



*Handbook for Students  
Involved in Assault Cases:  
A Guide to the Committee on  
Standards Process*

This manual was written to assist students who are victims of assault as they prepare for a college disciplinary hearing. It is not intended to be an exhaustive guide, but rather it is intended to introduce victims to the Committee on Standards process, to answer commonly asked questions, and to suggest resources and options available to victims.

For questions about this manual or the disciplinary process, contact:

Undergraduate Judicial Affairs Office (UJAO)  
5 Rope Ferry Road, Room 306  
(603) 646-3482  
[Undergraduate.Judicial.Affairs@Dartmouth.EDU](mailto:Undergraduate.Judicial.Affairs@Dartmouth.EDU)

Created January 2011

This manual is subject to change and the most current version can be found at: [www.dartmouth.edu/~uja/](http://www.dartmouth.edu/~uja/)

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*“The most helpful thing my advisor 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*

Dear Student,

Thank you for your interest in working with the College's disciplinary process. We hope to offer you as much support as we can during the process. There are many resources available both through the College and in the local community for victims of assault which are noted in this manual. Please make use of any and all resources that may be helpful to you.

This manual is designed to assist you with understanding both the way in which the disciplinary process works at Dartmouth and your options at each step of the process. We hope that it answers many of the questions you may have at this time and that it also provides you with information about support options and other avenues of pursuing your complaint both within the College and through the legal system.

You are entitled to have an advisor to help you navigate the process. Advisors play a vital role in assisting you to view the overall process from an informed perspective. Specifically, advisors help prioritize, make responsible decisions, and understand the College's disciplinary process. You should choose an advisor who you believe can help you through the process and also provide adequate support to you.

At Dartmouth, our disciplinary system is designed to support student and community learning and development through accountability. Our community should be a safe place for learning. Students who do not live up to these community standards, as outlined in the Student Handbook, are held accountable for their actions. In addition, the disciplinary system supports the growth of each individual by providing an opportunity to take responsibility for mistakes and to move forward. It also offers victims options for participation in this important process.

I hope that you find this resource helpful as you make important decisions about your Dartmouth experience. Please contact one of the many support resources and advisors if you would like to talk about next steps.

Sincerely,



Sylvia Spears  
Acting Dean of the College

There are a variety of support organizations on campus and in the area for victims of assault. These include:

- The Sexual Abuse Awareness Program:
  - o Kristin Baxivanos and Jessica DeSiato interim Sexual Abuse Awareness Program Coordinators.
  - o Blitz: SAAP or Kristin.Baxivanos@dartmouth.edu or Jessica.DeSiato@dartmouth.edu

Phone: (603) 646-9427

- Sexual Abuse Peer Advisors (Blitz SAPA)
- Mentors Against Violence (Blitz MAV)
- Women's Health Program at Dick's House (603) 646-9401
- Counseling and Human Development (located on the second floor of Dick's house)
- Office of Deans of Undergraduate Students (111 Parkhurst Hall)

In the area there are other support programs such as:

- WISE (1-866-348-9473) <http://www.wiseoftheuppervalley.org/>.
- DartHeart, Inc. <http://www.dartheart.org/>.

A list of attorneys can be found at: [www.dartmouth.edu/~uja/resources/attorneys.html/](http://www.dartmouth.edu/~uja/resources/attorneys.html/).

## Reporting an Incident

After an assault has occurred, the victim of the assault has a variety of options for filing a complaint and for seeking help and support.

1. Students may file complaints with the Hanover Police Department (HPD); HPD is also a resource for students who want to discuss criminal implications without filing a formal complaint.
2. Students may file written or verbal complaints with the College through the Department of Safety and Security (DOSS), and/or the Undergraduate Judicial Affairs Office (UJAO). DOSS can be contacted if students would like to have photographs taken to document injuries. In order for the victim to make a formal complaint he or she must submit a written statement to UJAO or provide a verbal account of the incident with an investigator within the Department of Safety and Security. One's written statement may be as simple as a brief written summary of the incident or a more involved written statement of the events. Complaints filed with Safety and Security or UJAO will not be reported to the Hanover Police unless the victim requests such reporting or unless the victim is under the age of eighteen in which case the College is required by law to report the assault.<sup>1</sup>
3. Students can make informal or anonymous complaints with the Sexual Abuse Awareness Program (SAAP), Undergraduate Judicial Affairs, or an Undergraduate Dean. The College cannot take disciplinary action based on these types of reports, but staff can work with victims to discuss possible informal educational interventions. Victims may also speak to the UJAO or Deans through the use of hypothetical statements or other means of asking questions about the process without filing a formal charge.

In cases involving sexual assault victims may be eligible to have a rape kit done at Dartmouth Hitchcock Medical Center (DHMC.) Students also have the ability to meet with medical professionals, including counselors at Dick's House. More information about these and other options can be found at <http://www.dartmouth.edu/~healthed/focus/saap/index.html/>.

In certain circumstances the victim may wish to request a "no contact" order that would prohibit the accused student from making contact with them. Safety and Security, the Undergraduate Deans, or UJAO can assist a student in obtaining a College "no contact" order. Please note, that with a College "no contact" order, all students involved in the "no contact" order will receive a copy of the letter providing them with a directive to not contact the other parties at any time.

Victims can work with the Hanover Police Department to obtain a court ordered restraining order.

In certain circumstances the College may initiate a campus safety notification informing the campus community of an ongoing threat.

## Advisors

Students involved in the COS process are entitled to have an advisor present during the COS hearing. In cases involving assault, the alleged victim is also entitled to have an advisor present during the COS hearing. It is helpful for all students involved in the process to identify an advisor and work closely with him/her throughout the process. A student is able to select an advisor at any time during the COS process.

The Student Handbook states as follows:

*"The student is entitled to have a single Advisor present at his or her hearing and must identify his or her Advisor to the UJAO in writing. Only currently enrolled Dartmouth students, members of the Dartmouth faculty, and members of the Dartmouth administration may serve as Advisors. 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. Advisors are permitted to address the COS only at the discretion of the Chair. 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 class deans or other staff familiar with the disciplinary system*

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<sup>1</sup> The College is required to report, in its Clery report any sexual assault cases of which it becomes aware. This report does not include identifying information but is simply a report of statistics. Where the victim is under the age of eighteen the College is required to report any allegations to law enforcement because it is considered to fall under the child abuse reporting laws.

*serve as their advisors. (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 a class dean or staff from the Judicial Affairs Office to discuss procedural issues. Because students are responsible themselves for responding truthfully to allegations and questions at a hearing, students should not expect advisors to 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."*

*-Dartmouth College 2010-2011 Student Handbook*

#### Advisors...

- are chosen by the student
- are neutral
- are current Dartmouth students, faculty or staff members
- listen to the student's perspective
- advise that the student be honest during the process
- meet with the student several times before a hearing
- provide information about the disciplinary process
- prepare students for hearings
- attend the COS hearing with the student
- assist the student in understanding the disciplinary process
- help the student answer questions about the hearing
- allow the student to make his/her own decisions
- prepare the student for possible outcomes
- assist the student in understanding and responding to the outcome
- work closely with undergraduate deans and judicial affairs staff to understand the disciplinary process

#### Advisors do NOT...

- provide legal counsel for the student
- serve as an advocate for the student
- make decisions for the student
- speak to the COS or hearing officer during a hearing
- predict specific outcomes
- serve as witnesses
- serve as counselors
- encourage lying or avoiding responsibility

### **Investigations**

An investigation is generally conducted to provide the COS or Dean with the most accurate information available. The College and/or the Hanover Police will conduct an investigation depending on where the victim filed his or her complaint. If the complaint is made with the Hanover Police Department, the College may wait for HPD to conclude its investigation before it begins its own. Investigations usually begin by asking the accused student for a statement. This means that the College will share information with the accused student including date, time, location, victim's name, and the behavior in question. The investigation may involve requesting additional statements from the victim and any witnesses, taking photos of individuals and/or the locations involved, and communicating with the accused student. Witnesses are asked to provide statements and witnesses are usually provided information about their role as witnesses in the College disciplinary process.

Once the investigation is completed, the results of the investigation are compiled by the Undergraduate Judicial Affairs Office who will then make a determination about whether or not to charge the accused student with any Standard of Conduct allegations.

### **Statements**

During an investigation, involved students and witnesses are asked to provide written statements detailing their account of the event. Students may submit a statement at any point in the process prior to the final deadline date that will be assigned. Statements are an important opportunity for the students to convey their perspectives to the Committee or Dean. Victims should work with their advisors when writing a statement and the advisors can answer questions about how to describe their case. However, one's statement must be written entirely independently from others.

A statement should:

- \*Be an honest recollection of the incident in question and provide as much detail as the student believes is relevant.
- \*Be in one's own words and it should not be overly influenced by another person.
- \*While advisors often review and make suggestions about statements with students, advisors should not dictate what should or should not be included in the statement.
- \*These statements are voluntary and a student should note that they are not obligated to provide a statement at any time in the process.

Good statements...

- Answer the questions who, what, when, where, how and why
- Provide an account of what the student saw and did
- Are honest
- Detail any actions the student has taken since the incident

On pages 8 & 9 below you will see information on who will have access to students' submitted statements.

*"Advisors 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."*  
~advisor

Reasons for a victim to provide a statement:

- May provide information that is needed to substantiate the allegation
- Notify the College of the facts at the beginning of the process
- Expedite the investigation process by providing complete information
- Identify others who have information useful in determining responsibility or intent

Reasons not to provide a statement

- Statements as well as other written documents, including email, are subject to court subpoena in criminal or civil cases
- Statements may implicate others (\*see below)
- Students may provide a statement or additional information at any point in the process up to the final deadline, so there is no rush to provide a statement immediately

\*In assault cases, the College does not impose discipline for minor alcohol incidents discovered during the process

### **Allegations of Misconduct**

After gathering the information, the Director of Undergraduate Judicial Affairs, in consultation with others as needed, will determine if there is sufficient evidence to warrant a disciplinary allegation. The decision regarding the allegation level is based on the information available at the time of review and how similar cases have been handled in the past. If an allegation is considered serious enough to warrant a possible suspension or separation from the College, the accused student will receive a letter from the UJAO specifying the allegation, providing the information gathered during the investigation and describing the potential outcomes. For most cases that involve assault, a letter is sent to the parents of the accused student informing them of the pending case. Traditionally, allegations of assault are handled at the serious misconduct/COS level. The UJAO office will notify the accusing student once a decision has been made regarding their allegation.

*"The UJAO shall be responsible for receiving all complaints and drafting whatever allegations may be issued. Any student, faculty member, or employee may file a complaint regarding an undergraduate with the UJAO. In addition, the UJAO Director may initiate an allegation on the basis of information coming to his/her attention from any source. The UJAO shall determine whether complaints or other information concerning a student shall result in formal disciplinary allegations. The UJAO shall coordinate the investigation and disposition of complaints and shall call upon other members of the College community for assistance as necessary."*

*The Dean of the College or his/her designee has sole discretion to take immediate action to preserve and protect the safety and/or welfare of specific individuals on campus and/or the College community as a whole during an investigation and pending a hearing in a disciplinary case. This action includes (but is not limited to) restricting access to specific areas of campus or to specific individuals, requiring a medical assessment, removing a student from Dartmouth housing, or any other action deemed appropriate under the circumstances."*  
~Dartmouth College Student Handbook

The allegation materials that the accused student receives will include a letter outlining the specific College policy involved and the supporting documentation (reports from Safety and Security, witness statements, statement from the victim, etc.) Students will also receive an advising manual, a list of resources, and an overview of sanctioning considerations in cases from the past several years (See examples at <http://www.dartmouth.edu/~uja/conduct/index.html>).

In cases involving allegations of assault, the alleged victim will receive a copy of the materials in the form of a final case packet and may review the material with his or her advisor. While reviewing the allegation materials, students and advisors should make notes of questions that may arise. If there is information the student would like to challenge in the Safety and Security report or in witness statements, he/she may submit additional materials to clarify his/her perspective. Students may also request that additional witnesses be contacted or that additional information be gathered.

### **Items Included in the Packet**

As noted above, the allegation packet includes several items. The first item is the Allegation Letter which sets forth the general allegation against the accused student, the date on which it was alleged to have occurred, and the Standard of Conduct the alleged behavior violated. The letter also sets forth what investigation materials are included such as Safety and Security reports, witness statements, and any other items. It will also tell the accused student to complete several forms, discussed below, and when the forms need to be returned to the Undergraduate Judicial Affairs office. Accused students are warned not to have contact with witnesses or the victim about the case.

#### *Sample text from Allegation Letter*

*The information being provided to you includes the names and other personally identifiable information about other Dartmouth students. This information is being provided to you on a need-to-know basis in order to assist you in responding to the allegation against you. Consistent with federal law, you may not re-disclose this information to anyone without a legitimate need to know. For this reason, you should not provide this information to anyone not directly involved in this proceeding, and you should advise anyone to whom you disclose this information of their obligation not to re-disclose it.*

***It is extremely important that neither you, nor any one acting on your behalf have any contact with any witness or complainant concerning the subject matter of this case. You should understand that there is a significant risk that any such contact may be perceived as harassing or threatening.***

### **Forms**

In the allegation materials, accused students will find three forms that must be returned to the Undergraduate Judicial Affairs Office, by the deadline on the top of the form.

In Part I, the allegation is defined and the accused student has an option to admit or deny responsibility for the allegation. In Part II, the student will request the type of hearing and any observers to be present. In Part III, the student will identify an advisor and any witnesses he/she suggests be contacted.

If a student cannot complete the forms by the deadline, he/she may email the Undergraduate Judicial Affairs Office requesting an extension, detailing the reason for the request, and identifying how long he/she will need to complete the forms. Reasonable extensions have been granted when either student involved needs additional time to consult with resources, when there is a documented illness, and when the students have other extenuating circumstances.

**SAMPLE PART I**

**STATEMENT OF UNDERSTANDING OF STUDENTS' RIGHTS IN  
DISCIPLINARY MATTERS – CONDUCT**

**PART I  
NAME 'XX**

*This form must be completed and returned to the Undergraduate Judicial Affairs Office at 5 Rope Ferry Road, Room 306 no later than **noon on DAY, DATE.***

*I understand that my rights in College disciplinary proceedings are set forth in the green pages of the current Dartmouth College Student Handbook.*

*I have received a letter from the Undergraduate Judicial Affairs Officer, dated DAY, DATE, setting forth the allegations against me and providing me with copies of currently available materials pertaining to the incident in question.*

*I admit \_\_\_\_\_ deny \_\_\_\_\_ that I violated the Dartmouth Standard of Conduct X by \_\_\_\_\_ on or about DAY, DATE.*

*I admit \_\_\_\_\_ deny \_\_\_\_\_ that I violated the Dartmouth Standard of Conduct X by \_\_\_\_\_ on or about DAY, DATE.*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Witness*

**Part I -- Admit/Deny**

Accused students generally have five days to respond to the allegation but in assault cases there are often extensions for consultation.

The COS expects accused students to complete the admit/deny form according to the student's own values and beliefs. Advisors encourage students to be honest, but an advisor does not tell a student how to complete the form. The accused student is presumed to be not responsible for the allegation, so if the form is left blank, the COS will consider that a "deny" response.

For many accused students the question of responsibility is simple, either they are responsible for the allegation or not. If a student believes he/she is responsible, he/she should admit responsibility for the violation. If a student does not believe that he/she engaged in the behavior listed in the allegation, or he/she does not believe that the behavior constitutes a violation, he/she should deny responsibility for the violation.

In some cases, accused students are unsure about the behavior or the interpretation of the policy. This student may choose to admit or deny responsibility with a footnote. The student may place an asterisk by the "admit or deny" blank and provide an explanation.

Admitting responsibility does not automatically result in suspension. It is one decision in a larger process.

**SAMPLE PART II**

**STATEMENT OF UNDERSTANDING OF STUDENTS' RIGHTS IN  
DISCIPLINARY MATTERS -- CONDUCT  
PART II**

*This form must be completed and returned  
no later than **noon on DAY, DATE.***

**A. Type of Hearing**

*The Undergraduate Judicial Affairs Officer has informed me that the seriousness of my offense (if I am found responsible) merits a likely penalty greater than College Probation and that my case will therefore be referred to the Committee on Standards for adjudication and imposition of a penalty. I recognize that, if I have admitted to the allegations listed on Part I, I may provide a statement and request to have a dean hear my case and impose the penalty. If my request is granted, I understand that the Dean's decision on a penalty shall be final except for my right to request a review in accordance with the procedures set forth in the current Dartmouth College Student Handbook.*

***I request to be heard and have the penalty imposed by the  
COS \_\_\_\_\_ or dean \_\_\_\_\_ (dean's option only available if student admits responsibility and provides a written statement).***

**B. Attendees (COS Hearings Only)**

*I understand that my case will be heard by the COS and that the hearing will be open in accordance with COS procedures unless I request that it be closed.*

***I do \_\_\_\_\_ do not \_\_\_\_\_ request a closed hearing.***

**C. Observer (COS Hearings Only)**

***I request that \_\_\_\_\_ attend the hearing as an observer..***

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness to signature

**Part II, Section A -- Type of Hearing**

If an accused student admits responsibility for a serious misconduct violation, he/she can have a hearing before the COS or request a one-on-one hearing with a dean. If a student requests a one-on-one hearing, he/she must provide a statement detailing his/her actions. The dean hearing the case has the option to deny the request for the one-on-one if there are sufficient facts called into question or if the dean feels that a committee should hear the case.

**One-on-one Dean's Hearing\***

- Accused student admits responsibility before the hearing
- Facts are not usually disputed
- Senior administrator designated as hearing chair makes decisions about outcome
- Scheduled according to availability of student and dean (usually quicker than the COS)
- Typically a one-hour meeting
- Less formal than a COS hearing
- NO findings of "not responsible"
- No advisors, observers, witnesses present; usually no attorneys present
- Students must provide a statement prior to the decision to grant a one-on-one hearing

If an accused student denies the allegation, the case will usually be forwarded to the COS.

\*These are very rare in assault cases

## **COS Hearing**

- Panel of five Dartmouth community members (2 faculty, 2 students, 1 administrator)
- Requires a majority vote for finding of responsibility
- Student, faculty and staff representation on the COS
- Victim of assault may be present during the COS process
- Advisors may accompany students to the hearing
- Witnesses may be asked to appear at the hearing
- May issue a finding of “not responsible”
- Responsibility is determined by a preponderance of the evidence

### **Part II, Section B -- Open Hearing or Closed Hearing**

In Part II of the Statement of Understanding of Rights, a student identifies his/her preference for an open or closed hearing. If no preference is listed, the hearing will be open to the Dartmouth community. Any current student, faculty or staff member can attend an open hearing, including student reporters. The Chair may limit the number of observers permitted to be present. Open hearings provide a valuable learning opportunity for the Dartmouth community, but the accused student should balance this with his/her own concerns about personal privacy. The COS Chair has the authority to close a hearing if he/she feels that it is appropriate to protect privacy or the process. In a hearing of two or more accused students, any one student’s request for a closed hearing shall take precedence over the request of another for an open hearing.

In a closed hearing, only the Committee, the witnesses, the accused student, the advisors, and other such persons as are specifically authorized to attend by the Chair, may be present. In a closed hearing, students can request that an observer attend the hearing to provide support. Any observer is required to adhere to the observer expectations listed in the Student Handbook.

The victim in an assault case has the right to attend and to participate in the hearing. The victim may appear in person, either with or without a screen to separate him or her from the view of the other attendees, by phone, or by videoconference. The victim may request a closed hearing.

### **Part II – Observers**

Both the accused student and the victim may request that an observer be present during the hearing to provide additional support. The observer must be any current student, faculty, or staff member who is not involved in the hearing as a witness. Students who have potential criminal charges arising out of the same conduct may request an attorney be present as their observer. In addition, COS members, or others designated by the Chair may observe a hearing as part of orientation and training.

Observers may not confer with the student or the student’s advisor while the hearing is in session, and will be subject to the same confidentiality expectations applicable to others in attendance. If the student participant wishes, observers may confer with the student during breaks in the hearing. The Chair may remove any observer who distracts from or disrupts the hearing process.

### SAMPLE PART III

#### STATEMENT OF UNDERSTANDING OF STUDENTS' RIGHTS IN DISCIPLINARY MATTERS -- CONDUCT PART III

*This form must be completed and returned to the Undergraduate Judicial Affairs Office in 5 Rope Ferry Road, Room 306 no later than **noon on DAY, DATE.***

*I am aware that I am entitled to have a single advisor present at my disciplinary hearing, and that this advisor must be a currently enrolled Dartmouth student, a member of the faculty or a member of the College administration.*

*I do \_\_\_\_\_ do not \_\_\_\_\_ wish to have an advisor.*

*My advisor will be \_\_\_\_\_.*

*Please indicate below whom you wish to request as a witness and to what each witness will testify. In addition, you may also attach any printed material you wish to introduce to the members of the Committee. The deadline for the submission of printed materials shall be set forth in a scheduling letter.*

Witnesses - Name, class    Subject matter

### Part III – Identifying an Advisor

In Part III of the Statement of Understanding of Rights, an accused student may identify an advisor. Students are not obligated to identify an advisor. The advisor may not be a witness in the hearing or a character witness (see witnesses below). If the student changes his/her advisor prior to the hearing he/she must notify Undergraduate Judicial Affairs Office noting the change.

### Part III –Witnesses

In Part III, an accused student may also identify any witnesses he/she requests. The victim of assault cases will also be provided an opportunity to identify any witnesses he/she requests. The Undergraduate Judicial Affairs Office will contact the witnesses identified and ask each of them for a statement, if appropriate. Accused students and victims should be cautious about contacting potential witnesses directly. It is important that the actions of the students in communicating with witnesses do not risk being perceived as intimidating, harassing, or attempting to persuade a witness.

The COS Chair determines what statements and materials are forwarded to the Committee for consideration. The COS will only consider material that is relevant to the allegation or the determination of an outcome and is not redundant.

The COS or Chair uses the witness statements and the Safety and Security reports to determine if a witness will be needed at the hearing. At the discretion of the Chair, witnesses may appear in person, by telephone, or by videoconference. Witnesses may speak to the COS briefly or participate in the entire hearing depending on the situation and at the discretion of the Chair. If the student has specific questions for a witness, he/she may suggest the questions to the Chair during the hearing. Students may also submit specific questions to the Undergraduate Judicial Affairs Office by the deadline listed in their scheduling letter.

Some students request an opportunity to include witnesses to the student's character. These references are not usually relevant to the hearing because the COS focuses on the facts of the case and presumes the good character of all Dartmouth students. If a student feels that a character statement is important, he/she may submit no more than three statements from character witnesses to be included in the packet of materials distributed to the COS. The Chair determines what materials will be distributed to the COS. 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.

If a student has medical or personal concerns related to the allegation and they have spoken to a professional, the student may submit written information from these professionals. The Chair will decide what information is relevant to the hearing. Medical professionals are not normally participants in the hearing.

## Understanding Possible Outcomes

In addition to educational and/or counseling expectations, the COS typically issues from among the following sanctions:

### **Warning**

Hearing officers issue warnings for students to exercise better judgment. A Warning is recorded in the student's file in the Dean of the College Office, but it is not reflected in the student's transcript and is an internal sanction only. Students who have received a Warning do not have to report this as disciplinary action to outside agencies. Warnings in a student's file may be considered in any future disciplinary proceedings.

### **Reprimand**

Reprimands are issued for minor misconduct. A reprimand is recorded in the student's file in the Dean of the College Office but is not reflected in the student's transcript. Like warnings, reprimands are recorded for internal purposes only and are not considered part of a student's permanent disciplinary record. Reprimands in a student's file may be considered in any future disciplinary proceedings.

### **College Probation**

Probation is imposed for repeated minor misconduct, incidents that involve multiple violations or serious violations that do not warrant suspension. College Probation may be imposed either with or without restrictions for a period up to the duration of the student's undergraduate career. Notification of probation will normally be sent to parents. Like warnings and reprimands, probation is recorded for internal purposes only and is not considered part of a student's permanent disciplinary record. Probation may be considered in any future disciplinary proceedings. Students on probation at the time of another incident will likely face suspension-level charges.

College Probation may include, but is not limited to, making restitution for damage caused, prohibiting a student from owning, operating, or maintaining a motor vehicle on campus, preventing participation in intercollegiate athletics or performances of College-associated organizations, or making a student ineligible for service as an officer in student organizations or on College committees, among other possible and appropriate actions.

### **Suspension**

A student may be suspended for misconduct found to be sufficiently serious to warrant removal from the College community for a specified number of terms. Notification of allegations at this level normally will be sent to parents. Students suspended from the College must leave campus within 48 hours. Students who are suspended are not allowed to come back to campus unless they have completed all of the requirements of the sanction and they receive permission from their class dean.

The Dean or the COS may impose requirements in connection with suspension, such as participation in a medical assessment and any recommended treatment, paying restitution for damages caused, or restrictions on campus housing.

Suspended students may not participate in College academic or extracurricular activities; may not remain in College or coed, fraternity, sorority housing; and may not progress toward completion of their Dartmouth degrees by taking courses at other institutions while under suspension. Access to BlitzMail will be terminated during the term(s) of suspension.

Suspension is recorded in the student's file in the Dean of the College Office and on the student's transcript, for the period of suspension. Students who have been suspended must answer any question as to whether they have been subject to disciplinary action at Dartmouth in the affirmative, as student requests to the Dean's Office for verification of their records in connection with law school, medical school, graduate school, employment, and other applications will include reports of suspensions imposed. Suspensions will be considered in any proceedings resulting from further violations of the Standards of Conduct.

Readmission following suspension is not automatic and must be by application to the Undergraduate Deans Office. At the conclusion of the term(s) of suspension and completion of any conditions of the sanction, a student who chooses not to apply for readmission can request a change in College status from suspended to withdrawn by contacting his/her class dean.

### **Separation**

Separation is permanent removal from the College community. A student will be separated only for extremely serious misconduct or for serious misconduct subsequent to suspension. Separated students will not normally be eligible for readmission. The student must leave campus housing within 48 hours of notification of separation. Separation is recorded in the student's file in the Dean of the College Office and on the student's transcript. Notice of the separation will normally be sent to the parents. Access to BlitzMail will be terminated immediately.

**Special Action**

The dean or COS may take other action appropriate to particular circumstances not covered in the preceding list. Some examples of these actions include removal from housing, prohibition on attending athletic events, limiting access to particular areas of campus, or other actions deemed appropriate by the dean or by the COS. Any College sanction can include educational and/or counseling requirements that the dean or the COS feels are appropriate to the situation.

Sanctions usually begin immediately and students who are suspended or separated need to be prepared to leave campus within 48 hours of receiving their sanctions, unless there is an appeal pending. In some cases in which a student has been away from campus engaging in intensive medical or psychological treatment, sanctions have been imposed retroactively.

Victims, accused students and their advisors are provided sanctioning guidelines that will be shared with the COS. These should provide information about the range of sanctions that have been imposed for similar violations.

**Other Options****Medical Leave/Delay**

An accused student who has a serious medical condition or who needs to engage in intensive recovery programs off-campus may speak to his/her class 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, the accused student may also request that the COS hearing be delayed until the treatment program has been completed.

**Deadlines**

To request a deadline extension or a scheduling delay, either student involved may send an email or written request to the Undergraduate Judicial Affairs Office providing the reason for the request and a suggested new deadline or hearing date. Requests are considered on a case-by-case basis and students should be prepared for the request to be denied. Hearings likely will proceed if the student plans to be enrolled, if the student poses a risk to the community, or if the College has an interest in resolving the case quickly.

**Court/Legal Implications**

If an accused student has a pending court case, he/she 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 should be prepared for the request to be denied. Hearings likely will proceed if the student plans to be enrolled, if the student poses a risk to the community, or if the College has an interest in resolving the case quickly.

**Resigning from Dartmouth**

In rare circumstances, an accused student may decide to resign from Dartmouth prior to his/her hearing. To resign, a student must contact his/her undergraduate dean to complete the appropriate forms and get information about transcript notations. Resignation is permanent and students should not expect to be readmitted to the College. Advisors should speak to the undergraduate dean as soon as possible if the student is considering this option.

## Preparing for a COS Hearing

Once a formal allegation has been submitted and the accused student has been charged with an allegation, the victim's advisor will focus on preparing the student for the hearing. Advisors may reduce a student's anxiety by discussing a schedule, explaining the hearing process, visiting the hearing room, and anticipating questions.

*"The COS normally hears cases twice a week during the ten weeks of an academic term, and does not meet during reading, exam or break periods. Cases are scheduled for a hearing as soon as possible after the information gathering process is complete, unless the Chair grants a student's reasonable request for a delay. In cases where two or more students are allegedly responsible for the same or related incidents, the Chair shall have the authority to direct that the students be heard individually, as a group, or in sub-groups, as he or she shall decide. All decisions of the Chair regarding scheduling shall be final.*

*~ Dartmouth College Student Handbook*

## Hearing Process

1. Executive session
2. Introductions and Chair opening
3. Opening statement from accused student(s)
4. Opening statement from the victim
5. Questions, witnesses and dialogue
6. Closing statements
7. Executive session and deliberations

Hearings usually take place in Campus North Conference room, 5 Rope Ferry Road, Room 312. Students and advisors who would like to see the room in advance of the hearing may contact the Undergraduate Judicial Affairs Office to schedule an appointment.

Accused students are expected to participate in their hearing and all students are expected to be honest with the COS. Students may request alternate ways to participate in a hearing. Requests are usually granted when the student is away from campus and would like to appear at the hearing by phone or videoconference. Students who chose not to participate in their hearing will not have the opportunity to speak to the Dean or COS about the allegation. Victims are encouraged to participate during the COS process but are not required to attend. Victims may also avail themselves of the options of participating by phone, by videoconference, or participating from behind a screen.

Throughout the advising process, the victim should identify key points that he/she wants the COS to know. The victim's advisor is encouraged to keep a list of these points and to bring the list to the hearing. As the student discusses these points, the advisor 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 his/her closing statement.

While preparing for the hearing, the student will be expected to participate in classes and maintain his/her grades. The student should meet with his/her undergraduate dean for academic support that may include communication with faculty members, assistance with an academic plan, and referral to counseling for stress management. Undergraduate deans are a helpful resource for academic and personal support. Additional resources can be found at the opening of this manual.

## Confirming the Hearing

Five to seven days before a hearing, the accused student and victim will receive a notification confirming the final deadline for materials and the hearing location, date and time.

## Days before the Hearing

In the 2-4 days before a hearing, there will be increased anxiety from the accused student, victim, and witnesses, additional information provided, and there will likely be additional questions. A student may want to schedule a time to meet with his/her advisor more than once to go over all of the questions.

Prior to the hearing, all of the allegation materials are compiled into a case packet and paginated. The Undergraduate Judicial Affairs Office prepares the packets, sanctioning considerations, and summaries for the COS. Packets are distributed to COS members, accused students, victim, witnesses designated by the Chair, and advisors in preparation for the hearing. The materials provided to the COS are identical to the materials provided to the students in the numbered packet. It is important that students submit statements and other materials by the deadline so the COS will have adequate time to consider the complete packet.

The names of the students, faculty, staff and chair scheduled to serve on the COS will be provided to the accused student and victim and the advisor prior to the hearing. Students may not contact the COS members. The Undergraduate Judicial Affairs Office will contact the Committee members to confirm that each member will serve objectively. If the accused student or the victim has reason to believe that any COS member or the chair will not be objective, he/she should provide the Undergraduate Judicial Affairs Office a written request (email requests are acceptable) to replace the member and the reason for the request. Normally, the request must be submitted 48 hours prior to the hearing. Many names will be familiar to the accused student or victim and simply knowing a person is not usually enough of a reason to replace a COS member. If the accused student or victim has specific reason to believe that a member or the Chair cannot be objective, the student must articulate clearly the reason to the Undergraduate Judicial Affairs Office.

A list of witnesses scheduled to participate in the hearing will be provided to the accused student, victim, and their advisors in advance of the hearing. If the student has any concerns about the list, he/she should contact the Undergraduate Judicial Affairs Office at least 48 hours prior to the hearing.

### **COS Hearing**

The COS meets in a closed executive session prior to the hearing. In this session, the chair confirms the Committee members' commitment to objectivity and the Committee discusses administrative details. The COS members may also ask questions about the materials and discuss questions they plan to ask.

#### *Sample Questions to the Committee*

*Do any of you know NAME '##?*

*Are any of you aware of any of his/her activities or affiliations?*

*Do any of you know any potential witnesses in this case?*

*Do any of you have any reason to believe that your ability to judge this case impartially is impaired in any way?*

*Do any of you have any reason to believe that your participation in this hearing would create any appearance of bias or impropriety?*

When the executive session concludes, the accused student, the victim, their advisors, observers, and some witnesses will be invited to join the hearing. The COS process starts with the presumption that the accused student is not responsible for the allegation until a preponderance of the evidence indicates that they are. The ensuing hearing will determine if that assessment is correct or not based on a preponderance of the evidence. The five members of the COS, the Chair, and a representative from the Undergraduate Judicial Affairs Office will be seated around the table. Members of the COS will have name tags for ease of identification. There will also be a digital recorder and microphones on the table.

The COS Chair will read an opening statement to review the allegation, remind the participants of the expectation of honesty and invite the participants to introduce themselves.

### SAMPLE CHAIR OPENING STATEMENT

*I would like to remind all here 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.*

*NAME, have you read the letter dated DATE, and do you understand its contents?*

*You have before you copies of Parts I, II and III of the Statement of Rights forms, which you have completed. Is the information on those forms correct?*

*Before we begin, I would like to remind all here 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?*

*NAME, would you like to give an opening statement?*

Following the Chair's opening, the accused student has the option to provide an opening statement. In assault cases a victim will also have an opportunity to provide an opening statement. Opening statements are not required, and some students choose not to provide an opening statement.

If a student chooses to provide a statement, it should not be a repeat of the information in the packet. The packet will have been available to the COS prior to the hearing. Opening statements vary in length depending on the student and the complexity of the case. Students may use the opening statement as an opportunity to preview the hearing and provide detail that was not included in the packet. If a student is nervous, it is fine to read from a prepared statement. Other students may be more comfortable speaking from an outline. Students should try to speak clearly and to make eye contact with the committee. In some hearings, a witness may also be asked if he/she would like to provide an opening statement.

The COS begins the process of asking questions and speaking to witnesses. The COS decides the order of the questions and timing of the witnesses. The COS hearing process is informal and it is the hope of the COS that participants engage in a dialogue with Committee members. The advisor does not communicate with the COS. Students and advisors should not make assumptions about what any Committee member is thinking by the types of questions that are asked, expressions, etc. No questions are directed to the students directly. All questions are directed through the Chair. There is no "cross-examination" of students.

Many students are anxious and/or emotional during the hearing. It is not unusual for students to cry, laugh, or be angry. A student may communicate with his/her advisor by writing notes or speaking quietly. A student may request a break to confer with the advisor or gather his/her thoughts. If any participant has concerns about the hearing process, he/she should request a break and discuss the concern with the Undergraduate Judicial Affairs representative.

Once all of the questions have been asked, the accused students can provide a closing statement. In assault cases the victim also has the option to provide a closing statement. The closing statement is the final opportunity to speak to the COS before deliberations. Advisors assist the student by reminding the student to say anything that they forgot during the hearing, to re-emphasize the main points, and to make any final comments. Typically a break in the COS process occurs right before closing statements to allow students to collect their thoughts.

Hearings vary in length from one hour to ten hours 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.

## **Deliberations**

Following the closing statement(s), the accused student(s), the victim, the advisor(s), the witnesses, and the observers are excused. The COS deliberates in a closed session. Deliberations are not recorded. The COS 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 the student responsible for the allegation.

If the student is found responsible for the allegation, the COS will be provided information about the student's prior history. In addition, the COS will be asked to review the sanctioning guidelines provided in the packet. The COS will make a sanction recommendation (or a narrow range of sanction options) to the Chair.

## **After the Hearing**

While the COS is in deliberations and the overnight following a hearing, the victim may need additional support. There is a Dean on call available at night (603-646-4000) if the advisor needs additional resources to support the student.

## **Outcome**

The day after the hearing, the accused student and his/her advisor will meet with the hearing chair to discuss the outcome. After the accused student has been told the outcome of the case, the victim will also be informed of the COS's decision.

## **Request for Review**

Accused students and victims of assault may request a review of the hearing to the Dean of the College (or her designee). Requests are granted on the existence of one or both of the following grounds:

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

Advisors usually provide information and assist the student with the request process. An accused student and/or a victim have seven days after the delivery of the outcome to request a review. Students should know that if the decision is upheld and the student is suspended, the suspension will begin on the date identified in the original sanction letter. Students may not use the request for review process to delay departure from campus and to complete the term.

If a student is planning to request a review, he/she should:

- If the student has been suspended, he/she must notify his/her dean and request to stay on campus pending the outcome of the review. If the request is granted, the student should attend class and continue to participate in school until the process has concluded
- Prepare a written request for a review that addresses one or both of the reasons noted above
- Complete the Request for Review form at <http://www.dartmouth.edu/~uja/discipline/reconsider.html>
- Submit the form, the written request and any additional supporting materials by the deadline. If the student needs more time to prepare the materials, he/she must request an extension from the Undergraduate Judicial Affairs Office
- Students may review the recording of the hearing by contacting the Undergraduate Judicial Affairs Office to schedule an appointment (the request form is online at <http://www.dartmouth.edu/~uja/discipline/index.html>). Students may listen to the recording and take notes, but Dartmouth does not usually provide copies or allow distribution of the recording.

The Dean of the College (or her designee) will review the request and respond to the student. The Dean may uphold the sanction, modify the sanction, or refer the case back to the COS.

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For questions about this manual or the disciplinary process, contact:

Undergraduate Judicial Affairs Office (UJAO)

5 Rope Ferry Road, Room 306

(603) 646-3482

[Undergraduate.Judicial.Affairs@Dartmouth.EDU](mailto:Undergraduate.Judicial.Affairs@Dartmouth.EDU)

Created January 2011

This manual is subject to change and the most current version can be found at: [www.dartmouth.edu/~uja/](http://www.dartmouth.edu/~uja/)

## RESOURCE SUMMARY

**Are you safe? Your safety is the highest priority.  
If you need immediate help, contact Safety and Security at (603) 646-3333.**

If you (or someone you know) have been sexually assaulted, **you have options.**

### Ensure your health and safety.

Dick's House: (603) 646-9400 / 646-4000 (after hours)

- For emergency medical attention, STI & pregnancy testing

DHMC Emergency Room: 911 / (603) 650-7000

- For emergency medical attention, STI & pregnancy testing, and/or evidence collection

If you feel unsafe:

- Your dean can provide information about housing and academic options: (603) 646-2443 / 646-4000 (Dean on Call)
- Safety & Security can help you obtain a "no contact" order: (603) 646-4000
- Hanover Police can help you obtain an emergency protective order: 911 / (603) 646-2222

### Talk to someone.

Sexual Abuse Awareness Program Coordinator: (603) 646-9427, blitz SAAP or Kristin Baxivanos or Jessica DeSiato

- Primary contact for all questions specific to sexual abuse
- Can provide confidential support and guidance

Sexual Abuse Peer Advisors: "SAPA" bulletin and website

- Students trained to respond to questions about medical, emotional and reporting issues

Dick's House Counseling: (603) 646-9442 for appointments / 646-4000 (after hours)

WISE: 24-hour, toll-free hotline, 1-866-348-9473

- WISE is a resource to the Upper valley community and not affiliated with Dartmouth. It is an advocacy organization that provides free and confidential information and services to survivors of domestic and sexual violence

### Report the incident.

Reporting an incident of sexual violence does NOT require you to pursue charges of any sort.

SAAP Coordinator /SAPA : Can report anonymously

Safety & Security: (603) 646-3333

- Statement filed is independent of any Hanover Police reports
- If filing a complaint against someone, student can obtain a "no-contact" order, which requires both parties to cease all forms of communication

Hanover Police: 911 / (603) 646-2222

- Statement filed is independent of S&S report
- Can obtain an emergency, temporary or final protective order, enforcement mandated by law

### Pursue charges.

If you decide to pursue charges, you can do so in the following ways. You can choose to disengage in the process at any time; beginning any process does NOT require that you finish it:

#### 1. Pursue Internal (College) Disciplinary Charges

- Students will likely not be charged for alcohol violations if they are underage and alcohol was involved
- Both parties may have advisors present during the hearing
- Process can last anywhere from a few weeks to much longer, depending on circumstances

#### 2. Pursue Criminal Charges

- Investigation performed by Hanover Police
- Medical evidence collection is never mandated; however, such evidence is important for the prosecution to bring forth charges
- Completed investigation report forwarded to Grafton County District Attorney for possible criminal prosecution
- Any prosecution occurs in criminal courts

#### 3. Pursue both Internal and Criminal Charges

- Internal and criminal adjudication processes occur independently

