

Appendix B

The Disciplinary Procedures of the Yale College Executive Committee

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The Yale College Executive Committee is responsible for the fair, consistent, and uniform enforcement of the Undergraduate Regulations. It receives complaints of alleged infractions of those regulations whether academic or nonacademic. Its jurisdiction also includes other actions on the part of undergraduates that may in the judgment of the committee warrant disciplinary action because they may imperil the integrity and values of the academic community or the safety of its members. The Executive Committee is the sole authority that may assign penalties as provided in the *Undergraduate Regulations*, though in some cases that authority is delegated to other University officials such as the masters of the residential colleges, the University Librarian, the directors of the Yale computer facilities, and the director of the division of University Dining Services, who may summarily impose certain penalties for violations of dormitory, library, computer facility, and dining services regulations.

As an institution, the Executive Committee is responsible to the Yale College Faculty and ultimately to the University. The committee is charged with protecting the Yale College community so as to ensure the integrity of academic instruction, the physical security of students, and the preservation of the property and educational resources of the University. The committee is bound at all times to consider the manner in which its actions and decisions may affect the persons and groups—faculty, student body, administration, and staff—whose activities carry and foster the intellectual and residential life of Yale College.

A Composition of the Executive Committee

- 1 The Executive Committee of Yale College is appointed by the dean of Yale College. The committee shall have ten regular voting members: three tenured members of the Yale College faculty, three untenured members of the Yale College faculty, three undergraduates, and the dean of Yale College or the dean's designated representative. The presence of seven of these members shall constitute a quorum. A majority vote of those present shall be required for any decision. Should an occasion arise when, as a result of the conflict-of-interest provisions of these procedures or other unavailability of members, a quorum cannot be gathered from regular voting members, the dean of Yale College shall appoint a member or members from the faculty ad hoc to participate in the business then before the committee.
- 2 In addition to the regular voting members there shall be three officers of the Executive Committee who are also members: chair, secretary, and factfinder.

They shall be appointed annually by the dean of Yale College and shall be charged with particular responsibilities.

- a The chair shall be either a tenured member of the Yale College Faculty or an associate dean of Yale College. The chair shall coordinate all activities of the committee, shall preside at all meetings, shall organize the conduct of meetings, and shall be the person through whom faculty and students communicate to the committee. The chair shall vote only to break a tie, and shall not vote in any capacity when the committee considers an appeal from a complaint initially settled by disposition without formal hearing.¹
- b The secretary shall normally be an assistant or associate dean of Yale College. This person shall keep the records relating to Committee business, handle official correspondence, assist the chair in the daily details of committee business, and ensure that all required procedural steps have been taken by the committee. The secretary shall be responsible for taking the minutes during the meetings and shall ensure that minutes are prepared in good time. The secretary shall not vote in the Executive Committee.
- c The factfinder ordinarily shall be a tenured member of the Yale College Faculty or an assistant or associate dean of Yale College, but may also be a tenured member of one of the other faculties or schools in the University. In situations where there is need to inquire into disputed matters of fact, to locate documents, or to gather relevant information that the committee cannot pursue collectively or that it would be improper or undesirable for a faculty member or other member of the University to seek individually, the factfinder shall be responsible for gathering the information in an impartial and thorough manner. The factfinder is not to be regarded as a prosecutor and is specifically charged to be alert to information that may exonerate a student. The factfinder shall have the responsibility to interview students, faculty, and other persons who he or she may reasonably believe have information relevant to the business of the committee. All members of the Yale community should recognize their responsibility to cooperate fully and truthfully with the factfinder. Throughout the factfinder's investigation, however, the student has the right to remain silent. The factfinder and the committee are not to draw a negative inference from the student's silence, but the student by

¹See section C.3.a.

that silence forfeits an opportunity to ensure that the factfinder obtains all relevant information. Normally, at the request of the chair, the factfinder will undertake an investigation. The student involved in the complaint may also request the factfinder to pursue particular information; the factfinder shall consider seriously any such request but the decision of how to proceed is the responsibility of the factfinder. The factfinder shall make a written report of the findings of his or her inquiry to the chair. The factfinder shall not vote in the Executive Committee.

- d The chair, secretary, factfinder, and one student member of the Executive Committee shall constitute the Coordinating Group of the Executive Committee. The Coordinating Group shall prepare and organize all matters coming before the Executive Committee. A majority vote, if necessary, shall decide matters within the Coordinating Group. Should an occasion arise when an officer of the Coordinating Group is unavailable to participate in a hearing or other matter coming before the Coordinating Group, the dean of Yale College shall appoint a substitute officer ad hoc.
- e There shall be a Committee of Review which in circumstances described below¹ may review decisions of the Executive Committee.

B Submission of complaints

All complaints of alleged infractions of the Undergraduate Regulations, academic or nonacademic, shall initially be referred to the chair of the Executive Committee or, in the chair's absence, to the secretary. The formal complaint must be made in writing and must describe in specific detail the complaint and the information upon which it is based.

1 Complaints of Academic Offenses

- a A member of the faculty finding evidence of academic dishonesty on a class assignment or examination will bring the matter to the chair of the Executive Committee. The faculty member will be expected to provide copies of the examination or assignment, the paper or papers allegedly in violation of the regulations, and any alleged source materials. The faculty member must provide a written statement explaining the details of the alleged academic dishonesty.

¹See section C.4.

- b If a student becomes aware of academic dishonesty, he or she should report the matter to the instructor. If this procedure is not feasible, the student may report the matter to the chair of the department. The latter will then inform the instructor of the complaint (without identifying the complaining student) and seek the instructor's advice on the matter.
- 2 Complaints of Nonacademic Offenses
- a Any member of the faculty, residential college master, residential college dean, or member of the University administration or staff may bring an alleged infraction to the attention of the chair of the Executive Committee.
 - b An undergraduate student may bring a complaint of a nonacademic infraction to the attention of the chair only in conjunction with his or her residential college master, residential college dean, a member of the Yale College Dean's Office, a member of the Yale College Sexual Harassment Grievance Board, a human relations counselor, a member of the President's Committee on Racial and Ethnic Harassment, or the University Police.
 - c In addition, the Coordinating Group shall review weekly the reports of student misconduct lodged by the campus police. The Coordinating Group shall take note of those alleged infractions of the Undergraduate Regulations that appear to warrant action by the Executive Committee and shall refer them for action under section 3 immediately below.
- 3 Initial Disposition and Referral of Complaints. Each week the chair, factfinder, and secretary of the Coordinating Group shall review all complaints received by the chair and shall make one of the following judgments in regard to each complaint:
- a All complaints for which sufficient information is available and which, if substantiated, would constitute a violation of the Undergraduate Regulations shall be submitted to the Executive Committee unless settled by disposition without a formal hearing¹ or withdrawn, as provided below.²
 - b If there is need to locate documents, inquire further into matters of fact, or pursue additional information before an informed judgment may be made by the Coordinating Group, the chair shall request the factfinder

¹ See section C.3.a.

² As provided in section E.2.

to undertake the necessary investigation. In cases of alleged academic offenses, it remains the responsibility of the faculty member to furnish copies of any relevant source materials.

- c Complaints that should have been directed to an administrative official, such as infractions of library or dining services regulations, shall be referred to the proper authority.
- d See below for complaints in regard to sexual harassment.¹
- e See below for complaints in regard to computer misuse.²
- f If, after such investigation, the Coordinating Group determines that there is insufficient information or that the act does not amount to a violation of the Undergraduate Regulations, the Coordinating Group will close the matter.

The Coordinating Group shall make timely reports summarizing statistically its decisions in regard to all complaints brought to its attention.

Throughout these and subsequent consultations the complaints shall not be discussed publicly. All complaints shall be part of the permanent record of the Executive Committee.

C Procedures for consideration of a complaint by the Executive Committee

- 1 **Informing the Student.** If the Coordinating Group decides that a complaint is to be referred to the Executive Committee or further investigated by the fact-finder, the secretary shall, in writing, inform the student or students of this fact and indicate the regulation that has been allegedly violated. The letter to the student shall include a list of the membership of the Executive Committee and a copy of these procedures, including a statement of the rights of students appearing before the committee.³ The secretary shall simultaneously inform the relevant residential college master(s) and residential college dean(s) of the complaint. The student should review information relevant to the proceedings in the residential college dean's office. The chair or secretary can familiarize the student and the student's adviser with practical as well as procedural aspects of the hearing process, so that the student can be as well prepared and comfortable as possible in meeting with the committee.
- 2 **The Adviser to the Student.** The student shall have the right to choose an adviser. Normally, the adviser will be the student's residential college dean, but

¹ See section E for complaints in regard to sexual harassment.

² See section F for complaints in regard to computer misuse.

³ See section I.

the adviser may also be the residential college master, a freshman or sophomore academic adviser, a Yale College faculty member, a Yale College administrator, a coach, or any other member of the University community who is not a member of the Executive Committee or the Office of the University General Counsel. Should a student find himself or herself unable to locate an adviser, the dean of Yale College shall furnish the student with a list of persons willing to aid students in these situations.

In the case of a charge of physical or sexual assault, sexual harassment, or other possible infractions, a residential college master or dean shall not serve as adviser to a student in his or her college in a case involving a complaint made by another student in the same college.

The student shall notify the secretary of the Executive Committee as soon as he or she has chosen an adviser.

The adviser is not an advocate, but rather a source of personal and moral support to the student. The adviser should aid the student in preparing to appear before the Executive Committee. The adviser should also accompany the student to the committee meeting and counsel him or her. During the meeting the adviser may unobtrusively suggest questions for the student to pose to witnesses or issues for the student to raise with the committee. The adviser may not participate directly in the proceedings except for making a brief concluding statement if the student so desires.¹

When a complaint is lodged involving alleged offenses against persons and/or property, the student may choose an attorney as a second adviser. The legal adviser may counsel the student but has no right to speak to the committee or otherwise participate directly in the proceeding. The legal adviser may unobtrusively suggest questions to be asked and at the meeting may in writing request the chair to pursue a particular direction of questioning. It shall be the chair's decision whether such a question or line of questioning is followed.

On all occasions when a student has requested the presence of an attorney in the meeting with the Executive Committee, the chair will as a matter of course request the presence of the University General Counsel or a representative of that office.

- 3 Consideration of the Complaint by the Committee. The chair shall prepare for the committee a written statement of the alleged infraction to which

¹And except as provided in section E.1.b.

shall be attached any statement prepared by the factfinder and copies of all other relevant documents. These materials should be made available to the student no less than seven days prior to the committee meeting, except when the student requests that less time be allowed to elapse prior to a scheduled meeting. The same materials will be made available to the adviser. The student shall have the right to submit, at least forty-eight hours in advance of the meeting, a written statement in response to these materials; the statement will also be circulated to the committee.

- a Disposition without a Formal Hearing. The student has the right to request in writing the disposition of the complaint by the Coordinating Group without a formal hearing before the entire committee. While the Coordinating Group will normally grant a request for disposition without a formal hearing, it is not required to do so. If the Coordinating Group does grant the request for disposition without a hearing, this request will be considered as the admission by the student of the validity of the complaint. That admission governs all further committee action in regard to the complaint.

The penalty imposed by the Coordinating Group goes into effect immediately. If the student is dissatisfied with the penalty imposed by the Coordinating Group, he or she may then request a formal penalty hearing before the entire committee¹ within seven days of the Coordinating Group's decision, with the understanding that the full committee may sustain the original penalty or impose either a more or a less severe penalty. The chair shall be excused from attending a penalty hearing; the senior faculty member of the committee shall then preside over the hearing and shall not vote except to break a tie.

- b Complaints Involving Criminal Charges. See below for regulations governing complaints that come before the Executive Committee when criminal charges either are or may be pending before the courts.²
- c Disposition before the Committee. Unless the student requests a Disposition without a Formal Hearing (or the complaint is withdrawn),³ all complaints referred by the Coordinating Group will be reviewed by the Executive Committee.

¹As provided in section C.5.

²See section D.

³Provided in section E.2.

- 1 Inspection of Records. The documents relating to the complaint, including the initial complaint, any report of the factfinder, the statement by the student, and any other materials deemed relevant by the Coordinating Group, shall be made available to the committee for inspection in the Yale College Dean's Office normally no less than twenty-four hours before the time of the meeting. These documents are confidential.

If within the seven days before the scheduled time of the committee meeting significant new information regarding the complaint becomes available, either the student or the chair may request a postponement of the consideration of the complaint until a subsequent meeting.

- 2 Excuse for Conflicts of Interest. When the members of the committee have become familiar with the details of the complaint, the chair shall ascertain whether any members should be excused because of a conflict of interest.¹
- 3 Procedures during the Student's Meeting with the Committee. The purpose of the meeting between the student and the committee is to vent fully all sides of the issue or issues raised by the complaint.

Students are expected to tell the truth in all their dealings with the Executive Committee. The members of the Executive Committee will give such credence and weight to the student's statements as they believe appropriate.

Every student shall be put on notice that lying to the factfinder or to the Executive Committee will be taken into account in fixing the penalty and is a matter for an independent complaint as provided in the *Undergraduate Regulations*.²

When the committee meets with the student, the chair shall explain the substance of the complaint and the specific undergraduate regulation allegedly violated or the other alleged action that in the committee's judgment may warrant disciplinary action. The student may make a statement of reasonable length to the committee. If the factfinder has conducted a review, the student or members of the committee may request the factfinder to explain his or her report.

The Coordinating Group may arrange for the appearance of witnesses. If it does so, their names shall be made available to the student no less than

¹In accordance with section G.

²See chapter I, General Conduct and Discipline, section I, "Misconduct at a formal hearing."

forty-eight hours before the meeting. If the complaint is one of academic dishonesty, the faculty member may request from the chair permission to make a brief explanatory statement to the committee in the presence of the student. The student may also present a reasonable number of witnesses, whose names shall likewise be submitted to the chair forty-eight hours before the meeting. Testimonies about the student's character may be submitted in writing, but shall not be presented in person at the hearing.

The student and the members of the committee may address relevant questions to the witnesses. All questions addressed to witnesses shall be so addressed with the permission of the chair, who shall have the right to rule questions irrelevant or out of order. The student may also request that the chair ask relevant questions about certain subjects on behalf of the student.

There is no "immunity" for testimony by witnesses; a statement by a witness concerning a violation of the Undergraduate Regulations by the witness or by another student may be used as the basis for a separate complaint against the witness or the other student.

The chair may grant a brief recess during the meeting at the student's request.

If during the meeting any voting member of the committee, or the chair, believes additional information not immediately available is necessary to reach a decision, the consideration of the complaint may be postponed by majority vote of the committee or by the chair until the factfinder has prepared a report on the matter.

The student may make a concluding statement of reasonable length after all witnesses have been heard and all information has been presented. With the permission of the student, the student's adviser may also make a concluding statement of reasonable length to the committee.

Throughout the meeting the student has the right to remain silent. The committee is not to draw a negative inference from the student's silence, but the student by that silence forfeits an opportunity to present his or her side of the matter. The committee will base its decision on the information presented to it.

- 4 Deliberative Session of the Committee. Upon completion of the discussion of the complaint, the student, the factfinder, the adviser, and

all other persons but the chair, the secretary, and the regular voting members of the committee shall withdraw. The committee shall then address the question of whether the student has violated the Undergraduate Regulations, and shall give an affirmative answer if it is satisfied that a violation has been shown by a clear preponderance of the evidence.

After a full consideration, the committee shall reach its decision, through a secret ballot, by majority vote. Should the initial ballot result in a tie, a second ballot shall be taken after further discussion. Should the result again be a tie, the chair shall cast the deciding vote. The actual vote shall not be indicated to the student and shall remain a part of the confidential record. The secretary shall not vote.

Should the meeting of the committee to consider the complaint extend beyond 10 P.M., the chair on his or her own responsibility, or a majority of the committee present, may postpone the remainder of the meeting for a period no longer than forty-eight hours. If the meeting is so adjourned, the same committee members must be present for the reconvened meeting at which the hearing or deliberations shall be resumed or the penalty assigned.

- 5 Assignment of a Penalty. The Yale College Faculty believes it is proper for the Executive Committee to view a particular infraction of the Undergraduate Regulations in the context of the total personal and academic record of the student involved.

When the Executive Committee proceeds to consider assigning a penalty, it shall invite the student and the adviser to return to the room. The secretary will inform the committee of any previous infractions of the Undergraduate Regulations on the part of the student. The Executive Committee shall permit the student and his or her adviser to present a statement of reasonable length relevant to the determination of the penalty and to furnish further information about his or her character.

After the student and the adviser have again withdrawn, the secretary will inform the committee about the nature of previous penalties assessed for similar offenses. The committee will discuss what penalty it should impose. If the committee has found that the student purposely misled the committee during its deliberations, the committee may consider that factor as grounds for imposing a more severe penalty. The chair will propose a penalty upon which the regular voting members of the committee will vote by secret ballot. The committee shall continue to ballot secretly

on proposed penalties until a decision has been reached by a majority of the members present. The chair shall vote on a penalty only if the regular voting members have reached tied votes on three proposed penalties. The secretary shall not vote.

Should the committee under extraordinary circumstances propose a penalty other than one of those specifically listed in the *Undergraduate Regulations* (e.g., some form of work service or repair of damaged property), the chair shall first ascertain that the persons upon whom would rest responsibility for overseeing enforcement of the penalty are willing to accept that responsibility.

The penalty of suspension must apply to periods when Yale College is in regular session. Within seventy-two hours after a penalty of suspension or expulsion has been imposed, a student must vacate the college and return keys and Yale identification to the residential college dean's office.

When the committee has reached its decision about the penalty, the chair shall inform the student of the sanction and summarize the reasons that led the committee to assess it. The chair shall also inform the adviser and the student's residential college dean of the outlines of the committee's decision in as comprehensive and useful a manner as possible.

The secretary shall inform the relevant residential college master(s) and dean(s) of the decisions of the committee in regard to the penalty and action required to enforce it. The secretary shall inform the residential college dean of the exact manner in which the infraction is to be indicated in the record and recommendations of the student. This communication should ordinarily take place in writing within two weeks of the disposition of the complaint. Copies of those letters shall form part of the permanent record of the Executive Committee.

The secretary shall also send written notice of the decisions of the committee to the person originally lodging the complaint, the charging person, and/or the person who is the alleged victim of any crime of violence or any sex offense.

The secretary may disclose to other universities and schools information concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students, or members of the University community.

- 4 Reconsideration of Decisions of the Executive Committee. Appeals to the Committee of Review. Decisions of the Executive Committee are final and take immediate effect, notwithstanding whether the student is applying to the Committee of Review for reconsideration of a decision as provided herein. They may be reopened by the Executive Committee itself only when substantial new evidence that may exonerate the student becomes available. The Executive Committee may also be requested by the Committee of Review to reconsider a decision; see below.
- a There shall be a Committee of Review, which may review and, when appropriate, request reconsideration of the decisions of the Executive Committee. The Committee of Review will be composed of three persons, two of them members of the Yale College Faculty, appointed by the president for a term of five years, one of whom shall be designated by the president as chair of the committee. Each year, the faculty members of the Committee of Review, in consultation with the Yale College Council, will select a student member to serve on the committee.
 - b The Committee of Review will receive written complaints from (1) a student or students who have been assigned a penalty by the Executive Committee or (2) the dean of Yale College, where either the student(s) or the dean believes that a decision of the Executive Committee, in matters of fact or the assignment of penalties, is inconsistent with precedent or otherwise in error. A complaint must be received by the Committee of Review no later than sixty days after the decision of the Executive Committee. In order to review such complaints, the Committee of Review will have access to all the written records of the Executive Committee.
 - c In response to such a complaint, the Committee of Review will have the right (1) to decline to take action; (2) to request in writing a reconsideration by the Executive Committee; (3) to publish commentary on the case which, while maintaining the confidentiality of the Executive Committee hearings, seeks to clarify the principles involved in the case and to offer useful counsel for future decisions.
 - d It is anticipated that in the vast majority of cases, the Committee of Review will decline to take action. It will request reconsideration by the Executive Committee only in cases where it believes that (1) some pertinent evidence was not taken into account; (2) long-standing precedents, in decisions of culpability and the assignment of penalties, were ignored;

- (3) errors in procedure may have substantially affected the decisions;
 - (4) certain key principles of the University were not sufficiently considered in the original decision.
- e The Executive Committee will have the authority to grant or deny a request for reconsideration. It is anticipated, however, that such requests will be rare, and that in most instances the Executive Committee will give them the most serious consideration. In the case where the Executive Committee has granted the request to reconsider, the chair of the Executive Committee and the Committee of Review will discuss appropriate procedures for the Executive Committee's reconsideration. At a reconsideration of a case by the Executive Committee, the chair of the Committee of Review will appear before the Executive Committee in order to make clear what motivated the call for reconsideration. The Executive Committee will be free either to alter or to confirm its original decision. It may not, however, make a finding of culpability where it had previously exonerated a student, or assign a penalty more serious than that assigned originally.
 - f The Committee of Review will also be empowered to issue ad hoc reports on individual cases, and will publish an annual report in which it makes clear the principles and circumstances that led it to request reconsideration of certain cases, if in fact it has done so during the course of the year. In the annual report, it may also reflect on general principles and precedents guiding the administration of discipline in Yale College.
- 5 Time Limit on Disposition of Complaints. The process of factfinding, Coordinating Group consideration, and Executive Committee action is to be completed by the end of the academic semester after the semester in which a complaint has been initiated. Otherwise the inquiry will be terminated without prejudice to the student at that time unless a majority of the committee formally authorizes the Coordinating Group to pursue the investigation beyond this time span.

Complaints made subject to the provisions of the administrative suspension shall be governed by the time limits provided for that procedure.¹

If a disciplinary case brought against a graduating senior is pending at the time of graduation, the Coordinating Group will recommend to the dean that the student's degree be withheld until the case is resolved.

¹See section D.3.

D Complaints before the Executive Committee respecting matters before the courts

When a complaint alleging an infraction of the Undergraduate Regulations relates to a case that either will be or is in process of adjudication by the courts, the Executive Committee may address the complaint by one of the following procedures:

- 1 If in the judgment of the Coordinating Group sufficient information is available to consider the complaint, the committee may consider it in the normal manner.
- 2 The Executive Committee may decide to defer its consideration of the complaint until after the matter has been adjudicated by the courts. When the Committee so defers consideration, it shall decide by a majority vote through secret ballot (so long as the student is in good academic standing) either to permit the student to continue in regular enrollment and residence in his or her residential college or to permit the student to enroll in classes but not to live in the residential college. Before the committee makes this decision, the chair shall request the written opinion of the student's residential college master. The student may also present a written statement in regard to his or her ongoing residence in the residential college.
- 3 The student may request in writing that the Executive Committee defer its consideration of the complaint and that he or she receive an *administrative suspension*. This provision is intended for use by the Executive Committee very rarely and only in situations in which the criminal charges are very serious and in which action by the Executive Committee might irreparably prejudice the student's cause before the courts.

An administrative suspension suspends the student from Yale College in the same manner as any suspension by the Executive Committee; however, the administrative suspension is without prejudice to the review of the complaint against the student. In effect, an administrative suspension means that the student facing a criminal hearing voluntarily withdraws from enrollment and residence in Yale College with the understanding that he or she may re-enroll, through the normal procedures for reinstatement or readmission, only after the standing complaint has been considered in the normal manner by the Executive Committee. The decision to provide an administrative suspension resides solely in the authority of the Executive Committee; even when a student requests an administrative suspension, the committee may decide to consider the complaint immediately.

The administrative suspension may remain in effect for no longer than one year, at the end of which time it must be reviewed by the Executive Committee. The student may then request in writing an extension of the administrative suspension for another period not to exceed one year. However, an extension of an administrative suspension may not remain in effect longer than one month past the date on which the matter has been adjudicated by the courts or settled otherwise, or normally longer than two weeks beyond the opening of the academic term if determination by the courts has occurred when the College is not in session.

When the complaint comes for consideration by the Executive Committee after the period of administrative suspension, the committee will consider the complaint in the normal manner and without prejudice.

A decision favorable to the student in the courts will not necessarily exonerate him or her from having committed the alleged infraction of the Undergraduate Regulations.

E Procedures for complaints of harassment, intimidation, coercion, or assault

- 1 In any case involving a charge of acts of violence or physical force,¹ or a charge of sexual harassment or harassment on the basis of sex, sexual orientation, race, or ethnic origin, the procedures for the disposition before the committee² are amended in the following two ways:
 - a The person against whom the harassment, intimidation, coercion, assault, or other act of violence was allegedly committed (referred to here as the “charging person,” whether or not he or she actually initiated the charge) shall be permitted to inspect the documents relating to the complaint, including the initial complaint, any report of the factfinder, the statement by the student charged in the complaint, and any other materials deemed relevant by the Coordinating Group. These materials will be available for inspection in the Yale College Dean’s Office normally no less than forty-eight hours before the time of the full committee’s meeting to hear the charge (or the Coordinating Group’s meeting if the complaint is to be disposed of without a hearing). The charging person shall treat these documents as confidential. The charging person may hear the entire proceedings through audio transmission to a private room.
 - b If the charging person appears as a witness before the committee, he or she may choose to be accompanied for moral support by an adult mem-

¹ See chapter I, sections C, D, and E.

² See section C.3.c.

ber of the Yale community who will not participate in the proceedings in any way. At the request of either the charging person or the student charged in the complaint, the testimony of the charging person may be given out of the presence of the student charged in the complaint. The charged student's adviser (and legal adviser, if permitted pursuant to section C.2) may be present during the testimony, however. In addition, the committee will arrange for the student charged in the complaint to hear the testimony through audio transmission to a private room.

During the testimony, the charged student's adviser may propose to the chair questions to be asked the charging person. At the end of the testimony, the adviser may request a brief recess to consult with the student charged in the complaint, and after the recess the adviser may propose to the chair additional questions to be asked the charging person. At the discretion of the chair, the adviser (but not the legal adviser, if any) may be permitted to ask questions directly of the charging person rather than proposing them to the chair.

- 2 In any case involving a charge of acts of violence or physical force,¹ or a charge of sexual misconduct, the charging person may, at any time before the day scheduled for the full Executive Committee's formal hearing, request in writing that the Coordinating Group withdraw the charge. The Coordinating Group will consider the request, and may inquire into the circumstances (including as appropriate consulting with the charging person's adviser or residential college dean) to determine whether the complaint has been resolved fairly and to the satisfaction of the parties, whether the charging person's request is fully voluntary, whether the interests of the Yale community would be better served by hearing the charge, and other relevant matters. The Coordinating Group will then decide to grant or deny the request, in its sole discretion. The decision of the Coordinating Group on the request will be final.
- 3 Each year the dean of Yale College shall appoint a member of the Sexual Harassment Grievance Board, and either one of the University Human Relations Counselors or a member of the President's Committee on Racial and Ethnic Harassment, to serve as consultants to the Coordinating Group and the Executive Committee on complaints relating to sexual harassment or harassment on the basis of sex, sexual orientation, race, or ethnic origin. The chair of the Executive Committee shall invite one or both of these consultants to advise

¹See chapter I, sections C, D, and E.

the Coordinating Group and the Executive Committee in appropriate cases.

- 4 It shall be the duty of the chair to explain to all parties involved in a complaint of sexual harassment or harassment on the basis of sex, sexual orientation, race, or ethnic origin that the Executive Committee disposition of the complaint does not constitute the equivalent of action or redress at law. The chair shall also explain that the extent of the jurisdiction of the Yale College Executive Committee is limited to the enforcement of the Undergraduate Regulations by means of the penalties provided therein.
- 5 Should the complaint of harassment, intimidation, coercion, or assault be simultaneously pursued in the courts, the procedures in section D regulating such situations shall be in effect.

F Complaints related to misuse of computers

Each year the dean of Yale College shall appoint one or more computer advisers to serve as consultants to the Coordinating Group and the Executive Committee on complaints, academic or nonacademic, relating to the misuse of computers.

The chair of the Executive Committee should in appropriate cases invite one of the computer advisers to be present at the meeting of the Coordinating Group and/or the Executive Committee during its hearing phase. In order to avoid conflicts of interest, the dean may appoint one computer adviser from the Department of Computer Science who will consult on cases involving Information Technology Services, and one from Information Technology Services who will consult on cases involving the Department of Computer Science. If both the department and Information Technology Services are involved in bringing the complaint, the dean may appoint another computer adviser.

In general, academic dishonesty or any misconduct carried out through the use of or in conjunction with University or privately owned computer facilities differs neither in kind nor in gravity from other more familiar modes of academic dishonesty or misconduct. The Executive Committee should recognize this fact and should also regard any and all forms of damage to computer facilities, and/or damage to or invasion of the privacy of information stored within computers, as a serious offense against property and privacy. All computer facilities owned, leased, or sponsored by the University are educational and administrative resources, the security and the fair, private use of which must be vigorously protected in the same manner as laboratories, library resources, and traditional record-keeping and filing systems.

Penalties assigned in relation to computer offenses should take into account the actual cost of damage to equipment, the cost of replacement or retrieval of file information, and the value of legitimate use of an educational and research resource lost to authorized members of the Yale community.

G Conflict of interest

Members of the Executive Committee should be alert to potential conflicts of interest between themselves and the persons bringing complaints to the committee or the student against whom a complaint has been lodged.

- 1 Committee members having past or present ties of kinship, marriage, or other very close personal relationship to any of the parties involved in the complaint should notify the chair that a conflict of interest exists and should be automatically excused from participation. The nature of the relationship need not be disclosed to the chair.
- 2 Committee members having some form of close professional relationship to one or more of the parties involved in the complaint (e.g., collaboration or cooperation in research, writing, or teaching with a colleague or service as an ongoing academic adviser or instructor to the student in a very small class) should notify the chair that a potential conflict of interest exists and may request to be excused from participation.
- 3 A committee member should inform the chair that he or she is in some manner involved in the specific details of the complaint and may request to be excused from participation.
- 4 A member of the committee should inform the chair that the nature of the complaint creates an occasion for a conflict of interest and may request to be excused from participation.
- 5 The student against whom a complaint has been lodged may request that a committee member be excused because of a proven conflict of interest as provided in the foregoing provisions.
- 6 Should one of the members of the Coordinating Group be excused for a conflict of interest, the tenured faculty member of the committee with the longest time of University service shall carry out the responsibilities of that member of the Coordinating Group in regard to the complaint under consideration. In the absence of an available tenured faculty member, the senior untenured faculty member of the committee shall carry out these responsibilities. In regard to the consideration of that particular complaint, this person shall have the voting

rights of the member of the Coordinating Group for whom substitution has been made.

- 7 Should the chair deny a request to be excused, the member or the student may appeal the request to the full committee or quorum thereof. The vote of a majority, taken by secret ballot, will decide the matter. Although no member should be compelled to participate in considering a complaint when he or she anticipates deep personal discomfort, no member should be excused simply for the sake of convenience or to avoid consideration of complaints that are difficult or unpleasant.
- 8 All matters relating to conflict of interest should be raised and settled after the committee has received the written materials about the complaint and before the committee begins consideration of the complaint. Questions relating to conflict of interest may not be raised after the committee has reached decisions, nor may they be grounds for reconsideration of committee decisions.
- 9 The foregoing provisions are intended not to be inclusive of all possible situations of conflict of interest, but rather to provide guidance. It is the intention of these provisions to enable the committee to avoid both the appearance and the reality of conflict of interest, so that the community will have confidence in the fairness of the proceedings. In case of doubt, the chair and committee members should assume that a potential conflict of interest exists.

H Records and minutes of the Executive Committee

The records of the Executive Committee are of four types. The first three¹ are unavailable to the public unless subpoenaed by the court or other government agency and should be stored in a locked file in the Yale College Dean's Office. The fourth type of record² will be published not earlier than one semester after the decision and made available to students and other members of the Yale community. The Committee of Review will have access to all records of the Executive Committee.

- 1 The secretary shall maintain a record of all complaints received by the Coordinating Group and forwarded to the full committee. This record shall include the original written complaint and a log of all Coordinating Group consultations or correspondence in regard to the complaint. This record should also include any forms or statements signed or submitted by the student and all materials submitted to the committee prior to the meeting, including the report of the factfinder.

¹ Described in section H.1–3.

² Described in section H.4.

- 2 The secretary shall record meetings of the Executive Committee. The recording shall include questions asked of, and testimony provided by, the charged student and any witnesses and the statement of the student's adviser during each meeting of the full committee or the Coordinating Group. No recording shall be made of the private committee discussion prior to reaching a decision by vote on the substance of the complaint or the assessment of the penalty. A written record shall be kept of those committee members in attendance; the decision of the majority in determining whether a violation has occurred, including the penalty assessed if any; the witnesses appearing before the committee; and any written materials submitted to the committee.
- 3 The secretary shall keep a careful, ongoing written record of the complaints sustained by the Executive Committee and the particular penalties assigned. The purpose of this record shall be to aid the committee in equitably addressing complaints of a similar character.
- 4 The secretary shall prepare a brief narrative of each decision of the Executive Committee, describing the alleged act(s), the charge, the committee's finding, the mitigating or exacerbating circumstances, and the penalty, if any. The report should be written so as not to reveal, directly or indirectly, the identities of the individuals involved in the case. Because the reports are summaries, they do not contain all the relevant considerations in every case. For that reason, students should rely on them only for general guidance, not as binding precedent.

1 Statement of rights of students meeting with the Executive Committee

A statement of the following rights should be furnished to all students being informed that a complaint has been lodged against them.

Students in Yale College requested to meet with the Executive Committee in regard to a complaint of their having violated one or more of the Undergraduate Regulations, or in regard to other actions that in the committee's judgment may warrant disciplinary action, should be aware of their following rights:

- 1 The student shall receive written notification of the complaint and of the specific alleged infraction of the Undergraduate Regulations.¹
- 2 The student will be furnished with a statement of the procedures, including the conflict-of-interest provisions and a list of the members of the Executive Committee.²

¹See section C.1.

²See section G.

- 3 The student may choose an adult adviser from the Yale community as provided in the procedures. If the complaint involves an offense against persons and/or property, the student may also bring an attorney to the meeting of the Executive Committee as provided in the procedures.¹
- 4 The student may request in writing disposition of the complaint without formal hearing but should understand that such a request, if granted, shall be considered an admission of the validity of the complaint. The student will retain the right to appeal the penalty so assigned. Students choosing such disposition should carefully read the relevant portion of the procedures.²
- 5 Normally one week must elapse between notification of the student and the meeting of the committee at which the complaint is to be considered, but upon written request of the student a briefer interval may suffice.
- 6 The student may request the factfinder to make reasonable efforts to locate particular documents or to gather relevant information. Throughout the investigation of the factfinder, the student has the right to remain silent. The student should, however, understand that by doing so he or she forfeits the opportunity to ensure that the Executive Committee obtains all the relevant information. Every student should understand that lying to the factfinder or to the Executive Committee will be taken into account in fixing penalties and may be matter for an independent complaint.³
- 7 The student may see all written materials to be submitted to the committee, including the report of the factfinder, ordinarily one week before the meeting. The student shall also be furnished with a list of all persons who have been requested to be witnesses at the meeting.⁴
- 8 The student may ask persons to be witnesses on his or her behalf.⁵
- 9 During the meeting of the committee the student has the right to remain silent. The Committee is not to draw a negative inference from the student's silence, but the student should understand that by doing so he or she forfeits an opportunity to present orally his or her side of the matter. The student should also understand that the committee will base its decision on the information presented to it, and that while the members of the Executive Committee expect

¹See section C.2.

²See section C.3.a.

³See sections A.2.c and C.3.c.5.

⁴See section C.3.c.3.

⁵Ibid.

students will tell them the truth, they will give such credence and weight to the student's statements as they believe appropriate.¹

- 10 The student shall have the option of making a statement of reasonable length relevant to the determination of the penalty and of furnishing further information about his or her character prior to the penalty phase of the committee's meeting.²
- 11 In the circumstances outlined in section D of the procedures the student has the right to request an administrative suspension, but the granting of such a suspension is entirely at the discretion of the committee.³
- 12 If, subsequently, substantial new information of an exonerating nature becomes available, the student has the right to request a reconsideration of the complaint. The student has the right to appeal to the Committee of Review no later than sixty days after the decision of the Executive Committee only when he or she believes that it can be demonstrated that (1) pertinent evidence has not been taken into account in the Executive Committee's decision; (2) long-standing precedents, in decisions of culpability and the assignments of penalties, have been ignored; (3) errors in procedure may have substantially affected the decision; (4) certain key principles of the University have not been sufficiently considered.⁴
- 13 The student should understand that the records of the Executive Committee may be subject to subpoena by the courts, but that in the absence of a court order or government inquiry the records of the committee will not be publicly disclosed.⁵

This statement of student rights does not supplant other rights and protections of students within the procedures of the Executive Committee.

The Yale College Faculty or the Executive Committee may amend or modify this statement without necessarily making revisions in the procedures of the committee.

¹See section C.3.c.3.

²Ibid.

³See section D.3.

⁴See section C.4.

⁵Except as provided in section H.