

**SWARTHMORE COLLEGE**  
**OFFICIAL STUDENT HANDBOOK**  
**2010-2011**

The Swarthmore College Student Handbook is produced by the Office of the Dean and is a compilation of official policies and services of the College. Students are responsible for familiarizing themselves with the information and for abiding by the rules and regulations described. Please do not hesitate to contact any member of the Deans' staff if you need advice or interpretation of College policies. Rules and policies may be changed during the school year without notice.

**TABLE OF CONTENTS**

**Academic Policies & Regulations**

**Committee on Academic Requirements**

- Warnings
- Probation
- Advised to Withdraw
- Required to Withdraw

**Leave of Absence**

- Withdrawal & Readmission
- Short Term Absences
- Required Evaluations

**Privacy of Student Information**

- Buckley Amendment (Family Educational Rights & Privacy Act of 1974)
- Public Information
- Parental Notification Policies

**Academic Support Policies & Regulations**

- Academic Advisors
- Disability Services
- Academic Supports

**College Services: Policies & Regulations**

**Dining:**

- Meal Plans
- ID Cards
- Guests
- Tri-Co Dining
- Group Meals
- Menus
- Hours

**Counseling Services (CAPS)**

- Appointments
- Medications
- Confidentiality

**Health Services**

- Confidentiality
  - PA State Laws
  - HIPPA
- Outpatient Services
- Overnight Care
- Insurance

**Information Technology Services (ITS)**

- Network Safety & Security
- Copyright Violations
- Computing Usage
- Telephone Services

**Library Services**

- Access to materials
- Fines

**Public Safety**

- Reporting a Crime
- ID Cards
- Fire Alarms & Drills
- Parking on Campus
- Parking on Borough Streets

**Student Conduct: Rules, and Regulations**      pages  
**Statement of Student Rights, Responsibilities & Code of Conduct****Academic Freedom & Responsibility**

- Expression of Dissent
- Faculty Representative

**Expression at Swarthmore**

- Options for Resolution
- Uncivil and Demeaning Non-Harassing expression

**Harassing Expression**

- Definitions
  - Harassment
  - Stalking
  - Intimidation
  - Hazing
  - Violence
  - Assault
- Options for Resolution
- Role of Equal Opportunity Officer
- Adjudication
- Mediation
- Status Distinctions
- Communication
- Investigations

## **Uncivil & Demeaning Non-Harassing Expressing**

### **Academic Misconduct**

**Definition**

**Evidence**

**Procedures**

**Sanctions**

**Appeals**

**Education & Information**

**Standard Citation Practices**

#### **a. Sexual Misconduct**

### **Alcohol & Drugs**

**Party Policies**

### **Residential Life and Housing Regulations**

Housing Philosophy

Room Assignments

    Lottery Participation

Room Changes

Conditions of Occupancy

Arrival and Departure

Housing Fines

Meal Plan

Empty Spaces

Cable & Internet

Care of College Property

    College Furniture

    Personal beds

    Pre-Occupancy Condition

    Vandalism

Fire and Safety Rules

    Prohibited objects

    Smoking

Guests

    Guests defined

    Permission for guests

    Cots

Key& Locks

    Security

    Key Central

    Lost Keys

    Found Keys

    Returning Keys

- Changing Rooms
- Lofts
- Pets
- Quiet Hours
- Storage of Personal Items
  - Dorm Storage
  - Secure Storage in Old Tarble
  - Insurance
- Off Campus Housing
  - Tri-Co Living
- Summer Housing
  - Gaps in Housing Coverage

## **Conflict Resolution and Judicial Procedures** pages

### **Conflict Resolution**

- Informal Resolution
- The Equal Opportunity Office

### **Judicial System**

#### **Minor Infractions: Adjudication by Dean**

- Scope
- Appeal
- Compliance

#### **Major Infractions: the College Judiciary Committee**

- Scope
- Safety of Campus
- Filing a Complain
  - Initiating a Complaint
  - Responding to Charges
- Composition of the Judiciary Committee
  - Hearing Panel
    - Convener
    - Observer

#### **Pre-Hearing Procedures:**

- Confidentiality
- Rights
- Defining the charges
- Witnesses
- Challenge to Hearing Panel Members
- Evidence
- Withdrawing Complaints
- Taking a Leave of Absence Before the Hearing

#### **Hearing Procedures**

- Nature of hearing
- Schedule
- Attendance

Obstruction  
Both Parties Present  
Opening & Closing Statements  
Witnesses  
Convener Responsibilities  
Impact Statement  
Length of Hearing  
Consensus  
Findings  
Sanctions  
Active Avoidance  
Compliance  
Records  
    Notational  
    Non-Notational  
    Parental Notification

**Post Hearing Procedures**

Publicity of Findings  
Appeal

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## **ACADEMIC POLICIES & REGULATIONS**

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### **Academic Regulations**

The academic information of the College can be found in a variety of published resources. The *Swarthmore College Bulletin* (“the red book”) is the authoritative source for academic information, course descriptions, degree requirements, admissions procedures, and guidelines for the college community. Courses actively available each semester are listed on the Schedule of Courses and Seminars, found in the Registrar’s Office. For more information see the Registrar in Parrish E124 or see the college website at [www.swarthmore.edu/Admin/registrar](http://www.swarthmore.edu/Admin/registrar).

### **Committee on Academic Requirements**

The Committee on Academic Requirements (CAR) is the standing committee of the faculty charged with regular review of students’ academic programs and the administration of faculty regulations concerning academic standards and requirements. The committee is also empowered to recommend to the faculty waivers of certain requirements (i.e. the “20 course rule,” the senior year residency requirement, etc.). Requests for waivers are carefully evaluated by the committee and forwarded to the faculty only when a general educational advantage is perceived.

With the Dean of Students as chair, the committee regularly meets at the end of each semester to review records of students who are not making satisfactory progress or who are under advisement from previous CAR mandates. Student records may be review at other times should information arise about academic difficulties that were not available at the time of the regular committee meetings

The committee may take one of several actions including, but not limited to

- 1) Warnings: Students meet with deans’ staff member as needed
- 2) Probation: Students may be placed on probation, continued on probation or removed from probation. Student’s parents are informed and the student meets regularly with a deans’ staff member.
- 3) Advised to Withdraw: The student must write a detailed letter to the Dean explaining why it is a good plan to stay and how things will change if they stay enrolled. Students will return on probation.
- 4) Required to Withdraw: The student must stay away for a semester or longer, engage in meaningful activity (classes, work, volunteer activities) and write a detailed letter to the Dean requesting permission to return explaining what happened, what was done while the student was away and how things will be different. In certain cases the student will be required to bring back a certain number to credits to catch up with their class standing. Appeals may be made to the Dean at the time of notification of the change of status. Students will return on probation.

### **Absences**

#### **Leaves of Absence**

Student leaves of absence are freely permitted. Some fines may occur if a late notice is given. Students planning a leave of absence should consult with a dean and complete the necessary form prior to the deadline published each semester (usually December 1 and April 1). The form asks students to specify the date of expected return; students need only notify the Dean of their return if their return date changes from that originally indicated on the completed form. Please note that some leaves will affect the student’s health insurance.

#### **Withdrawal**

Withdrawal from the College may occur for academic, disciplinary, health, personal, or financial reasons, and may be voluntary or required by the College. Students withdrawing from the College before the end of the semester normally receive the grade notation “W” (withdrawal) on their permanent record for all in-progress courses.

#### Health-related withdrawal

In no case will a student’s mental or physical condition itself be a basis for a required withdrawal. However, when health problems of a physical or psychological nature result in behavior that substantially interferes with a student’s academic performance or the educational endeavors of other students, or poses a significant threat to the student’s safety or safety of others, the student may be required to withdraw by the College. The decision to require withdrawal for health-related reasons is made by the Evaluation Committee, chaired by the Associate Dean for Academic Affairs and comprised of another dean, usually the Class Dean. The Evaluation Committee will review the problematic behavior and may consult with the Director of Worth Health Center, the Director of Counseling and Psychological Services, or any other appropriate College official when making its decision. Decisions of the Evaluation Committee may be appealed to the Dean of Students.

#### Readmission Following Withdrawal

A student who has withdrawn from the College for any reason, voluntarily or involuntarily, may apply for readmission by writing to the Dean of Students. Normally the College will not accept applications for readmission until a full semester, in addition to the semester in which the student has withdrawn, has passed. For a complete description of the readmission process, please refer to the *Swarthmore College Bulletin*.

### **Short-term Health-related Absences**

Students who are hospitalized for a period during the semester are subject to the readmission procedures before they may return to campus to resume their studies. In these situations, the Evaluation Committee may also counsel and advise the student about options for how best to approach the remaining academic work in the semester. In all cases, a student returning to campus from the hospital must report to the Worth Health Center and get clearance from the appropriate healthcare professional before returning to the dormitory to ensure the student’s readiness to resume college life and so that follow-up care can be discussed.

**Official Evaluations:** At times, usually after a student has been unable to complete a semester due to mental health issues and at the request of the Dean, a student must be evaluated by the Director of the Counseling Service (or his designee) as part of the re-entry process. If a student has had a short term hospitalization for mental illness during the semester that student must have this official evaluation before they can return to their dorm room and resume studies. This consultation assesses the ability of the student to continue studies and residential status without the disruptions to self and others that occur with flare-ups of conditions. The report of this evaluation is made to the relevant dean(s) so a determination can be made to allow the student to return to active status at the college. A Dean (usually the Class Dean) makes the final decision after an interview with the student and reviewing the report generated by the Counseling Service. Appeals made be made to the Dean.

The Dean may make a request for an evaluation if a student is exhibiting behaviors that are disruptive or has several indicators that mental illness may be present. A report of this evaluation is made to the Dean who will determine if it is safe for the student to be on campus. Frequently the student must give permission for the Swarthmore evaluator to be in communication with an outside practitioner to get a history and more complete picture of the student's treatment and mental state.

### **Privacy of Information (Administered by the Registrar's Office)**

The Buckley Amendment, or the Family Educational Rights and Privacy Act of 1974, as amended, and related federal regulations, establish guidelines protecting the privacy of student records and give college students the rights (subject to certain exceptions) to review their "educational records" and within 45 days of formally requesting to do so, to challenge and/or amend their contents in order to ensure that they are not inaccurate or misleading, and to file a complaint with the Department of Education concerning alleged failures by the College to comply with the Act. Written complaints should be directed to the Family Policy Compliance Office, U.S. Department of Education, 600 Independence Avenue, S.W., Washington D.C., 20202-4605.

The procedure to inspect and review records, or to request amendment of education records is the same: students should write and sign a letter clearly stating their request and submit the letter to the Dean of Students.

A policy statement is on file in the Deans' Office and on reserve in McCabe Library setting forth specific student rights under the act. It covers such matters as the types and locations of student education records maintained by any department within the College and the persons responsible for them, the procedure to be followed to review and inspect the student's record, and conditions under which the College is permitted to disclose personally identifiable information without the student's prior consent.

Grades are available online to students through a password-protected website. They are not routinely sent to parents or guardians, except that parents or guardians of students are normally informed of grades in cases of important changes of status, such as probation and requirement to withdraw. However, grades may be released when students request it. Swarthmore has traditionally been very open with students relative to the content of their records, but has followed a conservative policy regarding disclosure of personally identifiable information to outside persons or organizations.

Education records may be disclosed to school officials without prior written consent of the student. School officials include persons employed by the College in administrative, supervisory, academic, or research, or support staff positions; persons serving on College governing bodies; or persons employed by or under contract to the College to perform special tasks, such as attorneys and auditors. A school official is determined to have legitimate educational interest if the information requested is necessary to perform tasks appropriate to his or her position or contract agreement, perform tasks related to the student's education, perform tasks related to the discipline of a student, or provide a service such as health care, counseling, institutional research, job placement, or financial aid.

Public personal information other than "directory information" or matters of public record are not normally released to anyone outside the College without a student's prior consent. The few exceptions are specified in the policy statement referred to above.

There are two categories of directory information at Swarthmore:

1. Published student “directories” include the following: ;
  - A directory of enrolled students listing home addresses for the College community;
  - The telephone directory, issued each semester, and containing a student’s name, class, campus address, and campus telephone extension. The names, addresses, and classes of off-campus students also appear in the telephone directory, and is the principal document used by persons on campus to reach students;
  - A list of all students participating in the housing lottery and is publicly posted;
  - Each Spring Semester, the year’s expected degree candidates are posted on a list outside of the Registrar’s Office;
  - The commencement program listing the Bachelor of Arts candidates, the Bachelor of Science candidates, Honors by level, Phi Beta Kappa, Sigma Xi, Tau Beta Pi, fellowships and prizes, Dean’s awards, and Pennsylvania Teacher Certification.
2. Other “directory (public) information” includes the following: home address, email address, date and place of birth, photographs, major(s), minor(s), dates of enrollment at Swarthmore, date of graduation or anticipated graduation, degree and honors or awards received, and participation in extracurricular activities including sports, and other similar information. Weight and height of athletic teams are also considered matters of public record.

According to the law and Swarthmore College policy, any item of directory information may be released at any time unless the student has filed a written request that the information in that item not be released, although normally most directory information is not released outside the College community without the student’s request. Students who wish to have certain directory items withheld from any release should file their request with the Registrar’s Office, where questions concerning the College policy or this notice should also be directed.

### **Parental Notification Policy**

It is the College's policy to treat the student as the person primarily privileged to authorize release of personal information. This policy reflects our philosophy that an important goal of undergraduate education is to continue the student's development as an autonomous adult. The College encourages students to share information with their parents or legal guardians, but ultimately the decision of what information to share rests with the student. Hence the vast majority of communications are directed to the student rather than to the parents/guardians. For example, grades are sent only to the student unless the student gives written authorization to the Registrar to send grades to a parent or guardian.

We recognize, however, that this commitment to fostering the development of the student must be balanced with the parents' interest in the well-being and progress of their student in the College, and we recognize that there are times in which parental involvement can be in everyone's best interests. Thus, while the general policy is to be protective of the student's privacy, there are specific instances enumerated below in which a parent or legal guardian will be notified. In such instances, we believe it is appropriate for the student to inform his or her parent or guardian directly, so whenever possible we will allow time for students themselves to do so. However, in critical situations where prompt notification is prudent, a member of the Dean's staff will contact a parent or guardian as soon as possible.

1. Change of status imposed by the College

A change in the status of a student at the College may be imposed as a result of disciplinary action or unsatisfactory academic progress. If a student is placed on probation,

suspended, or expelled, parents are notified. It should be noted that less severe instances of disciplinary or academic action may result in warnings to the student, of which parents are not formally notified.

2. Transport to a hospital in critical situations

Law prohibits health care professionals from disclosing medical information to the parent or guardian of a student without the student's explicit consent. However, when a student needs to be transported to the hospital in a critical situation, the parent or guardian of the student will be notified. Following the general policy, when the situation permits we will wait until the student herself or himself has the opportunity to notify the parent or guardian or until the student gives explicit consent for a third party to do so.

3. Arrest

The parent or guardian of the student will be notified if the student is placed under arrest while on college property and detained by law enforcement officials. Note that the College does not post bail for arrested students. If a student receives a citation for a summary offense for which they are not detained, e.g., underage drinking or disorderly conduct, the College generally will not notify the parent or guardian but the police might choose to do so themselves. In addition, if a student is arrested away from the campus the College generally will not become involved and so will not inform the parent or guardian even if the incident comes to our attention.

4. Unexplained absence from campus

If it comes to the attention of College officials that a student is inexplicably absent from campus for a prolonged period, a parent or guardian will be contacted in order to ascertain the whereabouts of the student. The College cannot be responsible for student's failure to be in touch with their parents.

Note: The College reserves the right to notify a parent or guardian of a student for reasons other than those listed above, based on our judgment of what is in the best interests of the student and of the College. Individual deans may contact parents when their student is failing to make satisfactory progress or when alcohol or other illegal substances are involved.

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## ACADEMIC SUPPORT REGULATIONS

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### **Personal Academic Advisor**

Each new student is assigned to a faculty member or member of the dean's staff who acts as academic advisor until this responsibility falls to the chair of the student's major department at the end of the sophomore year. Initial assignments are made by the Associate Dean for Academic Affairs on the basis of major interests and abilities indicated by entering students. Changes in advisors will be freely granted (subject only to equity in number of advisees assigned to an individual faculty member) on application to the Associate Dean. Reassignments may also be made due to faculty leaves or shifts in duties.

The formal parameters of the relation between advisor and advisee include: 1) The advisor must approve the courses for which the student registers. 2) The advisor must approve drops or adds to the course load. 3) The advisor will receive copies of all official correspondence concerning the student's academic standing in order to better advise the student on academic and personal decisions .

### **Academic Support**

Supports such as clinics tutor, Student Academic Mentors (SAMS) are provided free of

change, within the bounds of reasonable use and when a relevant resource exists. Deans, professors and/or the Coordinator of Academic Support can all help students access these resources.

### **Disability Support Services**

Students with learning, medical, physical or psychological disabilities may consult with Tracey Rush (trush1, Parrish W113), 610-690-5014. She will work with students so they will know what documentation of the disability is required and help students access the agreed upon, prescribed, reasonable accommodations. Students may read more detailed information on the website ([www.swarthmore.edu/x7687.xml](http://www.swarthmore.edu/x7687.xml)) and may also consult the Equal Opportunity Officer, Sharmaine Bradham Lamar, if disputes arise from this process.

## **REGULATIONS OF COLLEGE SERVICES:**

### **DINING RULES**

**Linda McDougall**, Director of Dining Services oversees the main dining facility in Sharples Dining Hall, the Mary Lyon's Breakfast Room, Essie Mae's Snack Bar (located in Tarble), Kohlberg Coffee Bar, and the Science Center Coffee Bar.

All students in college housing must be on the meal plan. Students with special medical (short and long term) , religious or cultural needs must consult with the Director of Dining Services to arrange for these special needs.

### **The Necessity of Identification Cards**

Students eating in Sharples Dining Hall must present their college picture identification card for every meal. Students who do not have their cards will be permitted to sign in three times per semester. Once a student has used the three signed-in opportunities, the student will be required to pay cash until the new ID card is obtained. Absolutely no meal credit is given at Essie Mae's and points may not be used in any facility without a college picture ID card. These policies are in effect to protect each student's personal meal plan account.

**Guests** are always welcomed in Sharples Dining Hall. Guests prices are: Breakfast \$4.75, Lunch \$6.75, Dinner \$10.00. Declining balance cards may be purchased at the Sharples office, near the main entrance door.

**House menus** are found on the website ([www.swarthmore.edu/dining.xml](http://www.swarthmore.edu/dining.xml)) and on the Dashboard.

### **Sharples Dining Hall Hours**

The College's main dining hall, Sharples, is open to all students who subscribe to the meal plan during these hours:

Monday through Friday - Breakfast: 7:30 a.m. to 9:30 a.m.

Lunch: 12:00 noon to 1:30 p.m.

Saturday - Dinner: 4:30 p.m. to 6:00 p.m. (sharp)  
Breakfast 7:30 a.m. to 9:30 a.m.  
Lunch: 12:00 noon-1:30 p.m.(Seating limited to West Dining Room)  
Dinner: 4:30 p.m. to 6:00 p.m. (sharp)  
Sunday - Brunch 11:00 a.m. to 1:30 p.m.

### **Meals at Bryn Mawr and Haverford College:**

Students on a Swarthmore meal plan can obtain meal passes for the Bryn Mawr and Haverford Dining halls. Meal passes can be picked up in Sharples from a checker or from the Dining Services office.

### **Group Meals**

Groups of at least 25 students may substitute a cookout or special meal for regular meals at Sharples. Food credit is given in raw ingredients from the dining hall, not in cash. Requests must be submitted 72 hours in advance, and the number of groups which can be accommodated is limited. Pack-outs are provided on a first-come, first-served basis. For more information, please contact the Dining Services Office at (610) 328-8181.

## **COUNSELING & PSYCHOLOGICAL SERVICES (CAPS)**

David Ramirez, Ph.D directs the Counseling and Psychological Center located in the Worth Health Center. It is open between 8:30 a.m. and 4:30 p.m., Monday through Friday when school is in session. Appointments may be made in person or by calling the office at x8059. Emergency assistance may be obtained by calling the Health Center at x 8058 or the College's Emergency number x8333 during off hours. Services are free but generally students are limited to one appointment a week. Off campus referrals are readily available. There is limited access to a psychiatrist to prescribe and monitor medications. All students being seen by the psychiatrist must also be engaged in therapy with one of the CAPS counselors. Students on medications are generally responsible for covering the costs of these medications. The health center will help students obtain the medications with proper documentation and payments.

**Confidentiality and Communication:** Like at the Health Center, students have rights to privacy of treatment. Parent and outside providers' input and information is welcome but the student must give permission for their therapist to share any information from counseling sessions. In case of danger to self or others, a counselor may contact the student's official emergency contact and relevant college officials. Students, parents, faculty and staff may consult with CAPS professionals about issues they are seeing in a student. The CAPS staff will help you review the concern from your perspective and how you might proceed with interactions with the student of concern.

## **HEALTH SERVICES**

**Beth Kotarski, MSN, CRNP,** directs the Worth Health Center that is open 24 hours a day, 7 days a week when school is in session.

## **Confidentiality and Communications:**

Under Pennsylvania law: *Any minor who is eighteen years of age or older, or has graduated from high school, or has married, or has been pregnant, may give effective consent to medical, dental, and health services for himself or herself, and the consent of no other person shall be necessary.*

*Medical, dental, and health services may be rendered to minors of any age without the consent of a parent or legal guardian when, in the physician's judgment, an attempt to secure consent would result in delay of treatment which would increase the risk to the minor's life or health.*

According to Health Center Policy and in compliance with HIPAA, information is not shared with parents without the explicit permission of the student. Students have the right to expect that all aspects of care will be treated as confidential. Since parents and private health providers can offer valuable insight and support during these times, nurses and campus employed-physicians encourage students to contact parents when a student's medical condition becomes prolonged or requires special testing or hospital admission. We are happy to coordinate care with family health care providers and off-campus specialists. We require a student's permission to share information with these providers.

In the case of threat to life of self or others, information will be shared with persons listed as emergency contacts as well as with relevant college officials.

Parents are urged to communicate all concerns to the Director or a nurse. Usually plans can be developed to address these concerns or to obtain permission from students to disclose information. Nurses will assist with arrangements for local housing for parents who are summoned for a medical emergency.

Health care staff do not communicate with faculty or others about missed classes activities or assignments. Students must give permission for the health center staff to be in touch with the relevant Class Dean who will communicate with professors or other community members. These communications indicate that the student is under the care of a medical professional and will be in touch once they are ready to resume work or classes. Class deans can help students strategize ways to make up work, approach faculty or others about their situation.

Services available ONLY to enrolled Swarthmore students. Others are directed to local resources.

Outpatient services include: Massage therapist, Nutrition counseling, Allergy injections, Physical examinations, Gynecological and contraceptive services, STI screening and counseling, Travel information and readiness, Wellness information.

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- Overnight Care services, for the short term, are for students needing medical monitoring due to acute medical conditions. More serious conditions are referred to local hospital emergency rooms or to family care. Other students are expected to return to their residence hall room.
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## **Health Insurance**

All students must be covered by a health insurance plan that meets the minimum requirements established by the College. The College offers an insurance plan to purchase

for students who have no health insurance coverage. The insurance brochure and schedule of benefits are available to view on the health center web page: [www.swarthmore.edu/health](http://www.swarthmore.edu/health).

## **INFORMATION TECHNOLOGY SERVICES**

Information Technology Services (ITS) integrates Academic Computing, Client Services, Administrative Information Systems, Media Services, Infrastructure and Operations, Networking and Telecommunications. Services provided include the Beardsley Media Center, Blackboard Course Management System, file storage, printing, electronic mail, and academic software. Electronic mail and network accounts are provided automatically.

Macintosh, Windows, Linux-based computers and most mobile devices can be connected to the network. When connecting to the network for the first time, web browsers will direct students to a registration web site. Clusters of computers and printers are located in residence halls, Trotter 201, Science Center 256, Cornell and McCabe libraries, and in many other locations across campus. The entire campus is served by a wireless network in addition to the wired network.

**Network Security and Safety:** Students share the responsibilities of ensuring the security of the campus network. All student computers must be virus-free in order to connect to the network. Anti-virus software provided by Swarthmore College, plus operating system patches, must be installed and current. Students may not use false IDs or impersonate others. There is to be no commercial usage of the network without written permission from the director of ITS.

## **Copyright Violations**

The Digital Millennium Copyright Act (DMCA) was signed into law by President Clinton in October, 1998. One of the provisions of the legislation provides an opportunity for online service providers (OSPs) to shield themselves from liability for the actions of their subscribers that infringe on the copyrights of others. All institutions of higher education that provide Internet access fall within the scope of the definition of an OSP, with relevant subscribers being their students, faculty and staff.

Swarthmore College policies and procedures related to the Digital Millennium Copyright Act (DMCA) are found on the ITS website

Instances of subscribers who are repeat offenders will be referred to, as appropriate, the Dean of Students, the Provost, or the President's Staff supervisor for disciplinary action. When appropriate, these sanctions can include termination of all ISP services.

## **Statement on Computing Use**

Use of the Swarthmore College computer systems and networks is governed by the general norms of responsible community conduct described in the student, faculty, and staff handbooks, by local, state, and federal laws, and by College policies specific to use of the computer systems and networks, which are described in the following sections. Swarthmore College normally grants access to its computing network and systems to currently enrolled students, to current and emeriti faculty, and to currently employed staff. By users, this document refers to all who use the computers, networks, and peripherals owned or operated by the College, or who gain access to

third-party computers and networks through the College's system. Individuals with access to the Swarthmore College network have the following obligations and responsibilities:

1. To respect other people and the College's intellectual environment. Use of the network may not violate federal, state, or local law, including the laws of defamation, forgery, copyright/trademark infringement, and harassment. The copying or serving of copyrighted material such as music, movies, and other multi-media is strictly forbidden.
2. To protect each individual's accounts from unauthorized use by others. Every account is provided for the use of a specific individual, and may not be shared with nor loaned to others. Additionally, office computers are generally assigned to specific individuals for College related work. Staff must obtain permission before using a computer not assigned to them, particularly when the use is personal.
3. To respect the integrity of other user's accounts. Individuals must not use another person's user ID without express permission or attempt to decode passwords or to access information illegitimately. For example, sending electronic mail under another person's name (forged email) is a violation of this policy.
4. To avoid engaging in any activity that may reasonably be expected to be harmful to the systems operated by the College including not attempting to disrupt, gain unauthorized access to, or damage computing and network systems (hardware and software) belonging to Swarthmore College, or to use the College's computing resources to disrupt, infiltrate, or damage systems belonging to others on campus or around the world. When system vulnerability is discovered, users are expected to report it to ITS.
5. To avoid excess use of shared resources, whether through monopolizing systems, overloading networks, misusing printer or other resources, or sending spam or unsolicited mass electronic mail.

Violations of these guidelines that come to the attention of ITS will be referred as appropriate to the offices of the Dean, the Provost, or Human Resources. Where appropriate, ITS may temporarily withhold services from students, faculty, or staff while referring the case in a timely manner to the appropriate College office.

**Telephone Services:** Each student in on-campus housing is provided a personal telephone number and a voice mail account. Telephone may be purchased in the Bookstore. Unlimited on-campus and local calls to surrounding communities as well as to Bryn Mawr and Haverford Colleges are provided free as part of the basic telephone service. The College does not provide direct-dial long-distance calling to students

## **LIBRARY & EDUCATIONAL MATERIALS**

Students may not hinder the educational opportunity of other students by behavior such as removing, hiding, or defacing educational materials. In like manner, the library will protect the privacy of all students with regard to any and all information contained in their library records; e.g., books they have checked out, amount or nature of fines etc. The library adheres to the policy stated in the ALA Policy Manual section 52.4: Confidentiality of Library Records. Please refer to [www.ala.org/alaorg/policymanual/libserve.html](http://www.ala.org/alaorg/policymanual/libserve.html).

Payment of late-return fines is expected in a timely manner. Outstanding fines may affect housing selection and registration as well as access to official transcripts.

## **PUBLIC SAFETY**

**Owen Redgrave**, Director

The department provides round-the-clock uniformed patrol of the campus buildings and grounds by professionally trained Patrol Officers who can help in a variety of ways from emergency response to general advice on crime prevention. The number of officers on duty depends on the time of day and the expected level of activity. All officers are in constant radio contact with the College Communications/Reception Center and will be dispatched immediately to the scene of any emergency. Students are encouraged to call the department at x8281 any time they feel Public Safety can be of assistance. The Benjamin West House is open 24 hours a day.

### **How to Report a Crime**

All emergencies should be reported by contacting the Department's emergency telephone line x8333. Any crime or suspected crime should be reported immediately to the Public Safety Department. When major incidents occur, the Borough police may also respond. Under most insurance policies, a formal report of loss must be filed before recovery can be made.

### **College Identification Cards**

Student ID cards are issued by the Department of Public Safety. Lost ID cards can be replaced for a \$10 fee at the Department of Public Safety office (Benjamin West House). When investigating a suspicious or unusual circumstance, a Public Safety officer may ask to see the ID card. By showing it, the student will contribute to the overall security of the campus. By not identifying oneself, the student risks being treated as a trespasser and being subject to disciplinary action for failing to cooperate with a Public Safety officer.

A student may not knowingly provide false information or make misrepresentation to any College office. Students are obligated to provide College personnel with accurate identification upon request. In addition, the forgery, alteration, or unauthorized possession or use of College documents, records, or instruments of identification, forged or fraudulent communications (paper or electronic mail) are prohibited.

Admission to the Dining Hall, all Social Affairs Committee events, College movies, Upper Tarble dances, etc. will be by valid College ID only. IDs will be checked at the door and checkers are instructed to allow no exceptions. Any guest of a student must be signed in with the name of both the host and guest recorded at the door.

Swarthmore ID cards are not transferable. Anyone found loaning an ID to another individual for use at Sharples Dining Hall or any College function will be fined \$35. The borrower will also be fined \$35. Misused cards will be confiscated and returned only on application to the Dean of Students. Rude or abusive behavior in connection with ID requests will be referred to the Deans' Office.

### **Fire Alarms & Drills**

There are two fire alarm code blasts for the Swarthmore area. The fire horn located at the top of the tower by the facilities building will issue a series of three blasts to indicate a general alarm. If the fire is on the College campus the alarm will switch the original three-blast signal to the four-blast series. The fire horn is tested during the fire company meeting every Thursday evening at 7:00 p.m. The Swarthmore Volunteer Fire Company welcomes students as members and active participants.

All building fire alarms are local. In the event of a fire emergency, ring the building fire alarm and call the Department of Public Safety emergency telephone line (x8333) immediately. If students are in a building and the alarm goes off, they should go outside by the shortest possible route and wait until permission is given to re-enter the building.

Fire drills are held periodically in each residence hall for the students' protection. They are scheduled by the RAs and monitored by officers of the Public Safety Department. Students should take the opportunity of a fire drill to learn the quickest and safest ways out of the residence hall.

### **Parking Permits**

Because of the limited number of parking spaces on campus, only those students receiving permission from the Car Authorization Committee will be issued parking permits that last for a semester or a year. Permits must be applied for again each year. Permit applications are available at the Benjamin West House and the Parking Web Site. .

Although permit applications are judged primarily on need, first- and second-year students are generally not granted permission. Students who have a legitimate need for short-term parking on campus may apply for a temporary permit at the Benjamin West House during normal business hours.

**Campus Parking: Parking regulations are strictly enforced. Do not park on campus without a permit. Students who park in Faculty/Staff lots risk booting. To avoid costly fines and towing charges for illegal parking, please obtain a parking permit before bringing a car to campus.** First and second year students should not expect College Parking Permits. The Parking Website outlines the rules covering fines, booting and towing.

**Borough Parking:** Overnight parking (between the hours of 2:00 a.m. and 6:00 a.m.) is prohibited on most streets in the Borough of Swarthmore, and vehicles may not be parked in any one location anywhere in the Borough for longer than 72 hours at a time. First and second year students should expect to pay for parking by renting spaces from Swarthmore Borough (call 610-543-4599). These spaces are located along the road bordering the railroad tracks on the town side of the tracks.

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## **STUDENT CONDUCT:**

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### **RULES AND REGULATIONS**

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#### **STATEMENT OF STUDENT RIGHTS, RESPONSIBILITIES, AND CODE OF CONDUCT**

The *Swarthmore College Bulletin* states, "The purpose of Swarthmore College is to make its students more valuable human beings and more useful members of society ... Swarthmore seeks to help its students realize their fullest intellectual and personal potential combined with a deep sense of ethical and social concern." Although the College places great value on freedom of expression, it also recognizes the responsibility to protect the values and structures of an academic community. It is important, therefore, that students assume responsibility for helping to sustain an educational and social community where the rights of all are respected. This includes conforming their behavior to standards of conduct that are designed to protect the health, safety, dignity, and rights of all. The College community also has a responsibility to protect the possessions, property, and integrity of the institution as well as of individuals. The aim of both this Statement and the Student Judicial Procedures is to balance all these rights, responsibilities,

and community values fairly and efficiently.

Swarthmore College policies and jurisdiction normally apply only to the conduct of matriculated students occurring on Swarthmore College property or at College-sanctioned events that take place off campus. In situations in which both the complainant and accused are matriculated Swarthmore College students, however, College policies and jurisdiction may apply regardless of the location of the incident. In the event that a student organization violates a college regulation, the organization, as well as its individual members, can be held accountable for the violation and sanctioned by the College. Finally, students should also realize that they have the responsibility to ensure that their guests do not violate College policies, rules, and regulations while visiting and that students may be subject to disciplinary action for misbehavior of their guests.

A complaint against a student may be made to the deans by a student, a Public Safety officer, a member of the College's faculty or staff, or a College department. If the alleged incident represents a violation of federal, state, or local law, the complainant also has the option of initiating proceedings in the criminal or civil court system regardless of whether a complaint is filed within the College system.

The following is a summary and explanation of the rights, responsibilities, and rules governing student conduct at Swarthmore College. This Statement serves as a general framework and is not intended to provide an exhaustive list of all possible infractions. Students violating any of the following are subject to disciplinary action. All sanctions imposed by the judicial system must be obeyed or additional penalties will be levied. For a complete description of the College's judicial process, please see the section on Student Judicial Procedures.

### **Academic Freedom & Responsibility**

*The following is excerpted from The Handbook for Instructional Staff, Section II.A.2.*

Swarthmore College has long subscribed to the fundamental tenets of academic freedom articulated in the 1940 Statement of Principles on Academic Freedom and Tenure by the American Association of University Professors. This doctrine has been reiterated and amplified in the Association's 1970 Statement on Freedom and Responsibility. Swarthmore College adheres to the 1970 Statement, relevant portions of which are reproduced below. The complete texts of the Association's 1940 and 1970 Statements may be found in A.A.U.P. publications.

Membership in the academic community imposes on students, faculty members, administrators, and trustees an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus. The expression of dissent and the attempt to produce change, therefore, may not be carried out in ways which injure individuals or damage institutional facilities or disrupt the classes of one's teachers or colleagues. Speakers on campus must not only be protected from violence, but given an opportunity to be heard. Those who seek to call attention to grievances must not do so in ways that significantly impede the functions of the institution.

Students are entitled to an atmosphere conducive to learning and to evenhanded treatment in all aspects of the teacher-student relationship. Faculty members may not refuse to enroll or teach students on the grounds of their beliefs or the possible uses to which they may put the knowledge to be gained in a course. The student should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or her/his own part in society. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance, such as

personality, race, religion, degree of political activism, or personal beliefs.

If a student has a grievance against a faculty member that cannot be resolved directly through the faculty member involved, the student should take her or his concerns to the department chair. If the grievance remains unresolved, the student should contact the Provost.

## **ACADEMIC AND PERSONAL INTEGRITY**

### **A. Academic Misconduct**

*The following procedures were adopted by the faculty on Feb. 16, 2001, and are excerpted from Section II.B.7 of The Handbook for Instructional Staff.*

#### **1. Considering Academic Misconduct Cases**

a. Academic misconduct is defined as a violation of the College's standards of academic integrity whether these violations are intentional or unintentional.

b. The College Judiciary Committee (CJC) will adjudicate academic misconduct cases.

c. In academic misconduct cases the Dean of Students, who chairs the CJC, acts as a neutral procedural facilitator, not as an advocate or a judge. The Dean of Students, as chair, and the Associate Dean for Student Life, as observer, are ex officio, non-voting members of the CJC.

#### **2. Procedures**

a. An instructor who has good evidence to suspect a student or students of academic misconduct (e.g., cheating on an exam; plagiarism on a paper, lab reports, problem sets, or honors work) will, at the instructor's discretion, consult the department chair about the case. Mere suspicion on the part of a faculty member that the student's work does not sound right is normally not by itself sufficient grounds to bring a case forward in the absence of good evidence. Good evidence may include, but is not limited to the following:

i. Some of the student's work coincides with or closely paraphrases a source that is not properly acknowledged. Sources that must be acknowledged include, but are not limited to, books, articles in books, journal articles, web pages, graphs, charts, tables, data sets, etc. in any of the sources just mentioned. Proper acknowledgment must indicate both the source and how it served as a source for any specific portions of the student's work that have been based on it.

ii. Glaring coincidences in the work of students on exams, papers, problem sets, etc., where cooperation in producing the work was not permitted. Faculty members have access to TurnItIn.com to review student work.

b. In any event, the instructor will meet with the student (or students) to present evidence to the student and may, at the instructor's discretion, invite the department chair to be present.

c. After this meeting, if the instructor's suspicions are not allayed, the instructor will submit a report to the Associate Dean for Student Life. The report will include a narrative of the incident and evidence supporting the charge.

d. The Associate Dean will schedule the hearing as quickly as possible. The Associate Dean may consult with the faculty members of the Committee if there is a question of the merit of the case. The Associate Dean will inform the student of the charge and his or her right to have a support person present at the hearing. The support person may be a fellow student, a faculty member, or a member of the staff. Normally, all evidence to be considered must be submitted by the accuser and the defendant to the Associate Dean for

Student Life prior to the hearing.

e. Before sanctions are determined, the Associate Dean will provide the Committee with an updated summary of the previous years' cases and their disposition.

### 3. Sanctions

a. The College Judiciary Committee will consider the case, make a finding of guilty or not guilty on the basis of the preponderance of the evidence, and will determine an appropriate sanction if a finding of guilty is reached.

b. In determining a sanction the Committee will consider all the circumstances of the case including the intent of the student, the character and magnitude of the offense, the considered evidential judgment of the faculty member bringing the accusation, and mitigating circumstances.

i. In academic misconduct cases, the CJC makes the determination on the issue of probation, suspension, expulsion, and whether the penalty is to be notational or not. The CJC recommends to the faculty member the sanction relating to the grade penalty. The faculty member has final determination in this area. It is the opinion of the faculty as a whole that for an intentional first offense failure in the course normally is appropriate. Suspension for a semester or deprivation of the degree in that year may also be appropriate when warranted by the seriousness of the offense.

ii. In behavioral misconduct cases, the CJC determines the entire sanction.

c. For a second offense, the penalty normally should be expulsion.

### 4. Appeals

A request for an appeal may be brought to the President and the Provost within ten days following a guilty decision by the College Judiciary Committee but only on the grounds of new evidence or procedural error. If the President and the Provost decide that this new information warrants an appeal, they will appoint a new committee of two faculty and two students to review the case. The decision of the appeal committee is final. The committee may confirm the decision of the CJC, reduce or increase the sanctions, or dismiss the original charges.

### 5. Informing Faculty and Students About Swarthmore's Academic Misconduct Policy

The integrity of a liberal arts education depends on the principle of academic integrity. Educating the community about the academic misconduct policy is essential to the educational goals of the College.

Both students and faculty will be regularly informed about the college's academic misconduct policy in a variety of ways such as the following: by their instructors or advisors, by the Deans' Office, and by means of statements in such places as the college catalogue, faculty and student handbooks, the college web site, departmental or divisional handouts, etc. Discussion of the policy may also be part of such sessions as orientation for first-year students in the Fall, orientation for new faculty, and in WA and SAM training. Students must finally take the responsibility for understanding the rules with respect to proper citation of sources and the College's academic misconduct policy.

### 6. Standard Citation Practices

Writers may refer to a handbook on scholarly writing for information about correct citation procedures. The MLA Handbook is particularly useful since it also provides examples of plagiarism. Supplementary departmental regulations governing joint projects, etc. may be found on file in departmental offices. The informal nature of some writing may obviate the necessity of rigorously formal citation, but still requires honest attribution

to original authors of all borrowed materials. Students should feel free to consult with instructors whenever there is doubt as to proper documentation.

Fear of being charged with plagiarism need not inhibit anyone from appropriately using another's ideas or data in a piece of writing. Even direct quotation frequently serves as an effective device in developing an argument. Academic honesty requires only that writers properly acknowledge their debts to other authors at least by means of quotation marks, footnotes, and references, if not also with in-text phraseology like "Einstein argued in 1900 that..." or "As Melville implies in Chapter 3 of *Moby Dick*..." Such usage is fully within the tradition of forthright academic work.

#### **7. Submission of the Same Work in More than One Course**

When submitting any work to an instructor for a course, it is assumed that the work was produced specifically for that course. Submission of the same work in more than one course without prior approval is prohibited. If the courses are being taken concurrently, approval of the professors for both courses is required. If a student wishes to submit a paper which was written for a course taken in a previous semester, the student need only obtain the permission of the professor teaching the current course involved.

### **B. Harassing Expression**

The section that follows outlines the College's policy for adjudication of harassing expression. The intention in stating this policy is not to reduce complicated and painful interactions to a list of rules, which after all must be cautious and limited. On the contrary, these policies are listed in order to both facilitate the free expression of ideas and—emphatically—to support those who feel that they have been victimized by another's expression. The College provides several resources to help those who believe that they may have been harassed, and those resources are listed in the "Options for Resolution" section below. Students are encouraged to seek assistance from those offices listed, and from friends and counselors already known. It is unconscionable that members of the community should suffer harassment. Since the damage done by expression is in essence a community problem, we wish to emphasize that we are committed to working out these problems as a community. We hope together to find the patience, support, discernment, and courage that it takes to combat expressive abuse, and we offer the following policy to describe our administrative response to a problem that we are determined to work through on all levels of college life. If the official policies outlined here seem daunting as the student seeks help responding to an incident that is troubling, the student is urged to come forward and talk to the members of the community who are familiar with them. The offices named in this document can help the student to take action, to understand her/his rights and responsibilities, and ultimately to recover from the effects of harassing speech. The College's commitment to freedom of expression on this campus is in no way meant to keep individuals from getting the assistance needed if one feels that s/he may have been the subject of expressive harassment. Complete definitions of harassing expression follow in a few pages.

#### **Options for Resolution**

Charges of harassment may be handled according to either informal or formal procedures. In general, opportunities for education and awareness are important elements in the resolution of harassment issues, sexual or otherwise. Individuals who wish to register concern about questionable behavior, but do not wish to claim intent or reckless disregard, are encouraged to speak to the person(s) involved and/or to any of the resource persons listed below. Regardless of whether or not options for resolution are pursued within the College system, complainants

always have the option of seeking formal legal redress.

In cases of alleged harassing expression, the Equal Opportunity Officer will decide whether the offense merits adjudication. If the EO Officer determines the offense should be adjudicated, the case materials must first be reviewed by faculty members of the CJC, who shall determine whether any substantial free expression issues are at stake. If the CJC faculty members find that formal grievance procedures of the case would violate individual rights to free expression or the College's commitment to academic freedom, the case will not go forward. Instead, the case will be referred back to the EO Officer who may discuss with the complainant(s) other options for resolution. If, on the other hand, it is determined by the faculty members of the CJC that the case represents no infringement on the right to free expression, the grievance will be allowed to go forward.

If the decision is made to adjudicate and the CJC finds the perpetrator(s) guilty, the CJC will determine the degree of harm caused and assess punishment up to and including expulsion. It will not be a defense that one did not intend the harm caused—that it was reckless. Lack of intent, however, may be a mitigating factor in determining the degree of punishment.

When adjudication is not deemed appropriate, mediation may be suggested, and it will normally be preferred as a first step anyway. In particularly egregious cases, however, the Equal Opportunity Officer may recommend adjudication without mediation. (Note: Mediation at Swarthmore College is never required: all parties involved must willingly agree to participate in the mediation process.)

In cases in which grievants and alleged offenders are from different parts of the community (students, staff, or faculty), complaints should be directed to the responsible office according to the identity of the alleged offender: Human Resources for staff, Deans' Office for students, and Provost for faculty. The formal grievance procedures are specified in the relevant sections of the corresponding Handbooks. Assistance and information are available from the offices listed below.

Provost's Office

Deans' Office

Human Resources Office

Equal Opportunity Office

It is important to note that discussing concerns with or seeking clarification or support from College officers does not obligate a person to initiate either formal legal procedures or judicial procedures at the College, nor do such discussions preclude a person from doing so. The College officer to whom a complaint is made will record each request for assistance in resolving a case involving charges of harassment, whether formal or informal; these records will be kept confidential to the extent permitted by law.

Often perceived harassment is subtle; it cannot be assumed that the perceived offenders are aware of the way in which their behavior has been interpreted and the responsibility for resolution is shared by both parties. Either directly or through a third party, grievants should make their discomfort known to perceived harassers. Perceived harassers have a responsibility to attempt to understand both the intentional and unintentional effects of their behavior and to respond in a thoughtful, sensitive manner to those perceived effects. The grievant can consider all the informal and formal means available for resolution and choose what seems most useful and workable in a particular case. The grievant must also weigh the fact that the perceived harasser may continue the offensive behavior until being made aware of his/her actions. In the most serious instances of harassment, it is unreasonable to expect grievants to confront their

perceived harassers; in these cases the grievant should enlist the help of a trained third party.

Swarthmore College is an educational institution, not a civil society with the responsibilities or resources of a civil society. It makes no promises or guarantees, express or otherwise, that it will undertake efforts to ferret out those who act to violate the proscriptions set out above. Those who regard themselves as having been targets of fraudulent or degrading expression, of course, may avail themselves of legal remedies at their own initiation and expense; e.g., regarding libel or slander.

### **C. Uncivil and Demeaning Non-Harassing Expression**

As a member of Swarthmore College, one's moral responsibilities extend beyond formally sanctionable conduct. All of us, therefore, have a responsibility not to indulge in gratuitous offensive expression just because it may not be subject to official sanctions. Anonymous offensive expression is generally inexcusable, but the risk of harm in making adjudicable all forms of offensive expression would not only outweigh the benefits of official proscription, it would also seriously endanger academic freedom. Even when individuals (or groups) admit authorship, however, they act irresponsibly if they are unwilling to engage in a defense of their views, especially with those targeted.

Perpetrators of alleged non-adjudicable but uncivil expression should engage the objects of their attacks through discussion and, possibly, mediation. If they do not, however, no disciplinary action will be taken, though College officials or anyone else may publicly decry the content and manner of such expression.

It needs stressing again that the College will in no way formally discourage any argument, provided it does not include threats of violence, though what is said may be deplorable and very possibly more diatribe than argument.

Case materials will be reviewed in light of the AAUP statement On Freedom of Expression and Campus Speech Codes (adopted 1994).

### **D. Violence, Assault, Intimidation, and Harassment**

Swarthmore College seeks to maintain an environment of mutual respect among all its members. All forms of violence, assault, intimidation, and harassment, including that based on sex, race, color, age, religion, national origin, sexual orientation, or disability, undermine the basis for such respect and violate the sense of community vital to the College's educational enterprise. This statement of policy should not be taken to supersede the College's commitment to academic freedom, which it hereby reaffirms. The reasoned expression of different views plays a particularly vital part in a college community. Freedom of expression, fundamental to an exchange of views, carries with it corollary responsibilities equally basic to reasoned debate.

#### **1. Violence and Assault**

Students may not engage in physical violence against others. Those who do will be subject to serious sanctions.

#### **2. Intimidation**

Verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person or persons in the group to fear for their physical well-being constitutes intimidation and is prohibited. Anyone who attempts to use intimidation or retaliation against someone who reports an incident, brings a complaint, or participates in an investigation in an attempt to influence the judicial process will be subject to serious sanctions.

### 3. Harassment

The College seeks to sustain an environment in which harassment has no place. Those who harass others will be subject to serious sanctions.

#### Definition, Principles, and Criteria

Harassment can take many forms, and it needs to be emphasized that harassment can be and often is non-physical, including words, pictures, gestures, and other forms of expression. To count as harassment, such expression must be reasonably regarded as (a) taunting<sup>1</sup>, vilifying<sup>2</sup>, or degrading<sup>3</sup> whether (b) directed at individuals or groups (subject to the clarification and qualification below) and (c) where reasonable people may suppose that such expression harms its target(s) by substantially interfering with their educational opportunities, peaceful enjoyment of residence and community, or terms of employment. Further, to count as harassment subject to possible formal grievance procedures, such expression must (d) be taken *either* with the intent to interfere with the protected interests mentioned in (c), above, *or* with reckless disregard to the nature of the conduct. Such intent or recklessness must be inferred from all the circumstances. Finally, (e) such expression must be repeated and persistent. To be “repeated and persistent,” the offending conduct must have been brought to the attention of the defendant (though not necessarily by the complainant), be of the same kind, and repeated. There are two reasons for adding (e): first, the College wishes to have the opportunity to educate those who may not realize that certain expression constitutes harassment; second, by requiring that the expression be repeated and persistent, the College helps establish intent or recklessness. However: (f) before any expression can be considered for possible formal grievance procedures, it must be clear that no substantial free expression interests are threatened by bringing a formal charge of harassing expression. This strict criterion for possible formal grievance procedures must be imposed to insure that the college does nothing that would tend to diminish free expression or compromise principles of academic freedom in the vigorous and often contentious examination and criticism of ideas, works of art, and political activity that marks Swarthmore College.

Because groups have been included in (b), above, the following clarification and qualification is in order. If expression that would be regarded as harassing if directed at an individual is directed at a group — where no individuals are specifically named or referred to as targets — any member of that group will have an adjudicable complaint only if it can be established that a reasonable person would regard that offending expression as harassing each and every member of the group as individuals.

**Stalking** is a form of harassment, which, following Pennsylvania Criminal Code, occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances that demonstrate either of the following:

1. placing the person in reasonable fear of bodily injury; or,
2. reasonably causing substantial emotional distress to the person.

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## SEXUAL MISCONDUCT

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<sup>1</sup> Derisive, mocking, ridiculing, or jeering expression.

<sup>2</sup> Forceful defaming or degrading expression with intent to make the target of the offending expression vile or shameful, recklessly disregarding the effects of one’s expression in these respects.

<sup>3</sup> Subjecting one to public shame that normally cause feelings of inferiority or loss of self-respect.

Sexual misconduct represents a continuum of behaviors ranging from physical sexual assault and abuse to sexual harassment and intimidation and is a serious violation of the College's code of conduct. Both women and men can be subject to and can be capable of sexual misconduct. It can occur between two people whether or not they are in a relationship in which one has power over the other, or are of different sexes.

Charges of sexual misconduct may be handled according to either informal (see Conflict Resolution) or formal procedures. Regardless of whether or not options for resolution are pursued within the College system, complainants always have the option of filing charges in civil or criminal court. It is important to note that discussing concerns with or seeking clarification or support from Assistant Dean Karen Henry, another dean, or others does not obligate a person to file a formal complaint initiating judicial procedures. The Assistant Dean will register each request for assistance in resolving a case involving charges of sexual misconduct, whether formal or informal. These records will be kept confidential to the extent permitted by law.

#### **A. Sexual Assault and Abuse**

Students are prohibited from engaging in sexual assault or abuse of any kind.

##### 1. Definition:

Sexual assault is defined as any sexual contact that occurs without the consent of the other person. Specifically, it is intentional physical contact with an intimate part of the body or with clothes covering intimate body parts without the consent of the person touched. Sexual assault includes but is not limited to sexual penetration of an unwilling person's genital, anal, or oral openings; touching an unwilling person's intimate parts such as genitalia, groin, breasts, lips, buttocks or the clothes covering them; or forcing an unwilling person to touch another person's intimate parts or clothes covering them. When sexual assault occurs repeatedly between individuals, it is referred to as sexual abuse.

##### 2. Consent:

Students have the responsibility to ensure that any sexual interaction occurs only with mutual consent. If a person indicates that she/he does not want sexual contact then any further sexual contact is considered to be without the person's consent. If the person has agreed to sexual interaction, she/he has the right to change her/his mind and indicate that she/he no longer wants to continue the interaction. A person has the right to indicate she/he does not want any further sexual contact no matter how much sexual interaction has already taken place. Valid consent cannot be obtained from someone who is asleep, unconscious, coerced, or is otherwise unable to give informed, free, and considered consent. It must be emphasized that the consumption of alcohol and other drugs may substantially impair judgment and the ability to give consent. Those who willingly permit themselves to become impaired by alcohol or other drugs may be putting themselves at greater risk, but this impaired state provides no defense for those who take advantage of people whose judgment and control are impaired.

#### **In the event of rape or assault**

The college has three major concerns in the event of rape or assault: to provide physical safety, emotional support and medical care to the survivor, and to help the survivor prepare for possible prosecution of the perpetrator if s/he decides to do so. If raped or assaulted you should:

1. Go to a safe place
2. Seek support from someone you trust
3. Seek medical attention

#### **Reporting a Rape.**

- Call Public Safety

If the sexual assault has been by a person who is not known or if there is danger the assailant may make an immediate escape from campus, the victim or someone else should call Public Safety at 610-328-8333 immediately. The person answering the phone will have a list of questions to ask, will get a description of the suspect, and will immediately mobilize help for the survivor. They will rush to detain the suspect and publish an immediate security brief. It is important to note that the community may be alerted to the presence of danger without identifying the victim. This will be done to help prevent further incidents on campus. Public Safety may also notify the Swarthmore Borough Police, providing a description of the suspect. If the Borough Police are notified, and a suspect is caught, the case may be handed to a local prosecutor for a potential trial.

- Call Swarthmore Borough Police (911)

The police will interview the survivor and gather evidence. They may contact a counselor from WAR (Women Against Rape). If the survivor has been assaulted by someone s/he does not know, they will attempt to apprehend the suspect. Swarthmore Borough Police generally escort the victim directly to the emergency room. Public Safety will have access to any call made to Swarthmore Borough Police.

In circumstances in which a survivor does not immediately report a rape or assault, s/he may tell a friend, an RA, a Dean, the Equal Opportunity Officer Sharmaine LaMar, a medical or counseling staff member, a staff or a faculty member about the incident(ss). With the survivor's permission, these people are urged to call Assistant Dean (and Gender Education Advisor) Karen Henry on the survivor's behalf.

The survivor may use any of the on-campus support mechanisms available, without choosing to press charges or making a formal complaint. A number of off-campus resources also exist and may be obtained on the Sexual Misconduct website.

The survivor should know that when contacting any of the support options available on campus, a report will be made to the Dean, without using her/his name or any of the names of people involved. The statistics on sexual assault will be used for cumulative year-end reporting purposes. All details and names will remain completely confidential.

### **Obtaining Medical Care:**

#### Go to Worth Health Center (x8058)

Worth is staffed 24 hours a day to assist students. The survivor will be examined by a nurse who will assess the survivor's injuries. The primary purpose of the medical evaluation is to check for physical injuries, presence of sexually transmitted diseases, and pregnancy as a result of the rape. The student will be encouraged to have evidence collected. If the survivor chooses to have evidence collected, he/she will be escorted to Crozer-Chester Medical Center (CCMC) by Public Safety.

#### Go to Crozer-Chester Medical Center Emergency Room

At the emergency room an examination and collection of evidence will take place. Most of the local hospitals can do a rape kit, but it is recommended that survivors go to Crozer-Chester's Emergency Room. The survivor should not shower, bathe, douche, smoke, drink, or change clothes between the time of the incident and the time of the collection of evidence. The survivor should bring a change of clothes including underwear. The police and Women Against Rape (WAR) will be notified. WAR will be present to provide support for the survivor. CCMC's policy is to report all rapes. Going to collect evidence does not mean that the survivor must press charges.

#### Future medical follow-up

The survivor can return to Worth Health Center for follow-up medical care. This usually occurs one month after the first visit.

### **To file a complaint**

Please review the procedures outlined in the Judicial Procedures section of the handbook.

### **B. Sexual Harassment**

The following definition is based in part on those formulated by the Federal Equal Opportunity Commission and The Office for Civil Rights of the U.S. Department of Education. Sexual harassment, a form of discrimination based on sex or gender clearly endangers the environment of mutual respect and is prohibited. Swarthmore College also finds that harassment based on sexual orientation, gender identity, or gender expression is also a form of sexual harassment for purposes of the College's policies. Because some behavior that constitutes sexual harassment within this policy may also be a violation of law (Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Swarthmore Borough Ordinance on Non-Discrimination), any individual who feels that she or he has been subjected to sexual harassment has the right to initiate legal proceedings in criminal or civil court in addition to or in lieu of a complaint pursuant to this policy.

#### 1. Definition.

Sexual harassment is of two basic types:

a. Any unwelcome action, verbal expression, usually repeated or persistent, or series of actions or expressions that have either the intent, or are reasonably perceived as having the effect, of creating an intimidating, hostile, or demeaning educational, employment, or living environment for a student or College employee, either by being sexual in nature or by focusing on a person's gender, sexual orientation, gender identity, or gender expression. An intimidating, hostile, or demeaning environment is defined as one that is so severe, pervasive, or objectively offensive that it interferes with a person's ability to learn, exist in living conditions, work (if employed by the College), or have access and opportunity to participate in all and any aspect of campus life.

b. Any action in which:

- i. submission to conduct of a sexual nature is made either explicitly or implicitly a term or condition of an individual's education or employment, or
- ii submission to or rejection of such conduct is used as the basis for academic or employment decisions affecting that individual. (Quid Pro Quo Harassment).

Because at Swarthmore it is not unusual for students to supervise other students, or for students to have actual or perceived power or influence over another student's academic performance (e.g., student graders, student laboratory assistants, and student writing associates), there can exist a power imbalance between students that makes it possible for quid pro quo harassment to occur between them.

#### 2. Descriptions

Sexually harassing behaviors differ in type and severity and can range from subtle verbal harassment to unwelcome physical contact. Sexual harassment includes but is not limited to:

- a. Unwelcome verbal or physical advances, persistent leers, lewd comments.
- b. The persistent use of irrelevant references that insult or degrade a person's gender, or the use of sex stereotypes to insult or degrade.

c. The use by a person in authority of his/her position to coerce another person to do something of a sexual nature that she/he would not otherwise do. Coercion need not involve physical force. If the nature of the alleged sexual harassment is non-physical, i.e. a form of expression, the adjudication process described in “Expression at Swarthmore” in this Handbook will be followed.

### 3. Scope and Resolution

There is a wide range of behaviors that falls within the general definition of sexual harassment and many differing notions of what behaviors are and are not acceptable. Key factors that determine instances of sexual harassment are that the behavior is unwelcome, is gender-based, and is reasonably perceived as offensive and objectionable. Such behavior need not produce or threaten some tangible loss to the receiver in order to be deemed harassment. If it is unclear that the behavior constitutes harassment, a person who thinks s/he has been harassed should not spend considerable time struggling alone with this issue. Students are strongly encouraged to bring their issues to Assistant Dean Karen Henry, another dean, the Equal Opportunity Officer, or others trained in this area for support, clarification, and to discuss options for informal resolution or formal adjudication.

In cases in which the harassment is subtle, it cannot be assumed that the offending person is aware of the way in which his or her behavior has been interpreted. There are a number of ways to make a person aware that his/her behavior constitutes sexual harassment. The grievant is never under any obligation to take any steps that would cause him/her to come into contact with the harasser in ways he/she is unwilling to do. Instead, the grievant can consider all the informal and formal means open to him/her for resolution and choose what seems most useful and workable in his/her particular case. The grievant must also weigh, however, the fact that without in some way being made aware of his/her actions, the harasser may continue the offensive behavior. In the most serious instances of sexual harassment, it is unreasonable to expect grievants to confront their perceived harassers; in these cases, the grievant should enlist the help of a trained third party such as Assistant Dean Karen Henry, another dean, the Equal Opportunity Officer, or another person trained in this area.

It is important to remember that any member of the community can be guilty of sexually harassing any other member regardless of position of authority or status. Although students have often found it difficult to come forward when the perceived harasser is in a position of authority or is threatening, procedures are in place to respond and to provide support throughout the resolution process. (Please see the information on what to do in the event of rape or assault.)

### **C. Sexual misconduct committed by faculty or staff:**

The College also has sexual misconduct policies as they relate to staff-student behavior and faculty-student behavior. The College policy governing staff and the related grievance procedure can be found in the Staff Handbook, on pages 102 and on pages 11-1 to 11-4. The College policy governing faculty and the related grievance procedure can be found in the Faculty Handbook, on page II.A.6 and 11.A.8 and on page II.C.1. Please contact Associate Dean Myrt Westphal to discuss your concerns and have your options for resolution explained to you.

#### **D. Indecent Exposure:**

Pennsylvania law regulates nudity and indecent exposure. Severe consequences can occur from breaking this law including being placed on the registry of sexual offenders. College policy follows the state laws and does not permit public nudity.

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## **OTHER REGULATIONS**

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### **I. Disorderly Conduct**

Students at Swarthmore College have the right to express their views, feelings, and beliefs inside and outside the classroom and to support causes publicly, including by demonstrations and other means.

These freedoms of expression extend so far as conduct does not impinge on the rights of other members of the community or the orderly and essential operations of the College. Disorderly conduct is not permitted.

Violation of the orderly operation of the College includes, but is not limited to:

1. Excessive noise: noise, once identified, which interferes with classes, College offices, dorm neighbors, or other campus and community activities.
2. Unauthorized entry into or occupation of a private work area.
3. Conduct that restricts or prevents faculty or staff from performing their duties.
4. Failure to maintain clear passage into or out of any College building or passageway.

### **II. College and Personal Property**

#### **A. Illegal Entry**

Unauthorized entry into or presence within enclosed and/or posted College buildings or areas, including student rooms or offices, even when unlocked, is prohibited and may subject a student to fines and other sanctions.

#### **B. Locks and Keys**

Tampering with locks to College buildings, unauthorized possession or use of College keys, and alteration or duplication of College keys is against College policy.

#### **C. Theft or Damage**

Theft and negligent or intentional damage to personal or College property will subject a student to paying for the repair or replacement of the damaged property as well as to disciplinary action. In the event that damage occurs in a residence hall for which no one assumes responsibility, payment for damages will be divided equally among all residents of that hall. For damage that occurs during a student event in a space other than a residence hall and for which no individual student(s) accept(s) responsibility, the sponsoring students and/or organization will be held accountable for the money for replacement or repair of the damaged property and may be subject to further disciplinary action. Splicing into cable lines can result in fines and other penalties.

### **III. Actions Potentially Injurious to Oneself or Others**

#### **A. Smoking**

Smoking is prohibited in all public spaces throughout the College: meeting rooms, lounges, offices, and halls. A \$25 fine in addition to other potential penalties, including exclusion from campus housing will be charged for violating this policy. Smoking is allowed outdoors and in the student's room (in certain residence halls), provided that the door remains closed.

#### **B. Climbing on College Buildings or Structures**

Climbing on any College building, or being present on building roofs is not allowed. In

unusual circumstances, arrangements to climb pre-designated locations may be coordinated through the Department of Public Safety.

### **C. Fires, Fire Safety Equipment and Alarms**

Tampering or interference with, as well as destruction or misuse of, fire safety and fire prevention equipment is prohibited and is a violation of state law. An automatic fine of \$125 for each piece of equipment plus the cost of replacement of equipment is charged to any student violating this regulation, and further disciplinary action may be taken. Any student who causes an alarm to be set off for improper purposes is liable for the expenses incurred by the fire department(s) in responding to the alarm. If no individuals accept responsibility when a violation of this policy occurs in a residence hall, all residents of that residence hall are subject to fines and charges for costs incurred by the College and/or fire department(s).

Open flames are not permitted in residence halls. Any student with an open flame (e.g., candle, incense) will be subject to a \$500 fine. Students are financially responsible for damages resulting from reckless conduct or violation of college rules regulating residence hall safety.

### **D. Weapons and Fireworks**

No student may possess or use a firearm on Swarthmore College property or its environs. Firearms, including rifles, shotguns, handguns, air guns, and gas-powered guns and all ammunition or hand-loading equipment and supplies for the same, are not allowed in any student residence or in any College building. Requests for exceptions must be made to the Dean. No student may possess or use fireworks on Swarthmore College property or its environs. Items such as knives that could be viewed as weapons are forbidden.

### **E. Reckless Conduct**

Conduct which places oneself or another in imminent danger of bodily harm is prohibited. The standard as to what constitutes imminent danger is solely at the discretion of the Dean and/or the judicial body hearing the case.

## **IV. Violation of Local, State, or Federal Law**

Violation of the laws of any jurisdiction, whether local, state, federal or (when on foreign study) foreign, may at the discretion of the Dean subject a student to College disciplinary action. A pending appeal of a conviction shall not affect the application of this rule.

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## **ALCOHOL, DRUGS, AND**

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## **PARTY POLICIES**

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### **Philosophy**

The overarching priority of the College with respect to drugs and alcohol is to help ensure the safety and well-being of Swarthmore students. The College is committed to providing guidance so that students can learn to develop a responsible approach to social challenges, including whether to use alcohol, how to do so in moderation, and how to comply with local, state, and federal laws governing alcohol consumption.

Swarthmore students are considered adults, with the adult privileges of privacy and autonomy, as well as the responsibility for their own decisions and actions. In addition, the College also believes that everyone has the right to work and study in an environment free from the effects of substance abuse and that those individuals who abuse alcohol and other drugs are a danger to themselves and others.

### **Objectives**

These objectives of these policies reflect the College's desire to create an intentional

community based on principles of respect for oneself and others.

The alcohol policy has several objectives:

- to promote the safety and well-being of the Swarthmore community;
- to maintain a safe campus, where students can enjoy their social lives amid a comfortable and coercion-free atmosphere;
- to provide information about alcohol so that students make responsible, healthy choices;
- to provide confidential support for community members seeking treatment for alcohol-related problems;
- to be in compliance with federal statutes, Pennsylvania laws, and Borough ordinances that regulate the consumption of alcohol.

### **Regulation of Alcohol at Swarthmore**

The presence of alcoholic beverages on campus is limited in two ways. First, it is limited by federal, state, and borough laws, including those summarized below. Second, College rules specify the circumstances under which alcohol may legitimately be served on campus.

### **Local, State, and Federal Legal Sanctions**

**The Drug-Free Schools and Communities Act:** In 1989 the federal government adopted the Drug-Free Schools and Communities Act. As a condition of receiving federal grants the College must certify that it is in compliance with this law. Among its provisions is a requirement that underage drinking must be seen not only as a violation of state law, but must also be explicitly against College policy and sanctioned under the College's judicial system.

**Alcohol:** Under Pennsylvania state law, a person less than 21 years of age may not purchase, consume, possess, or transport alcohol. Any person convicted of violating this law will have her/his driver's license suspended for 90 days. A second offense will result in a one-year suspension of driving privileges and a fine of up to \$500. Additionally, any person who intentionally provides alcohol to a person less than 21 years of age is guilty of a misdemeanor of the third degree, which carries a fine of at least \$1,000 for the first offense.

Pennsylvania state law allows a driver to be considered intoxicated, and charged with driving under the influence (DUI), if she/he has symptoms of intoxication and a blood/alcohol content (BAC) greater than .05%. A BAC of .05% can be obtained by consuming a little less than one drink per hour. A driver will be charged with DUI if her/his BAC exceeds .08%. Pennsylvania state law penalizes public drunkenness and defines it as: "A person is guilty of a summary offense if he/she appears in any public place manifestly under the influence of alcohol to the degree he/she may endanger himself/herself or other persons or property, or annoy persons in his/her vicinity." Swarthmore Borough police will enforce these laws on and off campus.

**Drugs:** Both federal and state laws impose sanctions for the possession, use, and distribution of illegal drugs. The sanctions for any given offense depend on the type and quantity of the drug involved and whether the offense is possession, use, or distribution. Under federal law, simple possession of a controlled substance carries a penalty of imprisonment for up to one year plus a minimum fine of \$1,000. If the controlled substance contains a cocaine base and the amount exceeds five grams, the first offender will be imprisoned for not less than five years and not more than twenty years and fined. Also under federal law, any person 18 or more years old who distributes drugs to anyone under age 21 will be imprisoned or fined, or both, up to twice what is otherwise provided by law, with a minimum prison sentence of one year. This same penalty applies to any person who distributes or possesses with intent to distribute drugs to anyone within 1,000 feet of a college campus. Pennsylvania law imposes similarly strict sanctions on the unlawful use, possession and distribution of drugs. In addition to imposing fines and

imprisonment for violation of its drug laws, Pennsylvania will seize all of the violator's property which was used in committing the crime.

### **Policy Regarding Permitted Use of Alcohol on Campus:**

#### Definitions and jurisdiction:

These guidelines apply to every College social function, whether an All-College party or a private party, where alcoholic beverages are served, where ten or more people are present, where beer is served from a common source, and when students are likely to attend. A College social function may be held on or off campus and may be sponsored by students, faculty, and/or staff. All events held on campus are automatically subject to this policy. If held off campus, a social function becomes subject to this policy if either of the following conditions pertain:

1. College funds or funds from the Social Affairs Committee (SAC) of Student Council, or from any approved student organization, are used in whole or in part to sponsor the event. This includes expenses that are reimbursed at a later time.
2. The social function is advertised on campus in such a way as to invite student attendance. This includes oral, written, or electronic personal invitations to individual students.

Social functions are divided into the following three types:

#### 1. All-College events

Individual students or student organizations may apply to the Social Affairs Committee (SAC) to obtain funds to sponsor an All-College party. SAC meets on Monday nights at 9:00 p.m. (location, TBA) to review party proposals and allocate funding. Check the SAC bulletin board in Parrish for more information on submitting party proposals. **Under no circumstances may any part of this funding be used to purchase alcoholic beverages.** There may not be a charge for All-College parties and they must be open to all members of the student body. It is customary to admit those with tri-college ID, but that is at the discretion of the hosts.

#### 2. Private parties

Funding for private parties may not be obtained through the Social Affairs Committee. A fee may be charged for admission to a private party, but there must be no "cash bar" or direct charge for alcohol. In addition, items cannot be sold that will be directly related to the consumption of alcohol (i.e. cups, wristbands, etc). There may be no advertising, either orally or in written form, for private parties. Individual invitations must be sent to all expected participants. The maximum number of invited guests, including a "bring a guest" clause, must not exceed one-third of the student body.

#### 3. Fundraisers

Students holding an event to raise funds for a non-profit or an humanitarian cause, may advertise that donations are encouraged, but they must not serve as an entry fee to the event. Advertisements for the event may mention that it is a fundraiser.

#### Authorized campus locations and times:

Students over the age of 21 are permitted to possess and consume alcohol in their own dormitory rooms without special approval, provided fewer than ten people are present, beer is not served from a keg, and there is no disorder. Other campus locations may be authorized by a member of the Student Life team.

Alcoholic beverages are specifically excluded at all athletic contests and other public events. Alcoholic beverages may not be served at parties or other events which take place during orientation periods, vacation periods, or final examination periods.

**Duration:** Social functions are expected to begin and end at a reasonable, specified time. In general, functions may not exceed 4 (four) hours in duration and should end no later than

midnight Sunday through Thursday and by 2:00 a.m. for Friday and Saturday night events. Undue noise or unwanted guests may nullify previous agreements.

**Space:** Reservations for space are made by making a request via EMS on the College website. Use of facilities in residence halls must be approved by RAs in that building and so noted on the party permit. Paces and Olde Club must be reserved through their respective student directors. Information about the security deposit and cleanup will be discussed with persons planning an event at the time they reserve the facility.

Registration and Planning:

**Party Permit:** After reserving space for a social function, one must register the function by obtaining a party permit from the Assistant Director of Student Life in Parrish W117. A party permit is required if: a) alcohol will be served and there are more than ten people, b) there is a keg, or c) the event will be held in Paces or Olde Club (regardless of alcohol being present or not). This permit must indicate the name of two responsible hosts who must be at least 21 years of age. Party permits are due by 5:00 p.m. Tuesdays for a Thursday night event and by 12 noon on Wednesdays for functions over the weekend. A \$10.00 late fee will be incurred if a permit is submitted after 12 noon on Wednesdays. Under certain circumstances an impromptu party permit for a private party in a residence hall with fewer than twenty-five guests and approval by a member of the Deans' staff may be issued at the Benjamin West House upon payment of a \$15 fee; the RA from that residence hall must appear in person along with two 21-year-old hosts. All names should be printed, and signed, so as to facilitate the verification of birth dates. No party permits will be issued during New Student Orientation, vacation periods, or final exam periods. Detailed instructions for throwing an All-College or private party may be obtained from the Social Affairs Committee (SAC) or the Assistant Director of Student Life.

Advertising:

Private parties for which a fee is charged may not be advertised on campus. These events are by invitation only. However, all SAC funded events are required to be publicized on campus and must be open to all students. Generally, advertising is permitted for any event that is open to all students and free of charge. Advertising (posters, flyers, chalkings, table tents, email, written, and verbal invitations) for All-College social functions must NOT refer to availability of alcoholic beverages, either graphically or in words. If there is any question as to whether or not some form of advertising meets this criterion, it should be cleared in advance with a dean or the Assistant Director of Student Life. A \$50.00 fine will be imposed for any illegal advertising or inappropriate signs.

**Host Responsibilities:** By signing the Party Permit, the hosts agree to be responsible for compliance with these Guidelines before, during, and following the event; they will be held accountable for any violations. Failure to obtain a permit and display it at the event will result in the illegal party being closed down. In addition, the Deans' Office will levy a fine of \$50.00 on each person in attendance at an unauthorized event and the hosts will be subject to further sanctions.

During the party:

While the social function is in progress, or while alcoholic beverages are available (whichever is longer), the hosts must be in attendance at all times. It is ultimately the responsibility of the hosts to regulate the serving of alcoholic beverages and to observe all College guidelines regarding social events. While every effort will be made to provide Party Associates, in their absence, the hosts are responsible for checking IDs, signing in guests, and regulation crowd control.

The serving of alcoholic beverages must be controlled with responsibility to:

- a. refrain from serving alcoholic beverages to underage persons.
- b. prohibit non-tri-college persons, except authorized guests, from entering the party.
- c. prohibit visibly intoxicated persons from obtaining alcoholic beverages at the party.

It is the responsibility of the hosts to ensure that the following regulations are adhered to:

1. The party permit must be displayed clearly for the duration of the event.
2. ID checkers must be stationed at the doors to regulate entry into the party and to ensure that alcoholic beverages are not carried out of the party.

3. A Swarthmore student is generally permitted to bring one non-College guest to a party; however, this is at the discretion of the hosts. The guest and the student responsible for the guest must sign in at the door. Bryn Mawr and Haverford students are usually welcome to Swarthmore events, must bring ID, but are not allowed to bring a guest. Faculty and staff are generally discouraged from attending student parties unless they are specifically invited by a student, or attendance is required for a job-related function.

4. Signs must be posted at all times during a party at which alcoholic beverages are served stating, "You must be 21 years of age to consume alcoholic beverages in the Commonwealth of Pennsylvania."

5. At any social function where alcoholic beverages are served, alternative nonalcoholic beverages must be served at the same location with equal prominence. These alternative beverages will include drinks such as cider, sparkling grape juice, soda, or water that are appealing to a wide variety of tastes.

6. At any social function where alcoholic beverages are served, substantial food, such as fruits, vegetables and/or pretzels, must also be served.

7. If non-alcoholic beverages or food run out during the course of the party, alcoholic beverages may no longer be served.

8. There is to be no smoking at indoor parties.

If, in any event, the hosts are unable to uphold the guidelines and keep the party under control, they should call the Office of Public Safety at x8333. Public Safety will not normally enter registered parties where the permit is displayed unless documented complaints regarding the party are received.

#### After the party:

Clean-up is the responsibility of the hosts or sponsoring organization and must be done immediately following the event. The person responsible for the facility may impose a charge for failure to comply with agreements about clean-up. In addition, hosts will be held responsible for any damages to the facility or equipment in that space.

#### Party Associates:

A student sponsored event with more than 25 people generally should be staffed by Party Associates (PAs) to help check IDs. Normally, parties with more than twenty-five guests will have at least one PA, and all-campus parties at Olde Club, the All-Campus Space in Tarble, and fraternities will have several PAs, with the exact number to be determined by the PA Co-Coordinator. If PAs are not available for an event, the hosts must assume all PA duties in addition to their host responsibilities. Hosts are ultimately responsible for what happens during their event. PAs will be selected and trained by the Assistant Director of Student Life, PA Co-Coordinator, and with the assistance of Public Safety. PAs will wear their PA tee shirts, be paid an hourly fee, and they may NOT consume alcohol before or during the party.

Their duties will include

1. door/ID-checking and crowd control,
2. refusing visibly intoxicated persons entry,
3. ensuring that party guidelines (party permits and required food and drink) are followed,
4. support hosts in enforcing non-smoking policies,
5. regulating alcohol that is brought into or taken out of the party (when allowed),
6. enforcing the end of parties,
7. alerting hosts to visibly intoxicated students,
8. help obtain escorts for intoxicated persons to the Health Center or their dorms,
9. contacting the Office of Public Safety if events get out of hand or in emergency situations.

### **Posting and Chalking Policies at Swarthmore**

Postings: Advertisements, posters, flyers, etc only may be posted on public bulletin boards. Please do not post on or remove items from assigned boards in Parrish without permission from the group. Remove your outdated postings—you may remove other outdated postings from public boards. Please do NOT post anything on light posts, trash cans, buildings, walls, floors, doors, windows in doors, walkways, bike racks, hand rails, stairs, trees. Recommended posting spots include the post office boards, bathroom stalls (not in the general room), Sharples boards and tabling & Tarble boards. Tape should be masking or painter’s tape—NO duct tape. Postings need to be “signed” with an organization or individual name. No mention or images of alcohol are allowed. If postings do not conform to these rules they may be removed and the individual or group may be fined or held financially responsible for damage. These regulations are designed to keep areas safe for movement around campus and to prevent costly damage to campus walls and fixtures.

Chalkings: Chalking, by their very nature, are meant to be impermanent. Chalkings are permitted only on paved, outdoor walkways that are open to the rain. Walkways under porches or archways may NOT be used. Vertical surfaces may NOT be used. Science Center outdoor blackboards are meant for dynamic use, being used while members of the community are present. Harassing, demeaning, uncivil expression or threats of violence, whether anonymous or signed, may be washed away or removed from boards without notice. Questions about particular chalkings or postings should be directed to the Student Activities Office. Student Council assigns bulletin boards to student groups.

### **College Disciplinary Sanctions**

#### **Violations of the Drug and Alcohol Policy**

The following violations may result in disciplinary action, including warnings, fines, probation, suspension, or expulsion:

- the possession or consumption of alcoholic beverages by anyone under 21 on property owned, leased, or controlled by Swarthmore College
- the furnishing of alcoholic beverages to individuals under the age of 21
- the sale, possession, production, purchase, or use of any controlled substance or illegal drug on College premises or at College-sponsored activities
- abuse or illegal distribution of prescription medication
- violent acts against persons or property
- drunkenness and disorderly conduct
- driving under the influence
- the use of grain alcohol
- the violation of rules governing the permitted use of alcohol at College events

Note: sanctions may be assessed against individuals and organizations, as well as guests and their host.

Violations of the drug and alcohol policy regarding both individual behavior and party guidelines will be referred to the deans for adjudication. Reports from Public Safety or outside police entities trigger a conversation with a dean and a referral to the Drug and Alcohol Counselor. If a student presents at Worth Health Center due to intoxication or drug use they will be referred to the Drug and Alcohol Counselor.

Penalties will depend on the nature of the violation. First violation: at a minimum, a warning and referral to the Drug and Alcohol counselor. Second violation: a fine of \$100.00, probation, and/or a requirement to attend an alcohol education program. Subsequent violations will result in a fine of \$200.00 and may lead to suspension, expulsion, and penalties imposed by outside authorities.

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## . RESIDENTIAL LIFE & HOUSING REGULATIONS

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Swarthmore's housing philosophy is based on the belief that residence hall living enhances education by contributing to an individual's academic, social, and personal development. If residence halls are to provide an environment for personal growth, residents must accept responsibility for their own actions and demonstrate respect for the rights and concerns of others and for the property of the College.

As within the Swarthmore College community, lives of residential students are to be governed by good taste and accepted practice rather than elaborate rules. To this end, students within each living unit are urged to develop informal guidelines for community living. Residence hall rooms are designed primarily for sleeping, studying, and storing the belongings on the part of the occupants.

General housing policies and regulations are established by the Deans' Office with student input and are administered by the resident assistant staff and the Deans' Office. Acceptance of space in College housing reflects a knowledge of and willingness to abide by housing policies. Living in College housing is a privilege and not a right. The Deans' Office may, at any time in its own discretion, withdraw this privilege due to behavior which does not rise to the standards set forth herein. Students who lose their housing privileges are not entitled to a refund of their room payments for the remaining weeks of the semester.

### ROOM ASSIGNMENTS

Entering new students are required to live on campus and are therefore guaranteed housing. An appropriate number of spaces will be reserved for the entering class before upper-class students select rooms.

During the spring semester, juniors, sophomores, and first-year students select rooms for the following fall. Lowest numbers have highest priority; numbers are *nontransferable*. Detailed instructions for selection procedures are available on the housing website ([www.swarthmore.edu/housing.xml](http://www.swarthmore.edu/housing.xml)).

**Lottery Participation:** Eligibility for housing is based on an up-to-date College bill (paid in full by December 1 and April 1). Students who clear their accounts after the lottery are not guaranteed housing. No money will be accepted at room choosing.. The Student Accounts Manager(Parrish W101) makes decisions about financial matters, not the Deans' Office. If you

have questions about your account or need to make special arrangements, see the Student Accounts Manager early in this process.

### **ROOM CHANGES**

Requests for room changes can be made by contacting the Housing Office. Making a room change request does not assure that a room change will be made. Students are expected to work through roommate and other housing conflicts with the involved parties, with the help of RAs, deans, and/or through mediation.

Prior approval from the Deans' Office is required of any student making a room change. Students who switch rooms without the consent of the Assistant Dean for Residential Life will be penalized \$100 and will NOT be permitted to participate in the next room choosing lottery. Phone numbers will not be changed within a room or unit after they are chosen at the lottery or assigned to new students.

### **CONDITIONS OF OCCUPANCY**

Students living in College housing agree to abide by the Housing Rules and Regulations as stated in the Student Handbook. Residents must accept responsibility for their own behavior and act in a manner which demonstrates respect for the rights and concerns of others and for the property of the College. Occupancy dates of this room are noted in the College calendar. Seniors may stay through graduation, exact departure time to be announced. Students in residence halls when they are not authorized to be there are subject to fines.

#### **A. Arrival & Departure Dates**

Students may neither arrive early at the beginning of a semester nor remain in College housing beyond the announced closing date without special permission from the Deans' Office. This permission is rarely granted. A fine starting at \$100 is levied for infractions.

#### **B. Housing Fines:**

Any time you select a room in the lottery that you do not use, the minimum fine is \$100. Other fines follow:

For Fall Semester: If you select a room in the lottery and

- 1) choose to live off-campus, but are still enrolled, you will be assessed
  - a. a \$500 penalty unless everyone in the space notifies the Residential Life Office by June 1 that they will not be occupying the room. Then, the fine will be \$100 each.
  - b. \$500 for each person moving off campus when notice is given between June 1 and week eight of classes.
  - c. no room refund when notice is given after week eight of classes.
- 2) take a Leave of Absence and notify the Deans' Office
  - a. by August 1, a \$100 penalty.
  - b. between August 1 and week eight of classes, a \$500 penalty.
  - c. after week eight of classes, there will be no room refund.

For Spring Semester: If you select a room in the December lottery or already have a room from Fall Semester and

- 1) choose to live off-campus, but are still enrolled, you will be assessed
  - a. \$250 unless everyone in the unit leaves this space and notifies the Residential Life Office by December 1.
  - b. \$500 each when notice is given between December 1 and week eight of classes.
  - c. no room refund when notice is given after week eight of classes.
- 2) take a Leave of Absence and notify the Deans' Office

- a. by December 1, no penalty
- b. between December 1 and January 5, \$100 penalty
- c. between January 5 and week eight of classes, \$500 penalty
- d. leave after week eight of classes, there will be no room refund

**C. Meal Plan:** Each student who resides in college housing is required to subscribe to the meal plan. The selection of your meal plan option is done through the Dining Services Office (Sharples Dining Hall).

**D. Empty Beds:** In multiple bed spaces, if one or more assigned residents do not occupy the room, the housing office has the right to fill the empty space or to move the remaining roommate(s) to another comparable space. This will be done in consultation with the remaining occupant, who may state preferences about prospective roommates or a possible move to another room.

### **GUESTS**

Residence hall rooms are designed primarily for sleeping and studying on the part of the occupants. Generally, Swarthmore students are welcome to have guests on campus. Guests are defined as fellow students, family, non-Swarthmore friends, and prospective students. Individuals or groups contracted to perform specific functions at the College (e.g., performers, speakers) are not permitted to stay overnight in the residence halls. Children and adults are strongly discouraged—residence halls are not appropriate places for either group.

Before inviting a guest into the room, at any time of the day or night, the student must secure the permission of any roommates. If the roommate does not give permission, the inviter may not have the guest in the room. Usually roommates can agree about the presence and timing of guests. But, if no agreement can be reached, the basic principle is that the room is for study and sleeping by the assigned occupants. For health and safety reasons, Resident Assistants (RAs) should be notified about guests.

Guests are not permitted to stay more than four nights. Guests use residence hall resources of space and they add to the sense of crowding and noise. . In no circumstances may guests sleep in lounges or other public places.

Hosts are responsible for the behavior of their guests and can be sanctioned if the guest breaks College policy. For health and safety reasons, Resident Assistants (RAs) should be notified about guests.

If you wish to use a cot for your guest you need to contact Claire Ennis in the Facilities Building, pay a \$5 charge, and the College will deliver a cot to your room. Please make these requests at least three days in advance. You or the guest will need to provide linens.

### **HOUSING REGULATIONS**

Violation of housing rules will subject students to fines and/or exclusion from College housing.

**Cable & Internet:** Cable access is provided to one T.V. set per building. Splicing into the line or installing a satellite dish is prohibited. Wireless network access is provided in all residence halls. The use of personal wireless access points is prohibited as they may interfere with the College-provided service

#### **Care of College Property**

College furniture provided in residence hall rooms may not be removed or dismantled. With the limited storage areas in residence halls, there is no safe space to store unwanted room furniture. Public area furnishings are intended for general use and are not to be taken into private rooms. The Environmental Services or other staff will report infractions of this rule. The

violation of these rules as well as noncompliance with the directive to restore furniture and equipment to its rightful place will result in a fine being levied against the student in question, with additional penalties assessed for continued noncompliance. Serious or repeated violations will also subject the student to suspension of her/his right to reside in College residence halls.

Personal beds—including water beds and mattresses—may not be added to the room unless specific permission is obtained ahead of arrival date from the Housing Coordinator. For safety reasons, construction of lofts or walls in rooms is not permitted.

Rooms should be returned to their pre-occupancy condition. Rooms will be examined subsequent to each student's leave and a fine will be levied if special attention must be given for cleaning beyond common procedures or for the removal of merchandise/additions in the room. If you wish to have your room inspected before you leave, contact your housekeeper or dorm supervisor. Fines are also levied if the staff must move furniture in or out of the room. Specific room inspections may be made at the discretion of the deans. Similar charges will accrue if students leave belongings in common spaces that must be removed by Facilities personnel. Typically those charges are \$50 per resident for extra cleaning of rooms. Rooms, doors, and furniture may not be painted.

### **Vandalism Policy**

Theft or negligent or intentional damage to personal or College property will subject a student to paying for repair or replacement of the damaged property and possibly disciplinary action. In the event that damage occurs in residence hall common space for which no one assumes responsibility, payment for damages will be divided equally among all residents of that hall. Administrative fees will be added if students do not pay the vandalism cost to the RA at the end of the semester.

### **Fire and Safety Rules**

Fire drills are held on a regular basis. Directions for fire drill procedures are posted in every building.

Hallways and stairwells must be kept clear of bicycles, trunks, and furniture, and may not be used for storage. Removal of student objects from halls, stairs, and other inappropriate places may involve cutting locks and fines.

Do not cover, hang things from or otherwise disturb sprinklers, smoke detectors, or any other fire safety equipment. Damage or misuse of fire safety equipment will result in replacement costs plus a significant fine.

**Prohibited Objects:** The following are prohibited by fire regulations: cooking appliances (including coffee makers, hot plates, toaster ovens, or other items with open heat elements); space heaters; candles, incense, and other open flame items; and halogen lamps. Any student with an open flame (e.g., candle, incense) will be subject to a \$500 fine. The cooking facilities in residence halls are designed only for occasional snack use and not for regular meal preparation. Students are not permitted to cook in dormitory rooms.

Wastebaskets must be metal. Extreme care must be taken with irons, clothes steamers, curling irons, and electric blankets. Electrical items using excessive wattage such as air conditioners are prohibited. Extension cords must be Underwriter's Lab approved; outlet strips must have a built-in circuit breaker. No gas powered vehicles are permitted in the buildings..

### **Keys and Locks**

**Security:.** The College takes precautions to protect your safety and well being, but it also requires your full participation.

For security reasons, rooms should be locked when unoccupied even for a brief period to

avoid theft of personal property. Exterior entry doors should not be propped open. Public safety officers, housekeepers, maintenance workers, and their supervisors, as well as resident assistants, have keys to all residence hall rooms and use them only in the course of fulfilling duties. In addition, any dean may enter and inspect a residence hall room without the resident's consent if there is reason to believe that any College regulation is being or has been violated.

**Key Central** is located in the Facilities Building. It is open weekdays from 6:30 a.m. to 2:30 p.m. It may be contacted by e-mailing "locks" or by calling x5397 (KEYS) from a campus phone. From off campus, call (610) 690-5748. For security reasons, keys will only be issued to the person to whom they are assigned. They must be signed for before release

#### **Lost Keys:**

Please notify Key Central immediately in writing (by email) about a lost key. A new key and the necessary paperwork will be prepared. You will be notified by email or telephone once the key is ready to be picked up. There is a minimum charge of \$50.00 per each lost key and your student account will be billed accordingly. Roommates will not be charged but they will have to come to Key Central to exchange keys.

#### **Found Keys:**

Found keys are to be sent to Key Central via college mail in order to promptly return them to the person to whom they were issued. For security reasons, the office will not divulge the identity of a key or its owner to anyone.

#### **Returning Keys:**

At the end of the year, you should return your key to Key Central. If the office is not open, place the key(s) in the 24-hour key drop located directly at the top of the loading dock stairs of the Facilities Building. If you wish a key return receipt, you may get one during business hours at the Key Central window. Keys must be in the hands of Key Central by January 1 or June 5 in order to get credit for their return and avoid the \$50.00 fine. Keys returned after the due date are eligible for a \$20.00 credit against that fine. Should you elect to take a leave of absence or leave the college earlier than originally scheduled, all college keys become due and must be surrendered BEFORE leaving campus.

#### **Room Changes:**

If you are changing rooms, you may only have 1 key in your possession. **YOU ARE NOT TO TRADE YOUR KEY(S) WITH OTHER PERSONS INVOLVED OR NOT INVOLVED WITH YOUR MOVE.** When you change rooms, Key Central automatically reassigns you a new key and flags the other key(s) as due. Keys are assigned to you and you only. You will be charged \$50.00 should the key not be returned promptly.

Only College locks may be used on doors; personal locks will be removed and the owner will be charged for damages and labor.

**Lofts:** Student-built lofts are prohibited. Refrigerators in residence hall rooms should be no larger than 24" high, 18" deep, and 18" wide (approximately four cubic feet) and be energy star rated.

Infants, children, and guests may not reside in College housing.

**Pets:** Pets are NOT allowed in dormitories. Keeping any pet within a dormitory site is an offense against local Board of Health regulations, as well as an imposition on residents of that building and the EVS techs. Fines will be levied against offenders in this regard and the pet(s) will be removed from College premises. A repeat offense will cause the student in question to forfeit her/his right to reside within College housing.

## **Quiet Hours**

Quiet hours are established by hall residents at the beginning of each term. Should there be a conflict, generally during quiet hours, sleep takes precedence over studying. It is understood that an occasional late night session will be required. If a regular pattern of late-night studying develops and the roommate needs to get a regular amount of sleep, the studier should go to another location or use their room for studying during the non-sleeping parts of the day.

## **Smoking**

Smoking is permitted only in the private rooms, with the door closed, on certain halls of certain residence buildings. Failure to conform to these limits may result in fines or removal from college housing. There is no smoking in common spaces in any building on campus. Altering smoke detectors creates danger for all residents and will be met with disciplinary action.

## **Storage of Personal Belongings**

1. **Dorm Storage:** Regular storage is provided in most residence halls. It is open at the beginning and end of each semester. Contact RAs or Environmental Services staff to unlock these rooms. Bedding, books, and bulletin boards are typical items stored here over the summer. During the school year suitcases, trunks and off-season clothes are stored here. **ALL ITEMS MUST BE BOXED AND LABELED.** Empty boxes must be flattened. There is no access to these storage areas during Winter and Summer breaks. In an emergency a student may apply to the Office of Public Safety in the Benjamin West House for admittance. With proper ID and for a fee of \$10, students will be admitted for 10 minutes when an officer is available.

2. **Secure Storage in Old Tarble** will be open at the beginning and end of semesters on a limited and announced basis. Students may store up to three items here plus bikes. Students going on leave may store up to three items for up to a year. **THERE IS NO ACCESS TO THIS STORAGE WHEN IT IS CLOSED.** All items must be boxed and labeled.

3. **Prohibited Storage:** Furniture (rugs, chairs, sofas, tables, etc.) may not be stored on College property. Limited storage space and fire regulations prohibit storage of such items. Violation of storage policies will result in removal of “illegal” items and an accompanying charge. Musical instruments and refrigerators are not allowed in secured storage.

4. **Insurance:** The insurance program of the College is designed to provide protection for College property and does **not** include the property of students or other individuals. It is strongly advised that each student’s insurance coverage be extended to include personal property and effects while at Swarthmore.

## **OFF-CAMPUS HOUSING**

In keeping with Swarthmore’s philosophy that “residence hall life supports the College’s academic mission,” most students (approximately 94%) live in the residence halls. However, it is recognized that some students may prefer to live off campus, and, with the exception of new students, they are generally allowed to do so. Students planning to live off campus should be aware that the Borough of Swarthmore has an ordinance prohibiting more than 3 unrelated adults from living together. Off-campus apartments, rooms, and houses are listed on the housing web site ([www.swarthmore.edu/housing.xml](http://www.swarthmore.edu/housing.xml)).

Debit cards for use at the Dining Hall, Kohlberg Coffee Bar, Science Center Coffee Bar, and the Tarble Snack Bar may be purchased in increments of \$100 from the Dining Hall Office.

## **TRI-CO LIVING**

Arrangements have also been made with Haverford and Bryn Mawr to allow cross-campus living privileges. If you are interested in living at Bryn Mawr or Haverford, you should contact

the Swarthmore Housing Office by the midpoint of the semester preceding the semester in which you would like to exchange.

### **BREAK & SUMMER HOUSING**

The College, as a service for faculty and their student researchers, provides limited summer housing. First priority goes to students conducting research with faculty members. Second priority goes to students working in College offices and International Students not returning home during the summer. Details, availability, cost, application, etc. are publicized after spring break by the Director of Summer Programs, Patricia Maloney 610-328-8355. This housing is offered and managed by that office and NOT by the Housing Office, which manages residence halls during the school year.

Students in this summer housing are not supervised by the regular College offices. There is no meal plan available, and no access to the College's health and psychological services. There is only limited access to the library, computer center, and athletic facilities.

**Gaps:** There will be gaps in housing coverage at the beginning and end of this summer housing. The College will not allow students to stay in the residence halls during these gaps. The Environmental Services staff is busy preparing the buildings for commencement, alumni weekend, summer programs, and returning students during these periods. **THERE IS NO HOUSING AVAILABLE FROM THE COLLEGE DURING THESE TIMES.** Students must make arrangements for off-campus living during these periods if they must work for their employers.

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## **CONFLICT RESOLUTION AND JUDICIAL PROCEDURES**

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### **CONFLICT RESOLUTION**

In an academic, residential community, great value is placed on the free exchange of ideas both inside and outside of the classroom. Swarthmore is a diverse community with the students coming from a variety of backgrounds and cultures. While this diversity enriches one's education by bringing together people with differing ideas and views, it is not unusual in such a community for students to find themselves in disagreement or conflict with others. Generally, clear communication, civil discourse, and reasoned argument between the students prevail to resolve these conflicts.

However, students may at times find themselves in conflicts with others that they cannot resolve alone. The Statement of Student Rights, Responsibilities, and Code of Conduct explains student behavior which is subject to formal adjudication through the formal judicial system. However, many conflicts between individuals can be resolved informally, often by enlisting the help of an impartial third party. It is important for students to understand that help is available if they are having difficulty with another student or if they feel they have been wronged by another student, staff, or faculty member. Student complaints or concerns should be directed to the responsible office according to the identity of the alleged offender: Deans' Office for students; Provost for faculty; and Human Resources for staff. Students should not hesitate to discuss the problem with a dean, an RA, the Gender Education Advisor, the Equal Opportunity Officer, or others who are trained and knowledgeable about conflict resolution options at Swarthmore. Discussing the problem with one or more of these individuals in no way commits a student to any particular course of action. There are many creative, informal methods of conflict resolution which may appeal to the student for resolving the problem. Mediation or discussion with deans

can be good tools for conflict resolution. In certain situations the best approach may be to have a dean discuss the conflict with the parties involved. Often in these cases the students agree to a particular course of action other than initiating formal judicial procedures to resolve the conflict. This course of action can take a number of forms.

### **EQUAL OPPORTUNITY**

**Sharmaine Bradham LaMar**, Equal Opportunity Officer, x5675

Swarthmore College's commitment to equal opportunity for all members of the community is expressed in the corporate statement adopted by the Board of Managers:

*Swarthmore College is committed to the principle of equal opportunity for all qualified persons without discrimination against any person by reason of sex, race, color, age, religion, national origin, sexual orientation, gender identity or expression, disability, or any other legally protected status. In keeping with the long-standing traditions of the College and the spirit and letter of the federal and state equal opportunity laws, we affirm the standing policy of the College to realize equality of opportunity in education and employment; to guard against discrimination contrary to that aim; and to correct discriminatory behavior if found to exist within the College community. Consistent with maintaining an educational program of the highest quality, our standing policy includes affirmative efforts to achieve the above goals in employment and education. The above policy has been and shall be further implemented by the President and members of the faculty and administration designated by the president for that purpose.*

The spirit of this declaration envisions a community in which diversity is not only tolerated but welcomed and viewed as a positive opportunity for learning and growth. In such a community, coercion and harassment are not tolerated, whether against the differences protected in the formal statement or against any difference of interests or life style where individual rights should be preserved.

Concerns about equal opportunity issues may be expressed in several ways. Informal consultations with the deans, the Equal Opportunity Officer, or a College counselor may either lead to a resolution of issues in educational or student life areas, or suggest further steps to be followed. Specific complaints of harassment, intimidation, or other violations, whether verbal or physical, will be treated as serious matters. A fully developed grievance procedure for student equal opportunity concerns is also available for use when attempts at less formal resolution have not been successful. See the Equal Opportunity Grievance website at [www.swarthmore.edu/eoo.xml](http://www.swarthmore.edu/eoo.xml).

All members of the Swarthmore College Community are responsible for ensuring that the work and academic environment is free from discriminatory practices, including sexual and other discriminatory harassment. Living harmoniously in a residential college of Swarthmore's size, intensity, and diversity requires that each of us maintain the highest standards of respect for the individuality of all members of the community.

### **JUDICIAL SYSTEM**

The formal judicial system at Swarthmore College has two main components: 1) adjudication by individual deans of minor infractions of College regulations; and 2) adjudication by the College Judiciary Committee of serious infractions of College regulations. These formal procedures are separate from the various informal methods of conflict resolution available such as facilitated discussion by a dean or other trained facilitators. It is important to remember that all possible avenues of conflict resolution be considered thoroughly when deciding upon a course of action.

Formal judicial procedures are initiated only after a written complaint is filed with Associate Dean Myrt Westphal (see Filing a Complaint below). Consultation with Dean Westphal or any other dean in no way obligates a student to file a formal complaint. Mediation or any other informal method of resolution is not a required step before proceeding with formal adjudication.

In all cases of adjudication, whether by a dean or by the College Judiciary Committee, the deans will keep records of the violation(s) and of the sanction(s) imposed on a student. Sanctions are cumulative, increasing in severity for repeat offenders. Notational sanctions are recorded permanently on the confidential student record, but do not appear on the official academic transcript. Non-notational sanctions are not so recorded, but are entered into the student's personal file as a separate letter which is destroyed at the time of the student's graduation.

### **Filing a Complaint**

**A.** To initiate the judicial process, a written complaint form must be completed by the complaining individual(s) and filed with Associate Dean Myrt Westphal. The complaint shall be a chronology stating as accurately as possible the date, time, and location of all events relevant to the charge(s). At the discretion of the deans, when appropriate, a written incident report from the Department of Public Safety may substitute for a completed complaint form. In the case of alleged academic dishonesty, the work in question, annotated by the complainant, shall serve as the complaint. If the Associate Dean determines that the events described in the complaint do not represent a violation of the code of conduct, the formal complaint shall be dismissed and other options for resolution will be discussed with the complainant.

**B.** The accused student(s) shall be presented with the written complaint statement, and in turn shall complete a similar form responding to the charges and providing their chronology of the relevant events. This may also take the form of a conversation with a knowledgeable dean. The complainants shall have access to this document completed by the accused student(s).

**C.** From these documents, the Associate Dean shall define the relevant charges. The documents shall be available to the adjudicating hearing body, either a dean or the members of the College Judiciary Committee, depending upon the severity of the charge(s).

### **I. Minor Infractions: Adjudication by Deans**

**A. Scope:** Minor infractions of the College's rules and regulations, where a finding of guilt would result in a sanction less severe than suspension, are addressed by the deans. However, if this infraction is after the student has already been placed on probation, the student admits guilt and it is a major violation, the adjudicating dean may suspend the student. The deans have the authority to require compensation for damages and may impose any sanction a dean deems appropriate short of suspension or expulsion, including, but not limited to, warnings, reprimands including fines and/or community service, restrictions, and probation. If, during the course of a Deans' adjudication meeting with the student, the Dean determines the incident being discussed is more serious than was originally believed, the meeting will be stopped immediately, and the incident referred to the College Judiciary Committee.

**B. Appeal:** A student may appeal a dean's finding of guilt to the student members and student alternates on the College Judiciary Committee within ten days of the written decision. The student members may uphold or reverse a Deans' decision. If the Deans' decision is upheld by the student committee, the sanction may be increased by the students but not decreased. During the appeal the Dean may be present as a resource, but will not take part in the deliberations of the appeals committee. Decisions made by the appeal committee are final. If there is a tie vote, the Deans' earlier finding will stand.

**C. Compliance:** Failure to abide by the decision of a dean or of the appeal committee is considered a serious offense and may result in further adjudication.

## **II. Major Infractions: The College Judiciary Committee**

**A. Scope:** A dean shall determine whether a complaint represents a charge of a major infraction that should be heard by the College Judiciary Committee. In the case of alleged academic dishonesty, a dean shall consult with the faculty members on the College Judiciary Committee when determining if there are grounds to convene a hearing. All formal charges of academic misconduct, assault, harassment, or sexual misconduct shall be heard by the College Judiciary Committee.

**B. Sanctions:** The College Judiciary Committee has the authority to require compensation for damages and to impose whatever sanctions it deems appropriate, including but not limited to warnings, reprimands including fines and/or community service, restrictions, active avoidance provisions, probation, suspension, and immediate and permanent expulsion from the College. Suspensions and expulsions may be notational. In cases of academic dishonesty, the faculty member shall make the final decision about a penalty in the course.

**C. Safety of Campus:** If either the President or the Dean decides at any point that the well-being of a student or of the College is at stake, an immediate active avoidance order, non-notational suspension, or campus expulsion may be imposed against the student who is to be the subject of the judicial hearing until the time the hearing is held and a decision is delivered by the College Judiciary Committee. This action assumes no determination of guilt, and the hearing will be held as soon as possible. If the student charged with the offense refuses to appear at the judicial hearing, the Dean of Students may assess a penalty on the student for not appearing and the judicial hearing will proceed as scheduled without the student present.

### **D. Composition of the College Judiciary Committee and the Hearing Panel:**

1. The College Judiciary Committee consists of 5 faculty members (selected by the Committee on Faculty Procedures), 3 senior administrators (selected by the President), and 5 students (selected by the Student Council appointment's process). These committee members will receive appropriate training for their responsibilities, including training around College policies, judicial procedures, and precedents. Terms shall be for 2 years. Terms of service will be staggered, thereby ensuring continuity with a balance between experienced and new members. Committee members who are no longer on the committee but have been trained may be called to service if current members cannot attend a particular hearing.

2. A Hearing Panel consists of a Convener, two faculty, one staff member, two students, and the Observer. Panels are selected based on schedule availability from the Committee.

The Dean of Students will serve as Convener unless unable to do so due to bias or other reasons such as previous direct involvement in the case under consideration. If the Dean is unable to serve as Convener, he will appoint another dean from his staff to convene the hearing. If a dean is unable to convene the Committee for a given case, a faculty member on the College Judiciary Committee shall be appointed by the Dean to convene the hearing. The Convener of the Hearing Panel shall be present and participate in all hearings. During deliberations the Convener shall participate as needed but shall not be part of the consensus or vote determining guilt or innocence except in the event of a tie vote, in which case the Convener will break the tie.

The Observer is the person responsible for seeing that the procedures are followed and for reporting to the President on the impartiality of the proceedings. The Observer does not speak at the hearing except to answer questions concerning procedure and does not vote. Generally

this role is held by the Associate Dean for Student Life, currently Myrt Westphal. If the Associate Dean is unable to serve as Observer, the dean shall appoint another dean or CJC member to serve in this capacity.

**E. College Judiciary Committee Pre-Hearing Procedures:**

1. All persons involved in a College Judiciary Committee hearing shall have the responsibility of preserving confidentiality before, during, and after the hearing. Any breach of confidentiality by a hearing participant, other than the complainant or the accused (i.e., witnesses, supporters, Committee members), shall constitute a violation of College policy and an adjudicable offense. Any breach of confidentiality by a complainant or accused shall constitute a breach of College policy except to the extent that disclosure of information is necessary to allow the complainant or accused (1) to consult with and/or obtain advice from her/his supporter; her/his family or guardian; her/his physician, therapist, or counselor; or (2) to prepare her/his claim(s) and/or defense(s) for presentation to the Committee. A violation of the confidentiality provision by any person shall be deemed a waiver of any right to confidentiality to which the violator would otherwise have been entitled under this section.

2. Students may choose at any time to discuss with a dean concerns about misbehavior. To initiate the judicial process, a student must file with a dean a written complaint.

3. The complainant(s) and the accused shall have the following rights in addition to any rights listed elsewhere in the description of student judicial procedures:

- to have all incident reports, medical records, and testimony kept confidential to the extent that there is no interference with the normal procedures of the College;
- to receive private and confidential treatment and be examined for personal injuries, sexually transmissible diseases, and pregnancy, when appropriate;
- to be made aware of the options available;
- to have access to emotional and psychological support and advocacy;
- to initiate legal proceedings outside the College;
- to decide of which services to take advantage;
- to answer only those questions relevant to the event in question;
- the freedom from harassment, intimidation, and retaliation;
- to have past sexual history excluded from the hearing process.

4. The Associate Dean or designee shall define the relevant charge(s). The student charged shall be informed of the charge(s) in writing in advance of the hearing. Such information shall include the substance of the charge, the members of the appointed committee, the time, date, and location of the hearing, and a copy of the student judicial system procedures. The hearing shall be held as expeditiously as possible. Both the accused and the complainant(s) shall be given a copy of these materials in sufficient time before the hearing (normally a minimum of 48 hours) to prepare their cases. Each complainant and accused shall also be informed that any written statement submitted by him or her may be disclosed in advance of the hearing to the other party.

5. Prior to the hearing, both the accused student and the complainant must submit to the College Judiciary Committee a list of witnesses they plan to call at the hearing along with a brief statement describing to what aspects of the incident(s) in question each witness will be testifying. Normally, this list must be submitted approximately 24 hours before the hearing. The Convener of the Committee, in consultation with the members, may decline to hear any and/or all witnesses listed if the testimony will be duplicative or irrelevant.

6. Up to 24 hours before the hearing, the complainant and/or the accused student may

challenge the participation of any member of the College Judiciary Committee on the grounds of prejudice or bias. Challenges must be submitted in writing to the Convener of the Committee, who shall rule on these challenges except when the Convener is being challenged, in which case the President shall decide. It is expected that any member of the College Judiciary Committee who feels himself or herself to be biased will withdraw from the proceedings.

7. A dean will meet separately with both the complainant(s) and the accused to explain procedures and give all a chance to ask questions about the judicial process.

8. A file containing relevant evidence for the case will be available in the Deans' Office for review by the parties involved, but it cannot be removed or photocopied. Members of the College Judiciary Committee may also review the file, and copies of the file will be made available to members of the Committee at the hearing.

9. Complainants shall have the right to initiate or withdraw complaints at any time. In exceptional circumstances, based on the evidence available, the Dean may choose to continue judicial proceedings even if a complaint has been withdrawn or is absent.

10. If a student accused of misconduct withdraws from the College before a case is heard, the student must go through the re-entry process coordinated by the Deans' Office. The Dean will determine whether the case must be heard prior to the student's readmission to the College or whether, in exceptional circumstances, an alternative process for resolving the judicial case is warranted.

11. The judicial procedures of Swarthmore College are administrative ones, and neither the College Judiciary Committee, the President, nor the Dean is bound to observe procedural or evidential rules required in a formal court of law.

#### **F. College Judiciary Committee Hearing Procedures**

1. The judicial body's determinations shall be made on the basis of whether it is more likely than not that the accused student has violated the Student Conduct Code or any rules, regulations, or policies of the College.

2. Whenever possible, hearings will be scheduled so that five designated committee members may be present. If at any time after classes have ended for the semester a hearing must be held but fewer than five current Committee members are available to participate, former members of the Committee shall be asked by the Dean (or designated alternate convener) to participate to make a quorum of five panel members in addition to the convener of the panel. If there are still fewer than five members, deans will be asked to participate to reach a quorum of five panel members.

3. To preserve privacy as much as possible, attendance at the hearings will be limited to the Dean, members of the Judiciary Committee; the complainant(s); the witnesses as they are called; the student charged; and one supporter each for both the accused and the accuser if requested (this supporter must be a member of the Swarthmore College community, either student, faculty, or staff). The supporter may be consulted by the student but may not address the Committee. If the supporter is also a witness, she or he must submit written testimony to the Committee prior to the hearing. Witnesses will be called individually to join the meeting as needed but will not remain longer than their testimony and their fielding of questions. At the discretion of the Convener, the accused and/or the complainant may also introduce signed statements by witnesses who are unable to attend the proceedings. However, it should be noted that the Committee will give greater weight to testimony given in person by a witness who can be questioned at the hearing than to testimony that is only submitted in writing.

4. Obstruction of normal judicial procedures is a serious offense making a student liable to any penalty at the disposal of that Committee up to and including expulsion. Obstruction of judicial procedures covers not only disruptive events that occur within the hearing but also behavior before or after the hearing, including the intimidation of or retaliation directed toward any person involved in the case.

5. Normally, all evidence presented at a hearing by either party shall be introduced in the presence of the other party.

6. Both the complainant and the accused shall have the right to make opening and closing statements. Either party involved shall have the opportunity to interrogate any witnesses and to summon his or her own witnesses. The Convener of the Committee, in consultation with the members, may decline to hear any and/or all witnesses summoned if the testimony will be duplicative or irrelevant. In order to expedite a hearing, the Convener of the Committee, in consultation with Committee members, may take notice of basic undisputed facts without requiring testimony and may also limit the length of the statement and interrogation of all parties involved. The Convener and the Observer shall also attempt to ensure that all questions made to the accused and the complainant by College Judiciary Committee members are relevant to the specific case before the Committee and are asked in as fair and neutral a manner as possible. The complainant shall have the right to include an impact statement as part of the closing remarks, to which the accused shall have the right to respond.

7. In the case of a lengthy hearing, the Convener may take the option of breaking the hearing as needed and then reconvening it as soon as it is practical for all involved. Normally, a hearing session shall not exceed five hours. The accused and the complainant are not to interact while the hearing is recessed.

8. In reaching a decision, the College Judiciary Committee shall apply the applicable rules, regulations, policies, and/or codes that were in effect at the time of the alleged events.

9. Decisions of the College Judiciary Committee will be made by consensus. The issue of guilt or innocence shall be determined first. If a determination of guilt is made by the Committee, then appropriate sanctions will be determined by the Committee. In particularly difficult cases, or when it is impossible to reach a consensus, a vote may be taken to determine whether a student is guilty or not guilty. In the event of a tie vote, the Convener of the Committee will vote to break the tie.

10. Records of previous adjudications of the accused student at Swarthmore are made available to the Committee only in the cases when a guilty verdict is achieved and shall be taken into consideration when the Committee determines appropriate sanctions.

11. When considering sanctions, it is appropriate to consider precedents from earlier relevant cases decided by the Committee, using records provided by the Dean's Office. Repercussions for violating the terms of the sanction may also be included in the original sanction.

12. The findings of the Committee are communicated verbally to the accused and the complainant(s) as soon as feasible following the completion of the deliberations by the Committee.

### **G. College Judiciary Committee Post-Hearing Procedures**

1. Written decisions of the College Judiciary Committee shall include factual information, findings, and sanctions and shall be reported in writing to the President. The Convener shall also write a brief public summary of the case and the decision, excluding names and other specific references that would allow readers to identify who was involved. This summary shall

be posted on the College Judiciary Committee's bulletin board outside the Deans' Office and sent to the *Phoenix & Daily Gazette* for publication, and will be kept in the College Judiciary Committee file permanently for its precedential value. The College Judiciary Committee files are for the use of the College Judiciary Committee only, and may not be examined by anyone other than the members of the College Judiciary Committee and the deans.

2. A request for an appeal may be brought to the President and the Provost within ten days following the written decision by the College Judiciary Committee, but only on the grounds of new evidence or procedural error. If the President and the Provost decide that this new information warrants an appeal, they will appoint a new committee of two faculty and two students to review the case. The decision of the appeal committee is final. The committee may confirm the decision of the CJC, make a new finding, or reduce or increase the original sanctions.

3. If active avoidance provisions are part of the sanctions, the deans shall meet with all parties to design strict procedures that will minimize the chances for interactions among the students involved, with special attention to the needs and rights of the student whose claims were supported by the decision of the College Judiciary Committee.

4. In general, refusal to abide by decisions of the College Judiciary Committee or the President on appeal is grounds for immediate suspension or expulsion as determined by the deans.

Note: College policy dictates that parents of a student are notified when the student's status with the College is changed. Thus, the parents of a student will be notified if the student receives a disciplinary sanction resulting in a change of status (i.e. probation, suspension, or expulsion).