



May 11, 2021

Duane A. Compton, PhD  
Dean of the Medical School  
Geisel School of Medicine at Dartmouth  
1 Rope Ferry Road  
Hanover, New Hampshire 03755

*Sent via Electronic Mail (duane.a.compton@dartmouth.edu)*

Dear Dean Compton:

FIRE<sup>1</sup> appreciates your attention to our letters of April 2 and April 14 regarding the threats posed to students' expressive and due process rights by the Geisel School of Medicine's response to academic misconduct allegations and implementation of a repressive social media policy. While your responses to our previous letters insist that Geisel takes "seriously" its commitment to students' rights and academic integrity, our concerns for Geisel students' expressive rights and rights to fair disciplinary procedures remain unabated.

Since March, FIRE has monitored and received reports that Geisel's treatment of students accused of academic misconduct has departed from both the institution's written policies and the most basic principles of procedural due process. The common nucleus of these cases involves allegations that computer access logs suggest that students, during exams, accessed information pertinent to those exams on a learning management system, Canvas. Affirmatively accessing information pertinent to an exam without authorization would doubtlessly be academic misconduct.

We wholeheartedly agree with you that it is important, as you told *The New York Times*, that Geisel "take[s] academic integrity very seriously."<sup>2</sup> Yet in order to take academic integrity seriously, Geisel must take seriously the integrity of the processes by which it determines whether academic misconduct has taken place. We are not confident that it has done so.

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<sup>1</sup> The Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

<sup>2</sup> Natasha Singer and Aaron Krolik, *Online Cheating Charges Upend Dartmouth Medical School*, N.Y. TIMES (May 9, 2021), <https://www.nytimes.com/2021/05/09/technology/dartmouth-geisel-medical-cheating.html>.

The reporting by *The New York Times*—which is consistent with the reports that FIRE has received—bolsters our concerns. *The Times* relays, among other things, that accused students reported having “less than 48 hours to respond to the charges,” which are founded on complicated and highly technical evaluations of access logs.<sup>3</sup> Students are unlikely to have the expertise to evaluate either the evidence itself or, more broadly, Geisel’s theory that an access log evidences *purposeful* access of particular information. That they must either do so themselves or locate an expert to do so within such a short duration places them at an appalling procedural disadvantage.

Yet even if they had that expertise, or found an expert to do so, and were granted a reasonable period of time to conduct such an evaluation, they would soon discover that Geisel had “not provided complete data logs” that would enable them to fully evaluate Geisel’s theory.<sup>4</sup> Complete data logs would be the logical way to demonstrate whether Geisel’s data indeed shows *purposeful* access to test-related information, or instead reflects only intermittent or passive access to the Canvas entries. As a faculty member has reportedly noted in one of these cases, the Canvas pages identified by Geisel “contained no information related to the exam questions his student was accused of cheating on,” and analyses by both *New York Times* experts and others indicated that the Canvas pages “can automatically generate activity data even when no one is looking at them.”<sup>5</sup>

Geisel’s commitment to taking academic misconduct seriously requires that students have a meaningful opportunity to contest the allegations against them. Due process necessitates certain basic procedural safeguards that ensure fairness and impartiality in misconduct proceedings; in turn, both the institution and accused students can have confidence that a fair result was reached. These safeguards include, among other things, that accused students have:

- Timely and adequate written notice of the charges against them
- Adequate time to prepare a defense with access to relevant evidence
- Impartial fact-finders
- A meaningful hearing process
- The right to present evidence to the fact-finder
- The right to meaningful cross-examination of an accuser
- Active participation of an advisor, ideally an attorney; and
- A meaningful right to appeal

We are not only concerned with Geisel’s adherence to these fundamental obligations in these particular cases. In seeking to ascertain whether Geisel’s academic misconduct policies and procedures more broadly reflect a commitment to these principles, we discovered that we are unable to do so because they are hidden from public view and password-protected.<sup>6</sup> To the

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> DARTMOUTH GEISEL SCH. OF MED., OFFICE OF STUDENT AFFAIRS, Conduct Policies and Procedures for Reporting Conduct Lapses, *available at* [geiselmed.dartmouth.edu/students/document/student-policy-handbook/student-](http://geiselmed.dartmouth.edu/students/document/student-policy-handbook/student-)

extent they mirror the broader university's misconduct policies, which have been previously published and reviewed by FIRE, they provide insufficient procedural fairness to not only Geisel students, but to all students at Dartmouth.

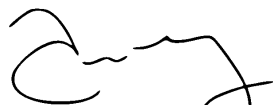
FIRE's most recent annual review<sup>7</sup> of Dartmouth's then-published policies governing non-sexual misconduct identified substantial omissions. Procedural shortcomings included the college's failure to provide students with a meaningful presumption of innocence, timely and adequate written notice of charges, and active participation of an advisor.<sup>8</sup> These deficiencies, and the fact that Dartmouth appears to have recently made these policies password-protected and unavailable to the public, further undermine confidence that Dartmouth is able to fairly adjudicate misconduct claims.

To the extent that Geisel's own policies—which, again, are not made public—mirror or provide less procedural protection for Geisel students, these policies are insufficient, and may result in the punishment of innocent students, even if faithfully applied.

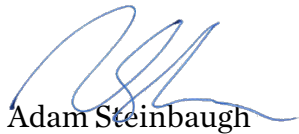
Accordingly, we renew our call that Geisel immediately rectify these procedural deficiencies, rescind any punishments that have already been imposed, and make transparent efforts to restore confidence in the system it uses to adjudicate misconduct claims.

We request receipt of a response to this letter no later than the close of business on Friday, May 21, 2021.

Sincerely,



Alexandria Morey  
Program Officer, Individual Rights Defense Program



Adam Steinbaugh  
Director, Individual Rights Defense Program

Cc: Philip J. Hanlon, President, Dartmouth College

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conduct-and-responsibilities/conduct-policies-and-procedures-for-reporting-conduct-lapses. (Policies linked are password-protected.)

<sup>7</sup> FIRE, School Spotlight: Dartmouth College, *available at* <https://www.thefire.org/schools/dartmouth-college/#due-process-tab>.

<sup>8</sup> *Id.*