



June 3, 2013

[REDACTED]

Dear [REDACTED],

As Convener, I am writing to inform you that the College Judiciary Committee hearing panel found, based on the evidence presented, that it was *more likely than not* that you were responsible for Sexual Assault, Sexual Harassment and Illegal Entry against [REDACTED], as those charges are defined in the Student Handbook. The Panel made this determination after careful review and consideration of all the evidence, including the testimony, witness statements, Title IX report, other written materials in the hearing packet, and responses to the questions during the hearing on Thursday, May 30, 2013.

First, the Panel found that it was *more likely than not* that you committed sexual assault against [REDACTED] on April 22, 2011, and into the early hours of April 23, 2011, by performing sexual acts on her, including digitally penetrating her vagina, without her consent. Specifically, the Panel, faced with two very different versions of the event in question including two different dates and scenarios, found [REDACTED] version credible and did not credit your version of the events. The Panel found that [REDACTED] did not consent to this sexual activity, that she was so intoxicated due to alcohol consumption that she was unable to give valid consent, and that you knew or should have known that she did not consent to the sexual activity and was incapable of giving valid consent.

Second, the Panel found that it was *more likely than not* that you sexually harassed [REDACTED] based on the incident described above as well as the unwanted comments and actions of a sexual nature by you towards [REDACTED]. The Panel found that it was more likely than not that you infringed on [REDACTED]'s personal space in public gatherings and transmitted text messages to her that [REDACTED] found emotionally disturbing and that created an intimidating, hostile and demeaning environment.

Third, the Panel found that it was *more likely than not* that you illegally entered [REDACTED]'s dorm room without her permission.

The hearing Panel's process of deliberation included first a discussion of each charge and whether or not the Panel felt that it was *more likely than not* that you were responsible for each charge. After the Panel had determined that they did find it *more likely than not* that you were responsible for all three charges, we next carefully deliberated the appropriate sanction.

As I shared with you on Friday, the sanction the Panel decided on was expulsion from Swarthmore College.

The Panel's decision may be appealed in writing to the President within 10 days of the date of this letter. The standard for any appeal is set forth on page 155 of the Student Handbook.

The no contact order between you and [REDACTED] will remain in place. This means you should have no contact with her in any format including in person, text messaging, social media, Facebook, phone, through other parties, or any other means not mentioned at this time.

I also remind you of our non-retaliation policy. Any violation of this non-retaliation policy will likely result in other consequences. Prohibited retaliatory acts include intimidation, threats, coercion, or discrimination against any individual as a result of these proceedings.

If you have any questions, please know you can contact me or Dean Braun. In addition, our Title IX Coordinator, Sharmaine LaMar is also willing to talk with you at any point.

Sincerely,

[REDACTED]

Convener of the College Judiciary Committee

cc: Myrt Westphal, Associate Dean of Students
Liz Braun, Dean of Students
Sharmaine LaMar, Title IX Coordinator
Rebecca Chopp, President

REDACTED