do not consider such letters while finding the facts of the case or determining your responsibility. If you are found responsible, the sanction will be informed by your behavior in this instance.

Do I/we need a lawyer?

This is a question best considered with your family. It is rare for a student to retain an attorney, but some students choose to do so – usually when they also are responding to criminal charges or believe that a civil suit may be brought against them. The Office of Judicial Affairs, your Undergraduate Dean, and most advisors you might work with are not qualified to offer you legal advice.

Please contact Judicial Affairs if you would like a list of local attorneys (also available on our website). Many local lawyers are willing to listen briefly to your situation and advise you if their services would be helpful. If you do retain counsel, and they are not familiar with our conduct process, they may wish to contact Dartmouth's Office of the General Counsel with questions.

May my attorney attend the outcome meeting?

Dartmouth's conduct hearings are not legal proceedings. The outcome meeting is a private meeting between you, your Dean, your advisor, and the Hearing Chair. Your attorney is welcome to wait for you outside of the meeting.⁶ If s/he has questions after the outcome meeting, Dartmouth's Office of the General Counsel will designate someone to meet with her/him.

⁶ Federal legislation and guidance open the role of advisor to any person of the student's choosing in cases alleging sexual misconduct, sexual harassment, dating or domestic violence, or stalking. Your advisor may accompany you to any meeting of your choosing in such a case.

Will the hearing be accessible to me (my advisor, my observer, or a parent)?

We field a variety of questions about the accessibility of our hearings and encourage you to contact our office to discuss your needs. Requests may be made at any time, but please know that some accommodations may take several weeks to coordinate. The hearing room is accessible via the elevator through Dick's House (5 Rope Ferry) or via a ramp through Geisel (3 Rope Ferry). The design of the building includes fire doors between the buildings themselves – some of which do not have push button openers, but many which we can latch open. We can coordinate sign-language interpretation services and provide all written materials in alternate forms with advance notice. Please let us know if you have any dietary restrictions; hearings sometimes will run through a meal hour and we make snacks available for you during breaks.

What should I wear?

Students most often choose to wear a button down shirt or blouse and slacks or a skirt. If you do not own a suit, there is no need to buy or borrow one. Although we have a portable air conditioner in the room during the summer months for your comfort, the heating system in our building cannot be adjusted in individual rooms. You may want to bring a sweater or light jacket in case you get cold.

Feedback Welcome

This guide benefits from the input of COS/OAC members, past and current advisors, and students who have been called to meet with the COS/OAC. We would appreciate any feedback that you have about the guide – what was helpful, were any sections confusing, what should be added. You can reach our office by e-mail at Judicial.Affairs@Dartmouth.edu, by phone at 603-646-3482, or by dropping by our office at Room 204, 5 Rope Ferry Road.