



THE ADMINISTRATIVE BOARD OF HARVARD COLLEGE

Information for students facing allegations that do not involve a peer dispute

This guide is meant to give you information about the process by which the Administrative Board will address the concern that has been brought forward. If you have any questions, you should contact your Resident Dean of Freshmen/Allston Burr Assistant Dean, Board Representative, or the Secretary of the Administrative Board (adboard@fas.harvard.edu; 617-384-7239).

As the disciplinary case progresses, you should consider your emotional and physical well-being. While this process can be difficult, please be assured that there are many different people at Harvard who can assist you in accessing support services. If at any time you would benefit from confidential counseling to help cope with any personal distress, you are encouraged to contact the Bureau of Study Counsel (617-495-2581) or the Harvard University Counseling and Mental Health Services (617-495-2042).

A disciplinary case always begins with an *allegation* of student misconduct in the form of a complaint or report. In a disciplinary case that does not involve a peer dispute, the complaint may be made either by an official of the University, by another agency (such as the police or courts), or by another person. But while anyone may bring a complaint against a student, any ensuing *charge* must be brought by, and on behalf of, the College. A charge begins the Administrative Board's investigation, but it does not assume misconduct has occurred. Once the charge has been investigated, the Board will review the case and issue a *finding* and an *outcome*, which is a determination as to whether a student has violated the rules of the College, and the College's response.

The entire process, from start to end, ordinarily takes between one to two weeks, depending on how much information the Board receives during the investigation.

As with all proceedings of the Board, *any information contained in a case document or otherwise obtained from your participation in the complaint process must remain confidential and its disclosure to anyone other than Board Representatives, Resident Deans of Freshmen/Allston Burr Assistant Deans, family members, legal counsel, licensed mental health professionals, clergy, or Personal Advisers (officers of the University affiliated with the Faculty of Arts and Sciences; see below) is strictly prohibited and may subject a student to disciplinary action. Those people with whom a student has shared disciplinary case materials are prohibited from disclosing them to others without the express permission of the College, and any such disclosure also may subject the student to further disciplinary action.* These confidentiality obligations are intended to help protect your privacy and the privacy of any other students involved in this process and to preserve the integrity of the investigation. They will remain in full force even after the conclusion of the disciplinary case. Should you have any questions or concerns about those with whom you may discuss the disciplinary case, you should consult with your Resident Dean of Freshmen/Allston Burr Assistant Dean, Board Representative, or the Secretary of the Administrative Board before taking any action.

Two Phases of a Disciplinary Case before the Administrative Board:

Investigation

- Notification of the Allegation*
- Serious Criminal Conduct*
- Choosing Your Representation: Board Representative and Personal Adviser*
- Your Initial Statement*
- Charge Decision; Possible Referral to a Subcommittee*
- Interview (In the Event of Serious Allegations)*
- Additional Interviews and Information Gathering*
- Subcommittee Report*
- Presentation of the Case*

Finding

- Possible Outcomes*
- Conclusion of the Case*

Investigation

Notification of the Allegation

When a concern is brought to the Administrative Board, the Secretary of the Board obtains a written statement, a report, or other documentation detailing the allegation. You will be notified by the Secretary of the Board (or other designee of the Dean of the College) that an allegation has been made against you, and the Secretary will request a meeting with you. During that meeting, the Secretary or Dean's designee will outline for you the College's confidentiality policies, disciplinary process, and the allegation. At this point, the complaint or report will be shared with you.

Serious Criminal Conduct

When a complaint involves allegations of serious criminal conduct, we advise students to seek legal counsel before making any written or oral statements to the College. (A separate letter explaining this issue will be given to you if applicable.) The College's disciplinary process is pedagogical rather than judicial, and attorneys for students are not permitted to participate. However, students are advised to seek legal advice about how the College's disciplinary process could affect any criminal case in which they may be involved. Ordinarily, if a complaint is being pursued through the criminal justice system, the Board may assess the timing of its investigation so that it does not compromise the integrity of the criminal investigation or the rights of any students involved. In some cases the Board may choose to postpone or suspend its own review of the matter until the criminal case has been concluded.

Choosing Your Representation: Board Representative and Personal Adviser

Every Harvard College student has an official representative on the Administrative Board who serves as a liaison with the College in any Board matter. Ordinarily, a student's representative to the Board is his or her Resident Dean of Freshmen/Allston Burr Assistant Dean. *If you believe that your Resident Dean of Freshmen/Allston Burr Assistant Dean is not the best person to assist you with the case*, you may choose any other voting member of the Board (except for the Chair and the Associate and Assistant Deans of Academic Integrity and Student Conduct) as an alternate to serve as your Board Representative, in which case all communication will be through the alternate rather than your Resident Dean of Freshmen/Allston Burr Assistant Dean. To choose someone other than your Resident Dean of Freshmen/Allston Burr Assistant Dean to be your Board Representative, contact the Secretary of the Board.

Your Board Representative is an officer of the College and you should be open and honest when talking with him or her. The role of your Board Representative, whether your Resident Dean of Freshmen/Allston Burr Assistant Dean or Board alternate, is to represent you in the Board process. He or she will be present at all meetings and will make certain that you are kept informed throughout the process. Your Board Representative also will present to the Board a full summary of the facts of the case in which you are involved; your Board Representative will not advocate for you but will make certain that your perspective is clearly presented. Though your Board Representative does not vote on your case, he or she does speak on your behalf and participates in deliberations about your case.

In addition to their Board Representative, students involved in disciplinary cases may be more comfortable navigating the Administrative Board's process with the support of a Personal Adviser. Your Personal Adviser is given access to all case information, may attend any interviews with you, and can provide you with general advice and support. A Personal Adviser must be an officer of the University affiliated with the Faculty of Arts and Sciences, such as a proctor or tutor, head coach, teaching fellow, instructor, or faculty member. Undergraduate students and members of your family may not serve as Personal Advisers for these purposes, even if they are affiliated with the Faculty of Arts and Sciences.

Your Initial Statement

You will be asked to prepare a written statement responding to the allegation against you.

The statement is among the most important documents considered by the Board in a case and is the first opportunity you have to describe the event and respond to the allegation. You must write it yourself; it is unacceptable to submit statements written by others, including parents, advisers, or attorneys. You are, however, encouraged to share a draft of your statement with your Board Representative, who is well-positioned to discuss, among other matters, your statement's style, organization, length, and clarity, and to anticipate questions it may raise for the Board. In addition, you may wish to share a draft of the statement with your family members, legal counsel, or Personal Adviser.

Your statement should communicate your account of the incident and its context, as well as your reflections:

Tell the story in full. This is your opportunity to relate in full the facts of the alleged incident as you recall them. You should take care to distinguish between what is known first-hand and what you may have learned later from others.

Describe the context. The Board is especially interested in your perspective on the incident and the context in which the incident occurred.

Reflect on the event. It is helpful to the Board for you to provide any conclusions you have drawn about the alleged incident, stating clearly why you believe your actions may or may not have violated a rule or standard of conduct in the College.

If applicable, attach to your statement a descriptive list of all sources of information (e.g., persons, correspondence, records, etc.) that you believe the Board should investigate, along with a brief explanation of why you believe the inquiries would be relevant and helpful to the investigation. Please identify sources of supporting information but do not attempt to obtain them yourself; the Secretary will direct the solicitation of any statements or documents sought as part of the investigation. Once it is completed, you should sign, date, and submit your printed statement. Emailing your statement directly to the Secretary of the Board is also acceptable.

Charge Decision; Possible Referral to a Subcommittee

If, at this point, the Secretary can ascertain that the report is a matter of a misunderstanding or that no wrongdoing has occurred, the matter may be dropped or the Board may hear the case with the likely outcome of “scratch,” a formal exoneration clearing the student of any wrongdoing (see *Possible Outcomes* below).

If the allegations cannot be set aside, then the Secretary will refer the case to the Board or, in some cases, to an independent fact finder and/or subcommittee of the Board for further investigation. Independent fact finders are typically professionals from outside the University. Subcommittees of the Board ordinarily consist of two or three people, whose names and contact information will be given to you. The fact finder and/or subcommittee members will communicate with you directly, through the Secretary, or through your Board Representative.

Interview (In the Event of Serious Allegations)

If the allegations are serious enough that a finding might result in an official change in your status at the College (see *Possible Outcomes* below), then you will be given the opportunity to meet with a subcommittee of the Board to discuss the alleged incident and to answer questions, if you choose to do so. If a fact finder and/or subcommittee was appointed in your case, then your meeting will be with them. There is no obligation for you to meet with the fact finder or subcommittee, and, if you do, you are free to participate to whatever extent you feel comfortable, within the bounds of standard Board procedures. The Board will draw no conclusions or inferences from your decision.

Ordinarily, the initial complaint, your statement, and all other documents related to the case will be distributed to the subcommittee members in advance of your interview. *All materials provided to the subcommittee also will be shared with you and your Board Representative in advance of your interview with the subcommittee. These materials may also be shared with your Personal Adviser.*

Your Board Representative will accompany you to all the meetings with the subcommittee. You also may choose to include your Personal Adviser. Personal Advisers participate in the discussion with the subcommittee for two purposes:

- (1) to suspend the subcommittee proceedings momentarily to take you outside the interview room for a brief break; and/or
- (2) to address the subcommittee briefly if there are relevant facts that the two of you previously discussed, but that you failed to raise in the interview.

You and your Personal Adviser should arrive a few minutes before the scheduled time of the interview; you will be provided with a private area outside the meeting room to wait. Once the subcommittee is ready, your Board Representative will escort you and your Personal Adviser into the meeting, where the subcommittee will introduce

themselves. This meeting is an opportunity to discuss your memories of the event in question, voice any concerns you may have, and work with the subcommittee to determine what information may be available for the Board as part of the investigation. At the conclusion of the interview, you are permitted to make an optional closing statement.

Additional Interviews and Information Gathering

The Secretary of the Board or, if your case has been referred to a fact finder and/or subcommittee, the fact finder and/or subcommittee, may, at his or her discretion, obtain statements from and/or interview others (including, for example, those you identified as potential sources of information). Witnesses who are no longer on campus or in the Boston area are sometimes interviewed by phone or other electronic means (e.g., Skype, FaceTime, etc.). Your Board Representative will be present for all interviews so that he or she can inform you about what was said during the interview and about any information that was obtained. You will have the opportunity to review all documents and other information obtained by the Secretary of the Board and/or the fact finder and/or subcommittee appointed to investigate your case.

Subcommittee Report

If a fact finder and/or subcommittee was appointed to investigate your case, at the conclusion of its investigation the fact finder and/or subcommittee will issue a confidential report, called a Subcommittee Report. The Subcommittee Report describes the facts and circumstances of the case and may include a recommendation for disciplinary action. This recommendation is a starting point for the Board's discussion in your case. In all cases, the Board is not limited in its discussion and has the full range of sanctions allowed by the Faculty available to it.

You will have the opportunity (typically one to three days) to read and respond to the Subcommittee Report in advance of the meeting at which the Board will decide your case. You may respond either in writing or orally to your Board Representative, who will be present when the Board hears the case.

Presentation of the Case

At the conclusion of the investigation, your case will be presented to the full Board at one of its regularly scheduled meetings. All documents collected as part of the investigation will be distributed to the membership in advance of the meeting, including the Subcommittee Report and copies of all statements and other documents obtained by the fact finder and/or subcommittee and deemed relevant to the allegations (such as police reports, court documents, or other records). Members of the Board will have read the materials before discussing and deciding the case. As noted above, whether or not a fact finder and/or subcommittee was involved in your case, you also will have received a copy of or have had the opportunity to review all materials distributed to the Board. These will include, at a minimum, the original complaint and the statement you submitted to the Secretary of the Board, and also may include any additional statements that were received by the Board. If a Subcommittee Report was issued in your case, then the distributed materials will include the Subcommittee Report and your written response, if any.

Every Board hearing of a disciplinary case begins with *an oral summary of the allegations* by either the Resident Dean of Freshmen/Allston Burr Assistant Dean, Board Representative, fact finder (if one was appointed), or subcommittee chair (if one was appointed), letting the student's statement and any other relevant documents speak for themselves. Any member of the Board may offer a recommendation for action, or *motion* (there is sometimes a range of motions offered), and, after the discussion, the Chair will call for a vote.

During the presentation of your case to the full Board, your Board Representative will convey any other additional information that you wish the Board to know.

The fact finder (if one was appointed), your Resident Dean of Freshmen/Allston Burr Assistant Dean, and your Board Representative may not vote on the case. If you chose to work with a Personal Adviser and that person is also a member of the Board, your Personal Adviser may not be present for the presentation of the case and may not vote.

Finding

Possible Outcomes

To take any disciplinary action against a student, the Board must be sufficiently persuaded that the student has violated the rules of the Faculty. The Board's disciplinary case decisions generally depend on two criteria:

- (1) the seriousness of the infraction; and
- (2) extenuating circumstances, including the extent to which a student has had similar trouble before.

Any disciplinary action requires at least a majority vote of those members present and eligible to vote and, in the case of a requirement to withdraw, at least a two-thirds vote of the members present and eligible to vote. (A student's own Resident Dean of Freshmen/Allston Burr Assistant Dean and Board Representative, if different, are not eligible to vote, and the Chair of the Board ordinarily does not vote.) Ordinarily, a close vote will lead to further consideration of the case by the Board, after which another vote may be taken.

In all disciplinary cases, the Board may take one of a number of actions, listed here. The following possible actions *do not* change your status at the College, meaning that you remain "in good standing:"

Bracket or postpone the decision pending receipt of additional specific information.

Scratch. There are no grounds for action. A decision of scratch is recorded in a student's file to signal that the Board found no fault.

Take No Action. A serious accusation was made but was not or could not be substantiated.

Warn or Admonish. A warning from the Board that a student has violated the rules or standards of conduct in the College. The Board may respond to any future instances of misconduct with formal disciplinary action.

The following possible actions of the Board *do* change your status in the College, meaning that you are no longer considered to be "in good standing." This information is disclosed to parents or guardians, as well as to graduate or professional schools under certain circumstances.

Place on Probation. A student on disciplinary probation has displayed behavior that causes considerable concern, and students on probation are expected to pay close attention to their conduct, both during the period of probation and after. The Board will likely respond more seriously (e.g., requirement to withdraw) to further infractions. A student is relieved of probation at the end of the time period set by the Board, typically one or two terms, provided there has been no further misconduct.

Requirements and Restrictions (at the Board's discretion). When a particular activity contributed directly to the problem for which a student was placed on probation, requirements and restrictions may be placed on that student. Requirements, for instance, might include alcohol counseling in cases of inappropriate conduct while under the influence. Restrictions, for instance, might include barring a student from participating in an extracurricular activity that contributed to or allowed for the misconduct.

Require to Withdraw. When a student's conduct is unacceptable and the Board has determined that the student needs to be separated from the College to gain perspective on his or her actions, or to address and resolve his or her difficulties, then the Board requires the student to leave the Harvard community and to hold a full-time, paid, non-academic job in a non-family situation for at least six consecutive months before petitioning for readmission to the College. The length of withdrawal normally ranges from two to four terms. Readmission to the College after a requirement to withdraw is not automatic, and requires a vote of the full Administrative Board. A readmitted student generally returns in good standing, unless the misconduct also resulted in an unsatisfactory academic record. Ordinarily, a second requirement to withdraw, whether for a disciplinary case or academic review, is final, meaning that, should a student petition to return, the petition will ordinarily not be granted.

Recommendation to Dismiss or Expel. In the most serious cases of misconduct, the Administrative Board may require a student to withdraw with a recommendation that he or she be dismissed or

expelled from the College. Dismissal and expulsion sever a student's connection with the University. A dismissed student can be readmitted only by a vote of the Faculty Council; a student who has been expelled may not be readmitted. The Administrative Board cannot itself dismiss or expel a student but instead recommends such action to the Faculty Council, which is empowered to impose that sanction.

Conclusion of the Case

Once an outcome has been reached, your Board Representative will notify you of the Board's finding, and your Resident Dean of Freshmen/Allston Burr Assistant Dean will send a letter to you confirming the Board's decision in writing. The Board's proceedings and decisions are confidential and communicated only to those with a need to know. If the complaint against you was filed by a faculty member or other officer of the University, then he or she also will be informed of the Board's decision.

A degree will not be granted to a student who is not in good standing, or against whom a disciplinary charge is pending. A student on a leave of absence, whether voluntary or involuntary, is ordinarily not allowed to return and register until any pending disciplinary case is resolved.

After the case has been decided, all materials reviewed by the Board members are destroyed. Regardless of the outcome, a redacted copy of the confidential Subcommittee Report, if applicable, and all other materials will be placed in a sealed envelope in your College file. These documents are part of your educational record as defined and protected by federal law.

If you have questions about the process or the procedures of the Board, you should contact your Resident Dean of Freshmen or Allston Burr Resident Dean, Board Representative, or the Secretary of the Administrative Board at adboard@fas.harvard.edu (617-384-7239). Further information is also available on the website of the Administrative Board at www.adboard.fas.harvard.edu and in the *Handbook for Students* at <http://handbook.fas.harvard.edu>.