



## [students] Concluding the Spring Investigations

1 message

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To: Official Reserved Students <official-reserved-students@swarthmore.edu>, Official Faculty-Staff <official-faculty-staff@swarthmore.edu>

Dear Students, Faculty, and Staff,

In August, [I wrote to you with an update](#) on the independent fact-finding investigations revolving around events of last spring (referred to respectively as the [Documents Investigation](#) and the [Campus Events Investigation](#)). At that time, I indicated that the investigation into a series of events that occurred on campus between April 19 and May 2, 2019, warranted further consideration. I am writing now to share how these efforts are being brought to a close.

I want to begin by acknowledging that this process took much longer than any of us had hoped or anticipated. This case was particularly complex. First, it involved a careful assessment of seven events and the conduct of more than 50 individuals within our community, including a close examination of the full report produced by the independent investigator. Second, because some of the individuals who would normally oversee such an assessment were directly involved in one or more of the incidents considered—including me—we felt that engaging outside assistance was critical to ensuring an objective review and reaching the best outcomes for our community. Although we strive to resolve matters as quickly as possible, we firmly believe that being thorough and fair should take precedence over expedience.

### Process

With that in mind, from September through December we conducted an internal review into the incidents to make a preliminary assessment of the facts, and we identified potential violations. During that same period, we also engaged Barbara Krause to conduct an external review of that initial investigation and make her own independent recommendations on what next steps the College should take. Ms. Krause has worked as an administrator and attorney in higher education for more than 30 years, and her experience includes significant work in the student conduct area.

Those two reviews reached similar conclusions: First, several potential violations of College policy occurred during the course of the spring events. I want to be clear that, while those potential violations may have occurred during or in proximity to student protests, *the protests themselves are not at issue here*. As President Smith and I—and others in the senior administration—have affirmed numerous times, we support and encourage student critique and dissent. In fact, we have often gone to great lengths to protect and accommodate such expressions.

In several cases, however, individuals exhibited behaviors during times of protest last spring that we simply cannot tolerate, such as acting with deceit, forcing entry into private spaces, and making

unwanted physical contact. These behaviors stand athwart not only our policies, but our community values.

Ms. Krause concluded that there was sufficient evidence of potential conduct violations to support conduct charges against numerous students. What also became clear through Ms. Krause's review, however, is that there is a disconnect between what our policies state and how we responded to similar student conduct that crossed the limits of those policies in previous situations. This dissonance has contributed to a lack of clarity in our community's collective understanding of both College policies and our mutual expectations for conduct in the context of protest and dissent. As such, some individuals who may have violated College policy in spring 2019 might not have fully appreciated that they were doing so.

Clearly, we need to do a better job of communicating about what does—and does not—constitute acceptable conduct and behavior on campus under our policies. Addressing communications will be one of the top priorities of the newly constituted Student Life Committee when it convenes at the beginning of the spring term. That said, all students are responsible for reading the student handbook and abiding by College policies. I specifically encourage you to reread the [Academic Freedom and Responsibility section](#) of the student handbook.

## Outcomes

While it is clear to me that student conduct charges could have been initiated, in light of Ms. Krause's recommendations, we have decided not to pursue formal disciplinary action in response to the events of last spring. However, as I stated above, there were instances of individual conduct that are profoundly at odds with community standards in ways that are neither understandable nor permissible—either by our policies or by our values—in any context. Those instances do require accountability on the part of the individual students involved. Consistent with College policy, the Dean of Students Office will meet with individual students to discuss the impact of their behavior on the community and ensure that they understand the consequences of future actions. As always, we will maintain privacy with respect to individual student conversations.

Moving forward, we will be consistent in upholding the student handbook and holding accountable those who violate College policies, including the provisions related to Academic Freedom and Responsibility as well as the prohibitions on disorderly conduct, false representation, unauthorized entry, bullying and intimidation, and assault, endangerment, or infliction of physical harm.

I also want to share with you that the Office of Human Resources reviewed the facts of the Campus Events Investigation and determined that no employees violated College policy.

## Our Values

A shared understanding of our policies and how they are upheld is important. But in directing too much attention to rules and enforcement, we risk missing the larger point: Building a better, more inclusive, caring, and just world begins here—in our expectations of ourselves and the way in which we treat one another.

We have a responsibility to ensure that violence and bias are anathema at Swarthmore and that cruelty of any kind is never tolerated here. Swarthmore is situated in a broader society that too often trivializes racism, sexism, and transphobia and allows sexual harassment and violence to go unchecked. Collectively, we must hold each other to much higher standards of interpersonal discourse.

As a community built around the life of the mind and exploration of ideas, we cannot allow conviction to a cause to be overcome by orthodoxy. We cannot countenance name-calling and public shaming based on unsubstantiated rumor, hearsay, and innuendo. And we cannot continue to permit this to be a community in which people are afraid to speak up out of fear of being ostracized or canceled.

Ultimately, the work of building and sustaining an inclusive and respectful community is much more about the relationships we form and our commitment to one another. It begins with a presumption of good faith—the belief that each of us is truthful and wants to do what is best for all. Given the turmoil of the times in which we live and the toxicity of the national (and international) discourse of the moment, it is easy to become guarded and cynical. But we have to be guided by our better impulses—kindness, empathy, and respect—if we are to achieve our highest goals.

Sincerely,

James Terhune

Vice President and Dean of Students