

YDS Disciplinary Committees Procedures

1. Notice

The student shall be notified in writing by the Chair of the Disciplinary Committee that the University or the School has been informed of alleged conduct by the student which it feels should be investigated to determine whether disciplinary action should be taken. It will be expected that either the Chair or the Associate Dean of Student Affairs (by mutual agreement) will thoroughly review both the allegation and these procedures with the student. In addition, the student will receive from the Chair of the Committee the following written documents:

- a. A brief statement setting out the complaint(s).
- b. A printed copy of the procedures of the inquiry.

Note: Under these procedures, it is the School that is bringing alleged misconduct to public scrutiny, not an accusing student or other member of the Divinity School community. For the sake of this policy, aggrieved persons are considered witnesses.

The Divinity School must initiate action within six months of an alleged incident, though the progress of a case may exceed that time.

2. The Student's Response

The student will be asked to submit to the Chair of the Committee within five (5) days, a written statement of reasonable length commenting on the facts of the case, her/his involvement in it, and any other matter she/he deems relevant. The Chair shall circulate this document among the members of the Committee. Regularly scheduled holiday breaks will be taken into consideration in this deadline. Reading weeks are not considered holidays for this purpose. Normally, if the incident occurs at the end of the school year, the Committee will not act upon it until the fall.

3. Disposition without Formal Hearing

On the basis of the documents and the student's statement, the Committee may decide that the matter can be resolved without a formal hearing with the student. The Committee will make this decision within two (2) weeks (adjusted for breaks) or less of the written accusation. An indication of this consensus will be made, in writing, to the Dean. If the accused student is dissatisfied with the outcome of this procedure, she/he may request a hearing before the Committee.

4. The Hearing by the Disciplinary Committee

- a. Documents: Members of the Committee and the student will be given all documents relevant to the case at least one day prior to meeting.
- b. Quorum: All appointed members of the Committee, or their authorized replacement(s), shall constitute a quorum and the decision of a majority of all members present shall prevail.
- c. Opening Statements: The Chair will open the proceedings by reviewing the charges in the presence of the student. The student will be asked to respond to the charges and make such other comments as she/he deems appropriate.
- d. Disputing as to Facts: If it appears from the student's response to the charges that there is a substantial dispute about the facts themselves, which cannot otherwise be resolved, the individual(s) who reported the facts may be asked to testify. Should this individual or these individuals not be a member or members of the Yale community and refuse to testify at the hearing, the Chair shall appoint a member of the Committee to make every effort to verify the facts and interview people involved and then give his/her evaluation of the facts to the Committee and to the student.
- e. Witnesses: The student, having given the Chair of the Committee prior notice, may bring witnesses to the events at issue if their testimony is designed to show that the facts have been incorrectly reported to the University. The Committee may also call witnesses if it deems them necessary or desirable.
- f. Presence: It will be the usual procedure that the witnesses will testify in the presence of the student. If in the judgment of the Committee this proves impractical or undesirable, an adequate summary of the nature of the testimony shall be furnished to the student to enable her/him to respond to it. This practice includes the testimony of any "expert" witnesses called by the Committee. A student may challenge her/his

exclusion in the context of an appeal to the Dean following a Committee's judgment.

g. Legal Assistance: The student may have an attorney present at the hearing. However, the attorney may neither take part in the proceedings nor give advice to her/his client when the Committee is in session.

5. Records

The Chair of the Committee may ask that a recording secretary be provided to the Committee by the Dean, who will keep notes of the substance of Committee proceedings to be reviewed, approved, and initialed by each member of the Committee before becoming an official record. These notes will not be considered verbatim records, and neither audio nor videotapes will be made of the proceedings. In cases where a recording secretary is not provided, the Chair will designate a member of the Committee to take notes and record actions of the Committee.

All individuals connected with a case should remember that the records of students, of investigations, and of Disciplinary Committee meetings can be subpoenaed by a court in connection with any pending criminal or civil case. During the investigation the accused student is not compelled by University regulation to say something that might be used against her/him at a later time. However, a student should be aware of the fact that if she/he remains silent, the Committee will decide the case on the basis of the information presented to it.

These procedures are not meant to prejudice civil or criminal actions in any way, nor are they meant to substitute for them.

University Counsel will be consulted throughout the process.

The following penalties are among those that may be imposed by the Disciplinary Committee:

- a. Issue a reprimand
- b. Place on probation
- c. Remove from campus housing
- d. Suspend effective immediately; action to be reviewed by the Divinity

School faculty as soon as practical.

- e. Recommend suspension to the general faculty: separation from all functions of the University for a stated period. Suspension may require petition for readmission.
- f. Recommend dismissal to the faculty.

By majority vote of the Committee, the action to be taken may be noted on the student's transcript. One copy of any documents considered by the Committee will be placed in the student's official folder in the school. One copy of all such documents and a record of proceedings will be kept by the Committee. All other texts will be destroyed.