

TUCK SCHOOL OF BUSINESS

STUDENT DISCIPLINARY PROCEDURES FOR SEXUAL HARASSMENT

SUMMARY OF POLICY

Disciplinary Procedures for Sexual Harassment, Domestic Violence, Dating Violence, or Stalking by Students and Student Organizations

AFFECTED PARTIES

Tuck School of Business Students

POLICY STATEMENT

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 its attention, Geisel School of Medicine, Guarini School of Graduate & Advanced Studies, Thayer School of Engineering and Tuck School of Business ("Dartmouth Graduate and Professional Schools") 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"), the federal law that prohibits discrimination on the basis of sex in federally funded educational programs and activities, and the Violence Against Women Act (VAWA) and its Amendments, 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 Dartmouth College Graduate and Professional School's Students and Student Organizations, (as defined below).

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.

NOTE:

This policy and disciplinary procedures do 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:

<https://sexual-respect.dartmouth.edu/policy/unified-disciplinary-procedures-sexual-assault>

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.

This policy and its procedures will apply to all complaints against Dartmouth College Graduate and Professional School's Students and Student Organizations for Sexual Harassment, Domestic Violence, Dating Violence, or Stalking or for reporting or participating in investigations of such conduct, whether made by students, faculty, staff, or third parties, and will take precedence over any other Dartmouth College Graduate and Professional School's Student and Student Organizations policies and procedures with respect to such complaints.

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, Domestic Violence, Dating Violence, or Stalking, 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, unless Dartmouth is required by law to report the information. All persons have the right to pursue Sexual Harassment, Domestic Violence, Dating Violence, or Stalking complaints outside of the process provided by 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.

NOTICE OF NONDISCRIMINATION

Dartmouth is dedicated to establishing and maintaining a safe and nondiscriminatory learning, living, and working environment in which all individuals are treated with respect and dignity. The College's Principle of Community establishes that interactions between and among members of the Dartmouth community should be based on integrity, responsibility, and consideration so that all may fully access and benefit from the opportunities the College provides.

Dartmouth is committed to the principle of equal opportunity for all its students, faculty, staff, and applicants for admission and employment. For that reason, Dartmouth prohibits any form of discrimination against any person on the basis of race, color, religion, sex, gender identity or expression, pregnancy, age, sexual orientation, marital or parental status, national origin, citizenship, disability, genetic information, military or veteran status, or any other legally protected status in the administration of and access to the College's programs and activities, and in conditions of admission and employment. Dartmouth adheres to all applicable state and federal equal opportunity laws and regulations.

Further, Dartmouth 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 Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation are forms of sex and gender-based discrimination prohibited by Title IX, 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.

Dartmouth designates the Title IX Coordinator/Clery Compliance Officer ("Title IX Coordinator") as the individual charged with coordinating efforts to comply with Title IX. The Title IX Coordinator addresses and oversees the investigation and resolution of all complaints related to sexual and gender-based harassment, including Sexual Misconduct and Sexual Assault, Sexual and Gender-Based Harassment, Domestic Violence, Dating Violence, or Stalking involving students, faculty, staff, visitors, and vendors. More information about the role of the Title IX Coordinator can be found here:

<https://sexual-respect.dartmouth.edu/compliance/title-ix/about-title-ix>

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.

Inquiries or complaints concerning the application of Title IX of the Education Amendments of 1972, including the institutional response to sex discrimination and sexual and gender-based harassment, may be referred to the Title IX Coordinator and/or the United States Department of Education:

TITLE IX COORDINATOR & CLERY ACT COMPLIANCE

OFFICER

6004 Parkhurst Hall, Suite 05

Hanover, NH 03755-3541

603 646 0922

titleix@dartmouth.edu

UNITED STATES DEPARTMENT OF EDUCATION

Region I: Boston Office

United States Department of Education

5 Post Office Square, 8th Floor

Boston, MA 02109-3921

617 289 0111 Fax: 617 289 0150

TDD: 800 368 1019

ocr.boston@ed.gov

Inquiries or complaints concerning other forms of discrimination in the educational and employment context may be referred to Vice-President of Institutional Diversity & Equity, the United States Department of Education, and/or New Hampshire Commission for Human Rights:

VICE-PRESIDENT OF INSTITUTIONAL DIVERSITY & EQUITY

Evelynn Ellis

6004 Parkhurst Hall, Suite 006

Hanover, NH 03755-3541

603 646 3197 Fax: 603 646 2516

institutional.diversity.and.equity@dartmouth.edu

<https://www.dartmouth.edu/~ide/>

NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS

2 Industrial Park Drive, Bldg. One

Concord, NH 03301

603 2712767 Fax: (603) 271-6339

humanrights@nh.gov

<https://www.nh.gov/hrc/>

DEFINITIONS

- A. "Aiding, Abetting, or Inciting" means participating in, soliciting, directing, or assisting in Sexual Harassment, Domestic Violence, Dating Violence, or Stalking.
- B. "Clery Act" means the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.
- C. "VAWA" means the reauthorization of the Violence Against Women Act of 2013, which modified the Clery Act.
- D. "Reporting Person" means:
- i. a person who alleges that another person violated this policy; or
 - ii. a person who alleges that a Student Organization is responsible for a violation of this policy under the College's Group Accountability Statement.
 - iii. 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 student, faculty member, or staff member.
- E. "Responding Person" means:
- i. a student accused of Sexual Harassment, Domestic Violence, Dating Violence, or Stalking; aiding, abetting, or inciting such conduct; or Retaliation; or
 - ii. a Student Organization accused of violating this policy under the College's Group Accountability Statement.
 - iii. 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
- i. 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
 - ii. discourage a reasonable person from making a report or participating in an investigation under this policy.
 - iii. Retaliation includes but is not limited to: acts or words that constitute intimidation, threats or coercion intended to pressure a person to drop or support a complaint under this policy or to provide false or misleading information in connection with an investigation; and 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 of responsibility.
- G. "Sexual Harassment" includes any of the following behaviors:
- i. 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.
- ii. 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.
 - iii. 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.
- H. “Dating Violence” includes violence committed by a person:
- i. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - iii. the length of the relationship.
 - iv. the type of relationship.
 - v. the frequency of interaction between the persons involved in the relationship.
- I. “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.
- J. “Stalking” occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, under circumstances that would:
- i. Place the person in reasonable fear for safety, or of harm or bodily injury to self or others; or
 - ii. Reasonably cause substantial emotional distress to the person.
 - iii. 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.
- K. “Student” means an individual enrolled as a graduate student in any educational program at Dartmouth, 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.
- L. “Student Organization” means a recognized Dartmouth 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.

RELATED INFORMATION

REPORTING SEXUAL HARASSMENT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING

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.

CONTACTS FOR REPORTING

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

TITLE IX COORDINATOR

Title IX Coordinator/Clery Act Compliance Officer
Parkhurst Hall, Room 005
Hanover, NH 03755
603 646 0922
titleix@dartmouth.edu

DEPARTMENT OF SAFETY AND SECURITY

5 Rope Ferry Road
Hanover, NH 03755
603 646 4000
Safety.and.Security@Dartmouth.edu

TUCK SCHOOL OF BUSINESS

Sally Jaeger
Associate Dean, MBA Program
Deputy Title IX Coordinator
Tuck School of Business
Hanover, NH 03755
603 646 2190
Sally.O.Jaeger@dartmouth.edu

If the report is received by the Department of Safety and Security, the designated Associate Dean, or other administrator, they will promptly notify the Title IX Coordinator. The Title IX Coordinator or Department of Safety and Security can also take reports about any form of sexual misconduct that involves students, faculty, staff, or other members of the community.

Resources and sources of support for those affected by Sexual Harassment, Domestic Violence, Dating Violence, or Stalking may be found at: <https://sexual-respect.dartmouth.edu/reporting-support/all-resources>

REPORTS TO LAW ENFORCEMENT AND EXTERNAL AGENCIES

To initiate a criminal investigation or prosecution, reports of Sexual Harassment, Domestic Violence, Dating Violence, or Stalking should be made to:

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

The criminal process is separate from the Dartmouth 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](#) below. The Title IX Coordinator, the Department of Safety and Security, the Director of Judicial Affairs, or 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.

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 College's ability to take disciplinary action against a Student who has graduated or permanently terminated enrollment. While prompt reporting is encouraged, the College will receive and investigate reports of possible violations of this policy 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.

PRESERVATION OF INFORMATION AND TANGIBLE MATERIAL

Preservation of information and tangible material relating to Sexual Harassment, Domestic Violence, Dating Violence, or Stalking is essential for both law enforcement investigations and campus disciplinary investigations. Therefore, persons involved in Sexual Harassment, Domestic Violence, Dating Violence, or Stalking matters, either as Reporting Persons, Responding Persons, witnesses, or others reporting such conduct, are encouraged to preserve all information and tangible material relating to a possible incident of Sexual Harassment, Domestic Violence, Dating Violence, or Stalking.

Examples include electronic communications (e.g., emails and text messages), photographs, clothing, and medical information. In the case of medical information, prompt examinations can be crucial.

THE COLLEGE'S RESPONSE PROCEDURE

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

SUPPORT AND INITIAL ASSESSMENT: INTERIM MEASURES

Once Dartmouth receives a report asserting Sexual Harassment, Domestic Violence, Dating Violence, or Stalking, 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 <https://sexual-respect.dartmouth.edu/reporting-support/all-resources>

Both parties will be provided contacts for support, including those who can offer confidential support to the extent permitted by law. The College will also take appropriate steps to prevent and/or address retaliatory conduct following a report.

The College 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.

- a) Address immediate physical safety and emotional well-being needs of the Reporting Person or any other individual.
- b) Notify the Reporting Person of the right to notify (or decline to notify) law enforcement if the conduct is potentially criminal in nature.
- c) Notify the Reporting Person of the right to seek medical treatment to address physical health and, as appropriate, preserve physical or forensic evidence.
- d) 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.
- e) 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 College's prohibition against retaliation.
- f) Enter non-identifying information about the report into the College's daily crime log if the conduct is potentially criminal in nature.

Dartmouth may also implement interim measures as may be appropriate for the individuals or organizations involved and for the larger 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 disciplinary complaint 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.

DISCIPLINARY PROCESS

In general, complaints of Sexual Harassment, Domestic Violence, Dating Violence, or Stalking may be submitted in accordance with, and will be resolved under, the disciplinary process as administered by the Judicial Affairs Office for violations of the Standards of Conduct. However, the following procedures will apply to the investigation and resolution of charges of Sexual Harassment, Domestic Violence, Dating Violence, or Stalking to the extent not already reflected in the process:

The complaint should be submitted to the Title IX Coordinator, the Department of Safety and Security, or the Judicial Affairs Office. If the complaint is received by the Department of Safety and Security or the Judicial Affairs Office, they will promptly notify the Title IX Coordinator.

1. DISCIPLINARY INVESTIGATION

- a.) Upon being notified that one of the above persons wishes to pursue a complaint of Sexual Harassment, Domestic Violence, Dating Violence, or Stalking, the Title IX Coordinator, in consultation with the Director of Judicial Affairs, will review the complaint to determine whether the allegations, if proven, would constitute a violation of this policy. This evaluation will normally occur within five working days of the initial report.
- b.) 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.
- c.) If it is determined that the allegations would constitute a violation of this policy, the Title IX Coordinator will ask the Director of Judicial Affairs 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.
- d.) The Director of Judicial Affairs 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.
- e.) 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, Domestic Violence, Dating Violence, or Stalking 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.
- f.) 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.
- g.) The Director of Judicial Affairs will establish reasonable timeframes for the submission of information and the identification of potential witnesses by the Reporting Person and the Responding Person.

h.) 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 Director of Judicial Affairs 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, Domestic Violence, Dating Violence, or Stalking under this policy, an appropriate sanction will be determined in accordance with the Judicial Affairs process.

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 Committee on Standards ("COS") 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 Director of Judicial Affairs 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;
- (b) the rationale for the result; and
- (c) the procedures for the Reporting Person and the Responding Person to request review of the result of the proceeding. The Director of Judicial Affairs 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 Director of Judicial Affairs will provide notice of the result of the review to the same persons.

5. REVIEW OF DECISION

Either the Reporting Person or the Responding Person may request review of the decision pursuant to the school's appeal procedures.

TIME FRAME FOR COMPLETION OF INVESTIGATION AND DISCIPLINARY PROCESS

The College will ordinarily complete its investigation and disciplinary process, if any, within sixty (60) calendar days. All timeframes set forth in this policy may be extended by the Director of Judicial Affairs or other administrator for good cause, with written notice to the Reporting and Responding Persons of the delay and the reason for the delay.

STUDENT AND STUDENT ORGANIZATION EXPECTATIONS AND RIGHTS

CONFIDENTIALITY; RESPECT FOR PRIVACY

Information regarding Sexual Harassment, Domestic Violence, Dating Violence, or Stalking 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.

TRAINING OF OFFICIALS CONDUCTING PROCEEDINGS

All persons involved in implementing this policy will receive annual training on the issues related to Sexual Harassment, Domestic Violence, Dating Violence, or Stalking and how to conduct an investigation and review process that is prompt, effective, fair, equitable and impartial.

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, Domestic Violence, Dating Violence, or Stalking 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, Domestic Violence, Dating Violence, or Stalking under this policy.

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, Domestic Violence, Dating Violence, or Stalking report under this policy. Where a Reporting Person or another person with knowledge of possible Sexual Harassment, Domestic Violence, Dating Violence, or Stalking 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, Domestic Violence, Dating Violence, or Stalking occurred, it will take effective steps to end it, prevent its recurrence, and address its effects, regardless of whether external legal proceedings are pending.

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, Domestic Violence, Dating Violence, or Stalking, 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 Judicial Affairs staff and/or the Chair of the COS may remove any person who distracts or disrupts the process.

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.

OTHER MATTERS

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 may designate other persons to exercise their authority under this policy.