

III. Procedures for Claims of CMD

A. Requesting and Receiving a Hearing

1. TIMING OF REQUEST

Each Request for a Hearing on CMD must be made within ~~ten (10)~~ *seven (7) days following the date of the Student's after a student is formally accused by an* Investigative Panel (as defined in the Bylaws), unless the Vice Chair for ~~Trials Hearings~~ or Chair of the Honor Committee determines, in his or her sole reasonable discretion, that good cause justifies an extension of time. The ~~Request~~ for Hearing must be submitted to the Vice Chair for ~~Trials Hearings~~, on the form attached hereto as Appendix A (a "Request for Hearing on CMD"). The Vice Chair for ~~Trials Hearings~~ shall forward a copy of the Request for Hearing on CMD to the Dean of Students, together with copies of the Honor Committee's records, *including the Investigation-Log* relating to the underlying Honor charges.

~~2. ADMISSION OF ACT~~

~~As indicated on the form used for the Request for Hearing on CMD, any Student requesting a Hearing on CMD will be deemed to have admitted the "act" relating to the underlying Honor charges. This admission will be deemed to have been made upon delivery to the Vice Chair for Trials of the Request for Hearing on CMD, whether or not a Hearing is approved by the Dean or held, and regardless of the outcome of any Hearing. If the Student's case ultimately is referred back to the Honor Committee for trial, the jury panel will be informed of the Student's admission of the underlying act, the Student will be precluded from denying that he or she committed such act, and the jury panel's vote will reflect that the "act" element of the alleged Honor offense has been satisfied. The Student's ability to introduce evidence on the remaining elements of an Honor offense (i.e., "knowledge" and "significance") will not be affected, except that, as is noted above and detailed in the Bylaws, Psychological Evidence will not be allowed.~~

~~2. Requirements for Evaluation by the Dean~~

~~a. Following submission of a completed Request for Hearing on CMD, the Student must contact the Dean of Students within ten (10) days to schedule an initial interview with the Dean. In addition, the Student must satisfy each of the following requirements within sixty (60) days from the date of submission of the Request for Hearing on CMD. In the Dean's sole reasonable discretion, the Dean may grant 30-day extension(s) for good cause if the student fails to satisfy the requirements in this subsection. Upon the expiration of the sixty-(60-) day period (and any extension(s) granted by the Dean for good cause shown), if any of the following requirements have not been satisfied, the Request for Hearing on CMD will be void, and the matter will be returned to the Honor Committee for resolution pursuant to its By-laws.~~

- i. The Student must meet with the Dean as scheduled.
- ii. The Student must submit an Expert Assessment to the Dean. If the Student is unable to obtain an Expert Assessment, it is the Student's responsibility to promptly notify the Dean and to work with the Dean to obtain an Expert Assessment within the sixty-(60-) day timeframe set forth above. In appropriate cases, the Expert Assessment requirement may be waived by the Dean, provided that other independent and credible evidence exists to support the Student's Request for Hearing on CMD, as determined in the sole reasonable discretion of the Dean.
- iii. The Student must promptly provide any additional information or documentation that the Dean deems necessary in order to complete an evaluation of the Request for a Hearing on CMD. If the Dean determines that additional medical or other healthcare documentation is necessary, the Dean will provide to the Student an explanation of what specific additional documentation is required, and why such additional documentation is necessary. Requests by the Dean for medical and other healthcare documentation will be narrowly focused on information deemed necessary by the Dean to support the Student's Request for Hearing on CMD. If the Dean requests such additional information or documentation, such request shall constitute good cause justifying a 30-day extension for the student to satisfy the requirements of this subsection.

b. Upon the timely satisfaction of each of the foregoing requirements, the Dean will evaluate the Request for Hearing on CMD, as described below, and render a written decision within thirty (30) days, subject to extension(s) for good cause, in the sole reasonable discretion of the Dean.

c. *Effect of Dean's Decision:* If the Dean approves a Request for Hearing on CMD, the Dean will notify the Student, the Vice President, and the Honor Committee, in writing. Such notice will state that it is given under these CMD Procedures, will refer to the underlying Honor charge(s), and will enclose a copy of the Psychological Procedures. If the Dean denies a Request for Hearing on CMD, the Dean will notify the Student, the Vice President, and the Honor Committee, in writing.

d. *Appeal of Dean's Decision:* The Student may timely appeal the Dean's denial of a Request for Hearing on CMD as outlined in the Psychological Procedures. Following denial of the Student's Request for Hearing on CMD, and subject to the outcome of a timely-filed appeal, the matter will be returned to the Honor Committee for resolution pursuant to its By-laws. If the Dean denies a Request for Hearing on CMD and either (1) an appeal with respect to that Request has been denied or (2) the student fails to timely file such an appeal, then a subsequent Request for Hearing on CMD for the same case shall not be permitted.

3. Requesting Accommodations

The Student may request reasonable accommodations in order to fully and effectively participate in a Hearing on CMD. A Student wishing to request such accommodations must make such request in writing to the Honor Committee or to the Dean of Students at the earliest possible time, but no later than ten (10) days prior to a Hearing on CMD, in order to afford the University sufficient time to respond to the request and provide accommodations, as appropriate. Once a request is received, the Student will be connected with the University's Student Disabilities Access Center ("SDAC") or the Americans with Disabilities Act (ADA) Coordinator, as applicable, to facilitate an interactive discussion to identify appropriate reasonable accommodations and to ensure that agreed-upon reasonable accommodations are provided.