



# HARVARD COLLEGE COMMUNITY COUNCIL

## PROCEDURES

**Introduction:** The Community Council applies the community expectations related to COVID-19 that all Harvard College students uphold. The Council is based on shared community responsibility, and it is comprised of an equal number of students and faculty and staff members. The Council has four co-chairs: Laura Chivers, Brett Flehinger, Meghan Lockwood, and Lauren Mulcahy.

**Reporting and Notifications:** All Council reviews begin with a report from a member of the community. The Council maintains a reporting tool [here](#), and any member of the community may report a concern. Reports are also received by email at [communitycouncil@fas.harvard.edu](mailto:communitycouncil@fas.harvard.edu). All reports are reviewed by one of the co-chairs (hereafter referred to as “the Chair”). At the Chair’s discretion, less significant concerns may result in an oral warning by a Community Council Adviser (CCA) or Chair, while more serious and/or repeated concerns may lead to a formal review of a student’s behavior by the Council.

If a formal review is initiated by the Council, the student will be notified by a representative of the College, and during an initial meeting the student will be provided with the report and any additional, relevant materials that will be considered by the Council. Students will also be provided with information on the College’s confidentiality expectations and the Council’s procedures. A review does not necessarily mean that a community expectation related to COVID-19 has been violated.

**Confidentiality:** Students are expected to respect the privacy of others involved in the matter under review. Students must refrain from discussing information they learn as a result of the review and from sharing Community Council materials with anyone other than those who have a need to know, such as family members, their CCA, their Resident Dean, their proctor or tutor, licensed mental health professionals, clergy, or legal counsel. There are no restrictions on what students may share with this group of people, but this group may not share with others the information a student learns as a result of the review or Community Council materials provided to the student. Community Council materials include copies of statements, letters, reports, images, and any other case materials provided to the student by the Community Council. Sharing these materials beyond those people with a need to know is a violation of these rules and may lead to further disciplinary action by the Administrative Board. Finally, while we expect to conclude this review quickly, the confidentiality obligations remain in place even after the review.

Should there be any questions or concerns about the appropriate people with whom students may discuss the matter, students should consult with the Chair, their CCA, or their Resident Dean before taking any action.

**Support:** Students will ordinarily be supported and accompanied by a CCA. A CCA may accompany the student to any meetings with the Council. The CCA does not participate in any Council review, but may answer the student's questions, review materials with the student, and suggest a pause in the meeting to confer with the student. If a student believes that the CCA assigned to them is not the most appropriate source of support, a list of alternates will be provided.

**Statement:** After their initial meeting, the student will have the opportunity to respond in writing to the issues raised in the initial concern and to provide context and information to broaden the Council's understanding of the circumstances. This statement must ordinarily be submitted to the Council within 48 hours of the initial meeting, although if there are significant concerns regarding community safety, the Chair may adjust the deadline. A student may consult with their family members, their CCA, their Resident Dean, a proctor or tutor, as well as a licensed mental health professional, clergy, or legal counsel for advice on preparing this statement; the statement, however, must be written by the student. Once the statement is completed, it should be emailed directly to [communitycouncil@fas.harvard.edu](mailto:communitycouncil@fas.harvard.edu). The statement may be submitted as an email attachment or written in the body of an email. If the statement is sent as an attachment, it must be sent as a PDF or a Microsoft Word file. Please do not submit Google documents or Pages files.

If the review involves more than one student, redacted versions of each student's statement will ordinarily be exchanged with the other students involved in the concern in advance of the formal meeting with the Council. It is the clear expectation of the Council that students involved in the same concern write their own statements separately without discussion with one another. Communication about or collaboration on statements between students involved in the same concern is a potential violation of these procedures and may result in referral to the Administrative Board for disciplinary action. A student may choose not to submit a statement, and if so, the Council will reach a decision based on the available information.

**Additional Information:** If a student believes that there are other members of the community who have information relevant to their review, they should include their names in the initial statement. The Chair has the discretion to decide which, if any, community members should be contacted. The Council, at the discretion of the Chair, may invite other members of the community who may have relevant information to share such information with the Council. When possible, the names of such community members, and, if applicable, written statements from them, will be provided to the student in advance of the Council meeting. In situations where

advance notice is not possible, the student will receive this information at the Council meeting. Students will always have access to the same information that the Council reviews.

If the Council desires additional or specialized assistance, the Chair may request, for example, aid in analyzing documents or consultation during Council deliberations, from faculty or staff who possess the requisite level of expertise but are not members of the Council. Any written reports provided to the Council by these individuals will be shared with the student, and students will be apprised of the identities of the individuals asked to assist the Council with its work.

**Council Meeting:** After reviewing the statement, or if a student declines to submit a statement after the initial meeting, the Chair will determine whether the full Council should review the student's actions to determine if community expectations have been violated and, if so, to determine the proper response. In the event the Council reviews the student's actions, the student will be provided an opportunity to meet with the Council. The student may decline the meeting and the Council will make a determination without the student's participation. Ordinarily, eight members of the Council are scheduled for each meeting and six must be present and eligible to vote for the Council to proceed.

In the event that the concerns are, in the opinion of the Chair, especially complicated, the Chair may appoint members of the Community Council as a Subcommittee to investigate and report back to the Council for resolution.

Meeting with the Council is an opportunity for the student to explain the situation and to augment their initial statement. It will also be an opportunity for the members of the Council to ask questions and engage with the student on the concern that has been raised. The student may, at any time, decline to answer questions or end their participation in the meeting and the Council review will continue. The Council and the student will have access to the same written materials.

Following the assigned Council team's meeting with the student, the team will determine by simple majority of all members present and eligible to vote whether the community expectations were violated and what response is appropriate. The Chair votes only in the case of a tie vote. Students will ordinarily be notified of the Council's decision by the Chair.

**Recusal/Conflicts:** Council members are expected to adhere to the highest standards of equity and impartiality. If any member of the Council believes that they have a conflict in participating in deliberations and a vote, the Chair of the Community Council will select another member as their replacement. Similarly, if the Chair believes a member has a conflict, the Chair will excuse that member from

the inquiry. A student who believes that a member has a conflict should contact the Chair. In the event that the student or the Chair believes that the Chair has a conflict, another co-chair will determine whether recusal is appropriate, and if so, serve as Chair for the remainder of the proceedings.

**Outcomes:** The Council will respond to notifications of potential violations with the following actions (listed in ascending order of severity):

- 1) No violation;
- 2) Council Warning;
- 3) Community Response;
- 4) Removal from housing and/or access to campus facilities

For less serious concerns, the Council may use these responses in a sequential fashion and/or following a warning from the Chair. For example, a minor violation of the community expectations might lead to a verbal warning, a second to a verbal warning by the Chair, a third to a written Council warning, and a fourth to a Community Response. However, some actions may be deemed so serious as to merit a more significant response for a single or first action.

“No Violation” means that the community expectations were not violated.

“Council Warning” means that the Council is sufficiently persuaded that the community expectations were violated. The student will receive a formal warning letter.

“Community Responses” means that the Council is sufficiently persuaded that a serious violation of the community expectations has occurred. The Council will assign educational engagement, such as restorative justice or other educational assignments as an alternative to removal from housing. If the student fails to complete the assigned engagement, they will be subsequently removed from housing, or, in the case of students living off-campus, they will lose access to some parts of the Harvard campus.

“Removal from housing” means that the Council is sufficiently persuaded that a very serious violation and/or a series of repeated, less serious violations of the community expectations has occurred, and the student is no longer eligible to live in Harvard College’s residential housing, or, in the case of students living off-campus, to access certain campus facilities. The Council has the option to remove a student from housing, or restrict their access to certain campus facilities, for one or two semesters. A student removed from housing or access is not removed from courses and may remain enrolled as a Harvard College student. In order to return to eligibility for Harvard College’s residential housing, or, in the case of off-campus students, to have access to all campus facilities restored, a student will need to

submit a statement to the Chair and the Dean of Students addressing the cause for their removal and their suitability for a return to housing or to have their access restored. The Dean of Students will determine whether the student is eligible for return to residential housing or, in the case of a student living off campus, have their full access restored.

**Honesty:** In interacting with the Council, students should keep in mind the College's commitment to honesty, as expressed in the *Student Handbook*: "The College expects that all students will be honest and forthcoming in their dealings with the members of this community. Further, the College expects that students will answer truthfully questions put to them by a properly identified officer of the University."

Dishonesty may result in a referral by the Council to the Administrative Board for disciplinary action.

**Reconsideration:** Students have the option to request that the Council reconsider any of its decisions on one or both of the following grounds:

- New, materially relevant information becomes available, and/or
- There is reasonable evidence of a procedural error

All reconsiderations must be submitted to the Chair within 48 hours of receiving notice of the Council's decision, and the Chair will respond to the reconsideration request within 24 hours of receipt of the reconsideration request. If the reconsideration is granted, the review will be returned to the Council with instructions from the Chair for further action. If the reconsideration is declined, the Council's decision is final.

**Appeal:** Students removed from housing or who had their access restricted by the Council may appeal to the Dean of Students. Students may appeal on one or both of the following grounds:

- There is reasonable evidence of a procedural error, and/or
- The student believes that the Council's decision to remove the student from housing or restrict their access is disproportionate to the violation of the community expectations

Disagreement with the factual basis for the Council's decision is not a basis for appeal. All appeals must be submitted within 72 hours of the Council's meeting, and the Dean of Students will respond to the appeal within 48 hours. If the appeal is granted, the review will be returned to the Council with instructions from the Dean regarding further action. If the appeal is declined, the Council's decision is final.

In the event both a reconsideration and an appeal are filed, the reconsideration will be resolved first. A student who is submitting a reconsideration and wants to appeal must submit the appeal within the 72 hour period and should not wait to hear the decision on the reconsideration. In the event that reconsideration is granted, the appeal is withdrawn. Students may request reconsideration only of a Council decision and only once per Council decision. Students may request appeal only on a "removal from housing" decision and only once per decision.

**Extenuating Circumstances for Removal from Housing:** If the Council removes you from housing and you are facing extenuating circumstances that make it infeasible for you to continue your studies without living on campus, please let us know. This is not a basis for appeal, but you can request an accommodation from the Dean of Students. Please note that such an accommodation will likely come with conditions and may be temporary. Accommodation for extenuating circumstances can be made only in the event a student is removed from housing; it will not be available in the event of other outcomes, such as Community Responses.

**Disabilities/Accommodations:** In keeping with Section 504 of the Rehabilitation Act of 1973, a student with a disability who believes that the Community Council did not properly consider any claims pertaining to their disability may seek further review from the Office of the University Disability Coordinator, including in Community Council case decisions. For information on grievance procedures, visit the Harvard Accessibility Office [website](#).

Persons with disabilities (including those with mental and physical conditions) who would like to request any type of accommodation during the Council process or who have questions about physical access, should contact Grace Moskola, the Director of the Accessible Education Office (AEO), at [moskola@fas.harvard.edu](mailto:moskola@fas.harvard.edu) or the Chair of the Community Council in advance of the Council meeting.

**Intersection with other policies:** Harvard College maintains a Help-Seeking Policy that is intended to encourage students to seek help for themselves or others who are intoxicated. Students seeking medical treatment for themselves or another person for the effects of drugs or alcohol use will not be subject to disciplinary action from the College for violations pertaining to the use or provision of drugs or alcohol ([https://handbook.college.harvard.edu/files/collegehandbook/files/harvardcollege\\_studentshandbook\\_2021\\_2022.pdf](https://handbook.college.harvard.edu/files/collegehandbook/files/harvardcollege_studentshandbook_2021_2022.pdf), page 53). Although a student will not be subject to disciplinary action, they could still face non-disciplinary consequences if they are found to have violated the community expectations. In the event that a student seeks medical treatment for their own or for a friend's intoxication by alcohol or drugs in relation to an incident that potentially violates the community expectations, the Council will consider the help-seeking as a mitigating

circumstance. Similarly, failure to seek help may be considered as an aggravating factor.

The priorities of the Community Council are the health and safety of our students in all circumstances. If the Community Council becomes aware of a concern that may be related to sexual harassment or misconduct, the Community Council will work with the Title IX Resource Coordinator to ensure that students receive the necessary support. The Community Council will consider concerns about sexual harassment or misconduct to be contextual factors that it will consider in its review.

**Multiple Charges:** In the event that a student may have violated both the community expectations related to COVID-19 and the rules of the *Student Handbook*, the Dean of the College (or their designee) has discretion to determine which body (Community Council or Administrative Board/Honor Council) will resolve the appropriate matter first or whether to designate one body to consolidate the matters. In the event that a student may have violated both the community expectations related to COVID-19 and any of the [policies related to sexual harassment and other sexual misconduct](#), the Dean of the College (or their designee) will work with the Office for Dispute Resolution (ODR) to determine which body (Community Council or ODR) will resolve the appropriate matter first or whether to designate one body to consolidate the matters. If, in the course of an Administrative Board, Honor Council, or ODR investigation, it becomes apparent that the community expectations related to COVID-19 may have also been violated, the relevant body may refer to the community expectations related to COVID-19 concern to the Community Council. Additionally, the Community Council may refer a concern to the appropriate body. In all instances, the Dean of the College (or their designee) may direct the boards or offices within the College (or otherwise request boards or offices outside of the College) to share information with each other so they have a complete and accurate picture of the student's disciplinary status or record.

**Updates:** As the community expectations related to COVID-19 may be updated as circumstances evolve, so too may these procedures. Any changes or modifications will be promptly published and available to students.