

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.

Sexual Abuse Policy 1998-2008

“The Committee on Standards has affirmed that serious acts of violence cause significant harm to members of the Dartmouth Community and also compromise the integrity of the educational experience. The Committee further affirmed that serious acts of violence, including non-consensual intercourse or other forms of non-consensual intimate sexual contact, are sufficient grounds for the imposition of sanctions up to and including separation.” *2008-2009 Dartmouth College Student Handbook p. 76*

All students should be familiar with the College's sexual abuse policy and discussion of consent that appears on pages 114-115 of the 2008-2009 *Student Handbook*. Between 1998 and 2008, Dartmouth adjudicated 26 cases of sexual abuse. Nine of the cases (35%) resulted in a finding of “not responsible” and one student resigned from the College prior to a hearing. All but two cases in which students were found responsible during this period resulted in suspension or separation. In four cases, students were permanently separated from the College for sexual abuse that included repeated instances of sexual abuse in the same evening, multiple offenses, or a student's disregard for obvious signs that the intercourse or contact was not consensual. Ten of the cases resulted in suspension from one to six terms. Four to six terms of suspension were imposed in cases that involved non-consensual penetration, in cases where a reasonable person would have understood that he/she did not have consent for the act, and in cases where a reasonable person would have known that the victim was incapacitated from drugs or alcohol. Fewer terms of suspension have been imposed when the incident involved other forms of non-consensual physical contact. In two cases, students were placed on probation for the remainder of their time at Dartmouth, one for sexually threatening behavior, and one for physical contact with another student's buttock.