SEXUAL MISCONDUCT, RELATIONSHIP VIOLENCE, AND STALKING POLICY

All Hampshire College ("the College") community members have the right to personal and sexual safety, respect, integrity, and freedom of expression, as long as such expression does not cause harm to others. The College seeks to maintain a safe learning, living, and working environment. To that end, the College and this policy prohibit Sexual Misconduct, an umbrella term that encompasses a broad range of behavior including Sexual Assault, Sexual Exploitation, and Sexual or Gender-Based Harassment; Relationship Violence (also known as Dating Violence, Domestic Violence or Intimate Partner Violence); Stalking; Complicity; and Retaliation against an individual for making a good faith report of conduct prohibited under this policy (collectively, "Sexual Misconduct Violations"). These forms of Sexual Misconduct Violations are unlawful, undermine the character and purpose of the College, and will not be tolerated. These forms of Sexual Misconduct Violations are a subset of the behaviors prohibited for students under the Hampshire College Student Handbook and for employees under the Employee Policy Manual and the Faculty Handbook.

This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for responding when those expectations have been violated. Violations of this policy will be addressed by the accompanying procedures in Appendices A (Resource Guide and Procedures for Reports against Hampshire Students) and B (Resource Guide and Procedures for Reports against Hampshire Employees).

Hampshire College adopts this policy with a commitment to: (1) eliminating, preventing, and addressing the effects of Sexual Misconduct Violations; (2) fostering a community of trust in which Sexual Misconduct Violations are not tolerated; (3) cultivating a climate where all individuals are well-informed and supported in reporting Sexual Misconduct Violations; (4) providing a fair and impartial process for all parties, and (5) identifying the standards by which violations of this policy will be evaluated and disciplinary action may be imposed. This policy defines Sexual Misconduct Violations; outlines available resources and reporting options available to students and employees; and references the applicable investigative and disciplinary procedures (Appendices A and B). Hampshire College will take prompt and equitable action to eliminate Sexual Misconduct Violations, prevent their recurrence and address their effects. The College also conducts prevention, awareness, and training programs for students and employees to facilitate the goals of this policy.

Hampshire College does not discriminate on the basis of race, age, sex, sexual orientation, gender, gender identity, gender expression, genetic information, religion, national origin, disability, previous military service or any other protected category in the admission of students, employment, access or treatment in its programs and activities or the administration of its educational and employment policies. Discrimination or harassment on the basis of these factors is in direct conflict with the mission of the College and strictly prohibited.

This policy is designed to comply with applicable legal requirements including Title IX of the Education Amendments of 1972 ("Title IX"); relevant provisions of the Violence Against Women Reauthorization Act of 2013 ("VAWA"); Title VII of the Civil Rights Act of 1964 ("Title VII"); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"); and, the laws of the Commonwealth of Massachusetts.

Other forms of discrimination, including discrimination based on race, religion, and disability, as well as any other form of sex-based discrimination not covered by this policy, are addressed by: (1) the Non-Discrimination and Anti-Harassment Policy for Employees, (2) the Faculty Handbook, and (3) the Non-Discrimination and Anti-Harassment Policy for Students.

TO WHOM THIS POLICY APPLIES

This policy applies to Hampshire College students who are enrolled for credit- or non-credit-bearing coursework at Hampshire College ("Students"); Hampshire College employees working at Hampshire College, including all full-time and part-time faculty, staff, and administrators (including adjuncts and casuals) ("Employees"); and contractors, vendors, visitors, guests, or other third parties ("Third Parties"). This policy also applies to Five College Interchange Students (non-Hampshire students taking courses at Hampshire College through the Five College Interchange) and Five College Shared Employees who work at Hampshire College. For the purposes of this policy, reports against Five College Interchange Student Respondents will be resolved by the applicable grievance procedures of the institution where the Respondent is enrolled (the home institution). Five College Shared Employees Respondents are typically treated as Employees, although the nature of their contractual relationship with the College may vary. This policy pertains to Sexual Misconduct Violations committed by Students, Employees, and Third Parties when:

(1) the conduct occurs on Hampshire College premises or other property owned or controlled by the College;

(2) the conduct occurs in the context of a Hampshire College employment or education program or activity, regardless of location, including, but not limited to Hampshire-sponsored study abroad, research, on-line or internship programs; or

(3) the conduct occurs outside the context of a Hampshire employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for Students, Employees, or Third Parties while on College premises or other property owned or controlled by the College, or in any College employment or education program or activity.

APPLICABLE PROCEDURES UNDER THIS POLICY

The specific procedures for reporting, investigating and resolving Sexual Misconduct Violations are based upon the nature of the Respondent's relationship to the College (Student, Employee, or Third Party). Each set of procedures is guided by principles of fairness and respect for a Complainant and a Respondent. "Complainant" means the individual who presents as the victim[1] of any Sexual Misconduct Violation under this policy, regardless of whether that person makes a report or seeks action under this policy. "Respondent" means the individual who has been accused of violating this policy. The procedures outlined in Appendix A (for Reports against Hampshire Students) and Appendix B (for Reports against Hampshire Employees) provide for prompt and equitable response to reports of Sexual Misconduct Violations.

The Title IX Coordinator is available to meet with any Student, Employee, or Third Party to discuss this policy or the accompanying procedures. The College has also designated Deputy Title IX Coordinators who may assist the Title IX Coordinator in the discharge of these responsibilities. The Title IX Coordinator and Deputy Title IX Coordinators receive appropriate training to discharge their responsibilities.

The Title IX Coordinator can be reached at 413.559.5442 and Human Resources can be reached at 413.559.5605

Concerns about Hampshire College's application of Title IX, VAWA; Title VII; the Clery Act; and Massachusetts laws under this policy may be addressed to the College's Title IX Coordinator; the United States Department of Education, Clery Act Compliance Division (at clery@ed.gov); the United States Department of Education, Office for Civil Rights, at (OCR@ed.gov or (800) 421-3481); and/or the Equal Employment Opportunity Commission (at info@eeoc.gov or (800) 669-4000).

EMPLOYEE RESPONSIBILITY TO REPORT DISCLOSURES OF INFORMATION ABOUT SEXUAL MISCONDUCT VIOLATIONS

It is important to understand the different responsibilities of Hampshire College Employees. Every Hampshire College Employee is designated as a "Responsible Employee", a "Confidential Employee" or a "Private Employee."

A **"Responsible Employee"** is any Employee who is not a Confidential or Private Employee. A Responsible Employee is required to immediately report to the College's Title IX Coordinator all relevant details (obtained directly or indirectly) about Sexual Misconduct Violations that involve a College Student or Employee as a Complainant or Respondent, including dates, times, locations, and names of parties and witnesses. Responsible Employees include Resident Advisors, Teaching Assistants, EMTs, and all other student-employees when disclosures are made to any of them in their capacities as employees. If a Complainant requests (a) that personally-identifying information not be shared with the Respondent, (b) that no investigation be pursued, and/or (c) that no disciplinary action be taken, the College will seek to honor this request unless there is a health or safety risk to the Complainant or to any member of the College community. Section VII.A. of the Policy provides additional information about remedial and protective measures.

A **"Confidential Employee"** is (1) any Employee who is a licensed medical, clinical, or mental-health professional (e.g. physicians, nurses, physician's assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services of a patient who is a Student; and (2) any Employee providing administrative, operational and/or related support for such health care providers in their performance of such services. A Confidential Employee will not disclose information about Sexual Misconduct Violations to the College's Title IX Coordinator without the individual's permission (subject to the exceptions set forth in the Confidentiality section of this policy).

Private Employees: Are a small subsection of Responsible Employees who have the ability to receive reports and share information with the Title IX Coordinator in a manner that preserves the anonymity of the Complainant. These include the Director of Survivor Supports, Director of Wellness Promotion, Director for Queer/Women Services and Peer Chaplains. In order to foster increased reporting, Hampshire has designated these individuals as reporting options. In turn, these resources are permitted to share the report with the Title IX Coordinator in a manner that initially excludes personally identifiable information about the Complainant or witness. In the event that the resource and/or the Title IX Coordinator determine that the reported conduct poses a potential threat to the health or safety of any campus community member, the resource may be required to share personally identifiable information.

The complete policy, appendix A & B can be found at: https://www.hampshire.edu/offices/title-ix

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