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From: "Paul Irish" [REDACTED]

To: [REDACTED]

Date: Fri, 12 Dec 2008 12:42:37 -0500

Subject: Letter from Hearing Chair

Good Morning [REDACTED]

This is Professor Whall's letter to Dean Peterson. I will keep you posted on any appeal updates.

Sincerely,

December 12, 2008

Jacqueline D. Peterson

Vice-President for Student Affairs/Dean of Students

Dear Dean Peterson:

A hearing panel of the Community Standards Board met on December 10, 2008 to consider the complaint filed by student [REDACTED] alleging that student [REDACTED] committed the following violation of the Community Standards:

Sexual Misconduct I.

After hearing all relevant information and after careful deliberation, the Board found that [REDACTED] did not seek, nor did he receive effective consent for sexual activity and intercourse with [REDACTED] on May 4, 2008. While [REDACTED] argued that he had "silent consent" to engage in sexual activity, the College's Sexual Misconduct Policy clearly states that silence may not in itself be taken to imply consent. [REDACTED] could not provide the board with any information relative to [REDACTED] non-verbal actions or body language indicating her consent. [REDACTED] has been found responsible for the violation of Sexual Misconduct I. Based on the serious nature of this violation, the Board recommends the following sanction:

1. College Dismissal. Effective at the conclusion of the current semester and any appeals period, [REDACTED] should be permanently dismissed from the College of the Holy Cross. Pending any appeals

[REDACTED] should be informed that should he wish to file an appeal, it is to be directed to Rev. Michael C. McFarland, S.J. no later than Wednesday, December 17th, at 5:00 pm.

Sincerely,

Helen Whall

Chair - Community Standards Board

cc:

[REDACTED] – Respondent

[REDACTED] Complainant

Hearing folder

Parents

Paul A. Irish  
Assistant to the Vice President for Student Affairs  
Director of Student Conduct & Community Standards  
College of the Holy Cross  
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[REDACTED]

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