



# HAMPSHIRE COLLEGE TITLE IX AUDIT REPORT

## EXECUTIVE SUMMARY

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Prepared for President Ed Wingenbach and  
Attorney Gregory Manousos

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At the request of Gregory Manousos of Morgan, Brown & Joy, counsel to Hampshire College, independent investigators Kevin O’Leary and Susan Schorr conducted an audit of Hampshire’s sexual misconduct procedures and assessed the handling of reports of sexual misconduct during the 2022-2023 and 2023-2024 academic years (the “Audit Period”). They provide the following as an “Executive Summary” of their work:

As part of our audit, we thoroughly reviewed Hampshire College’s response to reports of sexual misconduct during the past two academic years. Hampshire College has two policies that address sexual misconduct: the Title IX Grievance Policy and the Sexual Misconduct, Relationship Violence, and Stalking Policy. We did not identify any reports of sexual misconduct that were improperly classified. In addition, while some students have been disappointed with the outcomes of cases they have been involved in, we conclude that Hampshire College’s response to reports of sexual misconduct has been largely consistent with applicable external regulations and internal policies and procedures. However, there were some situations where Hampshire College failed to follow its procedures, although none of the student complaints were related to those failures, and we did not identify any situations where the failures resulted in the misapplication of the policies.

While some students did not feel adequately supported, we found no evidence that Hampshire College staff, including Dean Waite, attempted to discourage students from reporting sexual misconduct. The communications between staff and students available for review were informative and appeared to reflect empathy towards students involved in difficult situations.

It has been our collective professional experience that the process by which an institution responds to reports of misconduct, including sexual misconduct, can be unsatisfactory to the parties involved. The concerns raised by students we met with appear to reflect disappointment with the outcome of particular incidents rather than any systemic procedural problems. In addition, where there was disappointment with the outcomes, the information gathered indicated that students may have had unreasonable expectations about how Hampshire College would respond to misconduct. Those unreasonable expectations likely contributed to the students’ conclusions that Hampshire College’s responses to their reports of misconduct were inadequate.

In addition, we note that “Title IX” has become a euphemism for sex discrimination, including sexual assault, particularly on college and university campuses. The narrowing of the scope of Title IX regulations in 2020 did not change the perceived breadth of the protections from sex discrimination on campus. While Hampshire College has policies that distinguish between conduct that is prohibited by Title IX and conduct that is prohibited by other policies, there are places where the language in various policies is not as precise as it could be, which may lead to confusion by members of the community. For example, students complete a “Title IX Intake Form,” but the conduct they are reporting may not fall under the scope of the Title IX Grievance Policy. Revisiting the terminology as part of Hampshire College’s ongoing review of its policies may address some of the confusion and dissatisfaction.

Furthermore, there may be opportunities to improve communications with students regarding the response to complaints about sexual misconduct and other forms of student misconduct. Specifically, the audit revealed confusion among the student body regarding the Intentional

Avoidance Notice (“IAN”) process. Students expressed frustration about how IANs are enforced in real time. In addition, the written notice of an IAN is long and detailed, which may deter students from fully understanding what conduct is prohibited and how to address concerns. Similarly, the written communications sent to students who questioned the decision to dismiss complaints from the Title IX process reproduced language from the relevant policies but did not explain why a complaint was dismissed or referred to the Community Standards process. An individualized explanation coupled with an in-person meeting may reduce confusion and should be considered.

The U.S. Department of Education has released new Title IX regulations regarding the procedures to be used in higher education to protect student and staff rights under Title IX. These regulations will go into effect on August 1, 2024. As Hampshire College’s procedures are updated to reflect these new regulations, there will be an opportunity to address and revise some of the existing provisions that may be unclear to community members.

To conclude, Hampshire College has a dedicated and thoughtful staff in place to help students navigate sexual harassment and misconduct complaints. This audit did not discover any instances where cases were mishandled based on a policy classification. With some improvements to the clarity of communications with students about the policies, there is potential for the community to be more accepting of the outcomes of complaints.