

do will be subject to serious sanctions.

B. 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.

C. Harassment

The College seeks to sustain an environment in which harassment has no place. Those who harass others will be subject to serious sanctions. **For further information on harassing expression, the adjudication process, and other options for resolution, see “Expression at Swarthmore” in a subsequent section of this Handbook.**

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) taunting¹, vilifying², or degrading³ 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

¹ Derisive, mocking, ridiculing, or jeering expression.

² 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.

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

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.