

## **COS Sanctioning Considerations**

For any disciplinary system to be credible, consistency must be a central element. Ideally, over time, precedent should show that similar violations result in similar outcomes. This provides the community a basic understanding of the consequences that result from specific behavior. However, for a disciplinary system to be considered fair, it must be flexible enough to respond to each student as an individual and to the facts and circumstances of each individual case. Sanctions should reflect the institution's desire to educate the student and the community given a particular set of circumstances. Sanctioning decisions at Dartmouth strive to balance consistency of the process with fairness to individual students and a focus on what is educationally appropriate given the facts of each individual case.

If a committee determines that a student is responsible for a violation, it will determine a sanction based on the specific facts of the case, the student's level of intent, information about the student's previous disciplinary history, and the information that follows below about conduct expectations, aggravating and mitigating factors, and outcomes of previous cases. In cases of sexual abuse, physical violence or threatening harm, misappropriation and other misconduct that causes harm to another member of the community, aggravating factors may include whether or not the student responsible was substantially motivated by the victim's race, color, religion, sex, age, sexual orientation, gender identity or expression, national origin, disability, or military or veteran status. Unless otherwise noted, the sanctions described below were for first-time offenses.

### **Physical Violence/Threatening or causing harm to others**

Because the safety of our community is a principal concern, most cases of violence or threatening harm to others are considered serious enough to warrant suspension or separation if the student is found responsible. Typically, when students have engaged in fights that caused physical injury to others, they have been suspended from one to three terms depending on the severity of the injury and the details of the situation.

During the period between 2004 summer term and 2008 spring term (four academic years), there were 59 allegations of violations of Standard of Conduct I. The COS found that the student was "not responsible" in seven of the cases (11.8%). Of the 52 students found responsible, 21 (40%) were suspended from one to four terms. Two students who had prior disciplinary histories were suspended for four terms after causing harm to a community member and yelling and making violent gestures toward another student. Three students with no disciplinary history were suspended for three terms after misusing an air gun, causing damage to property while driving a vehicle, and causing harm by hitting another student in the face. Five students were suspended for two terms for shoving other students and causing harm, creating serious fire safety risks, hitting others while intoxicated, causing property damage while intoxicated, and punching other students (no physical harm resulted). Eleven students were suspended for one term after hitting another student in the context of a verbal argument, accidentally causing harm while intoxicated, threatening harm after a series of violations of College policy, and threatening Dartmouth staff, medical personnel or police officers.

Probation has been imposed in situations where no harm was caused and physical contact was minimal. Twenty-two students (42%) were placed on some period of probation for a violation of Standard I. Ten students were placed on probation for the remainder of their time at Dartmouth for pushing others, being aggressive with staff, making threatening gestures, and minor incidents of slapping. Two students were placed on one term of probation for pushing in the context of a relationship and accidentally causing harm. The remaining sanctions of probation for Standard I were imposed for serving students dangerous levels of alcohol, minor slapping incidents, minor pushing, and incidents in the context of a relationship (see Relationship Violence below) or legitimate misunderstandings.

There were 9 reprimands imposed when students engaged conduct that was disruptive to the community.

### **Violence and Alcohol**

In 29 violations (56%) of Standard I, students said alcohol was a contributing factor to the behavior. In each case, students were held accountable for their behavior while they were intoxicated and for any violations of the alcohol policy.

### **Relationship Violence**

Violence and/or threatening behavior in the context of a personal relationship has been a particular challenge to the COS in recent years. Many students are not willing to be a witness in a hearing regarding someone who is close to them. In situations involving students in a relationship, it is not unusual for the victim to refuse to cooperate with the investigation and sometimes present conflicting accounts of the events. Relationship conflicts have been considered under Standard I when there is clear harm or threat of harm to an individual. Of the 52 findings of responsibility for physical violence or threatening behavior listed above, six students were in (or had been in) a relationship with the victim. In those cases, students were accused of pushing, grabbing, slapping, closing a door on, or throwing a shoe at their partner during an argument. In light of the limited and conflicting information available in each of these specific cases involving relationship violence, the COS imposed multiple terms of probation rather than suspension. The COS, however, has repeatedly acknowledged that students who engage in acts of violence should expect to be suspended, whether or not they are in a relationship.