

**Honor Committee: Psychological Hearing Process
Timeline Implementation
September 23, 2018**

WHEREAS, the Honor Committee’s psychological hearing process does not currently contain a timeline for processing claims of Contributory Mental Disorder (CMD).

WHEREAS, the Honor Committee Policies and Procedures Subcommittee has considered the impact of the implementation of timeline requirements for the psychological hearing process and will continue to consider additional amendments to this process throughout the remainder of the 2018-2019 Honor Committee term and,

WHEREAS, the current Honor Committee bylaws pertaining to psychological hearing procedures found in §IV.D(1)(a) current read:

D. Psychological Hearings

Purpose: The Honor Committee recognizes that a student may be afflicted by a mental disease or disorder or mental condition which (a) significantly contributed to the commission of an Alleged Honor Offense, and/or (b) renders such student substantially unable to understand the relevant Honor charges or to assist in their own defense. As more fully described below, certain separate procedures and a separate forum exist for the consideration of such claims.

- 1) Claims of Contributory Mental Disorder.
 - a) Requesting a Hearing on Contributory Mental Disorder. Any student who believes that they have a claim of Contributory Mental Disorder (or “CMD”) should consult with their Honor Advisor, request a copy of the Psychological Procedures, and carefully review the Psychological Procedures in their entirety. Requests for a Hearing on CMD may be made at any time after a Report has been received and otherwise in conformity with the deadlines and other requirements set forth in the Psychological Procedures. A form for requesting a Hearing on CMD is attached to the Psychological Procedures and may also be obtained from the Honor Committee. The criteria applied in evaluating any request for a Hearing on CMD are set forth in the Psychological Procedures. Where such a request is not timely filed, fails to satisfy the relevant criteria, or otherwise fails to conform to the requirements set forth in the Psychological Procedures, such a request will be denied and the Honor Committee will proceed on the underlying Honor charges. If an accused student submits a hearing request within the 7-day time frame after accusation, and then later seeks to change their request to a CMD, the Executive Committee can grant the request provided that it conforms to the other requirements set forth in Psychological Procedures. Claims of CMD may not be made in an Honor hearing. Requests for a Hearing on CMD during the IR Period shall be handled in the manner described in Section III.B.9.

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THEREFORE, BE IT RESOLVED, that §IV.D(1)(a) be amended as follows:

D. Psychological Hearings

Purpose: The Honor Committee recognizes that a student may be afflicted by a mental disease or disorder or mental condition which (a) significantly contributed to the commission of an Alleged Honor Offense, and/or (b) renders such student substantially unable to understand the relevant Honor charges or to assist in their own defense. As more fully described below, certain separate procedures and a separate forum exist for the consideration of such claims.

1. Claims of Contributory Mental Disorder.

a) Requesting a Hearing on Contributory Mental Disorder. Any student who believes that they have a claim of Contributory Mental Disorder (or “CMD”) should consult with their Honor Advisor, request a copy of the Psychological Procedures, and carefully review the Psychological Procedures in their entirety. *Requests for a Hearing on CMD may be made at any time after a Report has been received until seven (7) calendar days after a student is accused by an Investigative Panel. The Request must otherwise conform with the deadlines and other requirements set forth in the Psychological Procedures.* A form for requesting a Hearing on CMD is attached to the Psychological Procedures and may also be obtained from the Honor Committee. The criteria applied in evaluating any request for a Hearing on CMD are set forth in the Psychological Procedures. Where such a request is not timely filed, fails to satisfy the relevant criteria, or otherwise fails to conform to the requirements set forth in the Psychological Procedures, such a request will be denied and the Honor Committee will proceed on the underlying Honor charges. If an accused student submits a hearing request within the 7-day time frame after accusation, and then later seeks to change their request to a CMD, the Executive Committee can grant the request provided that it conforms to the other requirements set forth in Psychological Procedures. Claims of CMD may not be made in an Honor hearing. Requests for a Hearing on CMD during the IR Period shall be handled in the manner described in Section III.B.98.

b) *Requirements for Evaluation by the Dean: 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.

c) 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.

d) 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. 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.

BE IT FURTHER RESOLVED, that this amendment, if adopted, take effect on October 29, 2018 and,

BE IT FURTHER RESOLVED, that this amendment shall, if adopted, expire on March 3, 2019 unless the Honor Committee votes to permanently adopt the amendment on or before March 3, 2019.