

THE DISCIPLINARY PROCEDURES OF THE EXECUTIVE COMMITTEE OF YALE COLLEGE

The Yale College Executive Committee is responsible for the fair, consistent, and uniform enforcement of the Undergraduate Regulations, the disciplinary rules governing students in Yale College. It receives reports of alleged infractions of those regulations whether academic or nonacademic. The Executive Committee's jurisdiction also includes other actions on the part of undergraduates that may in the judgment of the committee warrant disciplinary action because these actions may imperil the integrity and values of the academic community or the safety of its members. When University officials become aware of a student's arrest, the matter will be referred to the Executive Committee. The Executive Committee may assign penalties as provided in the Undergraduate Regulations, though in some cases authority is delegated to other University officials such as the heads of the residential colleges, the University Librarian, the directors of the Yale computer facilities, and the Executive Director of Yale Dining, who may summarily impose certain penalties for violations of dormitory, library, computer facility, and dining services regulations. Violations of sexual misconduct policies are addressed by the University-Wide Committee on Sexual Misconduct (UWC).

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 no less than twenty regular voting members, with a minimum of eight members of the Yale College faculty and a minimum of ten undergraduate students. At least four of the eight faculty members should be tenured. Yale College deans or senior staff may also be appointed to the committee. 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, deans or senior staff, and undergraduate student body 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, vice-chair, and secretary. 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 meetings or designate the vice-chair to preside, shall organize the conduct of meetings or designate the vice-chair to do so. The chair shall be the person who communicates on behalf of the Executive Committee to the Yale College Faculty. In hearings, the chair or vice chair, whichever of the two is presiding, shall vote as a regular voting member.
 - b. The vice-chair shall be either a tenured member of the Yale College Faculty or an associate dean of Yale College. The vice-chair will assist the chair in the coordination of committee activities and will preside at meetings when designated by the chair.
 - c. The secretary shall normally be an assistant or associate dean of Yale College. This person shall assist the chair in the daily details of committee business, keep the records relating to committee business, handle official correspondence on behalf of the committee, and help ensure that all required procedural steps have been taken by the committee. The secretary shall attend all hearings and shall vote only to break a tie.
 - d. The chair, vice-chair, and secretary shall constitute the Coordinating Group of the Executive Committee. In the absence of one of the three officers, the remaining officers, along with the assistant secretary, shall constitute the Coordinating Group. The Coordinating Group shall prepare and organize all matters coming before the Executive Committee.
3. In evaluating allegations of misconduct, the Executive Committee may request the assistance of an adviser who has knowledge of a particular subject matter or issue in question, and a factfinder, who is responsible for gathering any relevant facts. Advisers and factfinders will produce a written report to the committee, detailing the results of any investigation or analysis and any opinions reached. The report will be provided to the voting members and responding student(s) prior to any hearing. When practical, advisers and factfinders will attend the hearing and be available to answer questions regarding the report and any opinions presented.
- a. An adviser is a member of the Yale College Faculty who assists the work of the Executive Committee as an expert in a particular academic field. Advisers may be appointed either annually or ad hoc by the dean of Yale College.
 - b. In complex cases – usually involving multiple parties – the chair or secretary may request the dean of Yale College to appoint a factfinder to conduct an investigation of the incident(s). The factfinder may be a member of the Yale College Faculty, a staff member, or an investigator engaged by the university for the purpose of conducting the investigation.
4. Each student conduct hearing will be conducted by a panel drawn from the membership of the Executive Committee. A hearing panel shall have six members: the chair or vice-chair, the secretary (or designate), two faculty, dean, or director members, and two student members. The presence of five of these members shall constitute a quorum, provided that at least two student members, the chair, and the secretary are present. A majority vote shall decide questions before the hearing panel.

5. There shall be a Committee of Review which in circumstances described below (See section C.8) may review decisions of the Executive Committee.

B. SUBMISSION OF MATTERS TO THE EXECUTIVE COMMITTEE

Concerns regarding undergraduate student conduct that may violate the Undergraduate Regulations, academic or nonacademic, shall initially be referred to the secretary of the Executive Committee or to the chair and can be sent to yc.executivecommittee@yale.edu. A report should be made in writing and should detail the conduct in question and provide all available and relevant evidence.

1. Reports of possible 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 secretary of the Executive Committee. The faculty member must provide a written statement explaining, in detail, the reason for concern about the integrity of the examination or assignment. The faculty member will also be expected to provide copies of the student work that allegedly violates the regulations, copies of the relevant examination or assignment prompt, and any apparent source materials or other relevant evidence. The secretary will keep the faculty member apprised of major developments in the case and may ask the faculty member to respond to student statements or other issues that may arise.
 - b. If a student becomes aware of an instance of possible academic dishonesty, they 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 or their residential college dean. The department chair or residential college dean will then inform the instructor about the report (without identifying the reporting student) and seek the instructor's input on the matter.
2. Reports of possible Nonacademic Offenses
 - a. Any member of the faculty, residential college head, residential college dean, or member of the University administration or staff may bring an alleged infraction to the attention of the secretary of the Executive Committee.
 - b. An undergraduate student may bring a report of a nonacademic infraction to the attention of the secretary only in conjunction with their residential college head, residential college dean, a member of the Yale College Dean's Office, or the Yale Police Department.
 - c. In addition, the Coordinating Group shall review reports of student misconduct lodged by the Yale Police Department. The Coordinating Group shall take note of conduct in the reports that may be in violation of the *Undergraduate Regulations* and appears to warrant action by the Executive Committee and shall refer the student(s) for action under section 3 immediately below.
3. Initial Disposition and Referral of Reports. Each week the Coordinating Group shall review all reports received by the secretary and shall make one of the following judgments in regard to each report:
 - a. Reports 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 withdrawn as provided below in section E.2.

- b. If there is a need to locate documents, inquire further into matters of fact, or pursue additional information before an informed decision may be made by the Coordinating Group, the secretary shall make preliminary inquiries. When deemed necessary, the chair or secretary shall request that a factfinder be appointed to conduct an investigation. In cases of alleged academic offenses, it remains the responsibility of the faculty member to furnish copies of any relevant source materials.
- c. If, after an investigation or at any time during the disciplinary process, the Coordinating Group determines that there is insufficient information to reach a conclusion or that the act does not amount to a violation of the Undergraduate Regulations, the Coordinating Group will close the matter.
- d. Reports that should have been directed to an administrative official, such as infractions of housing, library, or dining services regulations, shall be referred to the proper authority.
- e. Reports that appear to involve sexual misconduct shall be referred to the secretary of the University-Wide Committee on Sexual Misconduct (UWC). In complex cases that combine allegations of sexual misconduct and other offenses, the chair of the Executive Committee and the chair of the UWC shall consult pursuant to the provisions of the procedures of the UWC.
- f. See section E for reports concerning alleged acts of violence or physical force, harassment, intimidation, or coercion.

C. PROCEDURES FOR CONSIDERATION OF A MATTER BY THE EXECUTIVE COMMITTEE

1. Notification of the Student. If the Coordinating Group decides that a report is to be referred to the Executive Committee for a hearing, the secretary shall, in writing, notify the student or students of this fact and specify the regulation that has been allegedly violated. The notification shall include a copy of the report that provides the basis for the allegation of misconduct. The secretary will also provide to the student a list of the membership of the Executive Committee and a copy of these procedures, including the summary for students appearing before a hearing panel of the committee. (See section I.) The secretary shall simultaneously inform the relevant residential college head(s) and residential college dean(s) of the allegation. The student and their residential college dean should review information relevant to the proceedings. 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 hearing panel.
2. The Adviser to the Student. The student may choose 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 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.

- a. The student's residential college dean will ordinarily serve as their adviser. The student may select an alternative adviser in situations where the college dean is unavailable, or the student feels another adviser would be more appropriate. That adviser may be the residential college head, another residential college dean, a college adviser, a Yale College faculty member, a Yale College administrator, a coach, or any other faculty or staff member of the University who is not a member of the Executive Committee or the Office of the University General Counsel. Should a student find themselves unable to identify an appropriate adviser, the secretary of the Executive Committee shall assist the student and provide recommendations.
 - b. In the case of an allegation of physical assault or other possible infractions, a residential college head or dean shall not serve as adviser to a student in their college in a case involving a report made by another student in the same college.
 - c. The student shall notify the secretary of the Executive Committee as soon as they have chosen an adviser.
 - d. When a report involves 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 may not address the hearing panel or otherwise participate directly in the proceeding.
 - e. 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. Student Statement. Students may respond in writing to the allegation. This statement allows the student to provide their perspective on events and any broader context or other information that will help the Coordinating Group and the committee to better understand the situation. Written statements will ordinarily be due to the secretary no more than 3 business days after the student receives notification. Upon receiving the student statement, the Coordinating Group may:
 - 1) refer the matter directly on to the hearing panel,
 - 2) postpone the hearing to allow for additional factfinding, or
 - 3) close the matter in light of new information presented.
 4. Consideration of the matter by a hearing panel of the Committee. Unless the report is withdrawn (as provided in section E.2), all reports referred by the Coordinating Group will be reviewed by a hearing panel of the Executive Committee. Hearings may take place in person or via video conference or other remote technology. At the discretion of the Coordinating Group, matters involving multiple students may be considered through group hearings.
 5. In instances where there are no factual disputes, and in order to expedite or more efficiently manage the resolution of disciplinary cases, the Coordinating Group, at its discretion, may offer students the option of a resolution via an agreement of responsibility without a hearing.
 6. Hearing Preparation:
 - a. The secretary will provide the student with copies of any additional materials, beyond the original notification, that will be considered by the committee. These might include: a factfinding report, witness statements, audio or video recordings, physical evidence, or additional documentation. These materials

should be made available to the student no less than three business days prior to the hearing, except when the student requests that less time be allowed in order to schedule an earlier hearing. The same materials will be made available to the adviser.

- b. 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 two business days before the meeting. The student may also request to invite a reasonable number of witnesses to the hearing. The student must provide the name and relevance of any proposed witness to the secretary no less than three business days before the meeting. The invitation of any witness will be made at the discretion of the Coordinating Group. General character witnesses and character witness statements are not accepted.
 - c. If it is a matter of academic dishonesty, the reporting faculty member may request from the chair permission to make a brief explanatory statement to the committee in the presence of the student.
 - d. Inspection of Records. The documents relating to the report, including the initial report, 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 or by secure electronic distribution normally no less than twenty-four hours before the time of the meeting. These documents are confidential.
 - e. Excuse for Conflicts of Interest. The chair or secretary shall ascertain whether any members should be excused because of a conflict of interest (in accordance with section G.)
7. Procedures during the Student's Meeting with the hearing panel of the Committee.
- a. The purpose of the meeting between the student and the committee is to vent fully all sides of the issue or issues raised in the report.
 - b. 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.
 - c. Every student shall be put on notice that lying to a factfinder or to the Executive Committee may be taken into account in fixing the penalty and could serve as the basis for an additional violation as provided in the *Undergraduate Regulations* (See Offenses, section I, "Misconduct during a formal conduct process or hearing.").
 - d. When a hearing panel meets with the student, the chair (or vice-chair) shall explain the substance of the matter and the specific undergraduate regulation allegedly violated or the other alleged action that in the committee's judgment may warrant disciplinary action.
 - e. The student may make a statement of reasonable length to the hearing panel.
 - f. If a factfinder has conducted a review, the student or members of the committee may request the factfinder to explain their report.
 - g. When invited to a hearing, witnesses or the reporting person will address the hearing panel and answer questions.
 - h. The student may answer questions asked by the panel members.

- i. With the student's permission, their adviser may speak briefly on their behalf.
- j. The student may make a closing statement of reasonable length to the hearing panel.
- k. Deliberative Session of the hearing panel. Upon completion of the discussion of the matter, the student, the student's adviser, the factfinder or the adviser assisting the work of the Executive Committee (if there are any), and all other persons except the chair (or vice-chair), the secretary, and the regular voting members of the hearing panel shall withdraw. The panel 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 secretary 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 chair shall inform the student and their adviser of the outcome immediately after a decision is reached.

Should the meeting of the committee to consider the matter extend beyond a reasonable hour, the chair may postpone the remainder of the meeting. The chair should reconvene the meeting in person or by other means as soon as possible. If the meeting is so adjourned, the same committee members must participate in the reconvened meeting at which the hearing or deliberations shall be resumed or the penalty assigned.

- l. 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.
 - i. When a hearing panel of 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 panel of any previous infractions of the *Undergraduate Regulations* on the part of the student. The hearing panel shall permit the student and their adviser to present a statement of reasonable length relevant to the determination of the penalty.
 - ii. After the student and the adviser have again withdrawn, the secretary will inform the panel about the nature of previous penalties assessed for similar offenses. The panel will discuss what penalty it should impose. If the panel has found that the student purposely misled the committee during its deliberations, the panel may consider that factor as grounds for imposing a more severe penalty. The chair will propose a penalty upon which the voting members of the panel will vote by secret ballot. The chair (or vice-chair) votes with the panel. If the vote is a tie, there shall be further discussion and a second vote. If a second consecutive vote results in a tie, the secretary shall vote to break the tie.

- iii. Should a panel 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.
 - iv. The penalty of suspension must apply to periods when Yale College is in regular session. Students who are suspended must vacate the college and return keys and Yale identification to the residential college dean's office within the time period specified by the hearing panel of the Executive Committee. In no case may that period be greater than 72 hours after the imposition of the penalty. A suspended student may not return to campus during the period of suspension for any reason unless they receive express written permission in advance from their residential college dean or head, or the dean of students. Students who receive the penalty of suspension with petition for reinstatement must follow the procedures outlined in the Academic Regulations, J. Time Away and Return: Postponement, Leave of Absence, Medical Leave of Absence, and Withdrawal. In addition, students who receive a penalty of probation or suspension may be required to meet with the secretary or another member of the Executive Committee, or the dean of students or their delegate before the end of the probation or suspension period.
 - v. When the hearing panel has reached its decision about the penalty, the chair shall inform the student and the adviser of the committee's decision.
 - vi. The secretary shall inform the relevant residential college head(s) and dean(s) of the committee's decision. The secretary shall also inform the residential college dean of the exact manner in which the infraction is to be indicated in the record and recommendations for the student. This communication should ordinarily take place in writing within two weeks of the disposition of the matter. Copies of those letters shall form part of the permanent record of the Executive Committee.
 - m. The secretary shall also send written notice of the decisions of the committee to the reporting person and/or the person who is the alleged victim of any crime of violence. (See section E below.)
 - n. 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 the University community.
8. 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. Decisions 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 appeals from (1) a student or students who have been assigned a penalty by the Executive Committee and (2) reporting students in cases of violence or physical force, harassment, intimidation, or coercion (see Section E), when the student 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. The dean of Yale College also has the authority to submit an appeal to the Committee of Review when 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. An appeal must be received by the Committee of Review no later than five business days after the decision of the Executive Committee and may be sent to yc.executivecommittee@yale.edu. In order to review such appeals, the Committee of Review will have access to all the written records of the Executive Committee.
- c. In response to an appeal, 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 decision; (4) certain key principles of the University were not sufficiently considered in the original decision.
- e. The Coordinating Group will have the authority, on behalf of the Executive Committee, to grant or deny a request for reconsideration. In the case where the Coordinating Group 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 meeting for reconsideration of a case by the Executive Committee, the chair of the Committee of Review will appear before the Executive Committee or the Coordinating Group in order to make clear what motivated the call for reconsideration. The Executive Committee or the Coordinating Group 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, except when a reporting student brought the appeal in cases of violence or physical force, harassment, intimidation, or coercion (see Section E).

9. Timing on Disposition of Matters. The process of factfinding, Coordinating Group consideration, and Executive Committee action should normally be completed by the end of the academic semester after the semester in which a report has been submitted ("Academic semester" for this purpose means a semester in which the student is registered and in residence at Yale).

Matters involving an administrative suspension shall be governed by the time limits provided for that procedure. (See section D.3.)

A student who withdraws from Yale College for personal reasons rather than face disciplinary charges that are pending against that student will not be eligible for Yale College reinstatement, re-enrollment or a Yale College degree, and a notation to this effect will be entered on the transcript. A student in such a situation must go through the disciplinary proceeding in order to be eligible for reinstatement. If a disciplinary case brought against a graduating senior is pending at the time of graduation, the Coordinating Group will recommend to the dean of Yale College that the student's degree be withheld until the case is resolved.

D. MATTERS BEFORE THE EXECUTIVE COMMITTEE RESPECTING CASES BEFORE THE COURTS

When a report 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 matter by one of the following procedures:

1. If in the judgment of the Coordinating Group sufficient information is available to consider the matter, the committee may consider it in the normal manner.
2. The Coordinating Group may decide to defer consideration of the matter until after the case has been adjudicated by the courts. When the Coordinating Group so defers consideration, it shall decide either to permit the student to continue in regular enrollment and residence in their residential college or to permit the student to enroll in classes but not to live in the residential college. Before the Coordinating Group makes this decision, the chair shall request the written opinion of the student's residential college head. The student may also present a written statement in regard to their ongoing residence in the residential college.
3. The student may request in writing that the Executive Committee defer its consideration of the matter and that they 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 allegation 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 they may re-enroll, through the normal procedures for reinstatement or readmission, only after the standing matter 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 matter 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 normally does 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 matter comes for consideration by the Executive Committee after the period of administrative suspension, the committee will consider the matter 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 ALLEGED ACTS OF VIOLENCE OR PHYSICAL FORCE, HARASSMENT, INTIMIDATION, OR COERCION

1. In any report involving alleged acts of violence or physical force, harassment, intimidation, or coercion (see Offenses, section C and section E), the procedures for the disposition before the committee (see Procedures, section C) are amended in the following ways:
 - a. The person against whom one of the acts described above was allegedly committed (referred to here as the “reporting person,” whether or not they actually made the report) shall receive copies of all documents submitted relating to the matter, including the initial report, any report of the factfinder, the statement by the responding student, and any other materials deemed relevant by the Coordinating Group, no less than five business days before the hearing. All documents are strictly confidential and may not be shared or disclosed except with the reporting person’s adviser or legal adviser, if any. All physical documents must be returned to the secretary of the Executive Committee and all electronic documents must be permanently deleted once the process has ended.
 - b. The Coordinating Group may arrange for the appearance of witnesses. The reporting person shall have the same rights as the responding student as described in section C.6.b. This includes receiving the same notifications about witnesses and the same opportunity to invite witnesses to the hearing.
 - c. The reporting person has the option to participate in the hearing. Should the reporting person choose to participate in the hearing, they may choose to be accompanied for moral support by a staff or faculty member of the Yale community who will not participate directly in the proceedings. The reporting person may also be accompanied by a legal adviser who similarly may not participate directly in the proceeding.

- d. Unless both parties ask to appear jointly, the reporting person and responding student will not appear jointly before the panel at any stage of the hearing. The party who is not before the panel will be in a private room with audio access to the proceedings. The adviser of the party not before the panel (and legal adviser, if permitted pursuant to section C.2.), however, may be present in the hearing room during the testimony.
 - e. During the hearing, the reporting person and then the responding student may each make a statement of reasonable length to the hearing panel. Following these statements, the panel will interview the reporting person and then the responding student. At its sole discretion, the Coordinating Group may request the testimony of additional witnesses. The parties and any witnesses will be questioned by the panel only, but each party will be given an opportunity to submit questions for the panel to ask the other party or witnesses. The panel, at its sole discretion, may choose which, if any, questions to ask.
 - f. In cases arising under this section, advisers may not speak on behalf of the students to the committee.
 - g. The reporting person and responding student may make closing statements of reasonable length to the hearing panel.
 - h. After the deliberative session of the hearing panel is complete, the chair shall inform each party separately of the outcome immediately after a decision is reached.
 - i. The secretary shall send written notice of the decisions of the committee to the reporting person. This communication should ordinarily take place in writing within two weeks of the disposition of the matter.
2. In any report involving acts of violence or physical force, harassment, intimidation, or coercion (see General Conduct and Discipline, Offenses, section C and section E), the reporting person may, at any time before the day scheduled for the Executive Committee's hearing, request in writing that the Coordinating Group dismiss the matter. The Coordinating Group will consider the request, and may inquire into the circumstances (including as appropriate consulting with the reporting person's adviser or residential college dean) to determine whether the matter has been resolved fairly and to the satisfaction of the parties, whether the reporting person's request is fully voluntary, whether the interests of the Yale community would be better served by hearing the case, 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. It shall be the duty of the chair to explain to all parties involved in a case of alleged harassment on the basis of sex, sexual orientation, gender identity or expression, race, color, religion, age, disability, status as a protected veteran, or national or ethnic origin that the Executive Committee disposition of the matter 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.
 4. Should the allegation of harassment, intimidation, coercion, or assault be simultaneously pursued in the courts, the procedures in section D regulating such situations shall be in effect.

5. The reporting party shall have the same option as the responding student to bring an appeal to the Committee of Review as provided in section C.7.

F. CONFIDENTIALITY IN EXECUTIVE COMMITTEE MATTERS

The Executive Committee and all members of the Yale community who are involved in a matter before the Executive Committee are expected to maintain the confidentiality of its proceedings and any information circulated in regard to those proceedings.

All documents, and other materials, prepared by, prepared for, or received from the Executive Committee in connection with an Executive Committee proceeding must be held in strict confidence. Students may not disclose Executive Committee Materials to anyone other than their advisers in the Executive Committee proceeding, their residential college dean, family members, and attorneys. Students must inform these recipients that Executive Committee materials and documents are strictly confidential and may not be further disclosed.

Disciplinary action may be taken against a student who discloses any Executive Committee documents or materials in violation of these procedures, or who is responsible for the improper disclosure of such documents or materials by others. In addition, whether or not an Executive Committee document has been disclosed, disciplinary action may be taken against a student who breaches confidentiality in order to retaliate against a person for their participation in an Executive Committee proceeding.

G. CONFLICT OF INTEREST

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

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 matter 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 matter (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 they are in some manner involved in the specific details of the matter and may request to be excused from participation.
4. A member of the committee should inform the chair that the nature of the matter creates an occasion for a conflict of interest and may request to be excused from participation.
5. The student against whom a matter has been brought, or the reporting party, 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, a faculty member of the committee shall carry out the responsibilities of that member of the Coordinating Group in regard to the matter under consideration.
7. All issues relating to conflict of interest should be raised and settled before the committee begins consideration of the matter. 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.
8. 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 OF THE EXECUTIVE COMMITTEE

The records of the Executive Committee are of four types. The first three (described in sections H.1-3.) are unavailable to the public unless subpoenaed by the court or other government agency and should be stored securely by the Yale College Dean's Office. The fourth type of record (described in section H.4.) will be published twice per year 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. The Executive Committee may share records internally with other administrators in Yale College.

1. The secretary shall maintain a record of all matters acted on by the Executive Committee. This record shall include the original written report, any forms or statements signed or submitted by the student and all materials submitted to the committee prior to the hearing, including the report of the factfinder or adviser, should there be one.
2. The secretary shall keep a record of minutes from each meeting of the Executive Committee. These need not be a verbatim transcript, but they should reflect a record of the statements of witnesses and substance of the discussions and decisions of the committee. Minutes shall not be kept of the private committee discussion prior to reaching a decision by vote on the substance of the allegation 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 alleged violations sustained by the Executive Committee and the particular penalties assigned. The purpose of this record shall be to aid the committee in equitably addressing reports 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 alleged violation, 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.

I. SUMMARY OF KEY PROVISIONS FOR STUDENTS INVOLVED IN EXECUTIVE COMMITTEE PROCEEDINGS

The following summary should be given to all students being informed that a report has been made against them. Students in Yale College requested to meet with the Executive Committee in regard to a report 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 the following:

1. The student shall receive written notification of the report and of the specific alleged infraction of the *Undergraduate Regulations*. (See section C.1.)
2. The student will be given a statement of the procedures, including the conflict-of-interest provisions and a list of the members of the Executive Committee. (See section G.)
3. The student may choose a staff or faculty adviser from the Yale community as provided in the procedures. If the matter 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. (See section C.2.)
4. Normally five business days must elapse between notification of the student and the meeting of the committee at which the matter is to be considered, but upon written request of the student a briefer interval may suffice.
5. The student may request the secretary to make reasonable efforts to locate particular documents or to gather relevant information.
6. Throughout the investigation of the matter, the student may choose to remain silent. The student should, however, understand that by doing so they forfeit 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 constitute a separate violation of the regulations. (See section C.7.b. and section C.7.c.)
7. The student may see all written materials to be submitted to the committee, including the report of the factfinder, no less than three business days 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 no less than two business days before the meeting. (See section C.6.a. and section C.6.b.)
8. The student may request witnesses be contacted on their behalf. (See section C.6.b.)
9. During the meeting of the committee the student may choose 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 they forfeit an opportunity to present orally their 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 that students will tell them the

truth, they will give such credence and weight to the student's statements as they believe appropriate. (See section C.7.b.)

10. The student shall have the option of making a statement of reasonable length relevant to the determination of the penalty prior to the penalty phase of the committee's meeting. (See section C.7.1.)
11. In the circumstances outlined in section D of the procedures the student may request an administrative suspension, but the granting of such a suspension is entirely at the discretion of the committee. (See section D.3.)
12. If, subsequently, substantial new information of an exonerating nature becomes available, the student may request a reconsideration of the matter. The student may appeal to the Committee of Review no later than five business days after the decision of the Executive Committee only when they believe 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 assignment 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. (See section C.8.)
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 (except as provided in section H).