

EMPLOYEE SEXUAL MISCONDUCT POLICY: DISCIPLINARY ACTIONS FOR CO-EMPLOYEE COMPLAINTS

Policy Statement

Consistent with the federal Violence Against Women Act of 1994, as amended, Dartmouth policy prohibits domestic violence, dating violence, sexual assault, and stalking (collectively, "Sexual Misconduct") committed by one employee against another. While the disciplinary procedures followed by Dartmouth divisions and departments may vary in certain respects, all divisions and departments shall, at a minimum, follow the procedures set forth in this policy in conducting disciplinary proceedings concerning co-employee charges of Sexual Misconduct. (See also the policy on [Sexual Harassment](#).)

Definitions or Regulations

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.

Dating violence

Includes 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
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.

Sexual assault

Unwanted or unwelcome touching of a sexual nature, including: fondling; penetration of the mouth, anus, or vagina, however slight, with a body part or object; or other sexual activity that occurs without valid consent.

Stalking

Occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, under circumstances that would:

- (a) Place the person in reasonable fear for safety, or of harm or bodily injury to self or others; or
- (b) Reasonably cause substantial emotional distress to the person.

A course of conduct refers to a pattern of behavior of two or more acts over a period of time that can be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that person or to a third party. The feared harm or injury may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of that individual. Stalking may involve individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals who are not known to one another.

Procedure

Complaints arising from the circumstances described above should be reported to the Title IX Coordinator at (603) 646-0922.

The procedures for disciplinary action shall, at a minimum:

- (a) Provide a prompt, fair, and impartial investigation and resolution.
- (b) Be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault and stalking and how to conduct a hearing process that protects the safety of victims and promotes accountability.
- (c) Provide to the accuser and the accused the same opportunities to have others present during the disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.
- (d) Simultaneously inform the accuser and the accused, in writing, of:
 - i. the outcome of the disciplinary proceeding;
 - ii. the procedures for the accused and the victim to appeal the results of the disciplinary proceeding;
 - iii. any changes in the results that occur prior to the time that such results become final; and
 - iv. when the results become final.