

II. STATEMENT OF PURPOSE

Dartmouth is committed to establishing and maintaining a safe learning, living, and working environment where healthy, respectful, and consensual conduct represents the campus cultural norm. To that end, Dartmouth prohibits the following types of conduct, collectively, "Prohibited Conduct":

- **Sex and gender-based discrimination**, sexual harassment (including sex/gender-based harassment), sexual assault, sexual exploitation, dating violence, domestic violence, provision of alcohol and/or other drugs for purposes of prohibited conduct, and stalking, as described below in Section VI;
- retaliation against an individual for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the individual has made a report of Prohibited Conduct, filed a Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, hearing or resolution of an alleged violation of this policy, as described below in Section VI; and
- the exertion of power, supervision, or authority by one individual over another in relationships of a sexual or intimate nature, as described below in Section VIII.

VI. PROHIBITED CONDUCT UNDER THIS POLICY

Conduct under this policy is prohibited regardless of the sexual orientation, gender, gender identity, or gender expression of the Complainant or Respondent. Prohibited Conduct includes:

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Sex/gender-based discrimination: Sex/gender-based discrimination is subjecting an individual to adverse action—including unfavorable or unfair treatment—based on or because of their sex, sexual orientation, gender (including gender identity and gender expression), or the individual's perceived sex, sexual orientation, or gender (including gender identity and gender expression). Sex/gender-based discrimination can occur in either an employment or an educational context.

Examples of conduct that can constitute sex/gender-based discrimination include:

- Refusing professional or learning opportunities to an individual because of their sex/gender;
- Singling out or targeting an individual for different or less favorable treatment (e.g., more severe discipline, lower salary increase) because of their sex/gender;
- Failing or refusing to hire or admit an individual because of their sex/gender; and
- Terminating an individual from employment or an educational program based on their sex/gender.

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2. In addition, consistent with Title VII of the Civil Rights Act of 1964 and the recognition that Sexual Harassment may also occur in a wider variety of contexts, Dartmouth also defines Sexual Harassment to

include (1) any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, electronic, or otherwise (sexual harassment); ~~or, and~~ (2) ~~unwelcome conduct any act of intimidation or hostility~~, whether verbal, ~~or~~ non-verbal, graphic, physical, or otherwise, based on sex or gender, sexual orientation, gender identity, or gender expression, even if the acts do not involve conduct of a sexual nature (~~sex/gender-based harassment~~); when one or more of the following conditions are present:

- a) Submission to or rejection of such conduct is either an explicit or implicit term or condition of, or is used as the basis for decisions affecting, an individual's employment or advancement in employment, evaluation of academic work or advancement in an academic program, or basis for participation in any aspect of a Dartmouth program or activity (quid pro quo); or
- b) The conduct is sufficiently severe, pervasive, and/or persistent ~~so as to that it has the purpose or effect of~~ unreasonably ~~interfere ing~~ with, limiting, or alter the conditions of education, employment, or participation in a Dartmouth program or activity ~~depriving an individual from participating in or benefiting from~~ (i.e., Dartmouth's learning, working, or living programs), ~~or by creating an environment that a reasonable person in similar circumstances would find intimidating, hostile, abusive, or offensive~~ (hostile environment). ~~Whether a hostile environment exists will be assessed~~ under both an objective and subjective standard.

In evaluating whether a hostile environment exists, Dartmouth will evaluate the totality of known circumstances, including, but not limited to:

- a) the frequency, nature and severity of the conduct (~~note that an isolated incident, unless sufficiently severe would not create a hostile environment~~);
- b) whether the conduct was physically threatening;
- c) the effect of the conduct on the Complainant's mental or emotional state;
- d) whether the conduct was directed at more than one person;
- e) whether the conduct arose in the context of other discriminatory conduct;
- f) whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or Dartmouth programs or activities;
- g) whether the conduct implicates academic freedom or protected speech;
- h) ~~whether the behavior is appropriate to the carrying out of certain instructional, advisory, and supervisory responsibilities~~; and,
- i) other relevant factors that may arise from consideration of the reported facts and circumstances.