Geisel Student Disciplinary Procedures for Sexual Harassment, Domestic Violence, Dating Violence and Stalking

I. Introduction; Statement of Policy.

Dartmouth College ("Dartmouth" or "the College") is firmly committed to maintaining an educational environment in which sexual and gender-based harassment, sexual assault, and other forms of sexual misconduct discussed below (collectively, "sexual misconduct") are not tolerated, and in which persons reporting sexual misconduct are provided support and avenues of redress. When sexual misconduct is brought to the attention of the school, Geisel will take prompt and appropriate action to end the misconduct, prevent its recurrence, and address its effects.

In accordance with Title IX of the Education Amendments of 1972 (Title IX)\(^1\), the federal law that prohibits discrimination on the basis of sex in federally funded educational programs and activities, and the Campus Sexual Violence Elimination ("Campus SaVE") Act, which, among other things, requires educational institutions to investigate and respond to reports of sexual and gender based harassment, domestic violence, dating violence and stalking, this policy is designed to provide for the prompt, effective, fair, equitable and impartial investigation and resolution of complaints of such conduct against Geisel Students and Student Organizations (as defined below).\(^2\)

Students who engage in Sexual Harassment, Domestic Violence, Dating Violence, or Stalking, as defined below, are subject to disciplinary action up to and including permanent separation (i.e., expulsion). Students are also subject to disciplinary action for Aiding, Abetting, or Inciting any of these forms of misconduct, and for Retaliation, as both are defined below, for reporting or participating in an investigation under this policy.

For brevity, except as otherwise indicated, this policy uses the term Sexual Harassment to refer collectively to Sexual Harassment, Domestic Violence, Dating Violence and Stalking.

This policy does not govern complaints of sexual assault. Procedures for the investigation and resolution of complaints against students for sexual assault and retaliation for reporting or participating in investigations of sexual assault are addressed in the Unified Disciplinary Procedures for Sexual Assault by Students and Student Organizations, which can be found at: [http://www.dartmouth.edu/~deancoll/pdfs/unifieddisciplinaryproceduresforsexualassault.pdf](http://www.dartmouth.edu/~deancoll/pdfs/unifieddisciplinaryproceduresforsexualassault.pdf).

As with other types of misconduct, student organizations may be held responsible for misconduct under this policy if the conditions for collective responsibility under the College's Group Accountability Statement are present.\(^3\)

---

\(^1\) 20 U.S.C. §1681 et seq.

\(^2\) The Campus SaVE Act amended the Jean Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and reauthorized the Violence Against Women Act. This policy only addresses the requirements related to the disciplinary procedures which respond to reports of Sexual Harassment, as defined above.

\(^3\) [https://www.dartmouth.edu/~usa/account.html](https://www.dartmouth.edu/~usa/account.html)
This policy and its procedures will apply to all complaints against Students for Sexual Harassment or for reporting or participating in investigations of Sexual Harassment, whether made by students, faculty, staff, or third parties, and will take precedence over any other Geisel policies and procedures with respect to such complaints.4

This policy and its procedures supplement, and do not replace, the criminal justice system. Furthermore, pursuant to a Memorandum of Understanding between Dartmouth College and the Hanover Police Department, Dartmouth is required to report to the police department certain alleged crimes, including some forms of Sexual Harassment, which occur in Hanover and constitute a felony under New Hampshire law. If the victim reports an alleged crime to Dartmouth, but wishes to remain anonymous, their name and identifying information will be withheld from the information provided to the police department. All persons have the right to pursue Sexual Harassment complaints beyond the College, and are encouraged to use law enforcement agencies, including the Hanover Police Department as applicable, regardless of whether they choose to pursue recourse through this policy.

II. **Notice of Non-Discrimination Under Title IX.**

Dartmouth College is committed to establishing and maintaining a safe and nondiscriminatory educational environment in which all individuals are treated with respect and dignity. The College does not discriminate on the basis of sex or gender in its educational, extracurricular, athletic, or other programs or in the context of employment. Sexual and gender based harassment are forms of sex and gender-based discrimination prohibited by Title IX of the Educational Amendments of 1972, a federal law which provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

The College has appointed a Title IX Coordinator to oversee the investigation and resolution of all reports related to sexual and gender-based harassment, including sexual assault, and to assure the College’s compliance with Title IX. More information about the role of the Title IX Coordinator can be found here: [http://www.dartmouth.edu/~uja/title_nine_sexual_misconduct.html](http://www.dartmouth.edu/~uja/title_nine_sexual_misconduct.html) As detailed in this policy, the Title IX Coordinator is available to meet with any person to provide information about resources, interim measures and options for investigation and resolution under this policy:

Heather Lindkvist  
Title IX Coordinator / Clery Compliance Officer  
Dartmouth College  
Hinman Box 6004  
009 Parkhurst Hall  
Hanover, NH 03755  
[Heather.L.Lindkvist@dartmouth.edu](mailto:Heather.L.Lindkvist@dartmouth.edu)  
(603) 646-0922

---

Inquiries or complaints concerning the application of Title IX may be referred to the Title IX Coordinator and/or the United States Department of Education:

United States Department of Education
Office for Civil Rights, Region I
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Tel.: (617) 289-0111
Fax: (617) 289-0150
OCR.Boston@ed.gov

III. Definitions.

A. "Aiding, Abetting, or Inciting" means participating in, soliciting, directing, or assisting in Sexual Assault.


C. "Campus SaVE Act" means the reauthorization of the Violence Against Women Act of 2013, which modified the Clery Act.

D. "Reporting Person" means:
   1. a person who alleges that another person violated this policy; or
   2. a person who alleges that a Student Organization is responsible for a violation of this policy under the College's Group Accountability Statement.

   Any person – regardless of race, color, religion, sex, age, sexual orientation, gender identity or expression, national origin, disability, or military/veteran status – may be a Reporting Person. A Reporting Person need not be a Dartmouth College student, faculty member, or staff member.

E. "Responding Person" means:
   1. a Student accused of Sexual Harassment; aiding, abetting, or inciting Sexual Harassment; or retaliation; or
   2. a Student Organization accused of violating this policy under the College's Group Accountability Statement.

   Any Student – regardless of race, color, religion, sex, age, sexual orientation, gender identity or expression, national origin, disability, or military/veteran status—may be a Responding Person.

F. "Retaliation" means engaging in conduct that may reasonably be perceived to (1) adversely affect a person's educational, living, or work environment because of their
good faith participation in the reporting, investigation, and/or resolution of report of a violation of this policy; or (2) discourage a reasonable person from making a report or participating in an investigation under this policy. Retaliation includes but is not limited to: acts or words that constitute intimidation, threats or coercion and pressuring a person to drop or support a complaint under this policy or to provide false or misleading information in connection with an investigation; pressuring a person to participate or refrain from participating as a witness in an investigation under this policy. Retaliation may constitute a violation of this policy even when the underlying report made in good faith did not result in a finding or responsibility.

G. "Sexual Harassment" includes any of the following behaviors:

1. **Hostile Environment** -- unwelcome sexual advances, requests for sexual favors, and other visual, verbal, or physical conduct of a sexual nature when the conduct is sufficiently severe or pervasive to deny or limit the victim's ability to participate in or benefit from Dartmouth's educational programs or benefits by creating an intimidating or hostile environment.

2. **Quid Pro Quo** -- unwelcome sexual advances, requests for sexual favors, and other visual, verbal, or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education, living environment, employment, or participation in a College-related activity or program.

3. **Threats/Intimidation of a Sexual Nature** -- conduct of a sexual nature which reasonably would be expected to have the effect of threatening or intimidating the person at whom such conduct is directed.

4. **Dating Violence** -- Violence committed by a person
   
   (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

   (b) where the existence of such a relationship shall be determined based on a consideration of the following factors:

   1. the length of the relationship.

   2. the type of relationship.

   3. the frequency of interaction between the persons involved in the relationship.

5. **Domestic Violence** -- Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the
crime occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction where the crime occurred.

6. **Stalking** -- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

H. "**Student**" means an individual enrolled as a student in any Geisel educational program, whether or not currently in attendance. Conduct by a Student in the course of the person's work as a Dartmouth employee is subject to this policy and may also form the basis for decisions concerning the individual's employment.

I. "**Student Organization**" means a recognized Geisel student organization, group, or team including but not limited to those devoted to academic, athletic, cultural, Greek life, leadership, pre-professional or other student activities.

IV. **Reporting Sexual Harassment.**

The College strongly encourages the prompt reporting of violations of this policy to the College and the police. A report may be made by a Reporting Person or by any other person with knowledge of the violation.

A. **Contacts for Reporting**

Reports of violations of this policy committed by Students and Student Organizations should be made to:

- **Title IX Coordinator**
  Heather Lindkvist  
  Title IX Coordinator / Clery Compliance Officer  
  Dartmouth College  
  Hinman Box 6004  
  009 Parkhurst Hall  
  Hanover, NH 03755  
  Heather.L.Lindkvist@dartmouth.edu  
  (603) 646-0922  
  or

- **Department of Safety and Security**
  5 Rope Ferry Road  
  Hanover, NH 03755  
  Safety.and.Security@Dartmouth.edu  
  (603) 646-4000; or

- **The Associate Dean or other administrator of this school designated to receive complaints of Sexual Harassment against Students and Student Organizations:**

  o **G. Dino Koff**  
  Associate Dean of Student Affairs and Services  
  Dartmouth Geisel School of Medicine  
  HB 7021, 302A Remsen Bldg
If the report is received by the Department of Safety and Security or the designated Associate Dean or administrator, they will promptly notify the Title IX Coordinator.

Support resources for individuals reporting Sexual Harassment may be found in the “Map of Where to Turn” located at the following link: https://geiselmed.dartmouth.edu/students/resources/pdf/map_where_to_turn.pdf

B. Reports to Law Enforcement and External Agencies
To initiate a criminal investigation or prosecution, reports of Sexual Harassment should be made to:

- 911
- Hanover Police Department
  603-643-2222 (non-emergency number)
- The police department for the town or city where the crime occurred.

The criminal process is separate from the student disciplinary process. A Reporting Person can pursue one or both options; for more information on the intersection of these processes, see Coordination with Concurrent Legal Proceedings (Section D, item 4). The Title IX Coordinator, the Department of Safety and Security, the Director of Judicial Affairs, and the Sexual Assault Awareness Program will provide Reporting Persons with information concerning their options and rights and will assist them in making reports to law enforcement.

C. Timeliness
To promote timely and effective review, the College strongly encourages Reporting Persons and other persons with knowledge of possible violations of this policy to make reports as soon as possible following the occurrence of the assault. A delay in reporting may affect the College's ability to gather relevant and reliable information. It may also affect the school's ability to take disciplinary action against a Student who has graduated or permanently terminated enrollment. While prompt reporting is encouraged, the school will receive and investigate reports of possible Sexual Assault by individuals until (1) in the case of allegations against individuals, the Responding Person has graduated or permanently terminated enrollment; and (2) in the case of allegations against Student Organizations, until four years after the incident.

D. Preservation of Information and Tangible Material
Preservation of information and tangible material relating to Sexual Harassment is essential for both law enforcement investigations and campus disciplinary investigations. Therefore,
persons involved in Sexual Harassment matters, either as Reporting Persons, Responding Persons, witnesses, or others reporting possible Sexual Harassment, are encouraged to preserve all information and tangible material relating to a possible incident of Sexual Harassment. Examples include electronic communications (e.g., e-mails and text messages), photographs, and medical information. In the case of medical information, prompt examinations can be crucial.

V. The College’s Response Procedures.

Upon receipt of a report, the school will generally proceed as described below.

A. Support and Initial Assessment; Interim Measures

Once the school is put on notice of possible Sexual Harassment, the Reporting Person and the Responding Person will be offered appropriate support and other resources and notified of applicable policies. For a list of resources, see the “additional resources” section in the student handbook that follows this policy. The handbook is located at this site: https://geiselmed.dartmouth.edu/students/resources/policy_handbook/ Both parties will be provided contacts for confidential support, which will be confidential to the extent permitted by law. The College will also take appropriate steps to prevent and/or address retaliatory conduct following a report.

The school will also promptly conduct an Initial Assessment. At a minimum, the Initial Assessment will include taking the steps necessary to assure a safe and nondiscriminatory environment for the Reporting Person and other members of the community:

- Assess the nature and circumstances of the report.
- Address immediate physical safety and emotional well-being needs of the Reporting Person or any other individual.
- Notify the Reporting Person of the right to notify (or decline to notify) law enforcement if the conduct is potentially criminal in nature.
- Notify the Reporting Person of the right to seek medical treatment to address physical health and, as appropriate, preserve physical or forensic evidence.
- Assess the reported conduct to determine whether the circumstances pose a threat to the health or safety of the College community that warrants issuance of a "timely warning" under the Clery Act or a temporary administrative suspension.
- Provide the Reporting and Responding Persons with information about on and off campus resources, the range of interim measures, an explanation of the procedural options for resolution under the policy and the school’s prohibition against retaliation.
- Enter non-identifying information about the report into Dartmouth College’s daily crime log if the conduct is potentially criminal in nature.
The Geisel School of Medicine may also implement interim measures as may be appropriate for the individuals or organizations involved and for the larger school/College community. Interim measures may include but are not limited to: separation of the Reporting Person’s and Responding Person’s academic and living situations; temporary administrative suspension of the Responding Person or organization; no-contact orders; and restrictions on team or organization participation or activity.

The scope and timing of further investigation and/or action will depend upon a number of factors including: whether the Reporting Person requests confidentiality or that the investigation not be pursued; whether the Reporting Person wishes to make a complaint of Sexual Harassment under this policy; whether the College has an obligation to proceed with an investigation, regardless of the Reporting Person’s wishes, in order to ensure campus safety; and whether ongoing fact-gathering by the police requires a temporary delay in further factual investigation by the College.

B. Disciplinary Process

In general, complaints of Sexual Harassment may be submitted in accordance with, and will be resolved under, the Committee on Student Performance and Conduct (CSPC) and honor code guidelines. However, to comply with federal law, the following procedures will apply to the investigation and resolution of charges of Sexual Harassment to the extent not already reflected in the CSPC.

1. Disciplinary Investigation

(a) Upon being notified that one of the above persons wishes to pursue a complaint of Sexual Harassment, the Title IX Coordinator, in consultation with the designated Associate Dean or administrator of the school, will review the complaint to determine whether the allegations, if proven, would constitute a violation of this policy. If it is determined that the allegations would not constitute a violation of this policy, the Reporting Person will be advised of other disciplinary, legal and support options as appropriate, and no further investigation under this policy will be pursued. If new information is subsequently provided, this decision may be reevaluated. If it is determined that the allegations would constitute a violation of this policy, the Title IX Coordinator will ask the designated Associate Dean or other administrator of the school to prepare the charge describing the alleged violation and the provisions of this policy alleged to have been violated and begin an investigation of the matter using Geisel’s student disciplinary process.

(b) The designated Associate Dean or other administrator will send to the Reporting Person and the Responding Person: a document setting forth the charge(s); a copy of this policy and information about the disciplinary
procedure to be used to review the charge. They will also inform both parties of Dartmouth’s policy which prohibits retaliation.

(c) The investigation and disciplinary process will be conducted in a prompt, fair, thorough, and impartial manner by a person or people who have specialized training in conducting Sexual Harassment investigations. It will include, at a minimum, obtaining information from the Reporting Person, the Responding Person and pertinent witnesses, and soliciting and reviewing documentation relevant to the investigation including available police reports. Each party may have an advisor and/or an observer present with them at all meetings concerning the investigation.

(d) All parties and witnesses are obligated to be completely honest during the course of the investigation. Any person who knowingly makes a false statement in connection with the investigation may be subject to College disciplinary action. False statements include statements that omit a material fact, as well as statements that the speaker knows to be untrue.

(e) The designated Associate Dean or other administrator will establish reasonable timeframes for the submission of information and the identification of potential witnesses by the Reporting Person and the Responding Person.

(f) All hearings held in the disciplinary process will be recorded by electronic, stenographic, or other means, to the extent permitted by law. When a recording has been made, the Reporting and Responding parties may request permission to listen to the recording at the conclusion of the hearing. The designated Associate Dean or other administrator, or his/her designee, will determine the conditions under which the student will have access to the recording in order to preserve confidentiality. Students who fail to abide by the restrictions may be subject to further disciplinary action. Except as provided above, no photographs, tape recordings, videotapes, stenographic records, or other recordings of proceedings under this policy may be made.

2. **Standard of Proof**

All findings and determinations of responsibility under this policy will be made using a preponderance of the evidence standard. With respect to any factual issue, this standard requires the determination of whether it is more likely than not that a fact exists or an event or violation of this policy occurred.

3. **Sanctioning Decision**
If the Responding Person is found responsible for Sexual Harassment under this policy, the Responding Student should be sanctioned by the Dean or the Judicial Body within the school. Sanctions may include but are not limited to one or more of the following: separation (i.e., expulsion); suspension; College or social probation; reprimand; warning; fine; restitution; educational/counseling requirement; no-contact order; restriction from specific College programs or activities; housing restriction/relocation; restriction from College employment; loss of College recognition; organizational removal from College-owned housing; or loss of organizational insurance coverage.

The Dean or the Judicial Body, in consultation with the Dean, will also identify permanent remedies to address the effects of the conduct on the Reporting Person, restore the Reporting Person's safety and well-being and maximize the Reporting Person's educational and employment opportunities. Such remedies should restore to the Reporting Person to the extent possible all benefits and opportunities lost as a result of the prohibited conduct. Permanent remedies may include extending or making permanent any Interim measures.

4. **Notification of Investigation Outcome**
   The designated Associate Dean or other administrator will inform the Reporting Person and the Responding Person simultaneously and in writing of (a) the result of the disciplinary proceeding, including the sanction, if any; and (b) the procedures for the Reporting Person and the Responding Person to request review of the result of the proceeding. The designated Associate Dean or other administrator will also inform the Title IX Coordinator and other College officials with a legitimate educational interest.

   In the event of a request for review, the designated Associate Dean or other administrator will provide notice of the result of the review to the same persons.

5. **Review of Decision**
   (a) Either the Reporting Person or the Responding Person may request review of the decision pursuant to the school’s appeal procedures.

C. **Timeframe for Completion of Investigation and Disciplinary Process**
   The school will ordinarily complete its investigation and disciplinary process, if any, within sixty (60) calendar days.

D. **Student and Student Organization Expectations and Rights**

1. **Confidentiality; Respect for Privacy**
   Information regarding Sexual Harassment reports, and any investigation or review of those reports, including sanctioning determinations, will be shared among College officials with a legitimate educational interest or with external individuals or entities
only on a need-to-know basis and only as permitted by College policy and applicable law. The College may choose to comment publicly, in writing or otherwise, to the extent permitted by law, regarding the decision reached if, in the judgment of the College, the best interests of the community would be served by such a disclosure. If possible and appropriate, the anonymity of the student(s) involved will be protected.

2. *Training of Officials Conducting Proceedings*
   All persons involved in implementing this policy will receive annual training on the issues related to Sexual Harassment and how to conduct an investigation and review process that is prompt, effective, fair, equitable and impartial.

3. *Protection from Retaliation*
   The College will take appropriate steps to ensure that a person who in good faith reports or participates in a Sexual Harassment investigation will not be subjected to Retaliation by the Responding Persons or others. Anyone who believes that they are experiencing Retaliation is strongly encouraged to report that concern using the procedure for the reporting of Sexual Harassment under this policy.

4. *Coordination with Concurrent Legal Proceedings*
   Students may report to law enforcement and/or engage in civil litigation in connection with the same behavior that forms the basis of a Sexual Harassment report under this policy. Where a Reporting Person or another person with knowledge of possible Sexual Harassment has reported to law enforcement, the College will fulfill its responsibility to take prompt and appropriate action to provide protection and resources to the Reporting Person. The College will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation and may need to delay temporarily an investigation under this policy while law enforcement is in the process of gathering evidence. Once law enforcement has completed its gathering of evidence, the College will resume and complete its investigation. If the Reporting Person wishes to pursue disciplinary charges under this policy while criminal proceedings are pending, or if the College determines that disciplinary proceedings should proceed, the College will not wait for the conclusion of the criminal case to proceed with the disciplinary process. If the College finds that Sexual Harassment occurred, it will take effective steps to end it, prevent its recurrence, and address its effects, regardless of whether external legal proceedings are pending.

5. *Advisors and Support Persons; Attorneys*
   Both Reporting Persons and Responding Persons are entitled to have a single advisor and/or observer of their choice accompany them at any meeting related to the investigation. (In cases that do not involve Sexual Assault or Sexual Harassment, College policy limits advisors and observers to members of the Dartmouth Community.)
Advisors/observers may not actively participate in the case by answering questions or otherwise presenting on behalf of the parties. They may advise the parties privately but may not confer with them while the meeting is in progress, and will be subject to the same confidentiality expectations applicable to others in attendance.

The Investigator may remove any person who distracts or disrupts the process.

6. **Conflict of Interest**

Any persons exercising authority under this policy who believe they may be unable to exercise that authority impartially in any case shall excuse themselves from the matter and will be replaced with another person. If the Reporting or Responding Person believes a person exercising authority under this policy has a personal, professional, or financial involvement with the Reporting or Responding person that would prevent the person from exercising their authority impartially, they may make a prompt objection to the Title IX Coordinator. If the Title IX Coordinator determines that the objection is reasonable, the challenged person will be replaced with another person. Because Dartmouth is a small community, knowledge of or acquaintance with the student(s) and/or witnesses in a matter, awareness of a matter, participation as a consequence of one's official role in events surrounding a matter, and/or participation in the process prior to the formal disciplinary process, shall not automatically be grounds for disqualification. The decision of the Title IX Coordinator regarding a challenge shall be final.

7. **Timeframes**

All timeframes set forth in this policy may be extended by the designated Associate Dean or other administrator for good cause, with written notice to the Reporting and Responding Persons of the delay and the reason for the delay.

E. **Other Matters**

1. To prevent delays, when positions authorized to exercise responsibility under this policy are vacant, or during the unavailability of persons holding those positions, the Provost or the Dean may designate other persons to exercise their authority under this policy.