

# Exhibit P-13D

February 13, 2017

Dear [REDACTED]

In accordance with the decision made by Vice President of Institutional Diversity & Equity, Leticia Haynes, on your appeal, the hearing panel re-convened to consider your actions in the fall of the 2014 for which you were found responsible for violation of the college's code by engaging in nonconsensual sex.

As Ms. Haynes indicated in her decision, the hearing panel originally applied language from an updated version of the sexual misconduct policy, which was not yet in effect at the time of the alleged misconduct. The panel has reconvened to consider the claim of non-consensual intercourse against you, relying only on the language of the college's policy that was in effect at the time of the September 2014 incident.

The panel originally found you responsible based on its determination that "it [was] more likely than not you did not have *affirmative* consent to sexual intercourse with [REDACTED] during the incident in question." Although the version of the policy in effect at the time did not use the term "affirmative" consent, it used other language, still present in the newer version, to express the same concept. The version in effect at the time stated, "Any intercourse (anal, oral or vaginal), however slight, with any object, by a man or a woman upon a man or a woman, without *effective* consent [is non-consensual sexual intercourse]." It went on to say, "Consent means that at the time of the sexual contact, words or conduct indicate freely given approval or agreement, without coercion, by both participants in the sexual contact."

The panel's decision to find you responsible for non-consensual sex was influenced by two factors: [REDACTED] credibly reported that both the sexual position and roughness during the incident in question were unusual, and clear indicators that you did not have consent, and witnesses recalled that [REDACTED] had described this incident to them as nonconsensual. When the panel reconsidered the evidence again, focusing specifically on the version of the Code of Conduct in effect at the time, they concluded it was more likely than not that [REDACTED] did not provide *effective* consent -- i.e., "words or conduct [that] indicate freely given approval or agreement." Thus the panel has affirmed the original finding of responsibility for non-consensual sex.

The panel made no change to the sanction. As described in the original sanction letter:

*When the hearing panel deliberated about your sanction in this matter, they considered the current violation along with your previous disciplinary record. In May of 2012, as a first-year student, you were found responsible for violating the college code of conduct with regard to nonconsensual sex and were suspended for 2 semesters. In November of 2014, as a second-year student, you were found responsible a violation of the academic honor code and were sanctioned with failure in the course and disciplinary probation for 2 semesters. The letter you received from the dean of the college at that time (November 2014) stated **"It is crucial that you understand that any future violation of the college's code of conduct, whether academic or non-academic, and even if of relatively "minor" significance, will certainly lead to your separation from the college. This is part of your status on disciplinary probation. However, given that you have already been suspended and on disciplinary***

***probation, I would expect that any subsequent separation from the college would be permanent. "***

*Considering the severity of your current violation along with your history of disciplinary difficulties, the hearing panel has determined that an appropriate sanction is permanent separation from Williams College. This sanction will not appear on your Williams transcript, which will simply read "Withdrawn, May 23, 2016." You will retain the ability to state that you completed the academic requirements for the bachelor's degree at Williams, but you will not receive the degree.*

*This sanction is part of your disciplinary record. It does not appear on your academic transcript. The sanction would be reported only to those to whom you give written permission to access your disciplinary record. Some educational institutions and employers require that you allow them access this information as part of application processes.*

*As you are expelled, you are required to remain off of Williams College property. If you need to visit with a professor, dean or other advisor, you must obtain permission in advance from me for that specific visit. Please be in touch if you need to make such a visit to campus.*

*Please also note that this process remains confidential. While you are permitted to discuss it with your parents, Dean Johnson, attorney, and mental health providers, it may not be discussed with other students beyond saying that you were expelled from the college for a violation of the college's code of conduct.*

Please do not hesitate to be in touch with me if you have any further questions.

Sincerely,

Marlene Sandstrom, Dean of the College  
and the hearing panel,

Stephen Klass, Vice President for Campus Life

Ninah Pretto, Assistant Dean of International Student Services

Aaron Gordon, Office of the Vice President for Campus Life